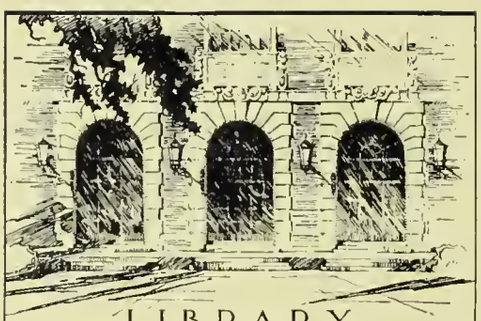


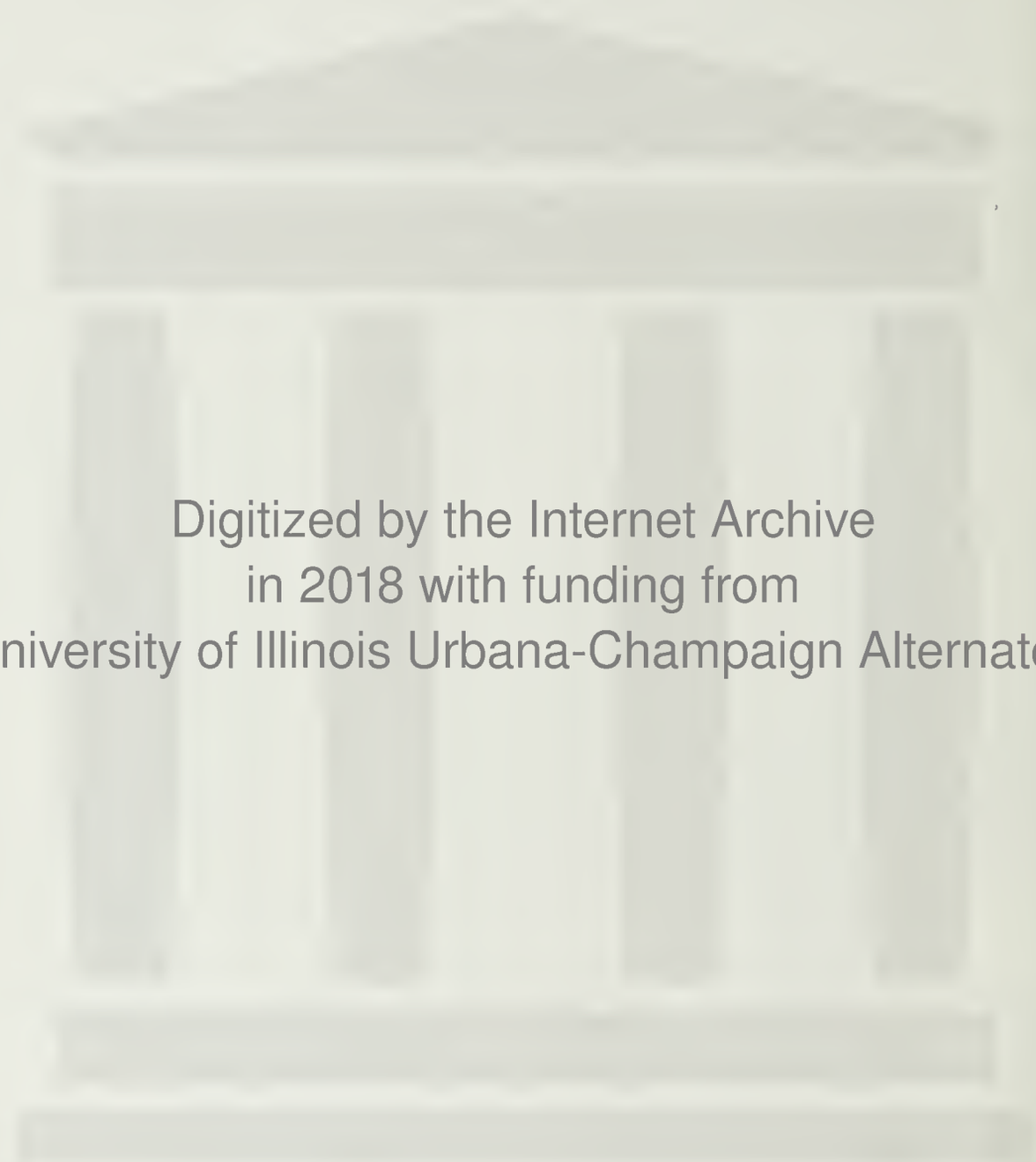
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FEDERAL REGISTER

VOLUME 17 NUMBER 43

Washington, Saturday, March 1, 1952

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 156]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.564 *Grapefruit Regulation 156*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 3, 1952. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 17, 1951, and will so continue until March 3, 1952; the recommendation and supporting information for continued regulation subsequent to March 2 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit, it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 3, 1952, and ending at 12:01 a. m., e. s. t., March 17, 1952, no handler shall ship:

(i) Any grapefruit of any variety, except white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which grade U. S. No. 2 or U. S. No. 2 Bright, unless such grapefruit are of a size not smaller than a size that will pack 64 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1 Golden, U. S. No. 1 Bronze, U. S. No. 1, or U. S. No. 1 Russet, unless such grapefruit are of a size not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box:

(v) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the require-

(Continued on p. 1849)

CONTENTS

	Page
Agriculture Department	
See Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Grosse, Edmund; vesting order	1873
Army Department	
See Engineer Corps.	
Civil Aeronautics Board	
Notices:	
Hearings, etc.:	
American Air Transport and Flight School, Inc.	1861
Maximum take-off weights for C–46 aircraft; oral argument	1861
West Coast Airlines, Inc. and Empire Air Lines, Inc.; merger case	1861
Commerce Department	
See Maritime Administration; National Production Authority.	
Customs Bureau	
Rules and regulations:	
Importations by mail; exportation by mail	1852
Defense Electric Power Administration	
Rules and regulations:	
Limitation of consumption and deliveries of electric energy in Pacific Northwest; revocation (EO–4)	1855
Economic Stabilization Agency	
See Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board.	
Engineers Corps	
Rules and regulations:	
Bridge regulations; Columbia and Snake Rivers, near Pasco, Wash	1856
Federal Maritime Board	
See Maritime Administration.	
Federal Power Commission	
Notices:	
Hearings, etc.:	
Big Horn Canyon Irrigation and Power Co.	1862
Gas Lateral Co.	1861
Kosar, Everett Leroy	1862
Mississippi River Fuel Corp.	1861
Montana Power Co. et al.	1862

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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CONTENTS—Continued

Federal Power Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Pacific Gas and Electric Co. 1862
Whetstone, Charles, and Chandler W. Jones 1862

Housing and Home Finance Agency
Notices:
Agency Accounting Offices, et al.; delegation of authority to execute legends on bonds, etc 1868
Housing programs and relaxation of credit controls in critical defense housing areas; defense housing programs 1864

Interior Department
See also Defense Electric Power Administration.
Notices:
Redelegation of authority respecting negotiations with carriers 1861

Interstate Commerce Commission Page
Rules and regulations:
Car service:
Demurrage on freight cars 1857
Free time on freight cars loaded at ports 1857
Free time on unloading box cars at ports 1858
Restrictions on trap and ferry cars 1857
Uniform system of accounts for persons furnishing cars or protective services against heat or cold; miscellaneous amendments 1857

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Maritime Administration
Rules and regulations:
Merchant Marine Training; appointment and training of cadets in the U. S. Merchant Marine Cadet Corps 1856

National Production Authority
Rules and regulations:
Cryolite (M-99) 1854

Price Stabilization, Office of
Notices:
Ceiling prices at retail:
Aberle, Inc 1869
Barclay Knitwear Co., Inc. 1871
Botany Mills, Inc 1872
Cole of California, Inc 1869
G. Leblanc Co 1872
Gant Madeleine, Inc 1870
General Mills, Inc., Mechnical Division, Home Appliance Department 1871
Glendale Knitting Corp 1871
Kaylon, Inc 1870
Knapp-Monarch Co 1872
Mohawk Carpet Mills, Inc 1871
Morris Furniture Mfg. Co., Inc. 1869
Munsingwear, Inc 1870
Schaefer Tailoring Co 1870
Speidel Corp 1870
Steubenville Pottery Co 1869
Nash-Kelvinator Corp.; basic prices and charges for new passenger automobiles 1872
Rules and regulations:
Area milk price adjustments; Sacramento District, Calif. (GCPR, SR 63, AMPR 14) 1853
Coke, coal chemicals and coke oven gas; extension of expiration date (GCPR, SR 13) 1852

Production and Marketing Administration
Proposed rule making:
Oranges, grapefruit and tangerines grown in Florida; decision with respect to petition for suspension of regulations during remainder of 1951–52 marketing season 1859
St. Joseph Stock Yards Co.; petition for modification of rate order 1858
U. S. Standards:
Currants for processing 1859
Grades of edible sugarcane molasses 1858

Production and Marketing Administration—Continued Page
Rules and regulations:
Limitation of shipments:
Lemons grown in California and Arizona 1850
Oranges grown in California or in Arizona (2 documents) 1850, 1851
Oranges, grapefruit and tangerines grown in Florida (3 documents) 1847, 1849

Public Contracts Division
See Wage and Hour Division.

Rent Stabilization, Office of
Rules and regulations:
Georgia and Missouri:
Hotels 1856
Rooms in rooming houses and other establishments 1855

Salary Stabilization Board
Rules and regulations:
Profit sharing and other bonuses (Int. 3) 1853

Securities and Exchange Commission
Notices:
Hearings, etc.:
Delaware Power & Light Co. 1863
Middle South Utilities, Inc. 1863
New England Gas and Electric Assn. and Algonquin Gas Transmission Co 1862

Treasury Department
See Customs Bureau.

Wage and Hour Division
Notices:
Men's neckwear industry, prevailing minimum wage; reopening of record for admission of additional wage data 1860

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7 Page
Chapter I:
Part 44 (proposed) 1858
Part 51 (proposed) 1859
Chapter IX:
Part 933 (3 documents) 1847, 1849
Proposed rules 1859
Part 953 1850
Part 966 (2 documents) 1850, 1851

Title 19
Chapter I:
Part 9 1852

Title 32A
Chapter III (OPS):
GCPR, SR 13 1852
GCPR, SR 63, AMPR 14 1853
Chapter IV:
Subchapter A (SSB):
Int. 3 1853
Chapter VI (NPA):
M-99 1854
Chapter XI (DEPA):
EO-4 1855
Chapter XXI (ORS):
RR 1 1855
RR 2 1855
RR 3 1856

CODIFICATION GUIDE—Con.

Title 33	Page
Chapter II:	
Part 203	1856
Title 46	
Chapter II:	
Part 310	1856
Title 49	
Chapter I:	
Part 24	1857
Part 95 (4 documents)	1857, 1858

ments of a standard pack, in a standard nailed box;

(vi) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section "handler," "variety," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. Fancy," "U. S. No. 1 Bright," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1," "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 29th day of February 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-2497; Filed, Feb. 29, 1952; 8:51 a. m.]

[Orange Reg. 212]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.565 *Orange Regulation 212*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 3, 1952. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 15, 1951, and will so continue until March 3, 1952; the recommendation and supporting information for continued regulation subsequent to March 2 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 3, 1952, and ending at 12:01 a. m., e. s. t., March 17, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area I, or in Regulation Area II which grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze or U. S. No. 1 Russet, unless such oranges are of a size not smaller than $2\frac{8}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{14}{16}$ inches in diameter and smaller;

(iv) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container and (c) all oranges in such container are of a size not smaller than $2\frac{10}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2\frac{10}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and smaller; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(3) As used in this section, the term "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1 Bright," "U. S. No. 1," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 29th day of February 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-2496; Filed, Feb. 29, 1952; 8:51 a. m.]

[Tangerine Reg. 122]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.566 *Tangerine Regulation 122*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective

under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time, and good cause exists for making the provisions hereof effective not later than March 3, 1952. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 15, 1951, and will so continue until March 3, 1952; the recommendation and supporting information for continued regulation subsequent to March 2 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 3, 1952, and ending at 12:01 a. m., e. s. t., March 17, 1952, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than a size that will pack a 246 pack of tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches) except that the minimum size of such tangerines shall be $2\frac{3}{16}$ inches with a total tolerance for variations incident to proper sizing of 20 percent, by count, of tangerines that are smaller than $2\frac{3}{16}$ inches in diameter of which not more than one-half, or a total of 10 percent, by count, of the tangerines, are smaller than $2\frac{2}{16}$ inches.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "246 pack" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 29th day of February 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-2495; Filed, Feb. 29, 1952; 8:51 a. m.]

[Lemon Reg. 424]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.531 *Lemon Regulation 424*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 27, 1952, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 2, 1952, and ending at 12:01 a. m., P. s. t., March 9, 1952, is hereby fixed as follows:

(i) District 1: 10 carloads;

(ii) District 2: 265 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 423 (17 F. R. 1681) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 28th day of February 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-2498; Filed, Feb. 29, 1952; 8:51 a. m.]

[Orange Reg. 412, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges

which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) (*b*) of § 966.558 (Orange Regulation 412, 17 F. R. 1648) are hereby amended to read as follows:

(ii) Oranges other than Valencia oranges * * *

(*b*) Prorate District No. 2: 900 carloads;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 29th day of February 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-2514; Filed, Feb. 29, 1952; 11:16 a. m.]

[Orange Reg. 413]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.559 *Orange Regulation 413*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on February 28, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulations 406 (7 CFR 966.552; 17 F. R. 385) and 412 (7 CFR 966.558; 17 F. R. 1648), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., March 2, 1952, and ending at 12:01 a. m., P. s. t., March 9, 1952, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2; Unlimited movement;

(*c*) Prorate District No. 3; 65 carloads;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 850 carloads;

(c) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 29th day of February 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t. Mar. 2, 1952, to 12:01 a. m., P. s. t. Mar. 9, 1952]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.1782
A. F. G. Corona	.2600
A. F. G. Fullerton	.0218
A. F. G. Orange	.0339
A. F. G. Riverside	.4165
A. F. G. Santa Paula	.0162
Eadington Fruit Co., Inc	.5585
Hazeltine Packing Co	.0165
Placentia Cooperative Orange Association	.2468
Signal Fruit Association	1.0162
Azusa Citrus Association	1.2449
Covina Citrus Association	1.8779
Covina Orange Growers Association	.5183
Damerel-Allison Association	1.1261
Glendora Citrus Association	1.2671
Glendora Mutual Orange Association	.5881
Valencia Heights Orchard Association	.3421
Gold Buckle Association	2.9351
La Verne Orange Association	3.7969
Anaheim Valencia Orange Association	.0098
Fullerton Mutual Orange Association	.3943
La Habra Citrus Association	.1466
Yorba Linda Citrus Association	.0557
El Cajon Valley Citrus Association	.2017
Escondido Orange Association	.5786
Alta Loma Heights Citrus Association	.4112
Citrus Fruit Growers	.6469
Etiwanda Citrus Fruit Association	.1359
Mountain View Fruit Association	.1031
Old Baldy Citrus Association	.3630
Rialto Heights Orange Growers	.3697
Upland Citrus Association	2.2422
Upland Heights Orange Association	1.1980
Consolidated Orange Growers	.0212
Garden Grove Citrus Association	.0248
Goldenwest Citrus Association, The	.1705
Olive Heights Citrus Association	.0467
Santiago Orange Growers Association	.1426
Villa Park Orchards Association	.0415
Bradford Bros., Inc	.2268
Placentia Mutual Orange Association	.1876
Placentia Orange Growers Association	.3037
Yorba Orange Growers Association	.0529
Corona Citrus Association	1.0620
Jameson Co	.4112
Orange Heights Orange Association	3.5679
Crafton Orange Growers Association	1.1129
East Highlands Citrus Association	.4507
Redlands Heights Groves	.8933
Redlands Orangedale Association	1.1822
Rialto-Fontana Citrus Association	.5449
Break & Son, Allen	.3221
Bryn Mawr Fruit Growers Association	.9876
Mission Citrus Association	1.0827
Redlands Cooperative Fruit Association	1.7594

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Orange Growers Association	1.0986
Redlands Select Groves	.5610
Rialto Orange Co	.6249
Southern Citrus Growers	1.1173
United Citrus Growers	.8698
Zilen Citrus Co	.3744
Arlington Heights Citrus Co	1.2759
Brown Estate, L. V. W	1.6507
Gavilan Citrus Association	2.2060
Highgrove Fruit Association	.0495
Krinard Packing Co	1.8077
McDermont Fruit Co	1.6399
Monte Vista Citrus Association	1.4120
National Orange Co	1.4066
Riverside Citrus Association	.1372
Riverside Heights Orange Growers Association	1.3023
Sierra Vista Packing Association	.8069
Victoria Ave. Citrus Association	3.6236
Claremont Citrus Association	.7793
College Heights Orange & Lemon Association	1.8292
Indian Hill Citrus Association	1.2307
Pomona Fruit Growers Exchange	1.6667
Walnut Fruit Growers Association	.7180
West Ontario Citrus Association	1.0072
Escondido Cooperative Citrus Association	.0535
San Dimas Orange Growers Association	1.1372
Canoga Citrus Association	.1094
North Whittier Heights Citrus Association	.1459
San Fernando Heights Orange Association	.5981
Sierra Madre-Lamanda Citrus Association	.1215
Camarillo Citrus Association	.0060
Fillmore Citrus Association	1.0612
Ojai Orange Association	.6459
Piru Citrus Association	1.2693
Rancho Sespe	.0013
Tapo Citrus Association	.0113
Ventura County Citrus Exchange	.1767
East Whittier Citrus Association	.0033
Murphy Ranch Co	.0346
Bryn Mawr Mutual Orange Association	.5843
Chula Vista Mutual Lemon Association	.0832
Euclid Ave. Orange Association	2.5621
Foothill Citrus Union, Inc	.5324
Golden Orange Groves, Inc	.1765
Index Mutual Association	.0090
La Verne Cooperative Citrus Association	3.2531
Mentone Heights Association	.6785
Olive Hillside Groves	.0074
Redlands Foothill Groves	2.7489
Redlands Mutual Orange Association	1.1751
Ventura County Orange & Lemon Association	.3581
Whittier Mutual Orange & Lemon Association	.0109
Allec Bros	.0040
Babijuice Corp. of California	.2472
Banks, L. M	.0124
Becker, Samuel Eugene	.0117
Book, Maynard C	.0004
Borden Fruit Co	.0066
Cherokee Citrus Co., Inc	1.0625
Chess Co., Meyer W	.5265
Cucamonga Citrus Growers, Inc	.0913
Dunning Ranch	.2345
Evans Bros. Packing Co	.7551
Gold Banner Association	1.6835
Granada Packing House	.1611
Highgrove Citrus Co	.1313
Hill Packing House, Fred A	.9060
Holland, M. J	.0137
Knapp Packing Co., John C	.0368
Lima & Sons, Joe	.0452

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Martin, Virgil	0.0092
Orange Belt Fruit Distributors	1.6699
Orange Hill Groves	.1942
Panno Fruit Co., Carlo	.0529
Paramount Citrus Association	.1444
Placentia Orchard Co	.0901
Prescott, John A	.0080
Ronald, P. W	.0411
San Antonio Orchards Co	1.2635
Stephens & Cain	.2054
Torn Ranch	.0307
Wall, E. T., Grower-Shipper	2.0283
Western Fruit Growers, Inc	3.6694

VALENCIA ORANGES

Prorate District No. 3

Total	100.0000
Consolidated Citrus Growers	12.7815
McKellips Citrus Co., Inc	9.0178
Phoenix Citrus Packing Co	2.2106
Arizona Citrus Growers	15.2038
Chandler Heights Citrus Growers	1.9577
Desert Citrus Growers Co., Inc	7.3592
Mesa Citrus Growers	13.1189
Tempeco Groves	3.1157
Imperial Valley Grapefruit Growers	.0000
Southern Citrus Association	4.5577
Yuma Mesa Fruit Growers Association	7.2342
Maricopa Citrus Co	2.0726
Mesa Harvest Produce Co	6.0978
Pioneer Fruit Co	2.3493
Allen & Allen Citrus Packing Co	.7123
Clark & Sons Produce Co., J. H	.4797
Commercial Citrus Packing Co	1.2273
Hearsh Bros	.7846
Hill Packing House, Fred A	.1134
Macchiaroli Fruit Co., James	.4645
Marth, Leo W	.0000
Mattingly Fruit Co	.8712
Morris Bros	1.4448
Panno Fruit Co., Carlo	.2977
Potato House, The	.1582
Russo Bros	1.9360
Sunny Valley Citrus Packing Co	2.6924
Terracciano Fruit Co	.2132
Valley Citrus Packing Co	1.5279

[F. R. Doc. 52-2515; Filed, Feb. 29, 1952; 11:16 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52934]

PART 9—IMPORTATIONS BY MAIL

EXPORTATION BY MAIL

Except as to mail importations which are prohibited importation or are subject to seizure and forfeiture and as such are required to be held by customs officers for appropriate treatment under the customs laws, the Post Office Department has questioned the right of the Customs Service to take custody of unclaimed or refused mail importations which have arrived from abroad and dispose of them in the same manner as other unclaimed or refused merchandise.

In this connection, the Post Office Department advises that the taking of such action by the Customs Service would be contrary to the provisions of the Universal Postal Union Convention and bilateral parcel post agreements with foreign countries, under which, except as above set forth, the Post Office Department is bound to return to origin mail importations which cannot be delivered to the addressees.

It now appears that no export control problem will arise by eliminating the requirement of an export entry in such cases. In order to eliminate this requirement and to require export entries for certain shipments remailed to an original addressee at a new address in a country other than Canada, § 9.11 (a) of the Customs Regulations of 1943 (19 CFR 9.11 (a)), as amended, is further amended by deleting all matter following the second sentence and substituting the following therefor: "Export entries or withdrawals for exportation, as the case may be, shall be filed for such articles except those imported by mail (1) which are unclaimed or refused and are returned by the Post Office Department to the country of origin as undeliverable mail or (2) for which a formal entry has not been filed and which are remailed from continuous customs or postal custody to Canada. See §§ 8.41, 8.49, and 22.27 to 22.30 of this chapter."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: February 26, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-2433; Filed, Feb. 29, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 7 to Supplementary Regulation 13]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

EXTENSION OF EXPIRATION DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 7 to Supplementary Regulation 13 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

SR 13 to the General Ceiling Price Regulation, as amended, would expire by its own terms at midnight February 29, 1952. It was thought that a permanent regulation would have been prepared and issued by that time. In the preparation of the permanent regulation, however, it has been necessary to gather certain financial data. Several weeks were required to obtain information from a limited group of companies covered by SR 13. This work was not completed until February 6, 1952. As a result of an industry advisory committee meeting on February 8, 1952, it was concluded that a questionnaire should be prepared and sent to a representative group of com-

panies for the purpose of obtaining additional information with respect to the operating margins for representative periods. Collection and examination of this information will require several weeks. Consequently, it will not be possible to issue a permanent regulation on the expiration date of SR 13, February 29, 1952.

This amendment, as an interim measure, extends the expiration date of Supplementary Regulation 13 to May 31, 1952.

In formulating this amendment the Director has consulted with industry representatives, including trade association representatives, so far as practicable under the circumstances, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 13 to the GCPR, as amended, is further amended in the following respects:

1. Section 3 (c) is amended by deleting "for the period February 1, 1951, to midnight December 31, 1951, inclusive," so as to make it read:

(c) Nothing in this supplementary regulation shall authorize or permit a producer to increase his operating margin per ton of raw material carbonized above his operating margin during the base period January 1, 1950, to December 31, 1950, inclusive.

2. The expiration date paragraph is amended by deleting "February 29, 1952" and substituting "May 31, 1952", so as to make it read as follows:

Expiration date. This supplementary regulation to the General Ceiling Price Regulation shall expire at midnight May 31, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 7 to Supplementary Regulation 13 to the General Ceiling Price Regulation shall become effective February 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2506; Filed, Feb. 29, 1952; 10:55 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 1 to Area Milk Price Regulation 14]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 14—SACRAMENTO DISTRICT, CALIFORNIA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), this Amendment 1 to Area Milk Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment affects only the Sacramento marketing area. Since the issuance of Area Milk Price Regulation 14, additional information has been received from the milk industry which, under the criteria of Supplementary Regulation 63 to the General Ceiling Price Regulation, makes it proper to grant an upward adjustment of OPS maximum prices of standard milk in certain container sizes. This amendment increases the wholesale and retail store ceiling prices, while retaining the previously established ceiling price on home delivered milk, in gallon, half gallon, and quart containers, for the Sacramento marketing area.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Every effort has been made to conform this amendment to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this amendment may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the District Director of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the District Director of the Office of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

AMENDATORY PROVISIONS

Area Milk Price Regulation 14 is amended in the following respects:

Section 1 of Appendix I is amended to read as follows:

APPENDIX I—SACRAMENTO MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the Sacramento Marketing Area.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered
Bulk milk, per gallon	$0.65		
Gallon bottle	.73	$0.82	$0.86
Half-gallon container (fiber or glass)	.365	.41	.43
Quart container (fiber or glass)	.1825	.205	.215
Pint container (fiber or glass)	.107	.13	.14
Third-quart or three-quarter-pint container (fiber or glass)	.08		
Half-pint container (fiber or glass)	.062		

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective March 1, 1952.

FRANK E. JUDY,
Director, Sacramento District Office.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2507; Filed, Feb. 29, 1952; 10:55 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 3, Amdt. 1]

INT. 3—PROFIT SHARING AND OTHER BONUSES UNDER GENERAL SALARY STABILIZATION REGULATION 2

MISCELLANEOUS AMENDMENTS

1. Paragraph 2.09 is amended to read as follows:

2.09 Q. How may an employer on a fiscal year basis, whose fiscal year ends after January 31, compute his base period bonus fund?

A. For the purpose of computing his base period bonus fund, an employer with a fiscal year ending after January 31 may use only bonus payments made during the calendar year 1950 or one-third of the total bonus payments paid during any three calendar years selected from the five calendar years 1946 through 1950. An employer on such a fiscal year basis may not include bonuses that were not actually paid on or before December 31, 1950.

NOTE: No change is made in the example.

2. The following paragraphs are added to section 2:

2.10 Q. An employer's fiscal year ends January 31. Since 1947, he has had a profit-sharing plan including a formula providing for a percentage of net profits to be placed in a bonus fund for key executives, with selection of participants and their share in the bonus fund discretionary with the employer. How should the employer compute his base period bonus fund for the purpose of determining bonuses payable with respect to the fiscal year ending January 31, 1952?

A. The employer may apply the bonus fund formula to eleven-twelfths of the net profits for the fiscal year ending January 31, 1951, and to one-twelfth of net profits for the fiscal year ending January 31, 1950.

The total so computed constitutes the employer's base period bonus fund which he may not exceed in determining bonuses payable with respect to the fiscal year ending January 31, 1952.

In the alternative, the employer may use as his base period bonus fund one-third of the total bonuses paid in or with respect to any three out of the four fiscal years ending January 31, 1947, January 31, 1948, January 31, 1949, and January 31, 1950, or one-third of the total bonuses paid in the five calendar years 1946 to 1950 inclusive.

Example: The fiscal year of a department store expires on January 31. Its net profits for the fiscal year ending January 31, 1950, were $120,000 and for the fiscal year ending January 31, 1951, were $180,000. The company has had a profit-sharing plan providing for a five (5) percent bonus fund. The company may use as its base period bonus fund the sum of $8,750, computed as follows:

1/12 of $120,000 equals	$10,000
5 percent of $10,000 equals	$500
11/12 of $180,000 equals	$165,000
5 percent of $165,000 equals	8,250
1950 base period bonus fund	8,750

The $8,750 figure is the employer's base period bonus fund for the fiscal year ending January 31, 1952, and any future fiscal year.

2.11 Q. An employer has a fiscal year ending January 31. At the close of each year he has paid bonuses on a wholly discretionary basis without a bonus fund. How should the employer compute his base period bonus fund?

A. An employer may determine the percentage which the total of all bonuses distributed in or with respect to the fiscal year ending January 31, 1950, bears to the net profits for that fiscal year. The percentage thus obtained may be applied to eleven-twelfths of the net profits for the fiscal year ending January 31, 1951, and to one-twelfth of the net profits for the fiscal year ending January 31, 1950. The total so computed constitutes the employer's base period bonus fund in or with respect to the calendar year 1950 which he may not exceed in determining bonuses payable with respect to the fiscal year ending on January 31, 1952.

Example: The fiscal year of a department store expires on January 31. The company has paid bonuses on a purely discretionary basis and without a bonus fund. With respect to the fiscal year ending January 31, 1950, the company paid bonuses totaling $6,000 and had profits totaling $120,000. In the fiscal year ending January 31, 1951, the company's profits were $180,000. The company may use as its base period bonus fund the sum of $8,750 computed as follows:

The percentage which $6,000 bears to $120,000 is 5 percent:

5 percent of $120,000 equals	$6,000
1/12 of $6,000 equals	$500
5 percent of $180,000 equals	$9,000
11/12 of $9,000 equals	8,250
1950 base period bonus fund	8,750

The $8,750 figure is the employer's base period bonus fund for the fiscal year ending January 31, 1952, and any future fiscal year.

2.12 Q. What is the basis for the interpretation given in paragraphs 2.10 and 2.11 to the general rule?

A. The interpretation given in paragraphs 2.10 and 2.11 is based on the consideration that, with regard to the fiscal year ending January 31, 1951, only six days of the entire fiscal year postdate the stabilization date of January 25, 1951. The same consideration does not apply in the case of fiscal years expiring after January 31.

3. Paragraph 10.01 is amended by deleting the last sentence of the answer and substituting the following text in the place thereof: "However, if the bonus fund has been increased through the use of section 8 of General Salary Stabilization Regulation 1, as amended, or of General Salary Order 6, as amended, the employer must comply with the record-keeping and summary statement requirements of sections 15, 16 and 17 of General Salary Stabilization Regulation 1, as amended."

Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Issued by the Office of Salary Stabilization on February 27, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-2470; Filed, Feb. 28, 1952; 12:19 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-99 of February 29, 1952]

M-99—CRYOLITE

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on purchases and acceptances of deliveries.
4. Authorizations and directives.
5. Conservation required.
6. Inventory limitations.
7. Small order exception.
8. Request for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* This order limits the quantity of cryolite that may be purchased in connection with the production of certain products and limits inventories of persons producing such products. It is contemplated that this order will be amended in the near future for the purpose of subjecting cryolite to complete allocation in May 1952.

SEC. 2. *Definitions.* As used in this order:

(a) "Cryolite" means refined natural and synthetic cryolite of all grades.

(b) "Base period" means the first 6 months of the calendar year 1950.

(c) "Primary aluminum producer" means a "primary producer" as defined in section 2 (f) of NPA Order M-5, as amended January 23, 1952.

(d) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(e) "NPA" means the National Production Authority.

SEC. 3. *Restrictions on purchases and acceptances of deliveries.* (a) During the month of March 1952, and during each succeeding calendar month, no person producing any product listed at the end of this paragraph shall purchase or accept delivery for use in the production of such product, a quantity of cryolite exceeding that quantity determined by applying, against the average monthly quantity used by him during the base period in the production of such product, the percentage found opposite that product in the following list:

Product:	*Permitted percentage of base period*
1. Abrasives	115
2. Metals (other than primary aluminum)	100
3. Glass	40
4. Ceramics	40

(b) On and after February 29, 1952, no person shall produce insecticide grade cryolite without authorization from NPA, and no person shall purchase insecticide grade cryolite except for use, or resale for use, as an insecticide.

(c) On and after February 29, 1952, no primary aluminum producer shall purchase or accept delivery of cryolite without authorization from NPA. The foregoing restrictions shall not apply to shipments in transit on February 29, 1952.

(d) Commencing March 1, 1952, no person shall purchase cryolite for export without specific authorization from NPA. The application for an export license to the Office of International Trade shall constitute a request for such NPA authorization.

(e) Except for those users of cryolite whose purchases of cryolite are otherwise authorized, limited, or controlled by the provisions of paragraph (a), (b), (c), or (d) of this section, or by the provisions of section 7 of this order, no user of cryolite shall, during the month of March 1952 or during any succeeding calendar month, purchase or accept for delivery a quantity of cryolite greater than 40 percent of the average monthly quantity used by him during the base period.

(f) No person shall deliver or permit delivery of any cryolite if he knows, or has reason to believe, that the person to whom the delivery is to be made may not accept delivery of that quantity of cryolite, or that he will use the cryolite in violation of the provisions of this order.

SEC. 4. *Authorizations and directives.* NPA may issue authorizations or directives to any person from time to time with respect to the quantities of cryolite which may be shipped or accepted for delivery by any person.

SEC. 5. *Conservation required.* On and after May 1, 1952, no person shall use any cryolite in the production, proc-

essing, preparation, or manufacture of any material or product, or for any other purpose, when it is commercially feasible to substitute some other material or materials for cryolite. No person shall use a greater quantity or a higher grade of cryolite in the production, processing, preparation, or manufacture of any material or product, or for any other purpose, if it is commercially feasible to use a lesser quantity or a lower grade for that material, product, or purpose, unless required to meet military specifications or standards.

SEC. 6. *Inventory limitations.* No person, except primary aluminum producers, and producers of, dealers in, and consumers of insecticide grade cryolite, shall place an order calling for delivery of cryolite, and no person shall accept delivery of cryolite, at a time when his inventory exceeds, or by acceptance of such delivery would be made to exceed his minimum requirements for the next succeeding 30 calendar days at his scheduled method and rate of operation on February 29, 1952. Any person who, on February 29, 1952, or at any other time, has orders outstanding for cryolite calling for delivery earlier or in quantities greater than he would be permitted to receive under this section or section 3 of this order, shall immediately notify his supplier of the extent to which deliveries may not be accepted as scheduled, and such orders shall be adjusted accordingly. The provisions of NPA Reg. 1 shall be applicable to cryolite to the extent that such provisions are not inconsistent with the provisions of this section 6.

SEC. 7. *Small order exception.* Any person may purchase up to 10 pounds of cryolite in any calendar month for experimental, research, and development purposes notwithstanding the restrictions contained in section 3 of this order.

SEC. 8. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–99.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Except as otherwise provided herein, this order shall take effect February 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–2516; Filed, Feb. 29, 1952; 11:31 a. m.]

Chapter XI—Defense Electric Power Administration, Department of the Interior

[DEPA Order EO–4, Revocation]

EO–4—LIMITATION OF CONSUMPTION AND DELIVERIES OF ELECTRIC ENERGY IN PACIFIC NORTHWEST

REVOCATION

DEPA Order EO–4 (16 F. R. 9523) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under DEPA Order EO–4, nor deprive any person of any rights received or accorded under that order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective March 1, 1952.

Issued: March 1, 1952.

JAMES F. FAIRMAN,
Administrator, Defense Electric Power Administration.

[F. R. Doc. 52–2513; Filed, Feb. 29, 1952; 11:15 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 29 to Schedule A]

[Rent Regulation 2, Amdt. 27 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

GEORGIA AND MISSOURI

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective March 3, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 27th day of February 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Georgia				
(75) Hinesville	A	Liberty and Long	Aug. 1, 1950	Dec. 4, 1951
	A	Wayne and Tattnall	do	Mar. 3, 1952
Missouri				
(173) Sedalia	B	Johnson and Pettis	Mar. 1, 1942	Dec. 1, 1942
	C	do	Jan. 1, 1952	Feb. 11, 1952
	A	In Henry County, the township and city of Windsor.	do	Mar. 3, 1952

[F. R. Doc. 52–2405; Filed, Feb. 29, 1952; 8:48 a. m.]

[Rent Regulation 3, Amdt. 45 to Schedule A]

RR 3—HOTELS

SCHEDULE A—DEFENSE-RENTAL AREAS

GEORGIA AND MISSOURI

This amendment is issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective March 3, 1952, Rent Regulation 3 is amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 27th day of February 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(75) Hinesville	Georgia	Liberty and Long	Aug. 1, 1950	Dec. 4, 1951
	do	Wayne and Tattnall	do	Mar. 3, 1952
(173) Sedalia	Missouri	Johnson and Pettis	Jan. 1, 1952	Feb. 11, 1952
	do	In Henry County, the township and city of Windsor.	do	Mar. 3, 1952

[F. R. Doc. 52-2406; Filed, Feb. 29, 1952; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

COLUMBIA AND SNAKE RIVERS NEAR PASCO, WASH.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.760 is amended to provide for operation of the three railroad bridges across the Columbia and Snake Rivers, Washington, near their junction on a uniform advance notice basis, and § 203.762 is amended by excluding the railroad bridge across the Snake River near its mouth, as follows:

§ 203.760 *Columbia River and Snake River in vicinity of Pasco, Wash.; bridges.* (a) Whenever a vessel moving upstream, which is unable to pass under any of the following bridges when closed, desires to pass through the draw, the authorized representative of the owner of or agency controlling the bridge shall be given advance notice by telephone from Umatilla of the probable time of arrival of the vessel at the bridge. The authorized representative shall, at the same time, be given notice of the time of the intended downstream movement of the vessel. The owner of or agency controlling the bridge shall bear the cost of such notices.

(1) For the Union Pacific Railroad Company bridge across the Columbia River between Villard and Hodges, below the mouth of the Snake River, notice shall be given to the Chief Dispatcher, Spokane, Washington, telephone Main 4121, Extension 61.

(2) For the Northern Pacific Railway Company bridge across the Columbia River between Pasco and Kennewick, above the mouth of the Snake River, notice shall be given to the General Yardmaster or Yardmaster, Pasco, telephone 6242 or 3365.

(3) For the Northern Pacific Railway Company bridge across the Snake River between Ainsworth Junction and Burbank, notice shall be given to the General Yardmaster or Yardmaster, Pasco, telephone 6242 or 3365.

(b) In all cases where notice has been given as provided in paragraph (a) of this section, the draw shall be opened promptly for the passage of the vessel, which shall sound a call signal of one long blast 10 minutes in advance of the time of the desired passage through the draw.

NOTE: As used in this section, the term "long blast" means a distinct blast of a whistle or horn of three seconds' duration and the term "short blast" means a distinct blast of a whistle or horn of one second's duration.

(c) The draw may be held closed for the passage of any train which, before the call signal has been given by the vessel, has passed a block signal located not more than one-half mile from the end of the bridge. After the passage of the train, the bridge shall be opened immediately for the passage of the vessel. Trains shall in no event stand in such location as to prevent operation of the draw. In case the draw is being held closed for a train or cannot be opened immediately when the call signal is given, the draw tender shall so indicate by sounding four short blasts in quick succession immediately after receiving the call signal, and shall repeat such signal several times at short intervals.

§ 203.762 *Snake River; Union Pacific Railroad Company bridge at Riparia, Wash., and highway bridge of States of Washington and Idaho at Lewiston, Idaho.* (a) The owners of or agency controlling these bridges will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge * * *.

* * * * *

(d) * * *.

(1) Drawbridge across Snake River at Riparia: Notify the Agent, Union Pacific Railroad Company, Kennewick, Washington.

(2) Drawbridge across Snake River at Lewiston: Notify City Engineer, or Fire Department, City of Lewiston, Idaho.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) In pursuance of the provisions of paragraph (c) of this section, the draw shall be opened for the passage of the vessel upon receipt of the following call signal, which shall be sounded when 20 minutes run from the bridge: One long, one short, and three long blasts. The railroad bridge may be held closed for the passage of any mail or passenger train which is expected to arrive within 30 minutes after the call signal and then shall be immediately opened for the passage of the vessel.

NOTE: As used in this section, the term "long blast" means a distinct blast of a whistle or horn of three seconds' duration, and the term "short blast" means a distinct blast of a whistle or horn of one second's duration.

[Regs. Feb. 7, 1952, 823.01-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-2400; Filed, Feb. 29, 1952; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[Gen. Order 24, Rev., Supp. 2, Amdt. 1, WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

SUBPART C—APPOINTMENT AND TRAINING OF CADETS IN THE UNITED STATES MERCHANT MARINE CADET CORPS

APPOINTMENTS AND ASSIGNMENTS

Effective February 1, 1952, General Order 24, Revised, WSA Function Series (paragraph (a) of § 310.56 *Appointments and assignments*) published in the FEDERAL REGISTER issue of September 1, 1945 (10 F. R. 11253) is amended as follows:

1. After the word "USNR" insert "and have agreed in writing to serve as a licensed officer in ships of the United States Merchant Marine or in public ships of the United States Government for a period of at least three years immediately after graduation if so directed by the Maritime Administrator, unless called to active duty in the United States Naval Reserve", so that § 310.56 (a) shall read:

(a) Candidates who have sufficiently high grades in the competitive scholastic tests and who have passed the physical examination required for appointment as Midshipman, USNR, and have agreed in writing to serve as a licensed officer in ships of the United States Merchant

Marine or in public ships of the United States Government for a period of at least three years immediately after graduation if so directed by the Maritime Administrator, unless called to active duty in the United States Naval Reserve, shall be appointed Cadet-Midshipman, United States Merchant Marine Cadet Corps, by the Supervisor, (1) in accordance with State and Territory quotas based on the population of such State or Territory as shown by the latest census, or (2) from over-quota States and Territories in the order of the highest grades received in the competitive examination when there are not sufficient candidates from under-quota States and Territories.

(Sec. 4, 55 Stat. 607; 34 U. S. C. 1123d)

Dated: February 25, 1952.

[SEAL] E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 52-2401; Filed, Feb. 29, 1952; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

UNIFORM SYSTEM OF ACCOUNTS FOR PERSONS FURNISHING CARS OR PROTECTIVE SERVICES AGAINST HEAT OR COLD

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 20th day of February A. D. 1952.

The matter of modifying the "Uniform System of Accounts for Persons Furnishing Cars or Protective Services against Heat or Cold," being under consideration pursuant to section 20 of the Interstate Commerce Act, as amended (54 Stat. 917, 49 U. S. C. 20 (6)); and,

It appearing, that a notice dated January 9, 1952, was served on all persons which furnish cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company subject to provisions of section 20 (6) of the act, to the effect that the modifications which are attached hereto and made a part hereof had been approved, such notice also being published in the FEDERAL REGISTER on January 23, 1952 (17 F. R. 701) pursuant to the provisions of section 4 of the Administrative Procedure Act; and,

It further appearing, that, although the notice provided that objections to such modifications could be filed by any interested party on or before February 15, 1952, no representations of any kind were received during the prescribed period: It is ordered, that:

(1) *Effective date.* The modifications set forth below shall become effective April 1, 1952.

(2) *Notice.* A copy of this order including the attached modifications shall be served on every person which furnishes cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company and notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12 (1). Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20 (6))

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

1. In § 24.01-17 *Leased property* cancel the number, title, and text of this instruction.

2. In § 24.801 *Cars or protective service property* correct the first sentence of paragraph (a) to read: "This account (except as provided for in accounts 803. 'Acquisition adjustment,' and 804, 'Donations and grants,' shall include the cost to the company of construction or acquisition of all property used or held for use in connection with furnishing cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company, including improvements to leased property if the lessee is not to be reimbursed for their cost."

3. In § 24.802 *Improvements on leased property* cancel the number, title, and text of this account.

4. In § 24.803 *Acquisition adjustment.* § 24.804 *Donations and grants,* and § 24.805 *Miscellaneous physical property,* eliminate all references to account 802, "Improvements on leased property."

5. In § 24.839 *Other unadjusted debits* eliminate the following expression from the text of this account: "items credited to operating revenues or operating expenses on an estimated basis in accordance with general instruction § 24.01-3 *Unaudited items;*".

6. In § 24.884 *Other unadjusted credits* eliminate the following expression from the text of this account: "items charged to operating revenues and operating expenses on an estimated basis in accordance with general instruction § 24.01-3 *Unaudited items;*".

[F. R. Doc. 52-2399; Filed, Feb. 29, 1952; 8:46 a. m.]

[S. O. 865, Amdt. 22]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of February A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865, as amended, be and it is hereby suspended until 11:59 p. m., May 31, 1952, only to the extent it applies on tank cars.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 1, 1952, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2407; Filed, Feb. 29, 1952; 8:48 a. m.]

[Rev. S. O. 867, Amdt. 5]

PART 95—CAR SERVICE

RESTRICTIONS ON TRAP AND FERRY CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of February A. D. 1952.

Upon further consideration of Revised Service Order No. 867 (15 F. R. 6199, 6313, 6573; 16 F. R. 2895, 6184, 12096), and good cause appearing therefor: It is ordered, that:

Section 95.867 *Restrictions on trap and ferry cars* of Revised Service Order No. 867 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., May 31, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., February 29, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2408; Filed, Feb. 29, 1952; 8:48 a. m.]

[Corr. S. O. 870, Amdt. 4]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at

its office in Washington, D. C., on the 26th day of February A. D. 1952.

Upon further consideration of Service Order No. 870 (15 F. R. 8994, 9065; 16 F. R. 2895, 6843, 10995), and good cause appearing therefor: It is ordered, that:

Section 95.870 *Free time on freight cars loaded at ports* of Service Order No. 870 be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., May 31, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., February 29, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2409; Filed, Feb. 29, 1952; 8:48 a. m.]

[Corr. S. O. 871, Amdt. 5]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its offices in Washington, D. C., on the 26th day of February A. D. 1952.

Upon further consideration of Service Order No. 871 (15 F. R. 8995, 9066; 16 F. R. 2895, 6843, 10750, 10995), and good cause appearing therefor: It is ordered, that:

Section 95.871 *Free time on unloading box cars at ports* of Service Order No. 871 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., May 31, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., February 29, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2410; Filed, Feb. 29, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 298]

ST. JOSEPH STOCK YARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on January 8, 1951 (10 A. D. 8), authorizing respondent to put into effect tariff No. 17, the current schedule of rates and charges. That order provided that it should remain in effect until and including April 6, 1952 unless modified by further order before that date.

On February 18, 1952, respondent, by its attorney, filed a petition requesting authority to modify its current schedule in the respect set forth below and to continue assessing the current schedule, as modified, until and including April 6, 1954. The modification requested is set forth in a proposed supplement to respondent's current tariff, filed with the petition, which reads as follows:

Subject	Item No.	Application and charges
Dipping and spraying.	4B cancels Item 4A.	(a) *Disease prevention or cure.*[1] All dipping or spraying of livestock in sec. (a) of this item is subject to supervision and regulation of the Bureau of Animal Industry of the U. S. Department of Agriculture, or the Missouri State Board of Agriculture. This company is not responsible for loss or damage to livestock occasioned by, or resulting from dipping or spraying. The Stock Yards Company furnishes the facilities, the dip and the labor. Charges as follows: Sheep or goats.....10 cents per head. NOTE: This charge published herein is based on dipping 160 head or more at one time; dipping of less than 160 head will be performed under contractual arrangement. (a) *Insect or parasite control.* Spraying of livestock for flies, lice, ticks, grubs or other parasites is offered to the customers of this market at the following charges, which include use of facilities, material and labor. This Company is not responsible for loss of, or damage to livestock occasioned by, or resulting from spraying. Cattle or calves..... 22 cents per head. Sheep..... 10 cents per head. Sucking lambs..... 5 cents per head. Hogs..... 5 cents per head.

[1] New.

If authorized, the proposed modification will produce additional revenue for the respondent and increase the cost of marketing livestock. It appears, therefore, that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 27th day of February 1952.

[SEAL]

AGNES B. CLARKE, *Acting Hearing Clerk.*

[F. R. Doc. 52-2435; Filed, Feb. 29, 1952; 8:49 a. m.]

[7 CFR Part 44]

EDIBLE SUGARCANE MOLASSES

U. S. STANDARDS FOR GRADES

Notice is hereby given of a public meeting to receive further data, views, and arguments with respect to the proposed issuance, pursuant to the applicable provisions of Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), of a further revision of United States Standards for Grades of Edible Sugarcane Molasses. The public meeting will be held at 10:00 a. m. c. s. t., March 6, 1952, in Room 223, Whitney Building, New Orleans, Louisiana. All persons will be afforded an opportunity to submit orally data, views, and arguments at this meeting. The proposed revision of United States Standards for Grades of Edible Sugarcane Molasses was published in the FEDERAL REGISTER (16 F. R. 4620) issue of May 17, 1951.

Written data, views and arguments for consideration in connection with the revised proposed standards may be sub-

mitted in duplicate to the Director of the Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. not later than April 1, 1952.

Issued this 28th day of February 1952.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-2472; Filed, Feb. 29, 1952; 8:48 a. m.]

[7 CFR Part 51]

CURRANTS FOR PROCESSING

U. S. STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Currants for Processing under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m. e. s. t., on the thirtieth (30) day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.433 *Standards for currants for processing*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of currants of similar type which are not separated from the stems and which are well colored, free from mold and decay and free from damage resulting from being distinctly immature, overmature, crushed, dried and shriveled, and free from damage caused by leaves or pieces of leaves, dirt or other foreign matter, disease, insects, mechanical or other means.

(i) In order to allow for variations incident to proper handling, not more than a total of 10 percent, by weight, of the currants in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for currants affected by mold or decay or which are seriously damaged by insects.

(2) *U. S. No. 2.* U. S. No. 2 consists of currants which meet the requirements for U. S. No. 1 grade except for the increased tolerances for defects specified as follows:

(i) In order to allow for variations incident to proper handling not more than a total of 20 percent, by weight, of the currants in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-tenth of this amount, or 2 percent, shall be allowed for currants affected by mold or decay or which are seriously damaged by insects.

(b) *Application of tolerances and determination of grade.* The tolerances for the preceding grades are to be applied to the entire lot. Scoring of defects shall be on a bunch basis except that the percentage of loose berries shall be calculated on the basis of weight and added to the percentage of other defects.

(c) *Unclassified.* Unclassified consists of currants which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Definitions.* (1) "Similar type" means that the currants are similar in color. For example, red varieties shall not be mixed with white varieties.

(2) "Well colored" means that the berries show the color characteristic of well ripened currants for the type or variety.

(3) "Mold" means any surface mold that is plainly visible to the naked eye.

(4) "Damage" means any injury or defect which materially affects the appearance or the processing quality of the currants. The following shall be considered as damage:

(i) Distinctly immature means that the currants are of a light pink, whitish, or green color in the case of varieties which are characteristically red when well ripened, or when the currants are greenish color in the case of types or varieties which are characteristically white in color when well ripened.

(ii) Overmature means that the currants have advanced to the stage where the berries are soft, leaking and are dull in appearance.

(iii) Dried and shriveled means that the berries are appreciably lacking in juice and are "wrinkled" and have a "raisined" appearance.

(5) "Seriously damaged by insects" means that there is present one or more insects on the bunch.

Done at Washington, D. C., this 26th day of February 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-2434; Filed, Feb. 29, 1952; 8:49 a. m.]

[7 CFR Part 933]

HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

DECISION WITH RESPECT TO PETITION FOR SUSPENSION OF REGULATIONS DURING REMAINDER OF 1951-52 MARKETING SEASON

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001 et seq.), a public hearing was held at Lakeland, Florida, on February 13 and 14, 1952, and continued at Orlando, Florida, on February 15 and 16, 1952, pursuant to notice thereof published in the FEDERAL REGISTER (17 F. R. 963). This hearing was held for the purpose of affording all interested persons an opportunity to present data, views, or arguments concerning a proposal, submitted in a petition to the Secretary by the Florida Independent Citrus Growers Association, that grade and size regulations, under the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, be suspended during the remainder of the 1951-52 marketing season.

The issue with respect to suspension of grade and size regulations during the remainder of the 1951-52 marketing season is whether such regulations contribute to orderly marketing conditions so as to increase prices and returns to producers, or, conversely, whether their suspension would so improve returns to producers.

Both the proponents and opponents of the petition had a common objective—that of improving returns to producers during the remainder of the current marketing season. The proponents of the petition asserted that the removal of grade and size regulations would permit independent producers to market tree-run fruit through other than packinghouse channels, thereby affording an additional outlet and saving certain packinghouse costs on such fruit. Those favoring the continuance of regulations argued that there was not a commercially significant and remunerative out-of-state market for tree-run fruit, and that the suspension of grade and size regulations would be accompanied by the opportunity to ship poor quality citrus fruits which, if shipped, would cause such disorderly marketing conditions as to be harmful to producers.

During the course of the hearing, the proponents asserted that their proposal did not mean unrestricted shipments as to grades, but rather that they intended a program of limitation of fruit to grades higher than U. S. No. 3 grade.

The petitioners emphasized the present low levels of prices to producers of Florida citrus fruits. Secondly, stress was placed upon the subservience of producers to marketing organizations, especially fresh fruit packinghouses. Thirdly, the opportunity afforded by section 109½ of the Florida Citrus Code of 1949, as amended, was advanced as a basis for the marketing of tree-run fruit. Finally, it was asserted that, if grade and size regulations were suspended, truckers would pay prices satisfactory to producers for fruit for shipment to out-of-state channels.

1. The testimony of the proponents revealed an anticipation, if grade and size regulations were suspended, of an additional trucking outlet for the fruit which in turn would cause prices to be improved. Those favoring continuance of the regulations indicated that, although prices at the time of the hearing were at low levels, because of the record production of Florida citrus fruits this season, prices of some of the citrus fruits would be further reduced

if there were no restrictions on the grades or sizes of fruits shipped. It was shown that under existing Florida legislation the only limitations which could be imposed are those which would prevent the shipment of fruit which is immature or unfit for human consumption. Under such conditions, it was contended that the competitive activities on the part of buyers would result in the shipment of some low grade fruit which, in turn, might be expected further to depress the price of the higher grades of fruit also being shipped. An example was provided of the then prevailing regulations governing the shipment of Valencia oranges which, if suspended, also would tend further to depress the price levels prevailing for the midseason varieties of oranges yet unsold.

As a general rule, limitations of shipments by grades and sizes are designed to prohibit the shipment of fruit which returns little or nothing to the producer, and it does not appear reasonable to conclude that the commercial shipment of such discounted grades and sizes would tend to improve the prices to producers for all grades and sizes of fruit.

2. The testimony of the proponents with respect to the subservience of producers to marketing organizations is not directly an issue of the petition on which the hearing was held. Regulations by grades and sizes do not in themselves require that fruit be handled through a packinghouse, or packed in a container, or transported by a particular carrier. However, it is apparent that the existence of grade and size limitations, together with the requirement for inspection of all shipments, is such as to require, for significant commercial volume, the preparation of fruit at packinghouses for commercial fresh shipment.

Problems arising out of grower-handler relationships exist during all times, although they appear to become particularly acute during periods of low prices to producers. If fruit is to be sorted in its preparation for marketing, the function of handling is needed. For the industry as a whole, the welfare of producers and handlers is closely related. At times, producers who have not affiliated their interests with handlers obtain an advantage over producers who have so affiliated their interests and, in turn, during periods of low prices, the so-called independent producers are disadvantaged by virtue of their lack of marketing affiliations, or failure to acquire facilities. Any producer must arrive at decisions involving the channels through which his fruit is to be marketed and must weigh the advantage under given circumstances which accrue from the various alternative marketing decisions he must make.

3. Those advocating the suspension of grade and size regulations testified with respect to the mechanism of section 109½ of the Florida Citrus Code as a basis for grading shipments of "tree-run" grade fruit. Those favoring the continuance of regulations pointed to the negligible quantity of fruit moved within the State under a "tree-run" grade and argued that this provided an indication of the lack of consumer demand for such fruit.

Section 109½ of the Florida Citrus Code of 1949, as amended, does not appear to provide an adequate standard for grading fruit shipped to out-of-state markets. The "tree-run" grade adopted by the Florida Citrus Commission requires that it be composed of random sizes in natural condition as it is severed from the tree. Accordingly, the marketer of a "tree-run" grade of Florida citrus fruit is not permitted to sort his fruit once it has been severed from the tree in its preparation for market. Such a requirement appears to be contrary to generally accepted concepts of sound merchandising since it does not accord the marketer the privilege of sorting fruit in accordance with the desires of the market at the time of marketing. Furthermore, it is not in keeping with the intention of the proponents to leave at home fruit not grading better than U. S. No. 3.

It appears, therefore, that the Florida citrus industry should give consideration to the development of a grade under which producers could select and sort fruit of quality which would give consumer satisfaction. Such a grade could properly be utilized, under appropriate circumstances, in a program of regulation of shipments.

4. The proponents contended that truckers would, if regulations were suspended, pay $1.50 per box on the tree for oranges and $1.00 per box on the tree for grapefruit. Those favoring the continuance of regulations expressed disbelief of such prices. They contended that it was reasonable to assume that the behavior of truckers would be similar to that of any other commercial buyers, namely, that of paying the market level of prices at the time of the transaction. The testimony at the hearing indicated that the price levels advanced by the proponents as those to be expected to be paid by truckers were in excess of the comparable commercial prices which were in existence at the time of the hearing. It was shown, further, that individual truckers and individual growers do not usually have facilities for harvesting and handling commercially significant quantities of fruit.

It is reasonable to conclude that no commercial buyer can continue to pay prices substantially in excess of prevailing commercial market levels for fruit of comparable quality.

The testimony at the hearing indicated that both the proponents and opponents of the proposal were advocates of the shipment of fruit of good quality and of the existence of some regulation of shipments. The argument on the record appears to have been a disagreement concerning what factors should be considered in the establishment of grades, and what particular grades should be limited by regulation.

It is evident that, if a good quality grade, such as the proponents advocated, were formulated and established under the marketing agreement and order program at this time, producers could not meet such a grade without selecting and sorting such fruit after its severance from the tree. This is not authorized under the "tree-run grade" adopted by the Florida Citrus Commission. Since the objectives of the proponents and opponents of the proposal are similar and the area of disagreement between the respective parties is small when viewed with particular reference to grade and size regulations, it is apparent that a solution satisfactory to both is possible if unity of purpose and action within the industry can be achieved.

In view of the foregoing considerations based upon the record of the hearing, and other available information, it is concluded that grade and size regulations on the handling of Florida citrus fruits under the marketing agreement and order program should not be suspended because to suspend such regulations would work to the disadvantage of producers.

Done at Washington, D. C., this 29th day of February 1952.

S. R. Smith,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

Approved:

Charles F. Brannan,
Secretary of Agriculture.

[F. R. Doc. 52-2505; Filed, Feb. 29, 1952; 10:39 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

PREVAILING MINIMUM WAGE FOR MEN'S NECKWEAR INDUSTRY

NOTICE OF REOPENING OF RECORD FOR ADMISSION OF ADDITIONAL WAGE DATA

A hearing for the purpose of determining the prevailing minimum wage in the men's neckwear industry under the Walsh-Healey Public Contracts Act was held on December 19, 1950, in Room 1214, Department of Labor Building, Washington, D. C. A wage survey of selected men's neckwear manufacturing establishments made as of March 1950 by the Bureau of Labor Statistics was received in evidence and copies were made available to all interested parties.

Following the hearing an analysis of the record of this proceeding developed certain factors which necessitated deferment of the issuance of the wage determination. In view of the resulting lapse of time, the record of this proceeding will be reopened for admission of

any pertinent wage data including wage changes, if any, which have occurred since the Bureau of Labor Statistics survey in March 1950 and since the hearing.

Notice is hereby given, that interested parties have thirty days from the date of publication of this notice in the FEDERAL REGISTER in which to submit such wage data to the Administrator, Wage and Hour and Public Contracts Divisions, United States Labor Department, Washington 25, D. C. An original and four copies of any such material should be filed.

Signed at Washington, D. C., this 27th day of February 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-2404; Filed, Feb. 29, 1952; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2678]

COMMISSIONER OF RECLAMATION

REDELEGATION OF AUTHORITY RESPECTING NEGOTIATIONS WITH CARRIERS CONCERNING MATTERS RELATING TO OR AFFECTING CONSTRUCTION ACTIVITIES

FEBRUARY 25, 1952.

The authority delegated to the Secretary of the Interior by the Administrator of General Services in his order dated February 1, 1951 (16 F. R. 1155) with respect to representing the interests of the executive agencies of the United States in negotiations with carriers concerning matters relating to or affecting the construction activities of the Bureau of Reclamation is redelegated to the Commissioner of Reclamation.

(5 U. S. C., sec. 22; Reorg. Plan No. 3 of 1950, 15 F. R. 3174; 41 U. S. C., Supp. IV, secs. 231 (a) (4), 235 (d), (e); order dated Feb. 1, 1951, 16 F. R. 1155)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-2375; Filed, Feb. 29, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5107]

MAXIMUM TAKE-OFF WEIGHTS FOR C-46 AIRCRAFT

NOTICE OF ORAL ARGUMENT

Proposed special civil air regulation; performance standards for non-transport category aircraft used in passenger operations; notice of proposed rule making, issued January 31, 1952.

In the matter of a proceeding to determine whether, and to what extent, a reduction in currently authorized maximum take-off weights for C-46 aircraft in the carriage of persons for compensation or hire in air commerce is required in the interest of safety.

Notice is hereby given that oral arguments in the above captioned matters will be heard concurrently by the Civil Aeronautics Board on March 25, 1952, at 10:00 a. m. in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C.

All persons desiring to participate in these oral arguments shall notify the Chief Examiner, Civil Aeronautics Board, on or before March 18, 1952, of their intention to present oral argument, setting forth the allocation of time requested.

Dated at Washington, D. C., February 26, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-2402; Filed, Feb. 29, 1952; 8:47 a. m.]

[Docket No. 5220]

WEST COAST AIRLINES, INC., AND EMPIRE AIR LINES, INC.; MERGER CASE

NOTICE OF HEARING

In the matter of the application of West Coast Airlines, Inc., for approval under section 408 and any other applicable sections of the Civil Aeronautics Act of 1938, as amended, of an agreement to purchase all the outstanding stock of Empire Air Lines, Inc.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (i) and 408 thereof, the above-entitled proceeding is assigned for hearing on March 10, 1952, at 10:00 a. m., e. s. t., in Conference Room "C" of the Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner William F. Cusick.

Without limiting the scope of the issues presented by the pleadings in this proceeding, particular attention will be directed to whether the merger of Empire Air Lines, Inc., into West Coast Airlines, Inc., and the transfer of the certificate of public convenience and necessity now held by Empire Air Lines, Inc., are consistent with the public interest.

For further details of the issues involved in this proceeding the parties are referred to the various orders entered in this proceeding and the Examiner's prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before March 10, 1952, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., February 27, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-2403; Filed, Feb. 29, 1952; 8:47 a. m.]

[Docket No. 5209]

AMERICAN AIR TRANSPORT AND FLIGHT SCHOOL, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the Revocation of Letter of Registration No. 4, issued to American Air Transport and Flight School, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding now assigned to be held on March 3, 1952, before Examiner Walter W. Bryan, is postponed to a date hereinafter to be fixed.

Dated at Washington, D. C., February 28, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-2491; Filed, Feb. 29, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1494]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF ORDER DISMISSING APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 26, 1952.

Notice is hereby given that on February 21, 1952, the Federal Power Commission issued its order entered February 20, 1952, dismissing application for a certificate of public convenience and necessity pursuant to section 7 of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2380; Filed, Feb. 29, 1952; 8:45 a. m.]

[Docket No. G-1809]

GAS LATERAL CO.

NOTICE OF AMENDED APPLICATION

FEBRUARY 26, 1952.

Take notice that Gas Lateral Company (Applicant), an Illinois corporation having its principal place of business at 134 East Main Street, Decatur, Illinois, filed on February 14, 1952, an amendment to its application filed on October 10, 1951 (16 F. R. 10840) for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of an 8-inch gas pipeline, approximately 6.8 miles in length, extending from a point of connection with the natural-gas pipeline of Texas Illinois Natural Gas Pipeline Company (Texas Illinois) near Hoffman, Illinois, to a point of connection with the facilities of Illinois Power Company (Illinois Power) at 14th Street and Walnut Avenue in Centralia, Illinois, together with a regulator station and certain related facilities.

Applicant, in its amendment to the aforementioned application, proposes to acquire from Illinois Power, and to thereafter operate, approximately 20 miles of 4-inch pipeline extending between Centralia and Mt. Vernon, Illinois, and interconnecting Illinois Power's presently existing gas distribution facilities in said communities.

By means of the facilities which it proposes to construct, acquire, and operate, Applicant proposes to transport natural gas from the pipeline of Texas Illinois to the facilities of Illinois Power for ultimate distribution by the latter in the City of Centralia, and the community of Mt. Vernon.

Applicant estimates the total overall capital cost of constructing the proposed Hoffman-Centralia natural-gas pipeline and related facilities will be approximately $213,000. Applicant proposes to acquire the Centralia-Mt. Vernon natural-gas pipeline from Illinois Power for a total purchase price of $40,869.

The application filed on October 10, 1951, and the amendment thereto filed on February 14, 1952, are on file with the Commission for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of March 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2376; Filed, Feb. 29, 1952; 8:45 a. m.]

[Docket No. G-1892]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 26, 1952.

Take notice that on February 11, 1952, Pacific Gas and Electric Company (Applicant), a California corporation of San Francisco, California, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of approximately 20 miles of 16-inch pipeline between Burrel and Easton, California; approximately 15 miles of 20-inch pipeline looping Applicant's existing 10-inch pipeline between Helm, California, and Applicant's Topock-Milpitas line; and approximately 15.5 miles of 12¾-inch pipeline looping a portion of Applicant's existing 8-inch pipeline near Madera, California.

The proposed facilities will enable Applicant to meet increased demands for natural gas in Applicant's Fresno-Merced service area, through the year 1955. The cost of the proposed facilities to be constructed is estimated to be $1,979,000 and will be paid from current funds of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of March 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2377; Filed, Feb. 29, 1952; 8:45 a. m.]

[Project No. 1711]

EVERETT LEROY KOSAR

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

FEBRUARY 26, 1952.

Notice is hereby given that on January 10, 1952, the Federal Power Commission issued its order entered January 3, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2381; Filed, Feb. 29, 1952; 8:46 a. m.]

[Project No. 2096]

BIG HORN CANYON IRRIGATION AND POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

FEBRUARY 26, 1952.

Public notice is hereby given that Big Horn Canyon Irrigation and Power Company, of Hardin, Montana, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed water-power Project No. 2096 to be located on the Big Horn River in Big Horn County, State of Montana, and consisting of an arched gravity concrete dam approximately 480 feet high across the Big Horn River in Section 18, T. 6 S., R. 31 E., M. P. M., a reservoir with a capacity of 830,000 acre feet; a powerhouse of approximately 210,000 horsepower and other appurtenant facilities. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before April 10, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2378; Filed, Feb. 29, 1952; 8:45 a. m.]

[Docket No. E-6404]

MONTANA POWER CO. ET AL.

NOTICE OF ORDER TERMINATING INVESTIGATION

FEBRUARY 26, 1952.

In the matter of The Montana Power Company, The Washington Water Power Company, Puget Sound Power & Light Company and Pend Oreille Mines and Metals Company; Docket No. E-6404.

Notice is hereby given that on February 25, 1952, the Federal Power Commission issued its order entered February 20, 1952, terminating investigation under section 10 (f) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2379; Filed, Feb. 29, 1952; 8:45 a. m.]

[Docket Nos. ID-749, ID-1036]

CHARLES WHETSTONE AND CHANDLER W. JONES

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

FEBRUARY 26, 1952.

Notice is hereby given that on February 25, 1952, the Federal Power Commission issued its orders entered February 20, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2382; Filed, Feb. 29, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2598]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND ALGONQUIN GAS TRANSMISSION CO.

ORDER AUTHORIZING SALE BY SUBSIDIARY OF ADDITIONAL SHARES OF COMMON STOCK AND ACQUISITION OF SUCH SHARES BY PARENT COMPANY

FEBRUARY 26, 1952.

New England Gas and Electric Association ("NEGEA"), a registered holding company, and one of its subsidiaries, Algonquin Gas Transmission Company ("Algonquin"), having filed an amendment to a joint application-declaration heretofore filed by them pursuant to sections 6 (b), 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, which amendment proposes the transactions described below:

By order dated April 12, 1951, and other orders issued in this proceeding, the Commission authorized (1) the issuance and sale by Algonquin, from time to time, not later than June 12, 1952, of not more than 77,500 shares of its $100 par value common stock in addition to the 2,500 shares of such stock then outstanding or subscribed for and (2) the acquisition by NEGEA of such number of shares of Algonquin common stock as would increase NEGEA's holdings thereof to not more than 30,000 shares. Of the 80,000 shares of its common stock referred to above, Algonquin now has outstanding 68,062 shares owned as follows:

Name of owner	*Number of shares owned*
NEGEA	24,283
Eastern Gas & Fuel Associates	24,283
Texas Eastern Transmission Corp	18,496
Providence Gas Co	1,000
	68,062

By order dated June 21, 1951, the Commission authorized Algonquin to issue and sell, from time to time, not later than September 1, 1952, not more than $27,600,000 principal amount of First Mortgage Pipeline Bonds, 3¾ percent, pursuant to a program which contemplated maintaining the ratios of bonds and common stock to total capitalization of 75 and 25 percent, respectively (File No. 70-2620). Up to this time, Algonquin has sold $20,400,000 principal amount of such bonds.

Algonquin now proposes to issue and sell, from time to time, not later than September 1, 1952, not more than 12,000 shares of its $100 par value common stock in addition to the 80,000 shares of such common stock referred to hereinabove, at a price of $100 per share, and under an arrangement which would permit Algonquin to receive the consideration from the purchasers in the form of temporary, non-interest-bearing advances on open account, to be subsequently converted into common stock.

NEGEA proposes to acquire not more than 4,345 shares of Algonquin's additional common stock. The filing states that Providence Gas Company has indicated that it does not wish to purchase additional common stock of Algonquin and that 36.2 percent of the additional shares to be sold by Algonquin will be issued to NEGEA, 36.2 percent to Eastern Gas and Fuel Associates and 27.6 percent to Texas Eastern Transmission Corporation.

Algonquin states that the proceeds of the sale will be used to furnish a portion of the equity capital required by Algonquin to finance the construction of pipeline facilities and for working capital, and that the additional common stock will be sold as required to maintain a ratio of bonds and common stock to total capitalization of 75 and 25 percent, respectively.

The filing states that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions, and that the total expenses of Algonquin in connection with the proposed transactions are estimated at $2,320, including a legal fee of $750. The filing requests that the Commission's order become effective upon issuance.

Due notice having been given of the filing of the amendment to the application-declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2383; Filed, Feb. 29, 1952; 8:46 a. m.]

[File No. 70-2786]

DELAWARE POWER & LIGHT CO.

SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE AND SALE OF PREFERRED STOCK AND RELEASING JURISDICTION OVER FEES AND EXPENSES

FEBRUARY 26, 1952.

Delaware Power & Light Company ("Delaware"), a registered holding company, having filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rule U-50 thereunder, with respect to the issuance and sale of 50,000 shares of its __ Percent Preferred Stock, Cumulative Par Value $100 per share, such issuance and sale to be pursuant to the competitive bidding requirements of Rule U-50; and

The Commission having by order dated February 18, 1952, permitted said declaration to become effective, subject to the condition that the proposed issuance and sale of the Preferred Stock should not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed: and subject to the reservation of jurisdiction with respect to the fees and expenses proposed to be paid in connection with the proposed transactions: and

An amendment to said declaration having been filed on February 26, 1952, setting forth the action taken by Delaware to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, the following bids for the Preferred Stock have been received:

Bidder	Annual dividend rate	Price to company	Annnal cost to company
Blyth & Co., Inc., The First Boston Corp....	4.56	101.71	4.4833
White, Weld & Co., Shields & Co.....	4.56	100.67	4.5297
Lehman Bros.....	4.56	100.011	4.5595
W. C. Langley & Co., Union Securities Corp.	4.60	100.32	4.5853
Morgan Stanley & Co...	4.60	100.13	4.5940

The amendment further stated that Delaware has accepted the bid of the group headed by Blyth & Co., Inc., and The First Boston Corporation for the Preferred Stock, as set forth above, and that the Preferred Stock will be offered for sale to the public at a price of $103.64 per share, resulting in an underwriters' spread of $1.93 per share, and a gross underwriters' spread of $96,500; and

Delaware having completed the record with respect to fees and expenses incurred or to be incurred by it in connection with the proposed transactions, which are estimated to aggregate $33,000, including the legal fee of Berl, Potter & Anderson, counsel for Delaware, in the amount of $5,000, and the fee of Delaware's financial advisor, Drexel & Company, in the amount of $3,000, and the record stating that the legal fee of Townsend, Elliott & Munson, counsel for the purchasers, to be paid by the purchasers, is estimated at not in excess of $6,000; and

The Commission having examined the said amendment and having considered the record herein, and being of the opinion that the transactions proposed in said declaration as amended, are in accord with the standards of the statute and that said declaration should be permitted to become effective forthwith, and finding no reason for the imposition of terms and conditions with respect to the terms of competitive bidding for said Preferred Stock, and also finding that the estimated fees and expenses in connection with the proposed transactions, including the fees of counsel for Delaware and independent counsel for the underwriters, are not unreasonable, and that jurisdiction with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said Preferred Stock under Rule U-50 be, and the same hereby are, released, and that said declaration, as amended, be, and the same is, hereby permitted to become effective forthwith, subject to the terms and conditions described in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over the payment of all fees and expenses incurred by Delaware in connection with the proposed transactions be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2385; Filed, Feb. 29, 1952; 8:46 a. m.]

[File No. 70-2805]

MIDDLE SOUTH UTILITIES, INC.

NOTICE OF FILING REGARDING ISSUE AND SALE OF COMMON STOCK

FEBRUARY 26, 1952.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 thereof, and Rule U-50 of the rules and regulations promulgated thereunder, as applicable to the proposed transactions which are summarized as follows:

Middle South proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, 600,000 shares of its no par value common stock. Declarant states that of the proceeds from the sale Middle South intends to invest approximately $10,000,000 for the purchase of additional common stock of one

of its subsidiaries, Arkansas Power & Light Company, to aid that company in the financing of its construction program. Such proposed investment will however be the subject of a separate filing. The remainder of the proceeds from the sale will be used for further investments in the common stock of Middle South's subsidiaries and for other corporate purposes.

Declarant states that the construction program of the subsidiaries of Middle South for the years 1952 and 1953 is estimated at approximately $65,000,000 and $72,000,000, respectively, and that new financing by the subsidiaries will be required in the approximate amounts of $48,500,000 in 1952 and $46,500,000 in 1953. It is contemplated that the subsidiaries will issue and sell mortgage debt securities during the years 1952 and 1953 in the amounts of $27,000,000 and $38,500,000, respectively, and that the amount of $11,500,000 will be raised in 1952 through a bank credit arrangement of one of the subsidiaries. Middle South states that it has no definitive plans for additional financing which will be required in order to provide needed equity capital for the subsidiaries, but proposes to attempt to secure bank credits, or make other arrangements, under which the cost of financing the construction program can be held to a minimum prior to the dates when the newly constructed properties are brought into operation. It is further stated that permanent financing of these bank credits and any additional financing by Middle South will be in such form, either in common stock or debt, as may be appropriate and advisable under the circumstances then existing.

Declarant requests that the period for receiving competitive bids pursuant to Rule U-50 be shortened so that bids may be received on March 19, 1952.

Notice is further given that any interested person may, not later than March 19, 1952 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed, or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file with this Commission for a full statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-2384; Filed, Feb. 29, 1952; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

NOTICE OF HOUSING PROGRAMS AND RELAXATION OF CREDIT CONTROLS IN CRITICAL DEFENSE HOUSING AREAS

PART II—DEFENSE HOUSING PROGRAMS

Appearing below are amendments to previously published defense housing programs and also additional new defense housing programs and supplemental programs to area programs previously published. These amendments are published herein as amendments to Part II (Defense Housing Programs) of the Notice of Housing Programs and Relaxation of Credit Controls in Critical Defense Housing Areas initially published in the FEDERAL REGISTER on October 27, 1951 (16 F. R. 10962).

With respect to the needed housing set out in the additional new defense housing programs and the supplemental programs to area programs previously published, the aids authorized by the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) including a new and more liberal form of Federal Housing Administration mortgage insurance under Title IX of the National Housing Act, as amended, are available. The approval of an application under Housing and Home Finance Agency Regulation CR 3, or in the areas affected by the Savannah River, Paducah (Ky.), and Idaho Reactor Testing Station installations of the Atomic Energy Commission, the approval of an application under Regulation CR 2 is required as a condition to the approval by the Federal Housing Administration of an application for mortgage insurance under the provisions of Title IX of the National Housing Act, as amended. The requirements and restrictions imposed by or pursuant to CR 3 or CR 2 are in addition to all applicable requirements, conditions and restrictions imposed by or pursuant to said Title IX.

With respect to any application approved under HHFA Regulation CR 3 or CR 2 for an exception from residential real estate credit restrictions as being within the additional defense housing programs appearing below, residential real estate credit restrictions are suspended.

For the purpose of additional defense housing programs appearing below preference will be given to locations (within the geographical boundaries of the critical defense housing areas) in established communities nearest the defense activities, with consideration to be given to the availability of adequate community facilities and services.

AMENDMENTS TO DEFENSE HOUSING PROGRAMS PREVIOUSLY PUBLISHED

Amendment 1. The critical defense housing area in the defense housing programs numbered 9 and 9A and designated as Lone Star, Texas, published at 16 F. R. 10962 (October 27, 1951) and 16 F. R. 11980 (November 28, 1951), respectively, which area was last amended at 17 F. R. 740 (January 24, 1952), is amended to read as follows:

9. Lone Star, Texas, Area. (All of Camp and Morris Counties; precincts 1, 2, and 8, including Hughes Springs, Linden, and Avinger, in Cass County; precincts 1, 2, 3, and 6, including Jefferson City, in Marion County; precincts 1, 4, 5, 6, and 7, including Mt. Pleasant, in Titus County; and precincts 2, 6, and 8, including Ore City, in Upshur County.)

Amendment 2. The critical defense housing area in the defense housing program numbered 65 and designated as Camp Stewart, Georgia, Area, and published at 16 F. R. 11980 (November 28, 1951) is amended to read as follows:

65. Camp Stewart, Georgia. (Long, Liberty, Tattnall and Wayne Counties.)

Amendment 3. The critical defense housing area in the defense housing program numbered 123 and designated as Knob Noster (Sedalia Air Force Base), Missouri, Area, and published at 17 F. R. 740 (January 24, 1952) is amended to read as follows:

123. Knob Noster (Sedalia Air Force Base), Missouri, Area. (Johnson County; Pettis County, and the Township of Windsor and the City of Windsor in Henry County.)

AMENDMENTS ADDING NEW DEFENSE HOUSING PROGRAMS AND SUPPLEMENTAL DEFENSE HOUSING PROGRAMS

113. Soda Springs, Idaho.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	75	$65.00	15	$10,000	90
3 or more bedrooms			10	11,250	10
Total	75		25		100

LIST OF DEFENSE ACTIVITIES

Monsanto Chemical Company.

CRITICAL DEFENSE HOUSING AREA

Precincts of Grace Springs 1 and 2, and Soda Springs, all in Caribou County, Idaho.

120. Flagstaff, Arizona.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom	20	[1] $55.00			20
2 bedrooms	65	[2] 65.00	20	$8,250	85
3 or more bedrooms	25	[3] 75.00	20	9,500	45
Total	110		40		150

[1] 15 of these units at a rental not to exceed $45.00.
[2] 30 of these units at a rental not to exceed $55.00.
[3] 5 of these units at a rental not to exceed $65.00.

LIST OF DEFENSE ACTIVITIES

Navajo Ordnance Depot.

CRITICAL DEFENSE HOUSING AREA

That part of Supervisorial District 1, south of 36° latitude and that part of Supervisorial District 2, north of 35° latitude, all in Coconino County.

126. Great Falls, Montana.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom	100	$75.00			100
2 bedrooms	50	85.00	35	$10,500	85
3 or more bedrooms			15	11,500	15
Total	150		50		200

LIST OF DEFENSE ACTIVITIES

Great Falls Air Force Base.
Anaconda Copper Mining Company.

CRITICAL DEFENSE HOUSING AREA

School Districts 1, 5, 8, 9, 10, 17, 24, 25, 29, 48, 50, 52, 71, 72, 73, 74, 85, and 93, including the cities of Great Falls and Belt, all in Cascade County.

127. Port Townsend, Washington.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms			25	$8,250	25
3 or more bedrooms					
Total			25		25

LIST OF DEFENSE ACTIVITIES

Fort Worden.
Fort Flagler.
Indian Island Naval Ordnance Depot.

CRITICAL DEFENSE HOUSING AREA

Precincts of Center, Chimacum, Coyle, Gardiner, Hadlock, Irondale, Leland, Nordland, Port Discovery, Port Ludlow, Quilcene, Tarboo, Woodman, and all of Port Townsend Precincts, in Jefferson County.

128. Anaconda, Montana.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom	15	$65.00			15
2 bedrooms	60	75.00	60	$10,500	120
3 or more bedrooms			15	11,500	15
Total	75		75		150

LIST OF DEFENSE ACTIVITIES

Anaconda Copper Mining Company.

CRITICAL DEFENSE HOUSING AREA

Deer Lodge County.

130. Monmouth County, New Jersey.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom	25	$60.00			25
2 bedrooms	150	70.00	35	$9,000	185
3 or more bedrooms	25	80.00	15	10,000	40
Total	200		50		250

LIST OF DEFENSE ACTIVITIES

Fort Monmouth.
Naval Ammunition Depot, Earle, N. J.
Fort Hancock.

CRITICAL DEFENSE HOUSING AREA

All of Monmouth County except the Boroughs of Allentown and Roosevelt and the Townships of Upper Freehold and Millstone.

131. Moultrie, Georgia.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	30	$65.00			30
3 or more bedrooms	20	75.00			20
Total	50				50

LIST OF DEFENSE ACTIVITIES

Spence Field (Hawthorne School of Aeronautics).

CRITICAL DEFENSE HOUSING AREA

Colquitt County.

132. Dahlgren, Virginia.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	50	$65.00			50
3 or more bedrooms	25	75.00			25
Total	75				75

LIST OF DEFENSE ACTIVITIES

U. S. Naval Proving Ground.

CRITICAL DEFENSE HOUSING AREA

King George County and the Washington Magisterial District of Westmoreland County.

133. Ardmore, Oklahoma.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom	25	$60.00			25
2 bedrooms	[1]175	75.00	30	$8,500	205
3 or more bedrooms	50	85.00	20	9,750	70
Total	250		50		300

[1] 25 of these units at a rental not to exceed $67.50.

LIST OF DEFENSE ACTIVITIES

Air Force Base, Ardmore, Oklahoma.

CRITICAL DEFENSE HOUSING AREA

Carter County.

NOTE: Program number 134 has been reserved for Eglin Air Force Base, Florida, Area. Program number 135 has been reserved for Townsville, North Carolina, Area. When programs are developed and prepared for these areas, such programs will be published in the FEDERAL REGISTER as additional new defense housing programs.

136. Wenatchee, Washington.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom	25	$65.00			25
2 bedrooms	125	75.00	35	$8,250	160
3 or more bedrooms			15	9,250	15
Total	150		50		200

LIST OF DEFENSE ACTIVITIES

Aluminum Company of America.
Keokuk Electro-Metals Company.

CRITICAL DEFENSE HOUSING AREA

Election precincts of Appleyard, Canyon, Lewis and Clark, Lincoln, Malaga, Millendale, Monitor, Sunny Slope, Suburban, and all Wenatchee City election precincts, in Cheland County; and the election precincts of Cascade, East Wenatchee, Highline, Majestic, North Bridge, Rock Island, South Bridge and Valley in Douglas County.

137. Sumter, South Carolina.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	30	$65.00			30
3 or more bedrooms	20	75.00			20
Total	50				50

LIST OF DEFENSE ACTIVITIES

Shaw Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Sumter County.

138. Brady, Texas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	40	$67.50	10	$8,000	50
3 or more bedrooms					
Total	40		10		50

LIST OF DEFENSE ACTIVITIES

Brady Aviation Company.

CRITICAL DEFENSE HOUSING AREA

McCulloch County.

139. Warner Robins, Georgia.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	85	$60.00	30	$7,000	115
3 or more bedrooms	55	70.00	30	8,000	85
Total	140		60		200

LIST OF DEFENSE ACTIVITIES

Robins Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Houston County.

NOTE: Program number 140 has been reserved for Baraboo, Wisconsin, Area. When a program is developed and prepared for this area, such program will be published in the FEDERAL REGISTER as an additional new defense housing program.

141. Trona, California.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	10	$75.00	25	$9,200	35
3 or more bedrooms	10	90.00	25	10,200	35
Total	20		50		70

LIST OF DEFENSE ACTIVITIES

American Potash and Chemical Corporation.
West End Chemical Company.

CRITICAL DEFENSE HOUSING AREA

Trona Township, including the Town of Trona and the Town of West End in San Bernardino County.

142. Smyrna, Tennessee.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	35	$70.00			35
3 or more bedrooms	15	80.00			15
Total	50				50

LIST OF DEFENSE ACTIVITIES

Sewart Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Districts 1, 2, 3, 4, 5, 6, 7, 9, 13, 15, 16, 17, 19, 21, 22, all in Rutherford County, including the Cities of Murfreesboro and Smyrna.

143. Altus, Oklahoma.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom	40	$57.50			40
2 bedrooms	[1] 175	75.00	20	$8,750	195
3 or more bedrooms	25	80.00	10	9,750	35
Total	240		30		270

[1] 75 of these units at a rental not to exceed $67.50.

LIST OF DEFENSE ACTIVITIES

Air Force Base, Altus, Oklahoma.

CRITICAL DEFENSE HOUSING AREA

All of Jackson County.

1. (A) Atomic Energy Commission Savannah River Installation, South Carolina and Georgia.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms					
3 or more bedrooms					
Total			300		[1] 300

[1] This quota is in addition to the quota of 3,600 units approved in Program No. 1 and is issued for the purpose of permitting the defense activity to issue certificates of eligibility under Regulation CR 2 to employees occupying permanent positions to buy or build housing for their own occupancy under that regulation without restrictions as to price.

LIST OF DEFENSE ACTIVITIES

Savannah River Plant, Atomic Energy Commission.

CRITICAL DEFENSE HOUSING AREA

Aiken, Barnwell, and Allendale Counties, South Carolina; and Richmond County, Georgia.

16. (A) Camp Roberts-Camp Cooke, California.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms			10	$8,500	10
3 or more bedrooms			40	9,500	40
Total			50		[1] 50

[1] This quota is is addition to the 700 units approved in Program No. 16 and is reserved for the in-migrant civilian employees and military personnel employed by or stationed at the listed defense activities and located in the Camp Cooke portion of the area.

LIST OF DEFENSE ACTIVITIES

The Great Lakes Carbon Corp., Dicalite Division.
Johns-Manville Corporation, Celite Division.
Camp Cooke.
U. S. Disciplinary Barracks.

CRITICAL DEFENSE HOUSING AREA

San Luis Obispo County and judicial townships Nos. 4, 5, 8, and 9 in Santa Barbara County.

16. (B) Camp Roberts-Camp Cooke, California.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom	50	$60.00			50
2 bedrooms	165	67.50	75	$8,500	240
3 or more bedrooms	35	75.00	75	9,500	110
Total	250		150		[1] 400

[1] This quota is in addition to the 700 units in Program No. 16, and the 50 units in Program No. 16 (A). Tbo housing hercin programmed is reservod for the in-migrant civilian employees and military personnel of Camp San Luis Obispo and is to be located in tboso sections of the area whicb will best servo tho requirements of tbis camp.

LIST OF DEFENSE ACTIVITIES

Camp San Luis Obispo.

CRITICAL DEFENSE HOUSING AREA

San Luis Obispo County and Judicial townships Nos. 4, 5, 8, and 9 in Santa Barbara County.

48. (A) Topeka, Kansas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	200	$75.00			200
3 or more bedrooms	100	85.00			100
Total	300				[1] 300

[1] Tbis quota is in addition to the 500 rental units and 250 sales units authorized by Program No. 48.

LIST OF DEFENSE ACTIVITIES

Forbes Air Force Base.
Air Force Specialized Depot.

CRITICAL DEFENSE HOUSING AREA

Shawnee County.

62. (A) Fort Campbell, Kentucky.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom	5	$45.00			5
2 bedrooms	60	55.00			60
3 or more bedrooms	10	65.00			10
Total	75				[1] 75

[1] This quota is in addition to the 500 rental units authorized by Program No. 62 and is programmed for construction in the Christian County, Kentucky, portion of the Fort Campbell Defense Housing Area.

LIST OF DEFENSE ACTIVITIES

Fort Campbell.
Campbell Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Christian County, Kentucky, and Montgomery County, Tennessee.

59. (A) Tucson, Arizona.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom	100	$60.00			100
2 bedrooms	275	70.00	125	$8,500	400
3 or more bedrooms	175	80.00	75	9,500	250
Total	550		200		[1] 750

[1] Tbis quota is in addition to the 650 rental units and 350 sales units autborized by Program No. 1.

LIST OF DEFENSE ACTIVITIES

Hughes Aircraft Company.
Grand Central Aircraft Company.
Davis-Monthan Air Force Base.
Marana Air Flight School.

CRITICAL DEFENSE HOUSING AREA

Pima County, districts 1 and 2, including Tucson City.

77. (A) Anniston, Alabama.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	65	$70.00	20	$8,000	85
3 or more bedrooms	30	80.00	10	9,000	40
Total	95		30		[1] 125

[1] This quota is in addition to the 75 rental units and 25 salos units authorized by Program No. 77.

LIST OF DEFENSE ACTIVITIES

Fort McClellan.
Anniston Ordnance Depot.

CRITICAL DEFENSE HOUSING AREA

Calhoun County.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

FEBRUARY 27, 1952.

[F. R. 52-2412; Filed, Feb. 29, 1952; 8:49 a. m.]

AGENCY ACCOUNTING OFFICER ET AL.

DELEGATION OF AUTHORITY TO EXECUTE LEGENDS ON BONDS, NOTES, OR OTHER OBLIGATIONS EVIDENCING LOANS MADE UNDER TITLE I OF THE HOUSING ACT OF 1949, INDICATING ACCEPTANCE OF SUCH INSTRUMENTS AND PAYMENT THEREFOR

The Agency Accounting Officer, the Assistant Agency Accounting Officer, and the Chief of the Financial Control Section (Finance and Accounts Branch, Division of Administration) each is hereby authorized, to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note, or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of

1949, which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note, or other obligation and its payment therefor on the date specified in the particular legend.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283–85, as amended, 12 U. S. C., 1946 ed. Sup. IV 1701c; 63 Stat. 414–421, 42 U. S. C., 1946 ed. Sup. IV 1451–1460)

Effective this 1st day of March, 1952.

RAYMOND M. FOLEY,
Housing and Home Finance Agency.

[F. R. Doc. 52-2411; Filed, Feb. 29, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 55, Amdt. 2]

MORRIS FURNITURE MFG. CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 55 under Section 43, Ceiling Price Regulation 7, established retail ceiling prices for occasional tables, desks, dining room and bedroom furniture manufactured by Morris Furniture Mfg. Co., Inc. and having the brand name "Architectural Modern by Morris of California."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 17, 1951.

Amendatory provisions. Special Order 55 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 10, 1951," insert the words "as supplemented and amended by its applications dated June 18, 1951 and December 17, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated December 17, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 22, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2355; Filed, Feb. 26, 1952; 5:04 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 63, Amdt. 2]

COLE OF CALIFORNIA, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 63 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for swimsuits, beachwear and sportswear for women and children manufactured by Cole of California, Inc. and having the brand name "Cole of California."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 14, 1952.

Amendatory provisions. Special Order 63 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "September 27, 1951," the following date "January 14, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 14, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 21, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2356; Filed, Feb. 26, 1952; 5:04 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 183, Amdt. 2]

STEUBENVILLE POTTERY CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 183 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for pottery dinnerware manufactured by Steubenville Pottery Company and having the brand names "Woodfield Leaf Dinnerware" and "American Modern Dinnerware."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 24, 1951.

Amendatory provisions. Special Order 183 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 26, 1951," insert the words "as supplemented and amended by its applications dated July 28, 1951, and November 24, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated November 24, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 20, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2357; Filed, Feb. 26, 1952; 5:04 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 279, Amdt. 2]

ABERLE, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 279 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for hosiery manufactured by Aberle, Inc. and having the brand name "Aberle".

This amendment established new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 17, 1951.

Amendatory provisions. Special Order 279 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 29, 1951," insert the words "as supplemented and amended by its applications dated September 19, 1951 and December 17, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated December 17, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 22, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2358; Filed, Feb. 26, 1952; 5:04 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 309, Amdt. 2]

SPEIDEL CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 309 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for watch bands manufactured by Speidel Corporation and having the brand name "Speidel".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 28, 1951.

Amendatory provisions. Special Order 309 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated July 16, 1951," insert the words "as supplemented and amended by its application dated August 20, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated December 28, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 21, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2359; Filed, Feb. 26, 1952; 5:04 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 345, Amdt. 1]

GANT MADELEINE, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 345 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for ladies' cotton fabric gloves distributed by Gant Madeleine, Inc. and having the brand name "Gant Madeleine".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated December 15, 1951 and February 14, 1952.

Amendatory provisions. Special Order 345 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 28, 1951," insert the words "as supplemented and amended by its applications dated December 15, 1951 and February 14, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the distributor's supplemental application dated December 15, 1951 and February 14, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 19, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2360; Filed, Feb. 26, 1952; 5:04 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 348, Amdt. 1]

SCHAEFER TAILORING CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 348 under section 43, Ceiling Price Regulation 7, established retail prices for men's and women's underwear manufactured by Schaefer Tailoring Company and having the brand name "Schaefer."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 12, 1951.

Amendatory provisions. Special Order 348 under section 41 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 21, 1951," insert the words "as supplemented and amended by its application dated November 12, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated November 12, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 20, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2361; Filed, Feb. 26, 1952; 5:05 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 376, Amdt. 3]

MUNSINGWEAR, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 376 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for foundation garments manufactured by Munsingwear, Inc., and having the brand name "Munsingwear".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 29, 1951.

Amendatory provisions. Special Order 376 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "October 9, 1951", the following date "November 29, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated November 29, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 22, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2362; Filed, Feb. 26, 1952; 5:05 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 454, Amdt. 1]

KAYLON INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 454 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for women's pajamas, pajama sets and lounging sets manufactured by Kaylon Incorporated and having the brand name "Tommies".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated September 13, 1951, October 12, 1951, November 27, 1951 and January 31, 1952.

Amendatory provisions. Special Order 454 under section 43 of Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your suppliers application filed with the Office of Price Stabilization" insert the words "dated June 27, 1951, as supplemented and amended by your supplier's applications dated September 13, 1951, October 12, 1951, November 27, 1951 and January 31, 1952."

2. Insert the following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental applications dated September 13, 1951, October 12, 1951, November 27, 1951 and January 31, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 15, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2363; Filed, Feb. 26, 1952; 5:05 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 507, Amdt. 2]

MOHAWK CARPET MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 507 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for floor carpeting manufactured by Mohawk Carpet Mills, Inc., and having the brand name "Mohawk."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 18, 1951.

Amendatory provisions. Special Order 507 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2 insert after the date "October 15, 1951" the following date "December 18, 1951."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated December 18, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 18, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2364; Filed, Feb. 26, 1952; 5:05 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 513, Amdt. 2]

GENERAL MILLS, INC. MECHANICAL DIVISION, HOME APPLIANCE DEPARTMENT

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 513 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for irons, steam irons, steam ironing attachments and toasters manufactured by General Mills, Inc., Mechanical Division, Home Appliance Department and having the brand name "Berty Crocker."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 31, 1952.

Amendatory provisions. Special Order 513 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "May 23, 1951," the following dates "August 23, 1951 and January 31, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 31, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 18, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2365; Filed, Feb. 26, 1952; 5:05 p. m.]

[Ceiling Price Regulation 7, Section 43 Special Order 518, Amdt. 1]

BARCLAY KNITWEAR CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 518 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for boys' sweaters manufactured or distributed by Barclay Knitwear Co., Inc., and having the brand name "Hopalong Cassidy Sweaters."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated August 20, 1951.

This amendment also adds the brand name "Frosty the Snowman" to the brand name listed in the special order.

Amendatory provisions. Special Order 518 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "The retail prices listed in your suppliers application filed with the Office of Price Stabilization," insert the words "dated May 31, 1951," as supplemented and amended by your suppliers application dated August 20, 1951.

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in your suppliers supplemental application dated August 20, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 24, 1952.

3. In paragraph 1, after the brand name "Hopalong Cassidy Sweaters" add the brand name "Frosty The Snowman."

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FERRUARY 26, 1952.

[F. R. Doc. 52-2366; Filed, Feb. 26, 1952; 5:05 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 537, Amdt. 1]

GLENDALE KNITTING CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 537 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for children's cotton sleepers, dolls and doll suits manufactured by Glendale Knitting Corporation and having the brand name "Nitey Nite".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated November 15, 1951 and December 7, 1951.

Amendatory provisions. Special Order 537 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "July 24, 1951", the following dates "November 15, 1951 and December 7, 1951".

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated November 15, 1951 and December 7, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 21, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2367; Filed, Feb. 26, 1952; 5:05 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 547, Amdt. 1]

G. LEBLANC CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 547 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for woodwind, brass musical instruments, accessories, parts and supplies for musical instruments distributed by G. Leblanc Company and having the brand names "Noblet," "Normandy," "Courtais" and "Leblanc."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 18, 1951.

Amendatory provisions. Special Order 547 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 8, 1951, "insert the words "as supplemented and amended by its application dated December 18, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the wholesaler's supplemental application dated December 18, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 22, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2368; Filed, Feb. 26, 1952; 5:06 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 564, Amdt. 1]

KNAPP-MONARCH CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 564 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for electric hair dryers, blankets, massagers, vaporizers, heaters, combination fan and heater, irons, waffle irons, sandwich grids, double burner tables, heating pads, liquidizer, power mixers, toasters, coffee makers, coffee maker filter cloths and corn poppers manufactured by Knapp-Monarch Company and having the brand name "K-M".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated October 10, 1951, December 7, 1951, and December 27, 1951.

This amendment also deletes the words "and corn poppers" from paragraph 1 of the special order, and adds the words "corn poppers, electric fans, domestic type deep fat fryers, and insulated food and liquid containers" to the special order.

Amendatory provisions. Special Order 564 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated June 25, 1951," insert the words "as supplemented and amended by its applications dated October 10, 1951, December 7, 1951 and December 27, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated October 10, 1951, December 7, 1951 and December 27, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 15, 1952.

3. In paragraph 1, delete the words "and corn poppers" and add the words "corn poppers, electric fans, domestic type deep fryers and insulated food and liquid containers."

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2369; Filed, Feb. 26, 1952; 5:06 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 632, Amdt. 1]

BOTANY MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 632 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's neckwear, mufflers, glove and muffler sets, slacks, shirts, leisure jackets, sweaters, hosiery, bathing trunks, sport caps and robes manufactured by Botany Mills, Inc. and having the brand name "Botany."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 17, 1952.

Amendatory provisions. Special Order 632 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application filed with the Office of Price Stabilization" insert the words "dated August 1, 1952, as supplemented and amended by your supplier's application dated January 17, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated January 17, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 20, 1952.

Effective date. This amendment shall become effective February 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2370; Filed, Feb. 26, 1952; 5:06 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 10, Amdt. 1]

NASH-KELVINATOR CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 10 established a schedule of prices and charges under section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Nash-Kelvinator Corporation. Subsequent to the issuance of Special Order 10 the manufacturer's prices on Rambler passenger automobiles were increased following an increase in wholesale ceiling prices pursuant to Ceiling Price Regulation 1, Revision 1, Supplementary Regulation 1. In addition the Nash-Kelvinator Corporation has increased the wholesale price on items of factory installed extra, special or optional equipment for all lines and series which it manufactures pursuant to Ceiling Price Regulation 1, Revision 1, Amendment 3. This amendment is accordingly issued to establish sellers' prices and charges which will reflect increased costs to dealers and markups thereon, and is applicable to Rambler passenger automobiles and items of factory installed extra, special or optional equipment for all lines and series of automobiles manufactured by Nash-Kelvinator Corporation.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 10 is hereby issued.

1. The following changes are made in the list of basic prices of passenger automobiles manufactured by the Nash-Kelvinator Corporation contained in paragraph 1 of Special Order 10:

The basic prices on passenger automobiles which read:

Rambler Super Series:	
2-door Suburban	$1,731.15
Rambler Custom Series:	
2-door Country Club Sedan	1,810.25
2-door Convertible Sedan	1,833.25
2-door Station Wagon	1,833.25

are amended to read as follows:

Rambler Super Series:	
2-door Suburban	$1,828.35
Rambler Custom Series:	
2-door Country Club Sedan	1,912.00
2-door Convertible Sedan	1,936.30
2-door Station Wagon	1,936.30

2. The charges for factory installed extra, special or optional equipment contained in paragraph 2 are revised to read as follows:

Anti-freeze (Rambler and Statesman)	$1.95
Anti-freeze (Ambassador)	2.45
Cigar lighter (Statesman DeLuxe)	2.75
Clock, electric (Statesman and Ambassador, all Super and DeLuxe Series)	16.55
Color, two-tone (Statesman and Ambassador)	15.40
Direction signals (Rambler, Statesman and Ambassador, all Super and DeLuxe Series)	18.50
Foam sponge cushion, front and rear (Rambler, Statesman and Ambassador, all Super and DeLuxe Series)	24.15
Foam sponge cushion, front or rear (Rambler, Statesman and Ambassador, all Super and DeLuxe Series)	12.10
Front seat, divided back 4-door styles (Statesman and Ambassador, except Custom)	16.55
Front seat, reclining back (Statesman and Ambassador)	16.55
Heavy cushion springs, 4-door Sedans (Statesman and Ambassador)	27.00
Heavy chassis springs and shock absorbers, 4-door Sedans (Statesman and Ambassador)	18.25
Hydramatic transmission (Statesman and Ambassador)	165.45
Oil bath air cleaner (Rambler and Statesman)	7.20
Oil bath air cleaner (Ambassador)	8.25
Overdrive (Rambler and Statesman)	91.60
Overdrive (Ambassador)	99.80
Radio, less antenna (Statesman and Ambassador)	79.35
Radio antenna, manual (Statesman and Ambassador)	8.30
Radio antenna, vacuum (Statesman and Ambassador)	15.50
Rear center arm rest (all Super and DeLuxe series)	36.35
Steering wheel (Custom), (all Super and DeLuxe series)	16.50
Sun visor, right side (Statesman DeLuxe)	2.15
Tires, 4 ply, 6.40 x 15, set of 5, white sidewall (Statesman)	19.00
Tires, 6 ply, 6.40 x 15, set of 5, black Statesman)	29.00
Tires, 6 ply, 6.40 x 15, set of 5, white sidewall (Statesman)	54.25
Tires, 4 ply, 7.10 x 15, set of 5, white sidewall (Ambassador)	22.50
Tires, 6 ply, 7.10 x 15, set of 5, black (Ambassador)	34.00
Tires, 6 ply, 7.10 x 15, set of 5, white sidewall (Ambassador)	63.25
Tires, 4 ply, 5.90 x 15, set of 5, white sidewall (Rambler)	$17.50
Tires, 6 ply, 5.90 x 15, set of 5, black (Rambler)	26.50
Upholstery, includes nylon cloth, foam sponge cushions, front and rear (Super Statesman only)	37.50
Upholstery, leather trim, Nos. T-56, T-57 and T-58 (Statesman and Ambassador)	98.20
Weather Eye (Statesman and Ambassador)	62.25
Wheel Discs (all Super and DeLuxe Series)	19.45
Group A, includes Custom steering wheel; electric clock and wheel discs (Statesman and Ambassador)	45.00

Effective date. This Amendment 1 to Special Order 10 shall become effective February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 28, 1952.

[F. R. Doc. 52-2486; Filed, Feb. 28, 1952; 4:04 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18786]

EDMUND GROSSE

In re: Stock owned by and debts owing to Edmund Grosse, also known as Edmund Gross. F-28-31168.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Edmund Grosse, also known as Edmund Gross, whose last known address is Muller-Bersetrasse 34, Dresden A, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

(a) Fourteen (14) shares of $5.00 par value common capital stock of The Flour City Ornamental Iron Company, 2637 27th Avenue South, Minneapolis 6, Minnesota, a corporation organized under the laws of the State of Minnesota, evidenced by a certificate numbered 3103, and presently in the custody of The Flour City Ornamental Iron Company, together with all declared and unpaid dividends thereon,

(b) That certain debt or other obligation of The Flour City Ornamental Iron Company, 2637, 27th Avenue South, Minneapolis 6, Minnesota, representing a cash dividend of November 14, 1951, on stock of the aforesaid Company and held by said Company for the account of Edmund Grosse, and any and all rights to demand, enforce and collect the same, and

(c) That certain debt or other obligation of The Flour City Ornamental Iron Company, 2637 27th Avenue South, Minneapolis 6, Minnesota, representing the proceeds of sale of stock scrip certificate of the aforesaid Company, and held by said Company for the account of Edmund Grosse, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was, within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Edmund Grosse, also known as Edmund Gross, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2413; Filed, Feb. 29, 1952; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 44

Washington, Tuesday, March 4, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10330

EXEMPTION OF FRANCES PERKINS FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS Frances Perkins, a member of the United States Civil Service Commission, will, during the month of April 1952, become subject to compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, unless exempted therefrom by Executive order; and

WHEREAS, in my judgment, the public interest requires that the said person be exempted from such compulsory retirement as provided below:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), I hereby exempt the said Frances Perkins from compulsory retirement for age for an indefinite period of time.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 29, 1952.

[F. R. Doc. 52-2605; Filed, Mar. 3, 1952; 12:28 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Water Facilities Loans

[FHA Instruction 442.5]

PART 355—PROCESSING LOANS FOR GROUP SERVICES

OBTAINING LIENS ON PROPERTY SECURING LOANS

Section 355.3, Title 6, Code of Federal Regulations (14 F. R. 4509) is revised to read as follows:

§ 355.3 *Policies.* The policies contained in Part 352 of this chapter apply to the making of loans to individuals for participation in water facilities group services with the following exception. When a lien is taken on any group service borrower's real estate to which the jointly owned water facilities installation is essential for the successful operation of that real estate mortgaged, a first lien will be obtained on such borrower's undivided interest in such joint facilities. When a lien is not to be taken on the real estate served by a jointly owned water facility, no lien of any type will be taken on that facility.

(Sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3). Interprets or applies sec. 2 (3), 50 Stat. 869; 16 U. S. C. 590s (3))

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

FEBRUARY 12, 1952.

Approved: February 27, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2464; Filed, Mar. 3, 1952; 8:50 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. American-Egyptian Cotton Bulletin 1]

PART 607—COTTON

SUBPART—1952 AMERICAN-EGYPTIAN COTTON PURCHASE PROGRAM

This bulletin contains the instructions and requirements with respect to the 1952-crop American-Egyptian Cotton Purchase Program of Commodity Credit Corporation (hereinafter referred to as CCC) formulated by CCC and the Production and Marketing Administration (hereinafter referred to as PMA). This is a price support program. Purchases of Amsak and Pima 32 varieties of American-Egyptian cotton produced in 1952 will be made in accordance with this bulletin.

Sec.

607.301 Administration.
607.302 Availability of purchases.
607.303 Eligible producer.
607.304 Eligible cotton.
607.305 Forms.
607.306 Purchase rates.
607.307 Set-offs.
607.308 Approved warehouses.
607.309 Classification of cotton.
607.310 Payment for cotton.
607.311 PMA Commodity Offices.

(Continued on p. 1877)

CONTENTS

THE PRESIDENT

Executive Order — Page
Perkins, Frances, exemption from compulsory retirement for age 1875

EXECUTIVE AGENCIES

Agriculture Department
See Animal Industry Bureau; Commodity Credit Corporation; Farmers Home Administration; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc:
Koehler, Margaret 1926
Neiman, Abram 1926
Von Luschinsky, Maria 1926
Zeitlberger, Hermine Hermance 1926

Animal Industry Bureau
Rules and regulations:
Imported products; amendments of regulation specifying countries from which product (meat, meat byproduct, and meat food product) is eligible for importation into the U. S 1881

Civil Aeronautics Administration
Rules and regulations:
Danger areas; alterations 1878
Standard instrument approach procedures; alterations 1879

Civil Aeronautics Board
Proposed rule making:
Approach and landing limitations 1902

Commodity Credit Corporation
Rules and regulations:
1952 American-Egyptian cotton purchase program 1875

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

Defense Production Administration
Notices:
Request to participate in formation and activities of an Army Ordnance Integration Committee on heavy tactical trucks 1910

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CONTENTS—Continued

Economic Stabilization Agency Page
See Price Stabilization, Office of; Wage Stabilization Board.

Farmers Home Administration
Rules and regulations:
Processing loans for group services; obtaining liens on property securing loans 1875

Federal National Mortgage Association
Rules and regulations:
Mortgage purchases, servicing and sales; miscellaneous amendments 1882

Federal Security Agency
See Public Health Service.

Federal Power Commission
Notices:
Hearings, etc.:
Gulf-Michigan Gas Transmission Corp 1913

CONTENTS—Continued

Federal Power Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Transcontinental Gas Pipe Line Corp 1911
Transcontinental Gas Pipe Line Corp. et al 1912

Federal Trade Commission
Rules and regulations:
Richmond Garment Co., Inc., et al.; cease and desist order 1881

Interior Department
See Land Management, Bureau of; Reclamation Bureau.

Internal Revenue Bureau
Proposed rule making:
Tax, income, taxable years beginning after Dec. 31, 1941; unlimited deduction for charitable and other contributions 1899
Tax on transportation which begins and ends in the U. S. 1900

Interstate Commerce Commission
Notices:
Applications for relief:
Brick from Columbia, Mo., to Kansas City, Mo 1910
Coal, fine, from Missouri to Iowa 1911
Hides from Hazelwood, N. C., to Massachusetts 1911
Meats, fresh, and packing house products from Illinois territory to the south 1911
Sulphate black liquor skimmings from southwest to Bay Minette, Ala 1911

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Rules and regulations:
California; revoking in part public land order 1898

National Production Authority
Rules and regulations:
Lead (M-38) 1896
Selenium (M-91) 1898

Reclamation Bureau
Notices:
Hearings, etc.:
Filing objections to order withdrawing public lands:
American River Division 1903
Eden Project, Wyo 1907
Kern River Division 1904
Kings River Division 1905
Mill-Deer Division 1905
Mountain Home Project, Idaho 1909
Upper San Joaquin River Division 1906
First form reclamation withdrawal:
American River Division 1902
Eden Project, Wyo 1906
Kern River Division 1903
Kings River Division 1904

CONTENTS—Continued

Reclamation Bureau—Con. Page
Notices—Continued
First form reclamation withdrawal—Continued
Mill-Deer Division 1905
Mountain Home Project, Idaho 1907
Upper San Joaquin River Division 1905

Price Stabilization, Office of
Notices:
Ceiling prices at retail:
A. Grona Mattress Co., Inc. 1916
A. Stein & Co 1914
Arvin Industries, Inc. (2 documents) 1914
Berk-Ray Corp 1925
Green Shoe Mfg. Co 1924
L. E. Mason Co 1915
Lewis Engineering and Mfg. Co 1923
Oakville Co. Division, Scovill Mfg. Co 1920
Oneida, Ltd 1914
Ostermoor & Co 1918
Plastic Products Co., Inc 1915
Revere Copper and Brass, Inc., Rome Mfg. Co. Division 1915
Seal-Dri Sportswear Co 1921
Trimount Clothing Co., Inc. 1914
United States Trunk Co., Inc. 1917
Ceiling prices at retail and wholesale:
Valco Mfg. Co 1922
Webster-Chicago Corp 1919
Rules and regulations:
Adjustment of cigarette "loss-leader" prices covered by Arkansas statute; postponement of effective date of revocation (GCPR, SR 53) 1883
Anthracite coal delivered from mine or preparation plant; special services (CPR 4) 1884
Food products sold in Puerto Rico; definition of salted codfish (CPR 51) 1886
Gasolines, naphthas, fuel oils and liquefied petroleum products, natural gas, petroleum gas, casinghead gas and refinery gas; adjustment of ceiling prices in upper New York State (CPR 17, SR 6) 1883
Manufacturers general ceiling price regulation; modifications and alternative provisions for manufacturers of chemicals; correction (CPR 22, SR 7) 1886
Resellers of iron and steel products; miscellaneous amendments (CPR 98) 1886
Suspension for sales of certain U. S. Government property; reporting provisions and further extension (GCPR, SR 72) 1883

Public Health Service
Rules and regulations:
Hospital and station management; disposition of money and effects left by other than deceased patients 1898

CONTENTS—Continued

Treasury Department Page
See Internal Revenue Bureau.

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries ---- 1909

Wage Stabilization Board
Rules and regulations:
Adjustments for employees compensated in whole or in part on a commission basis (GWR 20) ---- 1893
Cost-of-living increases (GWR 8) ---- 1893
Pension plans and profit-sharing plans of a deferred compensation plan (GWR 21) ---- 1895

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
10330 ---- 1875

Title 6
Chapter III:
Part 355 ---- 1875
Chapter IV:
Part 607 ---- 1875

Title 9
Chapter I:
Part 27 ---- 1881

Title 14
Chapter I:
Part 41 (proposed) ---- 1902
Part 42 (proposed) ---- 1902
Part 61 (proposed) ---- 1902
Chapter II:
Part 608 ---- 1878
Part 609 ---- 1879

Title 16
Chapter I:
Part 3 ---- 1881

Title 24
Chapter IV:
Part 400 ---- 1882

Title 26
Chapter I:
Part 29 (proposed) ---- 1899
Part 130 (proposed) ---- 1900

Title 32A
Chapter III (OPS):
CPR 4 ---- 1884
CPR 17, SR 6 ---- 1885
CPR 22, SR 7 ---- 1886
CPR 51 ---- 1886
CPR 98 ---- 1886
GCPR, SR 53 ---- 1883
GCPR, SR 72 ---- 1883
Chapter IV:
Subchapter B (WSB):
GWR 8 ---- 1893
GWR 20 ---- 1893
GWR 21 ---- 1895
Chapter VI (NPA):
M-38 ---- 1896
M-91 ---- 1898

CODIFICATION GUIDE—Con.

Title 42 Page
Chapter I:
Part 35 ---- 1898

Title 43
Chapter I:
Appendix (Public land orders):
125 (revoked in part by PLO 807) ---- 1898
807 ---- 1898

AUTHORITY: §§ 607.301 to 607.311 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c.

§ 607.301 *Administration.* Under the general direction and supervision of the President, CCC, the Cotton Branch and other appropriate Branches of PMA will carry out the program. In the field the program will be administered through PMA Commodity Offices, PMA State committees, and PMA county committees (hereinafter referred to as county committees). Forms will be distributed by the applicable PMA State offices and will be available at the offices of county committees.

§ 607.302 *Availability of purchases*—(a) *Area.* Purchases will be made in the States of California, Arizona, New Mexico, and Texas.

(b) *Time.* Purchases will be made from August 1, 1952, through April 30, 1953.

(c) *Source.* Purchases will be made from eligible producers by county committees.

§ 607.303 *Eligible producer.* An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or any agency of such State or political subdivision, producing eligible American-Egyptian cotton in 1952 in the capacity of landowner, landlord, tenant or sharecropper.

§ 607.304 *Eligible cotton.* Eligible American-Egyptian cotton shall be of the Amsak or Pima 32 varieties and shall meet the following requirements:

(a) Such cotton must have been produced in continental United States in 1952.

(b) Such cotton must have been produced from Amsak and Pima 32 varieties of American-Egyptian cottonseed for which acceptable proof as to variety has been furnished to the County Committee.

(c) Such cotton must have been ginned on a roller gin.

(d) Such cotton must be of a grade and staple length specified in § 607.306.

(e) Such cotton must be represented by negotiable warehouse receipts issued by warehouses approved by CCC.

(f) Such cotton must not be compressed to high density.

(g) Such cotton must be free and clear of all liens and encumbrances, except unpaid charges for compression of the cotton to standard density.

(h) Such cotton must have been produced by the person offering it for sale and such person must have the legal right to sell the cotton.

(i) If the person offering such cotton for sale is a landlord or landowner, the cotton must not have been acquired by him directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant, or sharecropper, it must be his separate share of the crop, unless he is a landlord and is offering cotton in which both he and a share tenant or sharecropper have an interest.

(j) Each bale of such cotton must weigh at least 300 pounds, gross weight.

(k) Such cotton shall be of normal character. No cotton shall be accepted which in the process of classification has been reduced in grade or staple on account of irregularities or defects.

§ 607.305 *Forms.* The following documents must be delivered by producers in connection with the sale of the cotton:

(a) American-Egyptian Cotton Producers Sales Agreement (CCC Cotton Form PA) which must be signed by the producer and delivered to the county committee not later than April 30, 1953.

(b) A warehouse receipt issued by a warehouse approved as provided in § 607.308.

§ 607.306 *Purchase rates.* The following table shows the purchase rates by qualities and by location in cents per pound, net weight, for 1952-crop Amsak and Pima 32 varieties of eligible American-Egyptian cotton:

Grade	Staple					
	1⅜ inch		1 1/16 inch		1½ inch and longer	
	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1	104.05	104.45	108.35	108.75	109.80	110.20
1½	102.65	103.05	106.90	107.30	108.35	108.75
2	99.75	100.15	104.05	104.45	106.90	107.30
2½	94.10	94.50	99.75	100.15	102.65	103.05
3	88.35	88.75	95.50	95.90	98.35	98.75
3½	81.20	81.60	86.95	87.35	91.20	91.60
4	74.10	74.50	76.90	77.30	81.20	81.60
4½	66.95	67.35	69.85	70.25	71.25	71.65
5	59.80	60.20	62.65	63.05	65.50	65.90

§ 607.307 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm-storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. However, prepayment of only one principal installment on a farm-storage facility loan shall be deducted from the price support proceeds of any one crop year. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 607.308 *Approved warehouses.* Cotton in warehouses will be acceptable for purchase by CCC only if such warehouses are approved by CCC. Warehousemen will be notified of approval of their warehouses by letter or published lists. The names of approved warehouses will be available at offices of county committees.

§ 607.309 *Classification of cotton.* All cotton must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (hereinafter referred to as the "Board"). A Cotton Classification Memorandum Form 1 of the United States Department of Agriculture will be accepted, provided the sample is a representative cut sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1952 Smith-Doxey Program. If a sample has been drawn and submitted for a Form 1 classification, another sample may not be drawn and forwarded to a Board except for review. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman should sample such cotton and forward the samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum A3 must be inserted in each sample. A Tag List and Record Sheet (CCC Cotton Form L, hereinafter referred to as "Form L"), must be prepared by the warehouseman, listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples and two copies must be mailed separately to the Board. The Board will enter the classification of each bale on the Form L and return a copy of such form to the warehouse. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board.

An amount equal to the classification charge under the 1952 Upland Cotton Loan Program shall be collected from the producer by the warehouseman for all cotton for which samples are submitted to a Board for classification, except that no charge shall be collected for samples submitted for Form 1 classification. The Boards will submit billings for classing charges to the warehouseman at the end of each month. Payments shall be sent to the applicable PMA Commodity office by check made payable to Commodity Credit Corporation.

§ 607.310 *Payment for cotton.* Producers will be paid the purchase price of the cotton by means of sight drafts drawn on CCC by PMA State or county committees.

§ 607.311 *PMA Commodity Offices.* The addresses of the appropriate PMA Commodity Offices and the cotton growing area served by each are shown below:

333 Fell Street, San Francisco 3, Calif.: Arizona and California.

Wirth Building, 120 Marais Street, New Orleans 16, La.: New Mexico and Texas.

Issued this 28th day of February 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved: February 28, 1952.

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-2494; Filed, Mar. 3, 1952; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 15]

PART 608—DANGER AREAS

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.14, the Holtville, California, area, published on June 13, 1951, in 16 F. R. 5616, is revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
HOLTVILLE (San Diego Chart).	Beginning at lat. 33°05′00″ N, long. 115°17′30″ W; SE to lat. 33°00′00″ N, long. 115°13′30″ W; SE to lat. 32°51′00″ N, long. 115°05′30″ W; due W to long. 115°17′00″ W; N to lat. 32°58′00″ N, long. 115°17′30″ W; NNW to lat. 33°05′00″ N, long. 115°20′00″ W; due E to lat. 33°05′00″ N, long. 115°17′30″ W, point of beginning.	Surface to unlimited.	Continuous	Commandant 11th Naval District, San Diego, Calif.

2. In § 608.14, a Mojave, California, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
MOJAVE (Los Angeles Chart).	N boundary: lat. 35°06′30″ N; E boundary: long. 117°57′30″ W; S boundary: lat. 35°02′30″ N; W boundary: long. 118°05′45″ W.	Surface to unlimited.	Continuous	Marine Corps Air Station, Mojave, Calif.

3. In § 608.14, a Sand Hills, California, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
SAND HILLS (San Diego Chart).	Beginning at lat. 32°58′30″ N, long. 115°03′50″ W; SE to lat. 32°51′30″ N, long. 114°55′00″ W; due W to long. 115°04′00″ W; NW to lat. 32°57′30″ N, long. 115°09′50″ W; due N to lat. 32°58′30″ N; due E to lat. 32°58′30″ N, long. 115°03′50″ W, point of beginning.	Surface to unlimited.	Continuous	Commandant, 11th Naval District, San Diego, Calif.

4. In § 608.19, the Lakeland, Georgia, area, published on July 8, 1949, in 14 F. R. 3772, is deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 1, 1952.

F. B. LEE,
[SEAL] *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 52-2499; Filed, Feb. 29, 1952; 3:47 p. m.]

[Amdt. 14]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (degs.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimums	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
EPHRATA, WASH. Larson AFB (Moses Lake) 269 kc; EPH; BMRLZ-DTV	N—Minimum en route altitude E—MEA (W crs Spokane LFR) S—Not authorized* W—MEA (Ellensburg LFR)	W	10 mi.—2,500′ S side W crs 15 mi.—3,000′ S side W crs 20 mi.—3,000′ S side W crs 25 mi.—3,000′ S side W crs	2,200	87	8.7	1,190	R A T	700 800 300	2.0 2.0 2.0	700 800 300	3.0 3.0 3.0	Climb to 3,500′ on E crs within 25 mi. *Danger Area on S crs, 10 mi. from range. NOTE: Larson AFB HW facility—20°, 1.0 mi to field; Freq. 528 kc, Ident. MSK.
GARDEN CITY, KANS. New Garden City Airport 257 kc; GCK; SBRAZ-DTV	N—Minimum en route altitude E—MEA (Hutchinson LF Range) S—MEA (NW crs Gage) W—MEA (La Junta Range)	N	10 mi.—4,000′ W side N Crs 15 mi.—4,000′ W side N crs 20 mi.—4,000′ W side N crs 25 mi.—4,000′ W side N crs	3,500	132	7.5	2,895	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	*500 *500 *800 *300	2.0 1.5 2.0 1.0	Climb to 4,300′ on S crs within 25 mi. *Night operations on N/S runway only.
McCHORD (Tacoma), WASH. McChord AFB 272 kc; TCM; SBMRAZ	E—8,000′ (W crs Ellensburg) S—5,000′ (E crs Toledo) W—Not authorized# N—3,000′ (NW crs Seattle) N—2,000′ (NE crs Shelton)	S	10 mi.—3,000′ *W side S crs 15 mi.—4,000′ *W side S crs 20 mi.—NA 25 mi.—NA	1,500	338	6.1	320	R A T	600 800 300	1.0 2.0 1.0	600 800 300	2.0 2.0 2.0	Climb to 4,000′ continuing on a crs of 338° for 2 mi., then turn left to 215° and proceed to and hold at Olympia Int. *All turns W side S crs.—high terrain E side crs. NOTE: Emergency altitude—16,500′. #Danger area on W. crs. 3 mi. from range.
MAXWELL (Montgomery), ALA. Maxwell field 362 kc; MXF; SBRAZ	N—MEA (E crs Birmingham LFR) N—1,500′ (NE crs Craig LFR) E—MEA (NW crs Lawson LFR) SW—MEA (SE crs Craig LFR) W—MEA (S crs Birmingham LFR)	W	10 mi.—1,500′ N side W crs 15 mi.—1,500′ N side W crs 20 mi.—NA 25 mi.—NA	1,000	86	2.1	167	R A T	500 800 300	2.0 2.0 2.0	500 800 300	3.0 2.0 3.0	Climb to 1,600′ on E crs within 15 mi.
Dannelly Field	N—MEA (E crs Birmingham LFR) N—1,500′ (NE crs Craig LFR) E—MEA (NW crs Lawson LFR) SW—MEA (SE crs Craig LFR) W—MEA (S crs Birmingham LFR)	N	10 mi.—1,700′ W side N crs 15 mi.—1,700′ W side N crs 20 mi.—1,700′ W side N crs 25 mi.—1,700′ W side N crs	1,200	170	5.6	219	R (R) S* A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	600 500 500 800 300	2.0 2.0 2.0 2.0 1.0	Climb to 1,500′ on SW crs. *Runway 15.
MUSCLE SHOALS, ALA. Muscle Shoals Airport 251 kc; MSL; SBRAZ-DTV	N—MEA (SW crs Nashville LFR) SE—MEA (N crs Birmingham LFR) S—Minimum en route altitude W—MEA (S crs Jackson LFR)	SE	10 mi.—1,800′ N side SE crs 15 mi.—1,800′ N side SE crs 20 mi.—1,800′ N side SE crs 25 mi.—1,800′ N side SE crs	1,300	282	4.6	546	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	2.0 2.0 2.0 1.0	Climb to 2,000′ on W crs.
NASHVILLE, TENN. Berry Field 304 kc; BNA; SBRAZ-DTV	NE—Minimum en route altitude NE—2,500′ (NW crs Smithville LFR) NE—1,200′ (Mt. Juliet FM) (final) SE—MEA (SW crs Smithville LFR) SE—2,500′ (Walterhill FM) SW—MEA (Jackson LFR) NW—MEA (SW crs Bowling Green LFR)	NE	10 mi.—2,000′ N side NE crs 15 mi.—2,500′ N side NE crs 20 mi.—3,000′ N side NE crs 25 mi.—3,000′ N side NE crs	1,200	249	2.6	606	R (R) S A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.5 2.0 1.0	Climb to 2,500′ on SW crs. Alternate procedure; (when directed by ATC), turn right, climb to 2,000′ on NW crs.
ST. JOSEPH, MO. Rosecrans Field 341 kc; STJ; SBMRLZ-DTV	N—Minimum en route altitude E—MEA (NE crs Kansas City) S—MEA (SW crs Kansas City) W—Minimum en route altitude	S	10 mi.—2,100′ E side S crs* 15 mi.—NA 20 mi.—NA 25 mi.—NA	1,600	360	3.7	821	R (R) S# A T	700 500 500 800 300	1.5 1.0 1.0 2.0 1.0	700 500 500 800 300	1.5 1.5 1.0 2.0 1.0	Climb to 2,400′ on N crs within 25 mi. *Procedure turn not authorized beyond 10 mi account conflicting Kansas City traffic. #Runway 35. CAUTION: 400′ bluffs W, NW and E of field.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

Station; frequency; identification; class	Initial approach to station					Final approach course; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—	Magnetic course (degrees)	Distance (mi.)	Minimum altitude (ft.)							Ceiling (ft.)	Visibility (mi.)	
COLUMBUS, GA. Muscogee Co. Airport 391 kc; CS; LOM 371 kc; SG; LMM	Lawson Range	LOM	353	11	2,000	52 232	10 mi.—2,000′ S side crs 15 mi.—2,000′ S side crs 20 mi.—2,000′ S side crs 25 mi.—2,000′ S side crs	2,000 (Over LOM)	6.81 (LOM) 0.72 (LMM)	397	R A T	500 800 300	1.0 2.0 1.0	Climb to 2,000′ on crs of 52° to Int. N crs Lawson range. CAUTION: 800′ msl. obstruction located 1.2 mi. SE of final approach track, 3 mi. from airport.
	Int. NW crs Lawson & E crs Maxwell	LOM	72	16	2,000									
DALHART, TEX. Dalbart Airport 368 kc; DHT; BH	Amarillo LFR	Rbn	307	71	5,200	300 120	10 mi.—5,100′ E side crs 15 mi.—5,100′ E side crs 20 mi.—5,100′ E side crs 25 mi.—5,100′ E side crs	4,700	0.0	3,989	R* (R)* A* T*	700 700 1,000 (BCOB) 300	1.5 1.0 2.0 1.0	Climb to 5,400′ on crs of 311° within 25 mi. of Rbn. *Nigbt landings and take-offs not autborized.
DENVER, COLO. Stapleton Field (Procedure No. 2—Using Aurora Rbn) 296 kc; AUR; MHW	Denver LF Range	Rbn	164	7	7,000	344 164	10 mi.—7,000′ E side crs** 15 mi.—NA 20 mi.—NA 25 mi.—NA	*6,200	3.6	5,325	R (R) S# A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 7,500′ on crs of 348° mag. from Denver LF range witbin 25 mi. of range. Alternate procedure (wben directed by ATC), climb to 8,500′ intercepting an ADF track of 120° mag. from Denver LF range, or climb to 6,600′ on crs of 59° mag. from Denver LF range witbin 25 mi. SHUTTLE: On N crs Denver LF range witbin 25 mi. when directed by ATC, sbuttle on S crs Denver LF range between range station and Aurora FM, and on E crs Denver LF range within 25 mi. *Do not descend below 5,825′ msl. until 1.5 mi. N of Rbn on account of 5,525′ msl. tower at Lowry Field. **Procedure turn must be accomplisbed witbin 10 mi. on account of bigh terrain to S. #Runway 35. CAUTION: 6,715′ msl. hill, 6 mi. NW of Franktown.
	Franktown FM (northbound only)		332	22	7,000									
	Aurora FM (final)	Rbn	309	3	6,200									
	Watkins FM	Rbn	217	18	7,000									
DYERSBURG, TENN. Dyersburg Airport	(PROCEDURE CANCELED)													
GADSEN, ALA. Gadsden Airport	(PROCEDURE CANCELED)													
LOS ANGELES, CALIF. Los Angeles Intn'l Airport 266 kc; LA; LOM	Riverside LFR	LOM	255	56	MEA	248 68	10 mi—2,000′ S side crs 15 mi—NA 20 mi—NA 25 mi—NA	1,500	6.04	109	R (R) S* A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,000′ on crs of 248° within 10 mi of LOM. *Runway 25 L and R. NOTE: LMM located 0.64 mi from approach end runway 25 L and R; freq. 278 kc, ident. AX.
	Los Angeles LFR	LOM	67	2	2,000									
	La Habra FM	LOM	252	19	3,000									
	Downey FM & Rbn	LOM	252	9	1,500									
MASSENA, N. Y. Richards Field	(PROCEDURE CANCELED)													
VALDOSTA, GA. Valdosta Airport	(PROCEDURE CANCELED)													

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-2437; Filed, Mar. 3, 1952; 8:45 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 27—IMPORTED PRODUCTS

AMENDMENT OF REGULATION SPECIFYING COUNTRIES FROM WHICH PRODUCT (MEAT, MEAT BYPRODUCT, AND MEAT FOOD PRODUCT) IS ELIGIBLE FOR IMPORTATION INTO THE UNITED STATES

Pursuant to the authority vested in the Secretary of Agriculture by section 306 of the Tariff Act of June 17, 1930 (19 U. S. C. 1306) and after public notice (17 F. R. 963) and due consideration of all relevant material presented pursuant thereto, § 27.2 (b) of the regulations in 9 CFR, Chapter I, Subchapter A, as amended, issued under said section, is hereby amended to read as follows, for the purpose of adding Honduras to the list of countries specified therein from which meat, meat byproduct, and meat food product may be imported into the United States as provided in said regulations:

(b) It has been determined by the Secretary of Agriculture that product from the following foreign countries, covered by foreign meat inspection certificates of the country of origin as required by § 27.6, except fresh, chilled, or frozen or other prohibited or restricted product from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease exists as listed in 9 CFR, Part 94, as amended, is eligible for importation into the United States after inspection and marking as required by this subchapter:

Argentina.	Luxembourg.
Australia.	Madagascar.
Belgium.	Mexico.
Brazil.	Netherlands.
Canada.	New Zealand.
Cuba.	Northern Ireland.
Czechoslovakia.	Norway.
Denmark.	Paraguay.
Dominican Republic.	Poland.
England and Wales.	Scotland.
Finland.	Spain.
France.	Sweden.
Honduras.	Switzerland.
Iceland.	Uruguay.
Ireland (Eire).	Venezuela.
Italy.	

Effective date. The foregoing amendment shall be effective on March 4, 1952.

Since the amendment relieves restrictions it may properly be made effective under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) less than 30 days after its publication in the FEDERAL REGISTER.

(Ch. 2907, 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

Done at Washington, D. C., this 28th day of February 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2493; Filed, Mar. 3, 1952; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5858]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RICHMOND GARMENT CO., INC., AND SOL ROSENBLOOM

Subpart—*Concealing or obliterating law required and informative marking:* § 3.525 *Wool products tags or identification.* Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin; Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition: Wool Products Labeling Act;* § 3.1900 *Source or origin; Wool Products Labeling Act.* I. In connection with the introduction into commerce or the offering for sale, sale, or distribution in commerce, of wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding such products, (1) by using the unqualified word "wool" to designate or describe the constituent fibers of any product, when such fibers are not in fact wool as defined in the Wool Products Labeling Act of 1939; (2) by failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; (d) the constituent fibers of interlinings of such wool products, separately set forth on said identifying marks or labels attached thereto; (e) the constituent fibers, with percentages thereof, of the linings of such wool products, separately set forth on such identifying marks or labels attached to such wool products, where such linings purport to contain wool, reused wool, or reprocessed wool; and, II, in connection with the purchase, offering for sale, sale, or distribution of "wool products" as defined in and subject to the Wool Products Labeling Act of 1939, and on the part of respondent corporation and its president, and their officers, etc.; causing or participating in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to any such "wool product" pursuant to the Wool Products Labeling Act of 1939, with intent to violate the provisions of said act, and which stamp, tag, label, or other means of identification purports to contain all or any part of the information required by said act; prohibited, subject to the provision, however, as respects the prohibitions of Part I of the order, that the provisions therein concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Richmond Garment Company, Inc., et al., Docket 5858, December 24, 1951]

In the Matter of Richmond Garment Company, Inc., a corporation, and Sol Rosenbloom, Individually and as an Officer of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission and respondents' answer in which they admitted all of the material allegations of fact in the complaint and waived all intervening procedure and further hearings as to such facts.

Thereafter the proceeding came on for final consideration by said examiner, theretofore duly designated by the Commission, upon the complaint and answer, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on December 24, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Richmond Garment Company, Inc., a corporation, and its officers, and Sol Rosenbloom, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939,

which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products:

1. By using the unqualified word "wool" to designate or describe the constituent fibers of any product, when such fibers are not in fact wool as defined in the Wool Products Labeling Act of 1939.

2. By failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool products, or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

(d) The constituent fibers of interlinings of such wool products, separately set forth on said identifying marks or labels attached thereto.

(e) The constituent fibers, with percentages thereof, of the linings of such wool products, separately set forth on such identifying marks or labels attached to such wool products, where such linings purport to contain wool, reused wool, or reprocessed wool.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That said respondents and their officers, representatives, agents and employees, as aforesaid, directly or through any corporate or other device, in connection with the purchase, offering for sale, sale, or distribution of "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from causing or participating in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to any such "wool product" pursuant to the Wool Products Labeling Act of 1939, with intent to violate the provisions of said act, and which stamp, tag, label, or other means of identification purports to contain all or any part of the information required by said act.

By "Decision of the Commission and order to file report of compliance," Docket 5858, December 21, 1951, which decreed fruition of said initial decision on December 24, 1951, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 21, 1951.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 52-2473; Filed, Mar. 3, 1952; 8:51 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter IV—Federal National Mortgage Association

PART 400—MORTGAGE PURCHASES, SERVICING AND SALES

MISCELLANEOUS AMENDMENTS

1. Section 400.108 is amended by striking all of said section and inserting a new section in lieu thereof to read as follows:

§ 400.108 *Application of gratuity.* The VA gratuity payment, or that portion thereof to which the mortgagor may be entitled after reduction or offset by reason of (a) prior VA guaranty of other loan or (b) any indebtedness of the mortgagor to VA, if received by seller prior to the delivery of the mortgage to FNMA, must be credited upon the loan in the manner required by VA regulations; if not received prior to the delivery of the mortgage to FNMA, seller must agree to remit the amount of the gratuity to FNMA promptly after receipt thereof.

2. Section 400.109 is amended by striking the last sentence, said section, as amended, to read as follows:

§ 400.109 *Closing costs.* The original principal amount of a guaranteed mortgage in connection with which the credit and security instruments are dated on or after March 1, 1950, may not exceed the purchase price or cost of the property computed without the inclusion of closing costs.

3. Section 400.150 is amended by striking the words and figures "or 803 of the NH Act" and adding "803, 903 or 908 of the NH Act," said section, as amended, to read as follows:

§ 400.150 *Insurance.* Any mortgage insured by the Federal Housing Commissioner (hereinafter called "FHA-insured mortgage") must have been insured pursuant to sections 8, 203, 213, 603, 803, 903, or 908 of the NH Act.

4. Section 400.151 is amended by striking "prior to September 1, 1951," said section, as amended, to read as follows:

§ 400.151 *Defense area housing.* Any mortgage that has been insured pursuant to section 207 or any "Individual Mortgage" that has been insured pursuant to section 611 of the NH Act is also eligible for purchase by FNMA if such mortgage relates to housing programmed by the Housing and Home Finance Agency in a critical defense housing area, and if it otherwise meets the requirements contained in this part.

5. Section 400.170 is amended by striking all of said section and inserting a new section in lieu thereof to read as follows:

§ 400.170 *Maximum loan.* The original principal obligation of any mortgage must not have exceeded $10,000 for each single-family dwelling unit covered thereby. To meet this eligibility requirement, the amount of the original principal obligation of any mortgage covering more than one single-family dwelling unit, divided by the total number of single-family dwelling units covered thereby, must not exceed $10,000; except that if any such mortgage provides that individual parcels may be released from the lien thereof upon the payment of specified or determinable amounts, the original release price applicable to any such parcel must not have exceeded $10,000 for each single-family dwelling unit thereon.

6. Section 400.171 is amended by striking "section 8 and section 203" and adding "sections 8, 203 and 903," said section, as amended, to read as follows:

§ 400.171 *Interest.* Mortgages offered to FNMA for purchase must bear interest at not less than the following rates: FHA-insured sections 8, 203, and 903 mortgages, 4¼ percent per annum; all other mortgages, 4 percent per annum. Interest accruing to the day which precedes by one regular installment period the due date of the first full installment of principal and interest, shall have been paid by or for the account of the mortgagor.

7. Section 400.190 is amended by striking all of said section and inserting a new section in lieu thereof to read as follows:

§ 400.190 *VA-guaranteed mortgages.* In order to be eligible to sell any VA-guaranteed mortgage to FNMA, a lender must be acceptable to FNMA and must be within any of the three following classifications:

(a) Any lender that is classified by VA as a "supervised lender" under section 500 (d) of the SR Act, including any National bank, State bank, private bank, building and loan association, insurance company, credit union or mortgage and loan company, which is subject to examination and supervision by an Agency of the United States or of any State or Territory, including the District of Columbia.

(b) Any lender that is an FHA-approved mortgagee, as defined in § 400.191.

(c) Any other lender that is adequately equipped to service mortgages

and has a net worth of not less than $50,000. (Any lender that applies to FNMA for designation as an eligible seller under this classification should transmit with its application a detailed description of its servicing facilities, together with a recent financial statement.)

8. Section 400.191 is amended by striking all of said section and inserting a new section in lieu thereof to read as follows:

§ 400.191 *FHA-insured mortgages.* In order to be eligible to sell any FHA-insured mortgage to FNMA, a lender must be an FHA-approved mortgagee acceptable to FNMA. The term "FHA-approved mortgagee," as used in this section, means an institution, agency, or organization that has been approved by FHA as the holder of, and the original lender upon, a mortgage insured pursuant to the provisions of Title II, Title VI, Title VIII, section 8 of Title I, or Title IX of the NH Act. Such term does not include a mortgagee that has been approved on the basis of being a duly authorized loan correspondent of an approved mortgagee that has qualified with FHA to originate loans under the NH Act.

9. Section 400.200 is amended by striking "608 and 803" and adding "213 (project mortgages), 608, 803, and 908," said section, as amended, to read as follows:

§ 400.200 *Mortgage servicing.* Sellers are required to service all VA-guaranteed and FHA-insured mortgages purchased by FNMA, except FHA-insured section 207, 213 (project mortgages), 608, 803, and 908 loans (which are serviced by FNMA), but the seller is not required to foreclose or bear any part of foreclosure expenses. The compensation paid to servicers for the performance of their servicing duties is as set forth in the purchasing and servicing agreement. Purchasing and servicing agreements are cancellable in whole or in part upon thirty days' written notice at the option of FNMA.

(Sec. 301, 48 Stat. 1252, as amended; 12 U. S. C. 1716)

J. S. BAUGHMAN,
President,
Federal National Mortgage Association.

[F. R. Doc. 52-2471; Filed, Mar. 3, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 53, Revocation]

GCPR, SR 53—ADJUSTMENT OF CIGARETTE "LOSS-LEADER" PRICES COVERED BY ARKANSAS STATUTE

POSTPONEMENT OF EFFECTIVE DATE OF REVOCATION

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to the Revocation of Supplementary Regulation 53 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment postpones until April 1, 1952 the Revocation of Supplementary Regulation (SR) 53 to the General Ceiling Price Regulation.

On February 1, 1952 the Revocation of SR 53 was issued, to become effective March 1, 1952. During the past week, the Office of Price Stabilization has received several requests to reinstate SR 53, which applied to the ceiling prices of sellers of cigarettes in Arkansas, and to extend that regulation to cover the ceiling prices of sellers of cigarettes and other commodities in other States with similar statutes.

The Director has not had the opportunity to consider fully the arguments advanced in favor of the requests to reinstate and extend SR 53. To permit complete examination of this matter, this amendment postpones until April 1, 1952 the revocation of SR 53. If it is decided not to reinstate SR 53, the revocation will become effective on April 1, 1952. On the other hand, if it is decided to reinstate and extend SR 53, an appropriate regulation will be issued on or before April 1 to become effective immediately thereafter.

AMENDATORY PROVISIONS

The last paragraph of the Revocation of Supplementary Regulation 53 to the General Ceiling Price Regulation is amended to read as follows:

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Supplementary Regulation 53 to the General Ceiling Price Regulation (16 F. R. 808) is hereby revoked effective April 1, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment shall become effective February 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2548; Filed, Feb. 29, 1952; 4:45 p. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 72]

GCPR, SR 72—SUSPENSIONS FOR SALES OF CERTAIN UNITED STATES GOVERNMENT PROPERTY

REPORTING PROVISIONS AND FURTHER EXTENSION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 72 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 2 to Supplementary Regulation 72 to the General Ceiling Price Regulation extends indefinitely the suspension from the General Ceiling Price Regulation of sales of certain Government property. It also states specifically the type of reports required and when they are to be filed, and makes certain minor clarifications.

In the statement of considerations accompanying Supplementary Regulation 72 at the time it was issued and in Amendment 1 issued December 29, 1951, it was stated that this Supplementary Regulation was issued in order to meet special problems surrounding the sale of certain United States Government property under the General Ceiling Price Regulation, that the Office of Price Stabilization was developing its program for sales of Government owned property, and that until such time as a more practicable method of establishing ceiling prices for sales now covered by the General Ceiling Price Regulation is provided, it was deemed necessary to suspend, temporarily, the provisions of that regulation with respect to certain sales.

Since then it has been brought to the attention of the Office of Price Stabilization by the Department of Defense, which agency disposes of the great bulk of surplus personal property presently being sold by the Government, that the amounts realized from such sales by any of the three military departments is less than 16 percent of the acquisition cost. It therefore appears that the issuance of a comprehensive regulation covering sales by Government agencies might well be deferred until such time as a need for this type of control has been demonstrated in this area. In support of this conclusion, OPS has been advised that the only items currently being sold in tight markets by disposal agencies are in the metal scrap category or in other categories presently covered by tailored price regulations, which, of course, this Supplementary Regulation does not affect. For these reasons it has been decided to extend the suspension indefinitely.

However, the Office of Price Stabilization does intend to perfect and complete its plans respecting sales of Government owned property, which plans will be ready for implementation whenever the need appears. This, of course, means that the Office of Price Stabilization must keep itself informed of all developments in this area and in particular must be alert to substantial price rises. Thus, the amended regulation provides for the filing with OPS of a report whenever the selling price of the commodity exceeds 40 percent of the acquisition cost, in the case of used commodities, or 60 percent of the acquisition cost, in the case of unused commodities. It also requires every Federal agency or instrumentality to file a quarterly report with OPS showing the total dollar sales during the quarter of commodities covered by this regulation, and the total acquisition cost of the commodities.

Before the issuance of this amendment, representatives from various Government agencies were consulted and

consideration was given to their recommendations.

AMENDATORY PROVISIONS

1. Section 1 of Supplementary Regulation 72 to the General Ceiling Price Regulation, as amended, is further amended by deleting the expiration date, by stating specifically the type of reports required and when they are to be filed, and by making certain minor clarifications of the section.

2. Section 1 of Supplementary Regulation 72, as amended, reads as follows:

SECTION 1. *Sales of certain United States Government property.* (a) The provisions of the General Ceiling Price Regulation shall not apply to the sale of certain Government property (as defined in section 2 (b) of this supplementary regulation) by any agency or instrumentality of the United States or by any of its contractors or subcontractors on behalf of and for the account of such agency or instrumentality, except that this suspension shall not apply to any sale of Government property unless the Government agency, instrumentality, contractor, or subcontractor notifies the purchaser in writing in advance of sale that the resale of such property is subject to any applicable ceiling price regulation.

(b) With respect to any sale covered by this supplementary regulation, the Government agency, instrumentality, contractor, or subcontractor shall not be required to comply with the record keeping provisions of the General Ceiling Price Regulation; however, when the selling price of the commodity exceeds 40 percent of the acquisition cost (as defined in section 2 (e) of this supplementary regulation), in the case of used commodities, or when the selling price of the commodity exceeds 60 percent of the acquisition cost, in the case of unused commodities, the Government agency, instrumentality, contractor, or subcontractor making the sale shall file one copy of the invoice or other document of sale with the Coordinator for Government Purchases and Sales, Office of Price Stabilization, Washington 25, D. C. within 5 days after making the sale and shall state on the copy (1) the acquisition cost, (2) the selling price, (3) the description (including unit of sale, nomenclature, condition, model, type, etc.), and (4) the quantity of the commodity being sold.

(c) Every agency or instrumentality of the United States making sales covered by this regulation shall, not later than 30 days following the expiration of each calendar quarter, commencing with the quarter ending March 31, 1952, file with the Coordinator for Government Purchases and Sales, Office of Price Stabilization, Washington 25, D. C., a report showing (1) its total dollar sales (including sales by its contractors and subcontractors on behalf of and for the account of such agency or instrumentality) of commodities covered by this supplementary regulation, and (2) the total acquisition cost of such commodities, for that quarter.

3. Section 2 of Supplementary Regulation 72 to the General Ceiling Price Regulation is amended by adding at the end thereof paragraph (e), reading as follows:

(e) "Acquisition cost" means the recorded acquisition cost per unit, or, if this is unknown, the estimated original cost per unit excluding transportation and handling charges incurred after purchase.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 shall become effective February 29, 1952.

NOTE: The record keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2549; Filed, Feb. 29, 1952; 4:46 p. m.]

[Ceiling Price Regulation 4, Amdt. 3]

CPR 4—ANTHRACITE COAL DELIVERED FROM MINE OR PREPARATION PLANT

SPECIAL SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 4 is hereby issued.

STATEMENT OF CONSIDERATIONS

Anthracite producers, in many instances, perform special services for their customers, such as anti-freeze treatment, oil treatment, partitions for split cars, bagging, and loading from pockets for which they make charges in varying amounts.

Under the provisions of section 8 of CPR 4 producers may add to the applicable ceiling prices charges for such special services. However, such charges shall not exceed the charges made for the same service in January 1951 (or if no such charge was made in January 1951, the nearest month prior thereto). This provision, therefore, does not permit producers performing such services to charge for them if during or prior to January 1951, they did not perform such services.

Amendment 2 to CPR 4 requires producers subject to CPR 4 who have added or do add to applicable ceiling prices for anthracite or briquets a charge for any special service or pocket charge, to file such charges with the OPS, Solid Fuels Branch. Sixty-five companies representing 87 percent of the industry's total production for the first six months of 1951 have filed such reports. Generally the charges made are below the actual cost of rendering service.

This amendment permits producers of anthracite coal and anthracite briquets to add to the applicable ceiling prices charges for special services which are not offered during the period specified in section 8 (a) of the present regulation. However, such charges shall be made only after approval by the Director of the Office of Price Stabilization, upon a showing that they are in-line with charges for special services made during the base period.

In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In formulating this amendment the Director has consulted with industry representatives, including trade association representatives, to the extent practicable under the circumstances, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 4 is amended in the following respect:

Section 8 is amended by adding a new paragraph (c) to read as follows:

(c) (1) A producer who during the period referred to in paragraph (a) of this section did not perform the special services, including truck loading from pockets at the mines, and who is now equipped to perform such services, may file an application for permission to add to the applicable ceiling prices set forth in this part an additional charge for the performance of such services. The application must be filed in duplicate with the Office of Price Stabilization, Solid Fuels Branch, Washington 25, D. C., and shall include (i) the name and address of the producer reporting; (ii) the name, number or other designation of the mine or mines, plant or plants, or other facility or facilities at which the special services are to be performed; (iii) a full description of the special service and the equipment, material, or facilities to be used; and (iv) the charges requested for such special service.

(2) Where the application pertains to specially prepared sizes, the information submitted shall show in addition to the information required in subparagraph (1): (i) Size of the coal; (ii) use for which the coal is intended; (iii) special treatment given the coal; (iv) resultant increase in quality above the applicant's regular commercial preparation and above the quality standards of Appendix B of this regulation; and (v) additional costs incurred by reason of rendering this service.

(3) Applications pertaining to pocket charges shall show in addition to the information required in subparagraph (1) that: (i) The mine, preparation plant or ground storage facility involved is rail-connected and equipped to load trucks from pockets other than railroad car pockets, and to weigh anthracite on retail scales; (ii) the anthracite loaded in trucks meets the quality standards set forth in Appendix B of CPR 4, as amended; (iii) additional costs are incurred by reason of rendering this service; (iv) the anthracite loaded from pockets is for delivery entirely by truck without intervening rail shipment.

The application may be approved, in whole or in part, by the Director of Price Stabilization or by any official of the Office of Price Stabilization having au-

thority to act on such application if he finds that such charge is in line with the level of those allowed in paragraph (a) of this section for similar services. The Director may require any additional information that he deems necessary for proper determination of the application. No charge shall be made for such service or pocket charge until approved by the Director of Price Stabilization or an official of the OPS having authority to act on the application.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective March 8, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2590; Filed, Mar. 3, 1952; 11:18 a. m.]

[Ceiling Price Regulation 17, Supplementary Regulation 6]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM PRODUCTS, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS AND REFINERY GAS

SR 6—ADJUSTMENT OF CEILING PRICES IN UPPER NEW YORK STATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 6 to Ceiling Price Regulation 17 (16 F. R. 3033), is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 17 is applicable to the f. o. b. terminal ceiling prices of kerosene, distillate heating oils, Diesel fuels and gas enrichment oils along the upper Hudson River and the New York Barge Canal.

A large volume of these products regularly distributed in up-state New York is transported into the area by barges on the upper Hudson River and the New York State Barge Canal from the New York Harbor area. These inland waterways normally are closed to navigation in the winter season. Stocks of fuel oil transported in this manner are accumulated and stored in the summer for use during the following winter. Other methods of bringing products into the area include pipeline, truck transport and to some extent tank car shipment. In one area a refinery supplies considerable volume. Despite this variation in transportation methods and costs, these products have generally been sold at a uniform price at each distribution point regardless of the method by which they were transported. Because of the substantial volume shipped into the area by barge, the level of prices customarily reflects the changes in barge transportation rates.

The upper Hudson River and the Barge Canal were closed in winter, as usual, in 1950–1951, including the base period of December 19, 1950 through January 25, 1951. When spring arrived, and navigation was reopened, contract carriers operating barges had no ceiling prices, as the general pricing provisions of the General Ceiling Price Regulation which used base period deliveries or offers as the basis for pricing could not apply.

Distributors of fuel oil for the 1951–1952 season signed contracts with barge operators, some before, some during, and some subsequent to the base period, and these contracts specified a variety of transportation rates which reflected the fluctuating charter market. These rates were generally higher than comparable rates for the preceding season.

In order to stabilize barge transportation costs the Office of Price Stabilization issued Supplementary Regulation 12 (and Amendment 1 thereto) to the General Ceiling Price Regulation which established ceilings for barge rates. However, in recognition of transportation contracts entered into prior to the general freeze date, the barge ceilings were set at levels higher than those in effect when dealers computed the prices for fuel oils which were being sold during the base period.

Ceiling Price Regulation 17 included in section 25 a provision allowing a pass through of post-base period transportation cost increases which are directly attributable to an increase in transportation rates permitted by the Office of Price Stabilization or a State or Federal Regulatory body.

The transportation cost increases over 1950 resulting from the barge rates established by OPS have thus resulted in higher ceiling prices except for those distributors whose barge contracts were signed prior to the end of the base period and those who receive their fuel oil by other modes of transportation. However, increases in rail rates authorized by the Interstate Commerce Commission have also been reflected in higher ceiling prices which vary by locality and from seller to seller.

This supplementary regulation implements the principle contained in section 25 of CPR 17 and restores the customary price relationships in each specific marketing area by spelling out uniform amounts of increase based upon the increases in barge rates. The increases in f. o. b. terminal ceiling prices for kerosene, No. 2 fuel oil and other distillates range from 0.1 cent to 0.4 cent per gallon.

In the preparation of this regulation, the director consulted with industry representatives, including representatives of trade associations, to the extent practicable and gave consideration to their recommendations.

Representatives of both major and independent oil companies throughout the affected area conferred with the New York Regional Office staff in regard to the pricing problems involved, and have submitted ecoonmic data to support their request for price action.

In the judgment of the Director of Price Stabilization the adjustment of ceiling prices permitted by this supplementary regulation is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.
2. Amount of adjustment.
3. Definitions.
4. Applicability of CPR 17 provisions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation is applicable to those sellers who are engaged in the distribution of kerosene, distillate heating oils, Diesel fuels and gas enrichment oils at stated terminal points and in those price areas where prices for these products are customarily based on the prices at the enumerated terminal points. The ceiling prices affected include both f. o. b. and delivered ceilings.

SEC. 2. *Amount of adjustment.* A seller of kerosene, distillate heating oils, Diesel fuels and gas enrichment oils, engaged in the distribution of such products at the terminal points enumerated below, or in price areas where prices for these products are customarily based on the prices at these enumerated terminal points, may add to his base period ceiling price the amount designated herein for the terminal point or price area.

Terminal points:	Cents per gallon
Binghamton, N. Y.	0.2
Johnson City, N. Y.	.2
Buffalo, N. Y.	.3
Willow Point, N. Y.	.2
Tonawanda, N. Y.	.3
North Tonawanda, N. Y.	.3
Kenmore, N. Y.	.3
Batavia, N. Y.	.4
Elmira, N. Y.	.2
Big Flats, N. Y.	.2
Watkins Glen, N. Y.	.2
Geneva, N. Y.	.2
Ithaca, N. Y.	.3
Cortland, N. Y.	.3
Olean, N. Y.	.3
Wellsville, N. Y.	.3
Rochester, N. Y.	.4
Pittsford, N. Y.	.4
Wayland, N. Y.	.4
Gates, N. Y.	.4
Chili, N. Y.	.4
Palmyra, N. Y.	.4
Waterloo, N. Y.	.4
Brockton, N. Y.	.4
Weedsport, N. Y.	.3
Clyde, N. Y.	.3
Syracuse, N. Y.	.3
Brewerton, N. Y.	.3
Baldwinsville, N. Y.	.3
Cold Springs, N. Y.	.3
Liverpool, N. Y.	.3
Three Rivers, N. Y.	.3
Amsterdam, N. Y.	.1
Fonda, N. Y.	.1
Fultonville, N. Y.	.1
Fort Plain, N. Y.	.2
Little Falls, N. Y.	.2
Fort Edward, N. Y.	.2
Fort Ann, N. Y.	.2
Dunham's Basin, N. Y.	.2
Northumberland, N. Y.	.2
Ogdensburg, N. Y.	.2

Terminal points:	Cents per gallon
Clayton, N. Y.	0.2
Plattsburg, N. Y.	.2
Rome, N. Y.	.2
Sackets Harbor, N. Y.	.2
Schenectady, N. Y.	None
Scotia, N. Y.	None
Cohoes, N. Y.	None
Utica, N. Y.	.2
Marcy, N. Y.	.2
Westport, N. Y.	.2
Whitehall, N. Y.	.2
Montcalm Landing, N. Y.	.2
Port Henry, N. Y.	.2
Crown Point, N. Y.	.2
Burlington, Vt.	.2
St. Albans, Vt.	.2

SEC. 3. *Definitions.* As used in this supplementary regulation: (a) "Price area" means that geographical area where the products covered by this supplementary regulation are customarily sold at prices which are based on a particular terminal point price, by virtue of the terminal point's position as the principal source of supply for these products.

(b) "Base period ceiling price" refers to the ceiling price of a seller under Ceiling Price Regulation 17 exclusive of such additions under Section 25 thereof as may have been applied by the seller because of increased transportation rates.

SEC. 4. *Applicability of CPR 17 provisions.* (a) Sellers covered by this supplementary regulation shall remain subject to all the provisions of Ceiling Price Regulation 17 except such provisions as are inconsistent herewith.

(b) Sellers covered by this supplementary regulation must maintain customary discounts and allowances based upon terms and conditions of sale.

Effective date. This supplementary regulation shall become effective March 8, 1952.

ELLIS ARNALL,
Director, Office of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2593; Filed, Mar. 3, 1952; 4:00 p. m.]

[Ceiling Price Regulation 22, Amdt. 5 to Supplementary Regulation 7, Correction]

CPR 22—MANUFACTURERS GENERAL CEILING PRICE REGULATION

SR 7—MODIFICATIONS AND ALTERNATIVE PROVISIONS FOR MANUFACTURERS OF CHEMICALS

CORRECTION

Due to an inadvertent clerical error the new section which was added by amendment 5 was designated section 8. It should have been designated as section 7. Accordingly in paragraph 2 of amendment 5, the references to section 8 are corrected to read section 7.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2591; Filed, Mar. 3, 1952; 11:18 a. m.]

[Ceiling Price Regulation 51, Amdt. 3]

CPR 51—FOOD PRODUCTS SOLD IN PUERTO RICO

DEFINITION OF SALTED CODFISH

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 51 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment redefines the term "Salted Codfish" in order to clarify its coverage. It is intended to make clear that all fish cured in salt in a semi-dry, dry, or hard dried state commonly known as "bacalao" is covered by the regulation regardless of the source of supply. Boneless fillets of codfish are not covered by the regulation and continue under Ceiling Price Regulation 9.

The clarification of the definition of the term "codfish" is necessary because some confusion has resulted as to its coverage. Some distributors have imported codfish from Norway at a higher cost on the belief that the only codfish covered by the regulation was from Labrador and Newfoundland. From the standpoint of enforcement, such distinction would be impracticable as codfish from Norway and other sources, although not identical, are similar to codfish from Labrador and Newfoundland.

Industry representatives, including trade association representatives, have been consulted to the extent practicable in the preparation of this amendment and their recommendations have been fully considered. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 2.1 (a) of Ceiling Price Regulation 51 is amended to read as follows:

(a) *Definition.* "Salted Codfish" means fish cured in salt in a semi-dry, dry, or hard dried state commonly known as "bacalao" such as pescada, pollock, saithe, hake, haddock, cusk and ling. This term does not include boneless fillets of codfish.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 51 is effective March 8, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2592; Filed, Mar. 3, 1952; 11:18 a. m.]

[Ceiling Price Regulation 98, Amdt. 1]

CPR 98—RESELLERS OF IRON AND STEEL PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 98, is hereby issued.

STATEMENT OF CONSIDERATIONS

This first amendment to Ceiling Price Regulation 98 revises and clarifies various provisions of the regulation in light of the experience gained from its operation since the effective date of December 16, 1951. All the sections of the regulation have been re-examined with the appropriate Industry Advisory Committees, and their recommendations, together with suggestions received from various segments of the industry and from the OPS field offices, have been carefully considered, and where justified, form the basis of the changes incorporated in this amendment.

Part II, covering new industrial steel products, in addition to being clarified in certain respects, has been amended to broaden the coverage of the provisions concerning imported industrial steel products, to simplify the method of calculating ceiling prices for new products, to provide a more workable method of determining ceiling prices for Cold Rolled Strip, to add a new product heretofore omitted, and to make minor adjustments in extras for certain products in Table C.

Section 14 has heretofore covered only the sales of imported industrial steel products in Tables A and B by a reseller who purchased such products from the importer and resold them after putting them through a warehousing operation. Resellers who purchased these imported products from this first warehouse reseller or from an importer who warehoused the product himself, were not subject to CPR 98 on their subsequent sales. To correct this situation which resulted in "daisy chain" sales of these industrial steel products, which are still in short supply, the coverage of CPR 98 has been enlarged to include sales by any person (except a holder of excess stock of imported steel products) who resells imported industrial steel products listed in Tables A and B which he has purchased from a warehouse reseller.

The provisions concerning Cold Rolled Strip have been revised to provide two methods of determining ceiling prices for this product depending upon whether the material was purchased as Strip from the producing mill, or was slit or sheared from Cold Rolled Sheet. Whenever Cold Rolled Strip is purchased from mill sources and is put through the warehousing operation, the ceiling price for such Strip will be determined in the same manner as for other products, using mill invoices as the basis of calculations. However, where Cold Rolled sheet is sheared or slit into Cold Rolled Strip, the ceiling price for the resulting Strip is calculated on the basis of the mill base prices for Strip specified in this regulation and the average incoming transportation cost factor which the reseller has determined for Cold Rolled Sheet. Anyone engaged in both types of operation will necessarily have two ceiling prices

for the same end product. This should cause no undue difficulty.

Cold Rolled and Hot Rolled Electrical (Silicon) Sheets, heretofore omitted, have been added to Table A.

In certain cases warehouse resellers have not received any invoices for a slow moving industrial steel product for several years, even though they may still have on hand an inventory of that product or have just received a new shipment in stock during the current month. To require such resellers to go back to their old invoices would force them to use as a price basis, mill prices which no longer reflect current price levels. To avoid such hardship in these isolated cases, no warehouse reseller is required to go further back in his records than January 1, 1951 in determining his invoices for the "last calendar month". Products for which current invoices are available will be priced in accordance with new provisions concerning "new products". Where no invoices have been received since January 1, 1951 the current mill base price (and extras where applicable) published by the producing mill which is determined to be the principal source of supply of the reseller's current inventory may be used in determining the ceiling warehouse price.

In line with this revision, provision has been made for a warehouse reseller who receives invoices for a new product during the current month, to use such invoices as they are received in determining his ceiling price, until such time as he is able to average them in accordance with the other provisions of the regulation.

The markup established by warehouse resellers situated on or east of the Mississippi prior to June 24, 1950 for tool steel bars and drill rod was slightly higher than that established in CPR 98. However, the markup for these products included the incoming transportation factor. Upon the recommendation of the Industry Advisory Committee for Industrial Steel Products, section 13 has been amended to reflect the higher markup existing prior to June 24, 1950 and to delete the incoming transportation cost factor.

An additional markup has been established for heavy gauge boiler and pressure tubes consistent with the practice prevailing in the industry on June 24, 1950.

For warehouse resellers who handle only secondary or rejected flat rolled products and therefore have no established dollars and cents markup for the prime product to use in calculating a ceiling price for the secondary material, an alternative pricing method has been established by this amendment.

Part III, covering Merchant Trade Wire and Tubular Products and Oil Country Tubular Goods is amended by increasing the jobber markup from 20 to 25 percent for wholesale sales of merchant wire and roofing products out of warehouse stock. The new markup more accurately reflects the over-all percentage markup which existed throughout the United States during the period May 24 to June 24, 1950.

Two major problems have arisen concerning the sale of reusable pipe and tubular products. Because of the serious shortage of pipe and tubular products, especially oil country tubular goods, the need for recovering and reconditioning used pipe and tubular products found in pipe lines, abandoned wells, etc., has become increasingly urgent. The experience of the past two months has shown that the ceiling price of 80 percent of the price of new prime pipe is not high enough to compensate for the high costs involved in the recovery of such pipe and has tended to hinder the flow of the unreconditioned item.

After consultation with other government agencies responsible for the supply and distribution of pipe and with the Industry Advisory Committees for both the prime and reusable products, the Director of Price Stabilization has determined that the ceiling price for the reconditioned reusable product should be 95 percent of the ceiling jobber price for the comparable prime product.

The other problem which has arisen is the difficulty confronting sellers of reusable pipe and tubular products who do not act as jobbers for the new prime product and have no mill invoices to use in determining a ceiling price. The situation has been remedied by setting up the same method of price determination for all sellers, regardless of whether or not they may have established a ceiling jobber price for the prime product, by having all sellers use the mill prices of certain well known major low cost producers. The same procedure has been followed for reusable industrial steel products to resolve the same difficulty encountered by resellers who do not warehouse the new prime product. Requiring all sellers to use the new pricing method, regardless of whether they have an established ceiling price for the new prime product, will also place all reconditioners on an equal basis insofar as they must compete with one another for the unreconditioned item.

Reusable boiler and other pressure tubes, including locomotive flues, have been separated from other reusable pipe and tubular products by this amendment because of the different problems involved and to enable the redrawer, who is a major consumer of such pipe in its unreconditioned state, to continue competing for the available supply. Because of the fact that most reusable boiler or pressure tubes after reconditioning are sold for re-use as service pipe or for structural purposes, the price for such reconditioned tubing is now based upon the ceiling jobber's price for the comparable prime pipe for which it is being substituted, namely seamless line pipe. Only the relatively small amount of reusable boiler tubing, which is, after reconditioning, capable of being used and sold for use as boiler or pressure tubing, is based upon the prime price of boiler tubing. The exemption for sales to reconditioners which previously existed for unreconditioned boiler tubing has been eliminated.

Structural pipe has been divided into two categories, new and reusable. Investigation has shown that mill prices for new pipe falling within the definition of structural pipe vary considerably and in most cases are higher than the $65.00 per net ton price previously established by section 32 for the reseller. To correct this situation, this amendment provides the reseller of new structural pipe with a ceiling price based upon 90 percent of the ceiling price for comparable prime pipe. This is in keeping with pricing method in effect on June 24, 1950 by the principal resellers of this product. Used structural pipe has been raised to $75.00 to correspond to the higher unreconditioned pipe price.

Prior to this amendment persons applying for the establishment of a ceiling price, pricing method or ceiling price for an extra were required to wait 30 days before selling the product at their proposed price. The language of section 40 has been amended to permit applicants to sell at their proposed price upon filing, provided they agree to refund the amount, if any, by which the proposed price exceeds the ceiling price established by OPS. In addition, the amended provisions section 40 (a) set forth in greater detail the circumstances under which a seller must apply under that section for the establishment of a ceiling price, pricing method or extra.

The definition of "customary incoming transportation factor" is intended to permit the use of an arbitrary barge, truck or rail transportation charge or combination thereof to represent the actual incoming barge, rail or trucking charges where it was the customary practice of such seller as of January 25, 1951 to use such a factor in determining his prices. The definition has been clarified by removing some apparently restrictive language in the original definition.

The definition of reusable industrial steel products contained in CPR 98 prior to this amendment was so broad that it covered certain fabricated structural members which were not intended to be priced under the provisions applicable to industrial steel products. The definition is now limited to reusable industrial steel products listed in Appendix A. In view of the express coverage of this amended section, there appears to be no purpose gained in setting forth various products such as pipe, tanks, bale ties, etc. as products not coming within the coverage of section 31. The coverage language has been simplified accordingly.

The appendices have been revised to correspond to the classification of products used in the tables in the regulation.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the opinion of the Director the ceiling prices established by this amendment provide the resellers of iron and steel products with their customary percentage margins over costs of materials prevailing during the period May 24, 1950 to June 24, 1950.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations.

Every effort has been made to conform these amendments to existing business practices or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation and to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 98 is amended in the following respects:

1. Section 2 (b) (3) is amended to read as follows:

(3) Imported iron or steel products, except those industrial steel products listed in Tables A and B which are sold by persons covered in section 3 (a) (8) of this regulation.

2. Section 3 (a) (8) is amended to read as follows:

(8) Sales by a reseller of any imported industrial steel products listed in Tables A and B of this regulation which are either (i) purchased from an importer and resold out of warehouse stock, or (ii) purchased from a warehouse. This regulation does not cover sales of iron and steel products by importers, ceiling prices for which are established by Ceiling Price Regulation 31.

3. Section 5 (a) is amended by inserting the following paragraph directly before the last paragraph:

Wherever the regulation requires you to go back for the purpose of calculating your average material cost factor to the last calendar month for which your written records show invoices having been received by you, you need not go back prior to January 1, 1951. You may treat any product for which you have not received invoices during the preceding calendar month or during any prior calendar month subsequent to January 1, 1951 as a new product for purposes of this regulation. Where the product is included in Tables A or B and you have not received invoices for such product during the current month and are therefore unable to determine your ceiling price in accordance with the provisions of section 11 (g) or 12 (g), you may use the current mill base price (and extras where applicable) published by the producing mill which you determine to be the principal source of supply of your current inventory of the product. When you have received new invoices for the product you must then recalculate your ceiling price in accordance with the provisions of section 11 (g) or 12 (g).

4. The introductory statement to section 11 is amended to read as follows:

SEC. 11. *Ceiling warehouse prices for industrial steel products in Table A.* If you are selling any product listed in Table A out of warehoused stock, you must determine your ceiling price in accordance with the provisions of this section. Where you are engaged in shearing or slitting Cold Rolled Sheet into Strip, you must determine your ceiling price for the resulting Cold Rolled Strip in accordance with the special provisions of paragraphs (d) (3) and (e) (4) of this section. For Cold Rolled Strip purchased in strip form from a producing mill, you must determine your ceiling price in the same manner as for other products in Table A. If your warehouse stock of Cold Rolled Strip contains both Strip resulting from slitting or shearing as well as Cold Rolled Strip purchased from a producing mill, you will be required to keep them separated and maintain two ceiling prices for the same product.

5. Section 11 (c) (2) is amended by inserting the following new product in Table A:

Product	Metropolitan area, New York	State of California	State of Texas	States of Oregon and Washington	All others
C. R. & H. R. electrical (silicon) sheets, all grades	Per-cent 56	Per-cent 56	Per-cent 56	Per-cent 56	Per-cent 56

6. Section 11(c)(3)(i) is amended by adding the following sentence: "However, where you are required to determine your monthly average material cost factor for Cold Rolled Strip resulting from a shearing or slitting operation in the manner set forth in paragraph (d) (3) of this section, you determine your dollar and cents markup by applying the established percentage markup in Table A to the current mill base price published by Kaiser Steel Corporation, Fontana, California."

7. Section 11 (d) (3) is amended to read as follows:

(3) *Cold Rolled Strip produced from sheet.* Where you are engaged in shearing or slitting Cold Rolled Sheet into Strip, you must determine your monthly average material cost factor for the Cold Rolled Strip resulting from such operation in the following manner:

(i) If you are situated outside of the States of California, Oregon and Washington, you must use the current mill base price for Cold Rolled Strip published by the American Steel and Wire Division of U. S. Steel Company for its producing point nearest your warehouse location. Since this is not an average actual cost figure, you disregard your actual invoices.

(i) If you are situated within the States of California, Oregon and Washington you must use the current mill base price for Cold Rolled Strip published by Kaiser Steel Corporation, Fontana, California. Since this is not an average actual cost figure, you disregard your actual invoices.

8. Section 11 (e) (4) is amended to read as follows:

(4) *Cold Rolled Strip produced from sheet.* Where you are required to determine your monthly average material cost factor under paragraph (d) (3) of this section for Cold Rolled Strip resulting from shearing or slitting sheet, you must use as your monthly average incoming transportation cost factor for such strip, the monthly average incoming transportation cost factor you have determined for the Cold Rolled Sheet.

9. Section 11 is amended by adding the following paragraph (g):

(g) *New products.* If you have received invoices during the current calendar month for a new product for which your written records show no invoices having been received since January 1, 1951, you may use your current invoices as they are received, without averaging them, and the incoming transportation charges applicable to such invoices, in computing your ceiling warehouse base price for shipments of the product covered by each invoice during the period extending through the 15th of the following month. For shipments made on and after the 16th of the following month your ceiling warehouse base price must be computed by averaging your costs in the manner described in this section. If you propose to charge any applicable extras for such a product in accordance with paragraph (f) of this section which you did not have in effect on January 25, 1951, you must establish such extras in accordance with the provisions of section 40 (a) of this regulation.

10. Section 12 (d) (2) is amended to read as follows:

(2) For Alloy Bars and Plates you average the mill base prices, exclusive of all extras, on all invoices received by you during the preceding calendar month, or the last calendar month for which your written records show invoices having been received by you for this product. You disregard the invoice date, or actual shipping and receiving dates of the material. To this average mill base price you add the average mill standard grade (chemistry) extra for each grade determined from the invoices used in determining your average mill base price. The sum of the two is your monthly average material cost factor for each grade.

11. Section 12 (d) (3) is amended to read as follows:

(3) For Tool Steel Sheets, Structural Tubing and Aircraft Sheets you average the mill net prices per size on all invoices received by you during the preceding calendar month, or the last calendar month for which your written records show invoices having been received for this product. You disregard the invoice date, or actual shipping and receiving dates of the material. The mill net price per size is the mill base price plus all mill extras for that size except freight and packing charges. To find the mill net price per size you divide the total dollar value exclusive of freight and packing shown on these invoices for

each size by the total weight of the item involved. This figure is your monthly average material cost factor.

12. Section 12 is amended by adding the following paragraph (g):

(g) *New products.* If you have received invoices during the current calendar month for a new product for which your written records show no invoices having been received since January 1, 1951, you must use the last mill invoice received by you for the product prior to each sale, and the incoming transportation charges applicable to this invoice, in computing your ceiling warehouse base price for shipments of the product during the period extending through the 15th of the following month. For shipments made on and after the 16th of the following month your ceiling warehouse base price must be computed by averaging your costs in the manner described in this section. If you propose to charge any applicable extras for such a product, in accordance with the provisions of paragraph (f) of this section which you did not have in effect on January 25, 1951, you must establish such extras in accordance with the provisions of section 40 (a) of this regulation.

13. Section 13 (a) (1) is amended by deleting the term f. o. b. in the first sentence so that it reads as follows:

(1) If you are selling any product listed in Table C out of warehoused stock, you must determine your ceiling price in accordance with the provisions of this section.

14. Section 13 (a) (2) is amended to read as follows:

(2) (i) In calculating your ceiling price for each product in accordance with the provision of this section, you may use only the invoices received from your principal mill source of supply during the preceding calendar month. Correspondingly, whenever mill extras and differentials are used, they must be the mill extras, or differentials of your principal mill source of supply. The ceiling price for any product thus determined in accordance with applicable provisions set forth in this section becomes your ceiling price for all shipments from the 16th of the month to the 15th of the following month regardless of the actual source of supply. Your ceiling warehouse price for any product must be recalculated each month in accordance with the provisions of this section.

(ii) If you have received invoices during the current calendar month for a new product for which your written records show no invoices having been received since January 1, 1951, you must use the last mill invoice received by you for the product prior to each sale, the transportation charges applicable to this invoice, and the applicable extras or differentials of the mill from whom the invoice was received, in determining your ceiling warehouse prices for shipments of the new product during a period extending through the 15th of the following month. For shipments made on and after the 16th of the following month, you must determine your principal mill source of supply in the manner set forth in subdivision (i) of this subparagraph.

15. Section 13 (b) (2) (i) is amended to read as follows:

(i) *Boxing charges.* Warehouses situated in California may include the following boxing extras for cold finished stainless bars instead of the current mill extra.

$1.00 per 100 pounds.

For quantities of less than 200 pounds an additional flat charge of $3.50 may be included in your ceiling price.

16. Section 13 (b) (2) (ii) is amended to read as follows:

(ii) *Crating charges.* Instead of the current mill extra for crating you may include a charge not in excess of $2.00 per 100 pounds. You may not include any additional warehouse charge for crating, except that warehouses situated in California may make a net charge of $5.00 for crating of sheets on orders for quantities under 200 pounds in lieu of the charge of $2.00 per 100 pounds.

17. Section 13 (b) (2) (iii) is amended to read as follows:

(iii) *Cutting charges.* You may include an amount not in excess of the warehouse cutting extra you had in effect on January 25, 1951, except that if on that date you charged the mill extra for length for Bars and the mill extras for length and width for Plates you may include an amount not in excess of the current mill extra for length for Bars and the current mill extras for length and width for Plates.

18. Section 13 (c) (2) is amended to read as follows:

(2) *Extras and deductions.* You may add only the current mill extras. You must deduct all current mill deductions.

19. Section 13 (d) (1) is amended to read as follows:

(1) *Quantity differentials.* (i) For standard gauge boiler and pressure tubes you may add an amount not in excess of the applicable published mill quantity extra, except the mill extra for quantities of 5,000 to 9,999 pounds may be used as your quantity extra for any amount in excess of 5,000 pounds per item when shipped out of warehoused stocks.

(ii) For heavy gauge boiler and pressure tubes in the following sizes and gauges only:

1"–2½" OD 11-gauge and heavier.
2½"–3" OD 10-gauge and heavier.
3¼"–3½" OD 9-gauge and heavier.
4"–4½" OD 8-gauge and heavier.
5"–5½" OD 7-gauge and heavier.
6"– – OD 5-gauge and heavier.
6¼"–6½" OD 9/32" and heavier.

You may add an amount not in excess of the following extras on shipments out of warehoused stock for each quantity bracket as established herein:

Quantity:	Percent
30,000 to 39,999 pounds or feet	35
20,000 to 29,999 pounds or feet	40
10,000 to 19,999 pounds or feet	50
5,000 to 9,999 pounds or feet	55
2,000 to 4,999 pounds or feet	65
Under 2,000 pounds or feet	80

20. Section 13 (f) is amended to read as follows:

(f) *Tool steel bars and drill rod.* You determine your ceiling warehouse price by adding the following markups to the current mill net price charged to consumers, f. o. b. point of production:

$3.50 per 100 pounds for warehouses situated on or east of the Mississippi River.
$5.50 per 100 pounds for warehouses situated west of the Mississippi River.

21. Section 14 is amended to read as follows:

SEC. 14. *Ceiling prices for imported industrial steel products listed in Tables A and B.* (a) Your ceiling price for any imported industrial steel product listed in Tables A or B, which is purchased from an importer and which is put through the warehousing operation is determined in the following manner:

(1) You find the actual cost of acquisition of the product;

(2) You add an amount determined by applying the applicable percentage markup for the same domestic product established in section 11 or 12 of this regulation, for the geographical area in which your warehouse is situated, to the lowest published mill base price at the producing point nearest to the location of your warehouse. For the products listed in Table B, the mill base price to which the percentage markup applies may be modified by the addition of the extras permitted by paragraph (d) of section 12.

(3) You may add only the published extras for services performed in the course of the warehousing operation which you had in effect on January 25, 1951. You must deduct the applicable published quantity discounts which you had in effect for the same items on January 25, 1951.

(4) You adjust the resulting sum in accordance with section 41.

(b) Your ceiling warehouse price for any imported industrial steel product listed in Tables A or B, which is purchased from another warehouse and which is put through the warehousing operation is the sum of the ceiling warehouse base price of the warehouse from whom you purchased the imported product plus your incoming transportation costs on that product, increased or decreased by the applicable extras and deductions (sections 11 (f) and 12 (f)) and adjusted in accordance with section 41 of this regulation.

(c) Your ceiling warehouse price for any imported industrial steel product listed in Tables A or B, which is purchased from a warehouse reseller (including an importer who puts such products through a warehousing operation) and which you resell without putting through the warehousing operation, is the same ceiling price for that product established by the warehouse from which you purchased, f. o. b. that warehouse.

22. Section 15 (g) (1) is amended to read as follows:

(1) The mill net price f. o. b. point of production for the respective gauge and grade classification (that is reject, waster or waste waster) of the product you are pricing. Cold Rolled Tin Mill Black

Sheet rejects 28 G and heavier shall be priced on the same basis as Cold Rolled Sheet rejects of the same gauge. In calculating the mill net price you may use only the invoices received from your principal mill source of supply during the preceding calendar month, or the last calendar month for which your written records show invoices having been received for that product.

23. Section 15 (g) (2) is amended to read as follows:

(2) (i) A dollars and cents markup equal in amount to the dollars and cents markup you have established in accordance with the provisions of section 11 or 12 for the prime grade classification of the same product. For Cold Rolled Tin Mill Black Sheet rejects 28 G and heavier you must use a markup equal in amount to the markup you have established for Cold Rolled Sheet rejects of the same gauge.

(ii) If you have not established a dollars and cents markup for the prime product under section 11 or 12, you determine your markup for the purposes of this sub-paragraph by using for your calculations under section 11 or 12, the current mill base price (and mill extras where applicable) for the prime product published by your principal mill source of supply of the secondary or rejected product. Your principal source of supply shall be determined from the invoices received by you during the preceding calendar month or the last calendar month in which your written records show invoices having been received by you. If the invoices you have received from mill sources during the current calendar month represent the only mill invoices received by you for the secondary or rejected product since January 1, 1951, you may consider the producing mill named in such invoices as your principal source of supply.

24. The first paragraph of section 20 is amended to read as follows:

SEC. 20. *Ceiling jobber prices for merchant wire and roofing and siding products.* If you are a jobber selling any merchant wire product (including standard wire nails, annealed merchant quality and galvanized merchant quality wire), tie wire for automatic balers, or any roofing or siding product as defined in paragraph (a), you must determine your ceiling price, f. o. b. point of shipment, in accordance with the provisions of this section, except as provided in paragraph (e), and adjust it in accordance with provisions of section 41 of this regulation. You do not determine your ceiling price under this regulation for any formed roofing or siding which you formed in your warehouse from sheet.

25. Section 20 (c) (1) (iv) is amended to read as follows:

(iv) You add an amount equal to 25 percent of the aggregate of (i), (ii), and (iii).

26. Section 20 (c) (2) (iv) is amended to read as follows:

(iv) You add an amount equal to 25 percent of the aggregate of (i), (ii), and (iii).

27. Section 30 is amended to read as follows:

SEC. 30. *Re-usable iron and steel pipe and oil country tubular goods*—(a) *Reconditioned quality re-usable iron and steel pipe and oil country tubular goods.* Your ceiling price (f. o. b. the point at which the material is loaded for shipment directly to your purchaser) for the sale of any re-usable iron and steel pipe or oil country tubular goods product as defined in this section which is (1) suitable without further reconditioning for any purpose for which the new prime quality product of the same type and standard is customarily used and (2) capable of conducting without leakage, liquids and gases at a pressure of at least 50 pounds per square inch, is 95 percent of the ceiling jobber or distributor price which would apply for the same or comparable (as determined in this paragraph) new prime quality product for delivery out of warehouse or field stock at the point of shipment. Whether or not you are a jobber or distributor of the new prime quality product you must determine the ceiling jobber or distributor prices, to which the 95 percent figure is to be applied, in the manner set forth in sections 21 and 22, using as the basis of your calculations the mill list prices (mill net prices in the case of oil country tubular goods) and discounts of the mill producers specified in the following subparagraphs, and the current minimum rail carload freight rate (including transportation taxes) from the nearest producing point of such producer to the rail station or siding nearest your point of shipment. In determining your ceiling price the size, wall thickness, type, kind and grade of the re-usable product must be unmistakably identified with the new product used in your pricing calculations.

(1) *Standard steel pipe and line pipe.* (i) For buttwelded standard steel pipe and line pipe in sizes 3 inch (3½ inch O. D.) and smaller and for seamless standard steel pipe and line pipe in sizes 2 inch (2⅜ inch O. D.) and larger, you must use as the basis of your calculations under section 21 the current mill list price and discount for the new prime quality product of the same size and wall thickness or weight per foot published by the National Tube Division of the U. S. Steel Company.

(ii) For lapwelded standard steel pipe and line pipe in sizes 2 inch (2⅜ inch O. D.) to 4 inch (4½ inch O. D.) inclusive, you must use as the basis of your calculations under section 21, the current mill list price and discount for the new prime quality product of the same size and wall thickness or weight per foot published by Jones and Laughlin Steel Corporation.

(iii) Electric Welded standard steel pipe and line pipe in sizes 2 inch (2⅜ inch O. D.) and larger must be calculated on the same basis as seamless pipe in the same size and wall thickness or weight per foot.

(iv) If clear and definite identification cannot be made of the product as buttwelded, lapwelded, electricwelded or seamless, the ceiling price shall be determined on the basis of the type which will result in the lowest ceiling price for the same size and wall thickness or weight per foot. For example if you are unable to identify clearly some 2 inch standard pipe, which is made in buttwelded, lapwelded and seamless types, you must apply the applicable ceiling price for the buttwelded product.

(2) *Wrought iron pipe.* For pipe clearly identifiable as wrought iron pipe, you must use as the basis of your calculations under section 21, the current mill list price and discount for the new prime quality product of the same size and wall thickness or weight per foot published by A. M. Byers Company.

(3) *Oil country tubular goods.* (i) For casing, as defined by the American Petroleum Institute specifications, you must use as the basis of your calculations under section 22, the current mill net price per 100 feet for the new prime quality product of the same or most comparable size, wall thickness or weight per foot, and grade, published by the National Tube Division of the U. S. Steel Company. All oil well casing shall be considered as seamless casing in the applicable grades H 40, J 55, or N 80, as defined by the American Petroleum Institute. Identification as to grade and foot weight may be determined by the stenciling on the casing, from records of well performance, or any other accurate determining method. If unmistakable identification as to grade cannot be made, the product must be priced on the basis of the lowest grade in which the particular size and wall thickness or foot weight is produced. If the reusable casing is of a size, grade and/or wall thickness no longer being produced, it must be priced on the basis of the same value per 100 pounds that would apply for the nearest size and wall thickness or weight per foot for grade H 40.

(ii) For oil well tubing unmistakably identifiable as seamless tubing in A. P. I. grades you must use as the basis of your calculations under section 22, the current mill net price per 100 feet of the new prime quality seamless product of the same size and wall thickness or weight per foot and A. P. I. grade, published by the National Tube Division of the U. S. Steel Company.

(iii) For lapwelded oil well tubing or oil well tubing that cannot be unmistakably identified as seamless tubing, you must use as the basis of your calculations under section 22, the current mill net price per 100 feet of the new prime quality lapwelded product of the same or most comparable size and wall thickness or weight per foot, published by the Jones and Laughlin Steel Corporation.

(4) *Seamless drill pipe.* (i) For seamless drill pipe (including plain or threaded ends, with or without couplings) without tool joints, you must use as the basis of your calculations under section 22 the current mill net price per 100 feet of the new prime quality seamless product of the same size, wall thickness or weight per foot and A. P. I. grade as published by the National Tube Division of the U. S. Steel Company.

(ii) For seamless drill pipe recovered with tool joints attached and reconditioned without the removal of the tool

joints, your ceiling price for the drill pipe assembly shall be determined by calculating the ceiling price for the pipe in accordance with (i) above and adding your ceiling price for the tool joints which you have established under the appropriate regulation.

(iii) For reusable drill pipe with tool joints forming an integral part thereof, you must use as the basis of your calculations under section 22, the current mill net price per 100 feet of the new prime quality seamless integral joint drill pipe as published by Jones and Laughlin Steel Corporation.

(5) *Drive pipe.* For drive pipe you must use as the basis of your calculations under section 22 the current mill net price per 100 feet for new prime quality drive pipe published by the National Tube Division of the U. S. Steel Company.

(b) *Unreconditioned iron and steel pipe and oil country tubular goods*—(1) *Sales to persons other than reconditioners.* Your ceiling price f. o. b. point of shipment for the sale of any unreconditioned pipe, except as provided in subparagraph (2) of this paragraph, is $75.00 per net ton. "Unreconditioned iron and steel pipe and oil country tubular goods" means any reusable iron and steel pipe, casing and tubing (except boiler or pressure tubes) included within the meaning of re-usable iron and steel pipe and oil country tubular goods which is capable of conducting without leakage, liquids and gases at a pressure of at least 50 pounds per square inch but which requires reconditioning before it is suitable for any purpose for which new pipe of prime quality of the same type and standard is customarily used. The term includes used pipe contained in pipe lines, oil wells or similar pipe assemblies whether or not it is sold in place.

(2) *Exemptions of sales to reconditioners.* Notwithstanding the provisions of any price regulation or order heretofore or hereafter issued by the Office of Price Stabilization, except an amendment to this regulation, all sales of unreconditioned iron and steel pipe to a reconditioner, as defined in this paragraph, are exempt from price control. A "Reconditioner" is a person who customarily purchases unreconditioned pipe, brings it into his stock either at a location regularly maintained and equipped for complete reconditioning of pipe, including but not limited to cleaning, cutting, straightening, threading and beveling, or at a place set up in the field equipped to fully perform such reconditioning, and who resells the pipe after such reconditioning.

(c) *Reusable iron and steel pipe and oil country tubular goods.* "Reusable iron and steel pipe and oil country tubular goods" means used iron and steel pipe, casing and tubing (except boiler or pressure tubes), with or without fittings, which is capable of conducting without leakage, liquids and gases at a pressure of at least 50 pounds per square inch. The term includes such pipe, whether black or galvanized, and whether plain end or threaded, or furnished with couplings. The term includes used pipe contained in pipe lines, oil wells, or similar pipe assemblies whether or not it is sold in place. Cast iron pipe or chrome-nickel stainless steel pipe are not included.

28. Section 31 is amended to read as follows:

SEC. 31. *Ceiling prices for re-usable industrial steel products.*—(a) *Reconditioned quality industrial steel products.* Your ceiling price (f. o. b. the point at which the material is loaded for shipment directly to your purchaser) for any re-usable industrial steel products listed in Appendix A (except boiler or pressure tubes), which has been reconditioned for re-use or which is suitable for re-use without further reconditioning, is 80 percent of the ceiling warehouse price of the same new prime quality product at your shipping point. Whether or not you are a warehouse reseller of the new prime quality product, you must determine the ceiling warehouse price for the purposes of this Section, to which the 80 percent figure is to be applied, in the manner set forth in sections 11, 12 and 13, using in lieu of invoices as the basis of your calculations under those sections the current published mill base prices, extras and differentials of the mill producers specified in the following subparagraphs, and the current minimum rail carload freight rate (including transportation taxes) from the nearest producing point of such producer to the rail station or siding nearest your point of shipment.

(1) For all industrial steel products, except those listed in subparagraph (2), you must use the nearest producing mill of the appropriate division of the United States Steel Company for the purposes of your calculations. However, if you are situated in the State of California, you must consider for the purposes of your calculations the Kaiser Steel Company, Fontana, California, as the producer of those products in Table A which have a "W" appearing in the percentage mark-up column.

(2) Whether or not you are situated in California, you must use for the purposes of your calculations the nearest producing mill of the specified producer for each industrial steel product listed in this subparagraph.

(FROM TABLE A)	
Junior channels	Jones & Laughlin Steel Corp.
Junior beams	Jones & Laughlin Steel Corp.
C. F. carbon bars	Republic Steel Corp.
(FROM TABLE B)	
Electric coated and other related zinc-coated sheets	Republic Steel Corp.
Alloy bars, C. F	Republic Steel Corp.
Tool steel sheets	Crucible Steel Co.
Structural tubing (hot rolled, butt welded)	Youngstown Sheet & Tube Co.
Aircraft sheets	Republic Steel Corp.
(FROM TABLE C)	
Tool steel bars and drill rod	Crucible Steel Co.

(b) *Unreconditioned industrial steel products.* Your ceiling price (f. o. b. shipping point to your purchaser) for any re-usable industrial steel product listed in Appendix A, (except for boiler or pressure tubes), which requires reconditioning such as cutting, straightening, flattening or cleaning, etc., before it is suitable for re-use, is 60 percent of the ceiling warehouse price of the same prime quality product at your shipping point. Whether or not you are a warehouse reseller of the new prime quality product you must determine the ceiling warehouse price for the purposes of this section, to which the 60 percent figure is to be applied, in the same manner as set forth in paragraph (a) of this section.

(c) *Fabrication.* You may not charge for cutting material to lengths. Any punching, drilling, welding, bending or cutting to diameter or pattern is fabrication and fabricated structural steel shapes, plates and bars are not covered by this regulation. This regulation does not cover the service of processing re-usable steel products owned by others.

29. Section 32 is amended to read as follows:

SEC. 32. *Structural pipe?*—(a) *New structural pipe.* Your ceiling resale price for any new pipe or tubular product which the producing mill has determined as being not capable of withstanding, without leakage, liquids and gases at a minimum pressure of 50 pounds per square inch but which is suitable for structural purposes or for redrawing is 90 percent of the ceiling jobber warehouse price (determined in accordance with sections 21 (b) or 22 (b)) for prime pipe of the same size, finish and specifications as those for which this pipe would have qualified, were it not for the defects which restrict its use. In determining the jobber price to which the 90 percent figure is to be applied you must use the mill list prices and discounts for the new prime product currently published by the mill producer of your structural product.

(b) *Used structural pipe.* Your ceiling price, except as provided for in section 30 (b) (2), for any used pipe or tubular product (except boiler or pressure tubes) which is not capable of withstanding, without leakage, liquids and gases at a minimum pressure of 50 pounds per square inch, but which is suitable for structural purposes or for redrawing, is $75.00 per net ton, f. o. b. point of shipment.

30. The following new section 34 is added to Part IV.

SEC. 34. *Used boiler and pressure tubes (including locomotive flues)*—(a) *Reconditioned quality re-usable boiler and pressure tubes.* (1) Your ceiling price (f. o. b. the point at which the material is loaded for direct shipment to your purchaser) for the sale of any re-

usable boiler and pressure tubes (including locomotive flues) which are suitable for any purpose for which prime quality boiler and pressure tubes are customarily produced and used and which are sold for use for such purposes is 80 percent of the ceiling warehouse price for the new prime quality product in the same size and gauge. Whether or not you are a warehouse reseller of the prime quality product, you must determine the ceiling warehouse price for the tubing, to which the 80 percent figure is to be applied, in the manner set forth in section 13 (d), using as the basis of your calculations the current mill base price and mill differentials and extras published by the Babcock and Wilcox Tube Company and the current minimum rail carload freight rate (including transportation taxes) from their nearest producing point to the rail station or siding nearest your point of shipment.

(2) Your ceiling price (f. o. b. the point at which the material is loaded for direct shipment to your purchaser), for the sales of any re-usable boiler and pressure tubes, (including locomotive flues) which although not qualifying for use under subparagraph (1) of this paragraph are (i) suitable without further reconditioning for any purpose for which new standard line pipe is customarily used and (ii) capable of conducting, without leakage, liquids and gases at a pressure of at least 50 pounds per square inch is 80 percent of the jobber warehouse price per 100 feet that would apply for seamless line pipe of the most comparable size and wall thickness. Whether or not you are a jobber or distributor of the new prime quality product you must determine the ceiling jobber price, to which the 80 percent figure is to be applied, in the manner set forth in section 21, using as the basis of your calculations the current mill list price and discounts for new prime quality plain and seamless line pipe published by the National Tube Division of the United States Steel Company, and the current minimum rail carload freight rate (including transportation taxes) from their nearest producing point to the rail station or siding nearest your point of shipment. To determine the seamless pipe of the most comparable size and wall thickness, you must first find the nearest comparable size of seamless line pipe and then find the most comparable wall thickness in that size of seamless line pipe. Determination of the nearest comparable size shall be based on the outside diameter of both the boiler and pressure tube and the seamless line pipe. For example, the nearest comparable size of line pipe to 2½ O. D. boiler tube is 2 inch nominal diameter (2⅜ O. D.) line pipe and for 3 inch O. D. boiler tube the nearest comparable size of line pipe is 2½ inch nominal diameter (2⅞ inch O. D.) line pipe. You find the nearest comparable wall thickness by taking the average wall thickness of the boiler or pressure tube being priced and selecting the same or next lighter wall thickness of the seamless line pipe in the size which you found to be of the nearest comparable size. Where there is no lighter wall thickness in that size of seamless line pipe, you must use the lightest wall thickness in that size for which a price is published.

(b) *Unreconditioned boiler and pressure tubes (including locomotive flues).* Your ceiling price (f. o. b. the point at which the material is loaded for direct shipment to your purchaser) for any boiler or pressure tube which is either (i) capable of conducting, without leakage, liquids and gases at a pressure of at least 50 pounds per square inch but which requires reconditioning before it is suitable for any use for which new prime standard line pipe is customarily used or (ii) is incapable of withstanding without leakage, liquids and gases at 50 pounds per square inch, is $80.00 per net ton.

31. Section 40 (a) (1) is amended to read as follows:

(1) If, either because you were not in business on January 25, 1951, or because you were not selling the product as of that date, you have not established extras under the applicable provisions of the regulation necessary to determine your ceiling price, or if for any other reason you are unable to determine a ceiling price for any iron or steel product listed in section 2 (a) under any provision of this regulation, you must apply to the appropriate OPS Office for the establishment of a ceiling price or pricing method. The ceiling price or pricing method (the term shall include the use of proposed extras in determining your ceiling price) specifically authorized in writing by the Director of Price Stabilization will be in line with ceiling prices otherwise established by this regulation.

32. Subparagraph (3) of section 40 (a) is amended to read as follows:

(3) After receipt of your application, the Director may approve or disapprove the proposed ceiling price or pricing method, establish a different ceiling price or pricing method by order, or request further information. Pending any such action, you may sell the product covered by your application at your proposed ceiling price provided that you agree with the purchaser to refund the amount, if any, by which such price exceeds the ceiling price established by the Office of Price Stabilization. If, within thirty days after receipt of the required application by the Office of Price Stabilization, none of the actions listed above has been taken, your proposed ceiling price will be deemed to be established for all deliveries made between the date of filing your application and the date of any order issued by the Office of Price Stabilization disposing of your application.

33. Subparagraph (4) of section 40 (a) is deleted in its entirety.

34. Subparagraph (4) of section 40 (b) is amended to read as follows:

(4) After receipt of your application, the Director may approve or disapprove your proposed adjustment in your extra, establish a different extra by order, or request further information. Pending any such action, you may charge that proposed extra covered by your application provided that you agree with the purchaser to refund the amount, if any, by which such extra exceeds the ceiling extra established by the Office of Price Stabilization. If, within thirty days after receipt of the required report by the Office of Price Stabilization, none of the actions listed above has been taken, your proposed adjusted ceiling extra will be deemed to be established for all deliveries made between the date of filing your application and the date of any order issued by the Office of Price Stabilization disposing of your application.

35. Subparagraph (5) of section 40 (b) is deleted in its entirety.

36. Section 41 (c) is amended by adding the words "(or zones)" after the word "zone" in the third sentence.

37. Section 51 (c) is amended to read as follows:

(c) *Customary incoming transportation factor.* This term means your customary incoming transportation factor which you included in your warehouse resale price on January 25, 1951, to represent the cost of delivery from the producing mill to your warehouse. Where the factor was based upon a rail freight rate, it may be adjusted by an amount not exceeding the amount by which the current minimum carload rate of freight including transportation tax, exceeds the minimum carload rate of freight (plus 3 percent) used to determine your transportation factor on January 25, 1951. Where the factor was based upon a trucking rate, it may be adjusted by an amount not exceeding the amount by which the current minimum common carrier truckload rate including transportation tax exceeds the minimum common carrier truckload rate (plus 3 percent) used to determine your transportation factor on January 25, 1951.

38. Appendix A is amended to read as follows:

APPENDIX A—INDUSTRIAL IRON OR STEEL PRODUCTS

The industrial iron or steel products covered by this regulation are those listed below:

Standard structural shapes.
Junior channels.
Junior beams.
Wide flange beams.
H. R. carbon bars and bar shapes.
H. R. carbon plates.
Floor plates.
Abrasion resisting—all products.
H. R. carbon sheets.
H. R. carbon strip.
C. R. sheets.
Enameling sheets.
C. R. strip-low carbon.
High tensile low alloy—all products.
C. F. carbon bars.
Reinforcing bars unfabricated.
Tin plate, black plate and short ternes.
H. R. or C. R. electrical (silicon) sheets—all grades.
Galvanized sheets—hot dipped.
Galvannealed, electric coated sheets and other related zinc coated sheets.
Terne coated long sheets.
Alloy bars—H. R.
Alloy bars—C. F.
Alloy plates.
Tool steel sheets (approximately 1 percent carbon grade).
Structural tubing (hot rolled, butt welded).
"4130" aircraft sheets.

"1020 grade" aircraft sheets.
Stainless sheets.
Stainless bars and angles.
Stainless plates.
Stainless pipe and tubing.
Boiler tubes, seamless and welded.
Mechanical tubing, seamless and welded.
Tool steel bars and drill rod.

39. Appendix B is amended to read as follows:

APPENDIX B—MERCHANT TRADE IRON OR STEEL PRODUCTS

The merchant trade iron or steel products covered by this regulation are those Merchant Wire Products, including—
Wire nails, brads, and staples.
Barbed wire and twisted barb wire.
Twisted fence stays.
Farm field fence.
Poultry fence.
Ornamental lawn fence.
Diamond mesh fence.
Annealed and galvanized fence wire.
Merchant and stone wire.
Single loop bale ties.
Wire hoops.
Fence posts.
Tie wire for automatic balers.
Roofing and siding—galvanized or other.
Metallic coated or painted iron or steel sheets in rolls, or which have been corrugated or otherwise formed for use as overhead or side covering on buildings or other structures.
Iron and Steel Standard Pipe, including—
Line pipe, waterwell casing.
Large O. D. pipe.
Wrought iron pipe.
Oil country tubular goods, including—
Casing.
Tubing.
Drill pipe.
Drive pipe.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This amendment to Ceiling Price Regulation 98 shall become effective March 4, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2594; Filed, Mar. 3, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

[General Wage Regulation 8, Revised, Amdt. 2]

GWR 8—COST-OF-LIVING INCREASES

EXTENSION OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.; Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this Amendment 2 to General Wage Regulation No. 8, Revised, is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this amendment is to make clear that General Wage Regulation 8, Revised, will continue in full force and effect beyond March 1, 1952. The Economic Stabilization Administrator has approved this continuance of the policy.

REGULATORY PROVISIONS

1. General Wage Regulation 8, Revised, is hereby amended by deleting the words "through March 1, 1952" in the second sentence of the second paragraph of the Statement of Considerations. As amended herein the second paragraph of the Statement of Considerations of General Wage Regulation 8, Revised, reads as follows:

The Economic Stabilization Administrator has been consulted in the formulation of this regulation. The Economic Stabilization Administrator has approved the resolution upon which this regulation is based. Due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act of 1950, as amended.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Unanimously adopted by the Wage Stabilization Board February 26, 1952.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 52-2524; Filed, Feb. 29, 1952; 2:20 p. m.]

[General Wage Regulation No. 20]

GWR 20—ADJUSTMENTS FOR EMPLOYEES COMPENSATED IN WHOLE OR IN PART ON A COMMISSION BASIS

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong.); Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this General Wage Regulation No. 20 is hereby issued.

STATEMENT OF CONSIDERATIONS

A large number of employees are compensated in whole or in part on a commission basis. The application of General Wage Regulations 6 and 8 (Revised), to such employees raises a number of technical problems, and in order to meet these problems, the Board has adopted this General Wage Regulation 20. This regulation does not represent a new stabilization policy; it constitutes an adaptation of existing policy, as expressed in GWR 6 and 8 (Revised), to employees who are compensated in whole or in part on a commission basis.

In the formulation of this regulation, the Board has given due consideration to the reports submitted by a special Commission Earnings Panel, and to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended. This regulation has been approved by the Economic Stabilization Administrator.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Adjustments in fixed salary or base rate, or guarantees.
3. Adjustments in drawing accounts.
4. Adjustments in commission rates.
5. Adjustments in commission earnings of employees whose commission rate does not exceed two percent.
6. Adjustments in commission earnings of employees whose commission rate exceed two percent.
7. Adjustments in per unit rates.
8. Petitions.
9. Commission earnings of life insurance agents.
10. Record keeping requirements.
11. Changes in commission earnings due to operation of an existing commission rate structure.
12. Resolution No. 74.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; E. O. 10233, Apr. 21, 1951, 16 F. R. 3503.

SECTION 1. *Definitions.* As used in this regulation, the term—

(a) "Guarantee" means that feature of a compensation arrangement under which an employee is guaranteed a specified amount of money for a specified work period, which is offset against realized commission earnings but is paid even though it exceeds realized commission earnings.

(b) "Fixed salary or base rate" means that part of a compensation arrangement under which an employee regularly receives a specified amount of money for a definite work period, which specified amount is not offset against, but is supplemented by, earnings derived from a commission rate.

(c) "Drawing account" means that part of a compensation arrangement under which the employee receives a specified amount which is offset against the employee's realized commission earnings at specified time intervals.

(d) "Base pay period" means, for that portion of earnings derived from a fixed salary or base rate, or guarantee, the first regular payroll period ending on or after January 15, 1950. For that portion of earnings derived from a commission rate, "base pay period" means any one of the following:

(1) The first regular payroll period ending on or after January 15, 1950, or

(2) All payroll periods ending during the 6 months preceding and following January 1, 1950 (July 1, 1949–June 30, 1950, inclusive), or

(3) All payroll periods ending during the calendar year 1950.

The Wage Stabilization Board will entertain petitions for the use of base pay periods other than those listed above. Once a base pay period has been selected, it may not thereafter be changed without prior Wage Stabilization Board approval.

(e) "Base pay period commission earnings" means average earnings derived from commissions (excluding periodic side payments) during the base pay period.

(f) "Current commission earnings" means average earnings derived from commissions (excluding periodic side payments) in the appropriate employee unit for the 52 consecutive work weeks immediately preceding the date of the

proposed increase under section 6 of this regulation.

(g) "Appropriate employee unit" means such a unit as defined in GWR 6. However, an employee unit which includes employees compensated in whole or in part on a commission basis and which is otherwise "appropriate" under General Wage Regulations 6 and 8 (Revised), may be separated into two or more "appropriate employee units" in order to segregate employees whose compensation does not include commissions; those whose commissions are computed at a rate which does not exceed 2 percent; and those whose commissions are computed at a rate exceeding 2 percent. A unit once designated as "appropriate" for the purpose of this regulation may not thereafter be changed without prior approval of the Wage Stabilization Board.

(h) "Per unit rates" means that feature of a compensation arrangement based on the payment of a specified dollar-and-cents rate per unit sold or per unit of work performed in sales or delivery work. Adjustments in such compensation arrangements are to be made in accordance with the provisions of section 7 of this regulation.

(i) "Side payment" means a lump sum payment made at periodic intervals, in addition to payments in the form of fixed salary, base rate, guarantee, drawing account, or commissions.

SEC. 2. *Adjustments in fixed salary or base rate, or guarantees.* Increases in that portion of earnings of employees derived from a fixed salary or base rate, or guarantee, are permissible without prior approval of the Wage Stabilization Board in accordance with the provisions (including the provisions relating to offsets of general wage increases) of General Wage Regulations 6 and 8 (Revised).

Example. During the first regular payroll period ending on or after January 15, 1950, a group of employees received fixed salaries averaging $28 per week, plus a commission rate of 6 percent on sales. In February 1950, they received a general increase in fixed salary averaging $2 per week.

The fixed salary in this example may be adjusted under GWR 6 and 8 (Revised), through January 31, 1952, as follows:

1. $28 times 10 percent equals $2.80. (The 10 percent figure comes from GWR 6.)

2. Since a $2 increase was given since the end of the base pay period, it must be subtracted from (offset against) $2.80, leaving a maximum GWR 6 adjustment of 80 cents.

3. $30 (current earnings) plus 80 cents (the permissible adjustment under GWR 6) equals $30.80. The BLS Consumers Price Index (Old Series) has increased 4.6 percent between January 15, 1951, and December 15, 1951 (the latest available figure as of January 31, 1952). To compute the permissible adjustment under GWR 8 (Revised), multiply $30.80 by 4.6 percent, which equals $1.42.

4. 80 cents (the maximum remaining GWR 6 adjustment) plus $1.42 (the GWR 8 adjustment) equals $2.22, the maximum amount which may be given in this case under section 2 of this regulation.

SEC. 3. *Adjustments in drawing accounts.* Adjustments in drawing accounts, or drawing account cancellation periods, of employees compensated in whole or in part on a commission basis, including the establishment of new drawing accounts and cancellation periods, may be made without prior approval of the Wage Stabilization Board: *Provided,* That the new or changed drawing account does not exceed 70 percent of the average total earnings for the same group of employees during (1) the preceding calendar year, or (2) the period of 1950 which parallels the new cancellation period.

SEC. 4. *Adjustments in commission rates.* Increases in commission rates may not be made under this regulation without prior approval of the Wage Stabilization Board.

SEC. 5. *Adjustments in commission earnings of employees whose commission rate does not exceed two percent.* (a) An increase based upon that portion of earnings of employees derived from a commission rate which does not exceed 2 percent is permissible without prior approval of the Wage Stabilization Board in accordance with General Wage Regulations 6 and 8 (Revised). Such increases may be made in the form of a periodic side payment.

(b) For purposes of this section, the term "wage and salary levels," as used in GWR 6, and the term "wages and salaries," as used in GWR 8 (Revised), includes only commission earnings and is to be expressed as average commission earnings computed on the basis of a regularly scheduled weekly, biweekly, semimonthly or monthly pay period. For purposes of this section, the term "base pay period," as used in GWR 6, shall be the base pay period as defined in section 1 (d) of this regulation. General increases in the form of a side payment given since the end of the base pay period, unless offset under the provisions of section 2, shall be deducted from the GWR 6 adjustment permissible under this section. Any such general increases granted since January 25, 1951, unless offset under the preceding sentence, or unless offset under the provisions of section 2, shall be deducted from the GWR 8 adjustment permissible under this section. For purposes of this section, increases made under GWR 8 (Revised), are to be based upon 110 percent of average commission earnings during the base pay period (base pay period earnings plus 10 percent thereof). Such increases under GWR 8 (Revised), may not be made more frequently than every 6 months.

(c) Where a general increase in the form of a change in the commission rate has been granted since the end of the base pay period, adjustments under this section may not be made without prior approval of the Board.

(d) Adjustments in commission earnings for appropriate employee units which include both employees whose commission rate does not exceed 2 percent, and employees whose commission rate does exceed 2 percent, may be made only under the provisions of section 6 of this regulation, and may not be made under this section.

(e) Any increases made under this section may be added to a fixed salary or base rate in computing subsequent increases under section 2 of this regulation.

Example. A group of employees are paid a fixed salary or base rate of $30 per week plus a commission rate of 2 percent on sales. Under section 1 (d), the year ending June 30, 1950, was selected as the Base Pay Period for commission earnings. Average weekly commission earnings during that period were $30. As of January 31, 1952, the maximum amount that may be given under this section is $4.52, computed as follows:

1. $30 (base pay period commission earnings) times 10 percent equals $3, which is the GWR 6 adjustment.

2. 110 percent of base period commission earnings equals $33.

3. 4.6 percent times $33 equals $1.52. The latest available BLS Consumers Price Index (Old Series), dated December 15, 1951, was 4.6 percent above January 15, 1951.

4. $3 (the maximum GWR 6 adjustment) plus $1.52 (the GWR 8 adjustment) equals $4.52, the maximum increase that may be given under this section 5. This amount may be given as a side payment or added to the fixed salary or base rate.

SEC. 6. *Adjustments in commission earnings of employees whose commission rate exceeds 2 percent.* (a) Increases based upon that portion of earnings of employees derived from a commission rate which exceeds 2 percent may be made without prior Board approval in accordance with the following procedure:

(1) Step 1. Multiply base pay period commission earnings by 10 percent.

(2) Step 2. Add the figure derived in Step 1 to base pay period commission earnings.

(3) Step 3. Multiply the figure derived in Step 2 by the appropriate percentage increased under GWR 8 (Revised).

(4) Step 4. Add the figure derived in Step 1 to the figure derived in Step 3.

(5) Step 5. Add the figure derived in Step 4 to average base pay period commission earnings. The result represents base pay period commission earnings adjusted by the application of GWR 6 and 8 (Revised).

(6) Step 6. Subtract current commission earnings, as defined in section 1 (f), from base pay period commission earnings adjusted by the application of GWR 6 and 8 (Revised), (Step 5). The result is the amount of increase that may be granted, subject, however, to the following limitations:

(i) Such amount may not exceed the figure derived in Step 4, above.

(ii) Any general increases in the form of a periodic side payment granted between the end of the base pay period and January 25, 1951, up to 10 percent of base pay period commission earnings, must be subtracted from such amount, unless such increases have been offset under section 2 of this regulation.

(iii) Any general increases in the form of a periodic side payment granted since January 25, 1951 (including increases granted under this section), unless offset under section 2 of this regulation, must be subtracted from such amount.

(b) Where a general increase in the form of a change in the commission rate has been granted since the end of the base pay period, no adjustment may be made under this section without prior Board approval.

(c) Adjustments under this section may not be made more frequently than every 6 months.

(d) Any increase made under this section may not be added to a fixed salary or base rate in computing subsequent adjustments under section 2 of this regulation, but shall be made in the form of a periodic side payment.

Example. A group of employees are paid a straight commission of 5 percent on sales. Under section 1 (d), the year ending December 31, 1950, was selected as the base pay period, and, during such period, weekly commission earnings averaged $70 per employee. No general increases were given since the end of the base pay period. As of January 31, 1952, the maximum increase that may be given under this section is $10.54, computed as follows:

Step 1. $70 (base pay period commission earnings) times 10 percent equals $7.

Step 2. $7 plus $70 equals $77.

Step 3. $77 times 4.6 percent equals $3.54. The BLS Consumers Price Index (Old Series) increased 4.6 percent between January 15, 1951, and December 15, 1951, the latest available date as of January 31, 1952. This is the appropriate percentage increase under GWR 8 (Revised).

Step 4. $7 (the figure derived in Step 1) plus $3.54 (the figure derived in Step 3) equals $10.54.

Step 5. $10.54 plus $70 equals $80.54. This figure represents base pay period commission earnings adjusted by the application of GWR 6 and 8 (Revised).

Step 6. Current commission earnings, i. e., average weekly commission earnings per employee for the 52 weeks ending January 31, 1952, are $70. Subtracting $70 from $80.54 (Step 5) gives an amount of $10.54. Since this amount does not exceed the figure derived in Step 4, because current commission earnings have not risen above base pay period commission earnings, and since there are no general increases to be offset, the maximum periodic side payment that may be given under this section is $10.54 per employee.

SEC. 7. *Adjustments in per unit rates.* (a) Per unit rates as defined in section 1 (h) and fixed salaries, base rates or guarantees may be adjusted without prior approval of the Wage Stabilization Board in accordance with the provisions (including the provisions relating to offsets of general wage increases) of GWR 6 and 8 (Revised). Increases in per unit rates may be directly incorporated into the rate or may be made in the form of periodic side payments. (See WSB Resolution No. 71.)

(b) The base period of GWR 6 adjustments under this section shall be the first regular payroll period ending on or after January 15, 1950. The Board will entertain petitions for substitute base pay periods.

(c) Per unit rates for new or changed items shall be established in accordance with the employer's previously existing rate setting principles which maintain the established relationship between earnings and job content.

SEC. 8. *Petitions.* (a) The Board will entertain petitions for approval of changes in commission rates and for approval of adjustments in the method of compensation such as, for example, from a salary plus commission arrangement to a fixed salary arrangement, or vice versa. The Board will also entertain petitions for approval of adjustments in the amount of compensation which exceed the standards set forth above.

(b) This section provides an opportunity to parties, by petition, to show that the employees have contributed in whole or in part to increases in commission earnings by increased effort, skill or otherwise. In cases where the parties so demonstrate, the Board will give favorable consideration to an adjustment based upon the amount of such contribution. The parties will also be permitted to show that there are other factors which would make it fair and equitable to make adjustments which exceed the self-administering standards above.

SEC. 9. *Commission earnings of life insurance agents.* Notwithstanding the provisions of the previous sections of this regulation, adjustments in the compensation arrangements, e. g., the commission rate, of life insurance agents may be made only with prior approval of the Wage Stabilization Board. In acting upon such petitions, the Board will consider whether such adjustments have been previously approved by the appropriate state life insurance regulating agency in states where such approval is required. As an aid in the processing of such petitions, the Board will appoint a special tri-partite Advisory Committee.

SEC. 10. *Record keeping requirements.* The pertinent record keeping requirements contained in General Wage Regulations 6 and 8 (Revised), shall be applicable to adjustments made without prior Board approval under this regulation.

SEC. 11. *Changes in commission earnings due to operation of an existing commission rate structure.* This regulation places no limitations on changes in existing earnings derived from a commission rate which are due to the operation of an existing commission rate structure, e. g., increases in earnings caused by increases in sales volume.

SEC. 12. *Resolution No. 74.* Resolution No. 74, "Interim Policy, Commission Cases" is hereby rescinded.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Wage Stabilization Board February 13, 1952, by a vote of eight to four, labor members dissenting.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 52-2525; Filed, Feb. 29, 1952; 2:20 p. m.]

[General Wage Regulation No. 21]

GWR 21—PENSION PLANS AND PROFIT-SHARING PLANS OF A DEFERRED COMPENSATION TYPE

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong.); Executive Order 10161 (51 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this General Wage Regulation No. 21 is hereby issued.

STATEMENT OF CONSIDERATIONS

The Wage Stabilization Board has adopted this regulation to govern the establishment of new pension plans (section 2), and profit-sharing plans of a deferred-compensation type (section 3), and the amendment of existing plans. This regulation sets up a limited number of requirements which plans must meet, and it permits a wide area within which employers, or employers and unions, may determine for themselves the provisions of new or amended plans.

Parties desiring to establish or amend plans covered by this regulation are to file a report, on a prescribed form, with the Board. The report will be acknowledged, and, unless the parties are notified to the contrary within 30 days after the date of the acknowledgment letter, they may thereupon put the plan into effect as of the effective date provided for in the plan. Reports of plans which do not satisfy the requirements of this regulation, or which may appear, on preliminary review, to be unstabilizing shall be treated as petitions for Board approval and the parties notified accordingly. Such plans may not be put into effect unless and until the parties receive notification of Board approval.

The principal reasons which have impelled the Board to grant a large measure of discretion to parties wishing to establish new or amended plans are the following:

1. Plans covered by this regulation, unlike most other forms of compensation, generally constitute deferred and not immediate income to employees and, therefore, will not contribute materially to increased consumer purchasing power. Moreover, sections 2 and 3 of this regulation contain certain safeguards designed to insure that such plans are not used as a device for disbursing immediate income to employees.

2. The danger that these plans will result in inflationary additions to business costs is minimized by the widespread realization among employers and unions that such plans—because of their cost and because they involve long-term commitments—must be inaugurated or modified with great caution and only after careful planning, so that prudent judgment should operate as a particularly strong stabilizing influence in this field.

3. Existing plans are so varied that any attempt to establish detailed criteria in terms of benefits, costs, or a combination of these and other factors would tend to deprive parties of the freedom of choice which they should have in choosing a plan which is best adapted to their particular needs. In addition, because of the complexity and diversity of these plans, a number of serious technical difficulties arise in attempting to establish such detailed criteria.

Section 8 provides for Board review of this regulation in the light of experience hereunder. Should that experience indicate the need for changes in Board policy, such changes will be made in sufficient time to prevent impairment of the wage stabilization program.

In the formulation of this regulation, the Board has given due consideration to

the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended, and has obtained the approval of the Economic Stabilization Administrator.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. New or amended pension plans.
3. Profit-sharing plans of the deferred compensation type.
4. Extension of existing plans.
5. Reporting and waiting period provisions.
6. Approvability of pension plans under Internal Revenue Code.
7. Relationship to GWR 6.
8. Review of this regulation.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong. Interpret or apply Title IV, 64 Stat. 816, Pub. Law 96, 82nd Cong.; E. O. 10161, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10233, 16 F. R. 3503.

SECTION 1. *Definitions.* (a) The term "pension plan," as used in this regulation, means any plan financed in whole or in part by the employer, the primary purpose of which is to provide annuities to employees who retire by reason of age or permanent and total disability. This regulation shall not apply to any benefit provided in plans other than such age retirement or permanent and total disability benefits. It shall include, but shall not be limited to, a plan providing benefits by means of any of the following: a benefit insured through a stock, mutual, or cooperative insurance company; a self-insured or trusteed plan administered by the employer, the employees, their representatives, a third party or any combination thereof; or any combination of such plans.

(b) The term "parties," as used in this regulation, means an employer, or an employer and union, as the case may be.

SEC. 2. *New or amended pension plans.* Parties wishing to establish a new pension plan, or to amend an existing pension plan, may do so without prior Board approval, subject to the reporting and waiting-period provision of section 5 below, and provided that the plan meets the following requirements:

(a) The normal retirement age under the plan shall be at least age 65. The retirement benefit for an employee who retires prior to normal retirement age shall be:

(1) Reduced in an amount which takes account of the additional years of service the employee would have accrued had he remained in service until normal retirement age (except in the case of unit benefit plans whose formulas apply only with respect to service until the time of early retirement); and further

(2) Appropriately reduced actuarially unless the payment of the benefit is deferred until normal retirement age (except in the case of early retirement for permanent and total disability); and

(b) Benefits, except death benefits, shall be payable at least over the lifetime of the employee; and

(c) Any benefits for employees whose employment terminates prior to retirement, derived from employer contributions, shall not carry a cash surrender value to the employee and shall be deferred to the normal retirement date.

SEC. 3. *Profit-sharing plans of the deferred compensation type.* Parties may, subject to the reporting and waiting-period provision of section 5 below, put into effect new or amended profit-sharing plans, approved by the Bureau of Internal Revenue under pertinent regulations, which provide for the payment of benefits, derived from employer contributions, upon retirement for reasons of age or permanent and total disability, or upon severance, where (a) payments do not begin until at least 10 years after an employee's admission to the plan, and (b) such payments are payable over at least a 10-year period. No immediate benefit derived from employer contributions may be provided in the form of a lump sum cash or loan value except in the event of the employee's death.

SEC. 4. *Extension of existing plans.* Parties may, subject to the reporting and waiting-period provisions of section 5, below, extend an existing pension plan or profit-sharing plan of the deferred compensation type, without modification (a) to smaller employee units within the same plant or establishment, or (b) from a group of employees in one geographical unit of a multi-plant employer to a similar group of employees in another geographical unit of the same employer. Such extension may be made even though the plan does not satisfy the requirements stated in sections 2 or 3.

SEC. 5. *Reporting and waiting period provisions.* (a) The parties shall file details of the plan, on a prescribed form, directly with the Wage Stabilization Board, Washington 25, D. C., and they will be notified by letter that the report has been received.

(b) Unless the parties receive a further communication pertaining to such plan from the Board within 30 days from the date of the acknowledgment letter, they may put such plan into effect as of the effective date of the plan. However, final approval of the plan is conditioned upon compliance with the provisions of section 6 below.

(c) Reports of plans which do not satisfy the requirements of sections 2, 3, or 4, or which may appear, on preliminary review, to be unstabilizing, shall be treated as petitions for Board approval, and the parties notified accordingly. Such plans may not be put into effect unless and until the parties receive notification of Board approval.

SEC. 6. *Approvability of pension plans under Internal Revenue Code.* Any pension plan which meets all the other requirements of this regulation, although it may be put into effect, shall not be considered finally approved under this regulation unless and until approval is secured under the appropriate sections of the Internal Revenue Code.

SEC. 7. *Relationship to GWR 6.* Parties who have established or modified a plan of the type covered by this regulation under the provisions of GWR 6, subsequent to January 25, 1951, may petition the Board for the elimination of the cost of such plan from the amount chargeable against the permissible general wage increase under GWR 6, to the extent that such cost was so charged.

SEC. 8. *Review of this regulation.* This regulation will be reviewed by the Board in the light of experience hereunder.

Adopted unanimously by the Wage Stabilization Board, February 22, 1952.

NATHAN P. FEINSINGER,
Chairman.

[Resolution 85]

RES. 85—RESOLUTION ON PROCESSING OF CASES UNDER GENERAL WAGE REGULATION 21

Pending further instructions by the Board, the Executive Director shall process cases filed under General Wage Regulation 21 within the thirty-day waiting period provided in section 5 thereof.

Any case which does not meet the requirements of General Wage Regulation 21 or which raises a question as to whether the plan may be unstabilizing shall be referred to a Division of the Board. The Division shall be empowered to take final action, subject to the right of any member of the Division to refer the case to the full Board.

[F. R. Doc. 52-2526; Filed, Feb. 29, 1952; 2:20 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-38, as Amended March 3, 1952]

M-38—LEAD

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950 as amended. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order as amended has been rendered impracticable because the order affects a large number of different trades and industries.

This amended order affects NPA Order M-38, as last amended July 26, 1951, as follows:

1. Former sections 2 and 3 are consolidated into section 2.

2. Former sections 4 and 5 limiting the use of lead and prohibiting toll agreements are deleted.

3. The inventory limitation of paragraph (b) of section 3 is increased to permit a 60-day supply.

4. The record-keeping requirement of paragraph (f) of section 4 is changed from 2 years to 3 years.

In addition, there are minor editorial changes.

Sec.
1. What this order does.
2. Definitions.
3. Inventories.
4. Records and reports.
5. Request for adjustment or exception.
6. Communications.
7. Violations.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply

sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* This order sets forth limitations on inventories of lead and materials containing lead, other than ores and concentrates, and explains the conditions under which reports are required in connection with production, receipt, shipment, use, and inventories of lead and materials containing lead.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government;

(b) "Primary refiner" means any person who produces lead in refinery shapes mainly from lead ores and concentrates, or who has such lead produced for him on toll agreement;

(c) "Secondary refiner" means any person who produces lead in refinery shapes mainly from lead scrap;

(d) "Dealer" means any person who receives physical deliveries of pig lead, lead-base alloy, lead scrap, or lead products, and sells or holds same for resale without change in form.

(e) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

(f) "Pig lead" means and includes soft lead and antimonial lead in refinery shapes current in the trade.

(g) "Lead-base alloy" means any alloy containing 50 percent or more of lead metal by weight.

(h) "Lead scrap" means all materials or objects which are the waste or by-product of industrial fabrications or processes, or which have been discarded for obsolescence, failure, or other reason, and which contain lead commercially recoverable.

(i) "Lead products" means semiprocessed materials, finished parts, or subassemblies, which have been produced from pig lead or lead-base alloys.

SEC. 3. *Inventories.* (a) No person shall receive or accept delivery of a quantity of pig lead, lead-base alloy, or lead products, if his inventory of such material is, or by such receipt would become, more than the smallest quantity of such material which he reasonably requires to meet his deliveries or maintain his currently scheduled rate of operations during the next succeeding 60-calendar-day period.

(b) No dealer shall receive or accept delivery of any quantity of lead scrap, unless during the 60 calendar days immediately preceding the date of such acceptance he shall have made delivery or otherwise disposed of such scrap to an amount at least equal in weight to his inventory of scrap on the date of such acceptance, exclusive of the delivery to be accepted.

(c) A person may import, subject to the provisions of NPA Order M–76, any materials to which paragraphs (a) and (b) of this section apply acquired prior to landing without regard to the inventory restrictions of this section. However, if his inventory of such material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this section do apply to any deliveries of the imported materials he makes, and to the amount that any person accepting delivery from him is permitted to receive.

SEC. 4. *Records and reports.* (a) Any primary refiner who produces or ships 10 short tons or more of pig lead during any month, or who has 10 short tons or more of pig lead in his possession or under his control on any day of any month, shall complete and file Bureau of Mines report form 6–1075–M, in duplicate, on or before the 25th day of February 1951 with respect to January 1951, and on or before the 20th day of each month thereafter with respect to such transaction or possession during the preceding month.

(b) Any secondary refiner who produces or ships 10 short tons or more of pig lead during any month, or who has 10 short tons or more of pig lead in his possession or under his control on any day of any month shall complete and file Bureau of Mines report form 6–1116–M, in duplicate, on or before the 25th day of February 1951 with respect to January 1951, and on or before the 20th day of each month thereafter with respect to such transaction or possession during the preceding month.

(c) Any dealer who receives or ships 5 short tons or more of pig lead during any month, or who has 10 short tons or more of pig lead in his possession or under his control on any day of any month shall complete and file Bureau of Mines report form 6–1078–M, in duplicate, on or before the 25th day of February 1951 with respect to January 1951, and on or before the 20th day of each month thereafter with respect to such transactions or possession during the preceding month.

(d) Any person who puts into process 5 short tons or more of pig lead in any month, or who on any day of any month has in his possession or under his control 10 short tons or more of pig lead, shall complete and file Bureau of Mines report forms 6–1078–M, in duplicate, on or before the 25th day of February 1951 with respect to January 1951, and on or before the 20th day of each month thereafter with respect to such transactions or possession during the preceding month.

(e) All reports required by paragraphs (a), (b), (c), and (d) of this section shall be addressed to the Bureau of Mines, Washington 25, D. C., Ref: M–38.

(f) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alterations of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(g) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(h) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 5. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 6. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: M–38.

SEC. 7. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully furnishes false information or conceals a material fact in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries

of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect March 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-2596; Filed, Mar. 3, 1952; 11:35 a. m.]

[NPA Order M-91, Amdt. 1 of March 3, 1952]

M-91—SELENIUM

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment consultation with industry representatives has been impossible because of the need for immediate action.

NPA Order M-91, issued December 10, 1951, is amended in the following respects:

Section 5 is amended to read as follows:

SEC. 5. *Restrictions on delivery and use.* (a) Except as provided in sections 6, 7, and 8 of this order, no person, on and after March 3, 1952, shall accept delivery of any selenium in any calendar month except in accordance with an NPA directive or an allocation authorization issued by NPA on Form NPAF-146: *Provided, however,* That a producer may purchase selenium scrap for conversion to a merchantable grade of selenium.

(b) No person shall deliver any selenium if he knows or has reason to believe that the person to whom the delivery is to be made may not accept delivery of that quantity of selenium, or that he will use the selenium in violation of the provisions of this order. No person shall deliver selenium unless he has previously received from the person to whom delivery is to be made a certificate reading substantially as follows:

Certified under the provisions of
NPA Order M-91

Such certification shall be signed in accordance with the provisions of NPA Reg. 2, and shall constitute a representation to the supplier and to NPA that the person to whom delivery is to be made is authorized to accept such delivery under the provisions of this order.

(c) Application for an allocation authorization must be filed with NPA on Form NPAF-146 by the purchaser not later than the tenth day of the month preceding the month for which the allocation is sought. If the application is granted, NPA will issue an allocation authorization to the applicant in the form of an endorsement by NPA on Form NPAF-146. The copy returned to the applicant will show the amount of selenium by grade and type which he is authorized to use, and the use to which the allocated amount may be put.

(d) On and after February 1, 1952, no person shall use any selenium except in accordance with the provisions of an allocation authorization or an NPA directive.

(Sec. 704, 64 Stat, 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect March 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-2597; Filed, Mar. 3, 1952; 11:35 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 35—HOSPITAL AND STATION MANAGEMENT

DISPOSITION OF MONEY AND EFFECTS LEFT BY OTHER THAN DECEASED PATIENTS

Notice of proposed rule making and public rule making proceedings have been omitted in the issuance of the following amendment of § 35.9. Notice and rule making proceedings have been found to be unnecessary because the sole purpose of the amendment is to correct the title of the account into which funds left by other than deceased patients are deposited.

1. Section 35.9 is amended to read as follows:

§ 35.9 *Disposition of money and effects left by other than deceased patients.* Money and effects left on the premises by a patient shall be forwarded promptly to him. If because his whereabouts are unknown his money and effects cannot be delivered to him within 120 days after his departure, his money shall be deposited into the Treasury and credited to the account entitled "Money and Effects of Former Patients, (PHS (T) name of patient)," and his effects shall be held for him for six months and then sold at an auction, conducted in accordance with § 35.49, and the proceeds deposited into the Treasury and credited to the above account.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interprets or applies sec. 321, 58 Stat. 695, as amended; 42 U. S. C. 248)

2. The foregoing amendment shall be effective on publication in the FEDERAL REGISTER.

Dated: February 19, 1952.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: FEBRUARY 27, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-2476; Filed, Mar. 3, 1952; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 807]

CALIFORNIA

REVOKING IN PART PUBLIC LAND ORDER NO. 125

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 125 of May 20, 1943, withdrawing public lands for the use of the War Department as bombing target sites, is hereby revoked so far as it affects the following-described public lands:

SAN BERNARDINO MERIDIAN

T. 5 N., R. 1 W.,
Sec. 22, E½SW¼ and SE¼;
Sec. 26, W½ NW¼.
T. 5 N., R. 3 W.,
Sec. 12, NW¼NE¼ and SW¼.
T. 4 N., R. 6 E.,
Sec. 29.

The areas described aggregate 1,160 acres.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 125 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

The following-described lands shall not become subject to the initiation of any rights or to any disposition under the public-land laws, until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, San Francisco, California, opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a ninety-day preference right period for filing applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended:

T. 5 N., R. 3 W.,
Sec. 12, NW¼NW¼ and SW¼.
T. 4 N., R. 6 E.,
Sec. 29.

The remaining lands released from withdrawal are located on the Lucerne Dry Lake Bed and have no value for homestead, agriculture, or grazing developments. Such lands will not be subject to occupancy or disposition until they have been classified. It is unlikely that they will be classified as suitable for homestead, desert land, or small tract use.

This order shall not otherwise become effective to change the status of such remaining lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions

of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Los Angeles, California.

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 27, 1952.

[F. R. Doc. 52–2453; Filed, Mar. 3, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to Public Law 918 (81st Cong.), approved January 11, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.120–1 the following:

PUBLIC LAW 918, 81ST CONGRESS, APPROVED JANUARY 11, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 120 of the Internal Revenue Code (relating to unlimited deduction for charitable and other contributions) is hereby amended by striking out "in respect of preceding taxable years" and inserting in lieu thereof "in respect of such year or preceding taxable years."

SEC. 2. The amendment made by this act shall be applicable to taxable years beginning after December 31, 1942.

PAR. 2. Section 29.120–1, as amended by Treasury Decision 5855, approved September 13, 1951, is further amended to read as follows:

§ 29.120–1 *Unlimited deduction for charitable and other contributions.* (a) Under the circumstances specified in section 120, the 15 percent limitation imposed by section 23 (o) on the deduction for charitable and other contributions is not applicable.

(b) The following rules shall apply with respect to the taxes included in determining for any taxable year whether the amount of the gifts, contributions, and taxes referred to in section 120 exceeds 90 percent of the net income computed without the benefit of any deduction for gifts or contributions:

(1) In the case of a taxable year beginning before January 1, 1943, there shall be included income, war-profits, and excess-profits taxes paid during such taxable year in respect of preceding taxable years.

(2) In the case of a taxable year beginning after December 31, 1942, there shall be included, in addition to the income, war-profits, and excess-profits taxes paid during such taxable year in respect of preceding taxable years, the amount of income tax paid during such taxable year in respect of such taxable year. For example, there shall be included the amount paid as estimated tax during the taxable year, to the extent such amount does not exceed the tax for such taxable year.

(3) In the case of a taxable year beginning after December 31, 1950, the amount of income tax paid during the taxable year shall be determined without regard to any payment of tax imposed under subchapter E of chapter 1 of the Internal Revenue Code, which subchapter relates to the tax on self-employment income.

(c) In the case of a husband and wife making a joint return for any taxable year, the 15 percent limitation imposed by section 23 (o) on the deduction for charitable and other contributions shall not be applicable if in the taxable year and in each of the ten preceding taxable years the amount of the contributions or gifts described in section 23 (o) (or corresponding provisions of prior revenue acts) made by the husband and wife together during each such year plus the amount of the income, war-profits, or excess-profits taxes paid by the husband and wife together during each such year (determined under the rules of paragraph (b) of this section), exceeds 90 percent of the net income of the husband

and wife together for each such year, as computed without the benefit of any deduction for contributions or gifts.

[F. R. Doc. 52-2474; Filed, Mar. 3, 1952; 8:51 a. m.]

[26 CFR Part 130]

TAX ON TRANSPORTATION WHICH BEGINS AND ENDS IN THE UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 3472 and 3791 of the Internal Revenue Code (53 Stat. 423 and 467, 55 Stat. 722; 26 U. S. C. 3472, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 42 (1942 Edition) (26 CFR Part 130), to section 607 of the Revenue Act of 1950 (Pub. Law 814, 81st Cong., 2d Sess.), approved September 23, 1950, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 130.50 (26 CFR 130.5) the following:

SEC. 607. TRANSPORTATION WHICH BEGINS AND ENDS WITHIN THE UNITED STATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Transportation of persons.* (1) Amendment of section 3469 (a). So much of section 3469 (a) (relating to tax on transportation of persons) as precedes "10 per centum of the amount so paid" is hereby amended to read as follows:

(a) *Transportation.* There shall be imposed—

(1) Upon the amount paid within the United States for the transportation of persons by rail, motor vehicle, water, or air within or without the United States, and

(2) Upon the amount paid without the United States for the transportation of persons by rail, motor vehicle, water, or air which begins and ends in the United States, a tax equal to.

* * * *

(c) *Effective date.* The amendments made by this section shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act for transportation which begins on or after such first day.

PAR. 2. Section 130.51, as amended by Treasury Decision 5559, approved April 18, 1947 (26 CFR 130.51), is further amended as follows:

(A) By substituting the following new paragraphs for paragraphs (a) and (b) thereof:

(a) Section 3469 (a) imposes a tax upon payments of more than 35 cents (1) made within the United States on or after October 10, 1941, for the transportation of persons, on or after such date, by rail, motor vehicle, water, or air, and (2) made without the United States on or after November 1, 1950, for the transportation of persons on or after such date, by rail, motor vehicle, water, or air, where such transportation begins and ends in the United States.

(b) The taxability of a payment for transportation made within the United States is determined by whether the transportation service is furnished within or without the northern portion of the Western Hemisphere as provided in § 130.64.

(b-1) The taxability of a payment for transportation made without the United States is determined by whether the transportation service begins and ends within the United States. The tax applies to a payment made without the United States for transportation between two points in the United States, irrespective of whether all of the transportation is within the United States. The tax does not apply to a payment made without the United States for one-way or round trip transportation between a point within the United States and a point outside the United States.

(B) By changing the period at the end of paragraph (f) to a comma and adding the words: "except that, where the payment is made outside the United States for a prepaid order, exchange order, or similar order for transportation of persons which begins and ends within the United States, the tax is collectible by the person furnishing the initial transportation pursuant to such order."

PAR. 3. Section 130.53, as amended by Treasury Decision 5559, is further amended as follows:

(A) By substituting the following new paragraphs for paragraphs (f) and (g) thereof:

(f) *Prepaid orders, exchange orders, or similar orders.* The tax applies to the amount paid in the United States for a prepaid order, exchange order, or similar order for transportation whether within or without the United States. The tax also applies to the amount paid without the United States for a prepaid order, exchange order, or similar order for transportation which begins and ends in the United States. An additional amount paid in the United States in procuring transportation in connection with the use of a prepaid order, exchange order, or similar order, is likewise subject to tax, regardless of whether the original payment for the order is made within or without the United States. (See § 130.54 (b).)

(g) *Tickets.* The tax applies to an amount paid within or without the United States for a ticket for transportation which begins and ends in the United States regardless of where such ticket is issued. (See § 130.54 (b).)

(B) By striking out the words "in the United States" in the first sentence of paragraph (i) thereof.

(C) By revising paragraph (j) thereof to read as follows:

(j) *All-expense tours.* An amount paid for an all-expense tour is subject to tax with respect to that portion representing taxable transportation. (See § 130.54 (h).)

(D) By inserting the following new paragraphs immediately after paragraph (j) thereof:

(k) *Payments remitted to foreign countries by persons in the United States.* Payments for transportation tickets, prepaid orders, exchange orders, or similar orders are subject to the tax where the payment for such tickets or orders is accomplished by the purchaser either (1) by transmission from within the United States via telegraph or mail of cash, checks, postal or telegraphic money orders, and similar drafts to ticket offices or travel agencies, etc., located in any place without the United States, or (2) the delivery of the funds to an agency located in the United States for transmission to ticket offices, or travel agencies, etc., without the United States. Such payments are considered to be payments made within the United States.

(l) *Payments outside the United States.* The tax applies to a payment made outside the United States for transportation which begins and ends within the United States. For purposes of the preceding sentence, a payment made outside the United States for transportation between two or more points in the United States is a payment for transportation which begins and ends in the United States, even though additional transportation to or from a point outside the United States is involved in the entire journey, where at the time of making payment for the transportation between two or more points in the United States it is not definitely established that such transportation is purchased for use in making the journey from or to a point outside the United States, as required by and under the rules set forth in § 130.54 (b). In such case, the fact that the entire journey includes transportation from or to a point outside the United States is not in itself determinative of the liability for tax.

The following examples illustrate the application of this paragraph.

Example (1). W travels from Havana to New York by way of Miami. He purchases in Havana a steamship ticket for his transportation from Havana to Miami and an exchange order for air transportation from Miami to New York. The ticket for the connecting transportation from Havana to Miami, and the order for the transportation from Miami to New York were not appropriately inscribed by the agency or carrier which received the payment for the air transportation involved, at the time such payment was received, so as to clearly show that the ticket and order were purchased for use in conjunction with each other. Therefore, the agency or carrier which accepts the exchange order and issues the ticket for the transportation from Miami to New York is required to collect the tax which applied to the amount paid outside the United States for such transportation.

Example (2). X travels on a round trip from Montreal to Los Angeles by way of New York. He purchases in Montreal air trans-

portation for the round trip between New York and Los Angeles, and uses a private automobile for transportation from Montreal to New York and return to Montreal. The amount paid in Montreal for the round-trip transportation between New York and Los Angeles is a payment for transportation which begins and ends in the United States, and is therefore subject to tax.

PAR. 4. Section 130.54 is amended by substituting the following new paragraph for paragraph (b) thereof:

(b) *Payments outside the United States.* (1) The tax does not apply to a payment made outside the United States for transportation which begins or ends outside the United States. For purposes of the preceding sentence, a payment made outside the United States for transportation between two or more points within the United States (such transportation being referred to hereinafter in this section as "the United States portion"), which is part of transportation from or to a point outside the United States is a payment for transportation which begins or ends outside the United States, where it is definitely established at the time of making payment for the United States portion that such portion is purchased for use in making the journey from or to a point outside the United States.

(2) Where one ticket (such as one commonly known as a "through ticket") is issued to cover all of the United States portion of a journey which begins or ends outside the United States and to cover also the connecting transportation from or to a point outside the United States, no further evidence of the nontaxable character of the transportation covered by such ticket will be required.

(3) Where separate tickets or orders are issued for the United States portion of a journey which begins or ends outside the United States, in order to establish the nontaxable character of the payment made outside the United States for such United States portion, the agency or carrier which receives such payment must (i) definitely determine at the time of receiving the payment that the United States portion is being purchased for use in conjunction with connecting transportation from or to a point outside the United States, and (ii) appropriately inscribed the tickets or orders issued outside the United States for the United States portion and the connecting transportation from or to a point outside the United States to show clearly that such tickets or orders are purchased for use in conjunction with each other. The inscription on each ticket or order for the United States portion must include (*a*) the name and address of the agency or carrier which received the payment for the connecting transportation from or to a point outside the United States, (*b*) the origin and destination of such connecting transportation, (*c*) the identity of the carrier or carriers furnishing such connecting transportation, and (*d*) the serial numbers of the tickets or orders covering such connecting transportation. The inscription on each ticket or order for the connecting transportation from or to a point outside the United States must show that the United States portion has been purchased tax free for use in conjunction therewith and, in addition, must include information relative to such United States portion similar to that required to be entered upon the tickets or orders for the United States portion.

(4) Liability for payment or collection of tax will not be incurred upon the issuance of tickets for the United States portion when an agency or carrier accepts a nontaxable order, which was purchased and properly inscribed outside the United States under the rules set forth in this section, provided the agency or carrier issuing the tickets for the United States portion appropriately inscribes them to show clearly that they were issued for use in conjunction with the connecting transportation from or to a point outside the United States. Such inscription must include (i) the name and address of the agency or carrier which issued the order, (ii) the serial number of the order and date of issuance, and (iii) a transcription of the information appearing thereon as required by subparagraph (3) (ii) (*a*), (*b*), (*c*), and (*d*) of this paragraph.

(5) In any case where a payment for the United States portion is not subject to tax under the rules set forth herein, the carrier furnishing such transportation shall procure and maintain appropriate documentary evidence which will clearly show that the tickets or orders for such transportation were purchased for use in conjunction with connecting transportation from or to a point outside the United States.

(6) The following examples illustrate the application of this paragraph.

Example (*1*). Y travels from London to San Francisco by way of New York. He purchases from an agency or carrier in England all of the transportation involved in such journey, which includes air transportation from London to New York and from New York to San Francisco, for which separate tickets are issued. The agency or carrier which receives the payment for Y's transportation from New York to San Francisco will not be required to collect tax with respect to the payment provided it determines at the time such payment is received that the transportation in question is being purchased for use in conjunction with the connecting transportation from London to New York and appropriately inscribes both of the tickets for the journey so as to clearly show that such tickets were purchased for use in conjunction with each other.

Example (*2*). Z travels from Havana to New York by way of Miami. He purchases in Havana a ticket for his transportation by water from Havana to Miami, and later purchases from a travel agency in Havana air transportation from Miami to New York for which the travel agency issues an exchange order. To establish the nontaxable character of the payment for Z's transportation from Miami to New York it will be necessary for the travel agency which receives the payment for such transportation to determine at the time the payment is received that the transportation in question is being purchased for use in conjunction with the connecting transportation from Havana to Miami, and to appropriately inscribe the steamship ticket for the connecting transportation and the exchange order for the United States portion to show that such ticket and order were purchased for use in conjunction with each other. The carrier which accepts the exchange order and issues the ticket for the transportation from Miami to New York will not be required to collect tax with respect to the ticket so issued provided it inscribes such ticket to clearly show that it was issued for use in conjunction with the connecting transportation from Havana to Miami.

PAR. 5 Immediately preceding § 130.55, there is inserted the following:

SEC. 607. TRANSPORTATION WHICH BEGINS AND ENDS WITHIN THE UNITED STATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Transportation of persons.*

* * * * *

(2) *Seats, berths, etc.* Section 3469 (c) (relating to tax with respect to seating and sleeping accommodations) is hereby amended by striking out "within the United States".

* * * * *

(c) *Effective date.* The amendments made by this section shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act for transportation which begins on or after such first day.

PAR. 6. Section 130.56 is amended to read as follows:

§ 130.56 *Scope of tax.* Section 3469 (c) imposes a tax upon payments of any amount made within the United States on or after October 10, 1941, and made without the United States on or after November 1, 1950, for seating or sleeping accommodations in connection with transportation with respect to which a tax is payable under section 3469 (a).

PAR. 7. Immediately after section 3469 (d) in Subpart G, there is inserted the following:

SEC. 607. TRANSPORTATION WHICH BEGINS AND ENDS WITHIN THE UNITED STATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Transportation of persons.*

* * * * *

(3) *Collection of tax.* So much of the second sentence of section 3469 (d) (relating to returns and payment of tax) as precedes "on or before the last day of each month" is hereby amended to read as follows: "Each person receiving any payment specified in subsection (a) or (c) shall collect the amount of the tax imposed from the person making such payment; except that, if the payment is made outside the United States for a prepaid order, exchange order, or similar order, the person furnishing the initial transportation pursuant to such order shall collect the amount of the tax. Any person required to collect the tax imposed by this section shall,".

* * * * *

(c) *Effective date.* The amendments made by this section shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act for transportation which begins on or after such first day.

PAR. 8. Section 130.70 is amended by changing the period at the end thereof to a comma, and adding the words: "except that (with respect to paragraphs (e) and (f) of this section), if the payment is made outside the United States for a prepaid order, exchange order, or similar order valid for transportation of persons which begins and ends within the United States, or for seating or sleeping accommodations in connection with such transportation, the person fur-

nishing the initial transportation pursuant to such order must collect the amount of the tax."

PAR. 9. Section 130.72, as amended by Treasury Decision 5672, approved November 23, 1948, is further amended as follows:

(A) By inserting the words "in the United States" immediately following the word "payment" in paragraph (d) (3).

(B) By inserting the following new subparagraph (5) immediately following subparagraph (4) of paragraph (d):

(5) Every person furnishing the initial transportation pursuant to a prepaid order, exchange order, or similar order for transportation which begins and ends in the United States, or for seating or sleeping accommodations in connection therewith, and for which payment is made outside the United States shall collect all of the tax applicable to such transportation or accommodations and include the amount in monthly return on Form 727, Revised.

[F. R. Doc. 52-2475; Filed, Mar. 3, 1952; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 41, 42, and 61]

APPROACH AND LANDING LIMITATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Parts 41, 42, and 61 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by April 1, 1952. Copies of such communications will be available after April 3, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Sections 41.119, 42.56, and 61.273 of the Civil Air Regulations presently prevent pilots from executing an approach or landing at an airport when the weather conditions are reported by the United States Weather Bureau to be less than the authorized minimums. From a practical standpoint there should be a limitation to this rule. In many cases a pilot may have started an approach based on a weather report which was valid at the time the approach was commenced, or the reported change in weather may be received even after he has the airport in sight.

The Bureau therefore has under consideration a proposal which, under certain conditions, will allow a pilot in command who has commenced an approach using ILS, radio range, or GCA to continue the approach regardless of any reported change in ceiling and in visibility, if during the course of the approach he determines that the weather conditions are at or above authorized minimums.

It is therefore proposed to amend Parts 41, 42, and 61 of the Civil Air Regulations as follows:

By amending §§ 41.119, 42.56, and 61.273 by adding the following at the end of each section:

Provided, That, if an instrument approach procedure is initiated when the current U. S. Weather Bureau report indicates that the prescribed ceiling and visibility minimums exist, such approach may be continued to the approved minimum altitude even though a later weather report indicating below minimum conditions is received after the aircraft (a) is on an ILS final approach and has passed the outer marker, or (b) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility associated with the letdown procedure (provided such appropriate facility is not more than 5 miles from the airport), or (c) is on final approach using GCA procedure. Under these conditions a landing may be made in the event weather conditions equal to or better than the prescribed minimums for the airport are found to exist by the pilot in command of the flight upon reaching the approved minimum altitude.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560)

Dated: February 27, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 52-2477; Filed, Mar. 3, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

AMERICAN RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 19, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 11 N., R. 9 E.,
Sec. 12, W½NE¼SE¼NW¼.
T. 14 N., R. 9 E.,
Sec. 1, Lots 4, 5, 6, 7, SW¼NE¼, S½NW¼, E½SW¼, SW¼SE¼;
Sec. 12, NE¼, NE¼NW¼, SE¼;
Sec. 13, E½NE¼, NW¼NE¼.
T. 15 N., R. 9 E.,
Sec. 36, SW¼.
T. 13 N., R. 10 E.,
Sec. 1, NW¼SE¼.
T. 14 N., R. 10 E.,
Sec. 18, Lots 5 and 10 to 15 incl.;
Sec. 19, Lots 5, 6 and 7.
T. 13 N., R. 11 E.,
Sec. 2, Lots 3, 4, S½NE¼, S½NW¼, NE¼SW¼, N½SE¼;
Sec. 3, Lots 1 and 4 to 15, incl.;
Sec. 4, Lots 1, 5, 6, S½NE¼, SE¼NW¼, NE¼SW¼, SW¼SW¼, N½SE¼, SE¼SE¼;
Sec. 5, Lots, 2, 6, 7, 8, S½NW¼, N½S½, SW¼SW¼, SE¼SE¼;
Sec. 6, Lots 2 to 9 incl., E½SW¼, SE¼.
T. 14 N., R. 11 E.,
Sec. 32, Lots 1, 2, 3 and 4;
Sec. 33, S½SW¼, SE¼SE¼;
Sec. 34, SW¼SW¼.
T. 10 N., R. 12 E.,
Sec. 10, SW¼NE¼, SW¼SW¼, W½SE¼SW¼, SE¼SE¼SW¼, S½SW¼SE¼, SE¼SE¼;
Sec. 11, W½SE¼NW¼, N½SW¼;
Sec. 13, N½SE¼;
Sec. 14, NW¼NW¼.
T. 11 N., R. 12 E.,
Sec. 11, SW¼SE¼;
Sec. 12, N½SW¼, NW¼SE¼;
Sec. 14, NW¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, S½SW¼;
Sec. 15, SE¼NE¼, SW¼, NE¼SE¼, S½SE¼;
Sec. 16, S½SW¼, E½SE¼;
Sec. 20, NE¼, S½NW¼, N½SW¼, N½SE¼;
Sec. 21, N½;
Sec. 22, N½N½;
Sec. 23, N½NW¼.
T. 13 N., R. 12 E.,
Sec. 4, Lots 2, 3, 4, SW¼NE¼;
Sec. 6, Lot 3.
T. 14 N., R. 12 E.,
Sec. 28, S½SE¼;
Sec. 32 S½SW¼, SW¼SE¼;
Sec. 34, N½N½, SE¼NE¼.
T. 10 N., R. 13 E.,
Sec. 16, N½.
T. 11 N., R. 13 E.,
Sec. 3, Lots 7 and 8;
Sec. 4, Lots 5 to 11, incl.;
Sec. 5, Lots 2, 3 and 5 to 12, incl.;
Sec. 6, Lots 8 to 13, incl.;
Sec. 7, Lots 6 to 11, incl.;
Sec. 18, Lots 7 and 8.
T. 12 N., R. 13 E.,
Sec. 32, SE¼SE¼;
Sec. 33, S½S½;
Sec. 34, S½S½;
Sec. 35, N½SE¼, S½S½.
T. 14 N., R. 13 E.,
Sec. 28, Lots 3, 4, 5, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼;

Sec. 30, Lots 12, 13, SE¼SW¼;
Sec. 34, NW¼NW¼, S½N½, N½S½;
Sec. 36, S½N½, N½S½.
T. 15 N., R. 13 E.,
Sec. 24, Lots 3, 4, 7, 8, 13, 14, 18 and 19;
Sec. 25, SE¼SW¼;
Sec. 36, Lots 1 to 14, incl., and Lot 19.
T. 11 N., R. 14 E.,
Sec. 1, Lots 2, 3, 4, SW¼NW¼, NW¼SW¼;
Sec. 35, N½SE¼;
Sec. 36, SE¼.
T. 12 N., R. 14 E.,
Sec. 14, SW¼NE¼, S½NW¼, SW¼SW¼, N½SE¼;
Sec. 15, S½NE¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 16, SW¼, S½SE¼;
Sec. 19, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 20, W½NE¼, S½SW¼, NE¼SW¼, SW¼SE¼;
Sec. 21, SW¼NE¼, SE¼SW¼;
Sec. 22, SW¼NE¼, S½NW¼, W½SW¼, SW¼SE¼;
Sec. 26, W½NW¼;
Sec. 27, NW¼SE¼;
Sec. 28, N½SE¼;
Sec. 29, NW¼NE¼, N½NW¼, SW¼SW¼;
Sec. 30, N½NE¼, SE¼NE¼, SE¼NW¼, E½SE¼;
Sec. 32, SW¼NW¼.
T. 13 N., R. 14 E.,
Sec. 1, Lots 1, 2, SE¼NE¼;
Sec. 2, Lot 3, SE¼NW¼;
Sec. 3, Lot 2, SW¼NE¼.
T. 14 N., R. 14 E.,
Sec. 2, S½S½;
Sec. 6, Lots 3, 4, 6 to 10, incl., 14 and 15;
Sec. 8, NW¼NW¼, S½NW¼, SW¼, SW¼SE¼;
Sec. 10, all;
Sec. 12, NE¼, N½NW¼, SE¼NW¼, N½SE¼;
Sec. 16, E½, E½W½, SW¼SW¼;
Sec. 20, NE¼NE¼, SE¼SW¼, SE¼;
Sec. 28, E½NE¼, NW¼NW¼;
Sec. 32, NW¼NE¼, N½NW¼;
Sec. 34, N½NE¼, SE¼NE¼, NE¼SW¼, SE¼;
Sec. 36, S½N½, S½SW¼, S½SE¼, NE¼SE¼.
T. 15 N., R. 14 E.,
Sec. 2, Lots 4, 12, 21, W½SW¼;
Sec. 10, E½NE¼;
Sec. 21, NE¼;
Sec. 22, SW¼NW¼, E½SW¼;
Sec. 28, NE¼, SW¼, W½SE¼, NE¼SE¼;
Sec. 30, Lot 4, S½SE¼, NE¼SE¼;
Sec. 31, Lots 1, 2 and 3;
Sec. 32, N½NE¼, NW¼.
T. 16 N., R. 14 E.,
Sec. 14, NW¼SW¼;
Sec. 22, E½E½;
Sec. 34, N½NE¼, SW¼NE¼, W½SE¼.
T. 10 N., R. 15 E.,
Sec. 1, Lots 10 to 19, incl., N½SW¼, SE¼SW¼, W½SE¼;
Sec. 7, NE¼;
Sec. 8, SW¼SW¼;
Sec. 12, NE¼NE¼;
Sec. 16, W½NW¼, SW¼;
Sec. 17, NE¼, N½SW¼, NW¼SE¼;
Sec. 18, SE¼NE¼;
Sec. 20, NW¼NE¼, SE¼NE¼;
Sec. 21, SW¼NE¼, N½SW¼, NW¼SE¼.
T. 11 N., R. 15 E.,
Sec. 4, SW¼SW¼;
Sec. 5, N½SW¼, NE¼SE¼;
Sec. 6, Lot 7;
Sec. 27, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 28, SE¼SW¼, SE¼;
Sec. 34, N½NE¼, NE¼NW¼;
Sec. 35, Lots 5 to 13, incl., and 15 and 16.
T. 13 N., R. 15 E.,
Sec. 2, Lots 10 to 15, incl.;
Sec. 3, S½NW¼, N½S½;
Sec. 4, all;
Sec. 5, S½N½, S½;
Sec. 6, Lots 4, 5, S½NE¼, SE¼NW¼;
Sec. 7, E½NE¼, NE¼SE¼;
Sec. 8, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 9, NW¼NE¼, N½NW¼, SW¼NW¼.
T. 14 N., R. 15 E.,
Sec. 8, W½SW¼;
Sec. 34, SW¼SW¼.
T. 10 N., R. 16 E.,
Sec. 6, Lot 21, E½SW¼;
Sec. 7, N½NE¼, SE¼NE¼, NE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 8, SW¼NW¼, NW¼SW¼, S½SW¼;
Sec. 17, N½NW¼.
T. 13 N., R. 16 E.,
Sec. 5, Lots 9, 10, N½SW¼, S½SE¼;
Sec. 6, Lots 12 to 23, incl., S½NE¼, NE¼SE¼;
Sec. 7, Lot 5, NW¼NE¼;
Sec. 8, Lots 1, 2, 3, NE¼, SW¼NW¼, E½SE¼;
Sec. 9, NW¼NW¼, S½NW¼, SW¼;
Sec. 16, SW¼NE¼, NW¼;
Sec. 17, NE¼NE¼.

The above areas contain approximately 27,500 acres.

G. W. Lineweaver,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

William Zimmerman,
Acting Director,
Bureau of Land Management.

February 26, 1952.

[F. R. Doc. 52-2438; Filed, Mar. 3, 1952; 8:48 a. m.]

American River Division, Central Valley Project, California

Notice for filing objections to order[1] withdrawing public lands

February 19, 1952.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the proposed American River Division, Central Valley Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. Lineweaver,
Acting Commissioner.

[F. R. Doc. 52-2439; Filed, Mar. 3, 1952; 8:45 a. m.]

[1] See F. R. Doc. 52-2438, *supra.*

Kern River Division, Central Valley Project, California

First form reclamation withdrawal

February 19, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

Mount Diablo Meridian, California

T. 27 S., R. 31 E.,
Sec. 34, S½SW¼, NW¼SW¼SE¼, S½SW¼SE¼, S½SE¼SE¼;
Sec. 36, N½NE¼, NW¼.
T. 28 S., R. 31 E.
Sec. 4, Lots 1 to 4, incl.
T. 23 S., R. 32 E.,
Sec. 1, Lot 1, S½NE¼, S½NW¼, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 12, NW¼.
T. 27 S., R. 32 E.
Sec. 15, W½NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, W½SE¼;
Sec. 20, SE¼NE¼, S½SW¼, SE¼;
Sec. 22, N½NW¼;
Sec. 30, Lots 2, 3, and 4, NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
T. 18 S., R. 33 E.,
Sec. 21, W½NE¼, SW¼, W½SE¼;
Sec. 28, W½NE¼, E½NW¼, NW¼NW¼, SW¼SW¼, E½SW¼, W½SE¼;
Sec. 33, W½NE¼, NW¼, SW¼, SE¼.
T. 19 S., R. 33 E.,
Sec. 3, Lot 4, SW¼NW¼, SW¼;
Sec. 4, Lots 1, 2, 3, SE¼NE¼;
Sec. 10, W½NE¼, E½NW¼, SE¼;
Sec. 14, SW¼NW¼, NW¼SW¼, S½SW¼;
Sec. 15, E½NE¼, NE¼SE¼;
Sec. 23, SW¼NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, W½SE¼;
Sec. 25, W½SW¼;
Sec. 26, NE¼, E½SE¼;
Sec. 36, NW¼, E½SW¼.
T. 20 S., R. 33 E.,
Sec. 1, Lots 3, 4, S½NW¼, NW¼SW¼;
Sec. 2, SE¼NE¼, SE¼;
Sec. 10, E½SE¼;
Sec. 11, W½NE¼, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 15, NE¼NE¼, W½NE¼, SE¼NW¼, NW¼SE¼;
Sec. 16, SE¼SE¼;
Sec. 21, NE¼NE¼, S½NE¼, SW¼SW¼, E½SW¼, W½SE¼, NE¼SE¼;
Sec. 22, NW¼NW¼;
Sec. 28, N½NW¼, SW¼NW¼;
Sec. 29, E½NE¼, SE¼SW¼, SE¼;
Sec. 31, SW¼SE¼, E½SE¼;
Sec. 32, NW¼NE¼, NW¼, NW¼SW¼.
T. 21 S., R. 33 E.,
Sec. 5, Lots 1 to 4, incl., SW¼NE¼, S½NW¼, E½SW¼, W½SE¼;
Sec. 8, W½NE¼, E½NW¼, E½SW¼, W½SE¼;
Sec. 17, W½NE¼, E½NW¼, E½SW¼, W½SE¼;
Sec. 20, W½NE¼, E½NW¼, E½SW¼, W½SE¼;
Sec. 29, E½NW¼, E½SW¼;
Sec. 32, NW¼, SW¼.
T. 22 S., R. 33 E.,
Sec. 5, Lots 3, 4, S½NW¼, SW¼;
Sec. 8, NW¼, SW¼;
Sec. 17, NW¼, SW¼;
Sec. 20, NW¼, SW¼;
Sec. 29, NW¼, SW¼;
Sec. 31, Lots 4, 5, 6, SE¼NE¼, E½SE¼;
Sec. 32, NW¼, N½SW¼.
T. 23 S., R. 33 E.,
Sec. 6, Lot 4.
T. 20 S., R. 35 E.,
Sec. 3, SW¼NE¼, SE¼NW¼;
Sec. 10, E½NW¼, SW¼NW¼, NW¼SW¼;

Sec. 11, S½NE¼, S½NW¼, SW¼, SE¼;
Sec. 12, SE¼NW¼, SW¼, W½SE¼;
Secs. 13 and 14, all;
Sec. 15, NW¼NE¼, SW¼SW¼, E½SW¼, W½SE¼;
Sec. 21, NE¼, NE¼NW¼, N½SE¼;
Sec. 22, SE¼NE¼, N½NE¼, NW¼, NW¼SW¼;
Sec. 23, NE¼NE¼, W½NE¼, NW¼, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 24, NE¼NE¼, N½NW¼;
Sec. 26, NE¼NE¼, S½NE¼, E½NW¼, NW¼SE¼.

T. 21 S., R. 35 E.,
Sec. 24 (unsurveyed), NE¼SE¼, S½SE¼;
Sec. 25 (unsurveyed), NE¼NE¼, W½NE¼, E½NW¼, SW¼NW¼, SW¼, NW¼SE¼;
Sec. 26, E½SE¼ (unsurveyed);
Sec. 35, E½NE¼, E½SE¼;
Sec. 36, W½NW¼, W½SW¼.

T. 22 S., R. 35 E.,
Sec. 2, NE¼, SE¼ (unsurveyed);
Sec. 11, NE¼, SE¼;
Sec. 14 (unsurveyed), NE¼, SE¼NW¼, SE¼;
Sec. 23, NE¼ (unsurveyed), SE¼;
Sec. 25, NW¼NW¼, S½NW¼, SW¼;
Sec. 26, NE¼, NE¼SE¼;
Sec. 34, NW¼SE¼, S½SE¼;
Sec. 35, E½NE¼, S½SW¼, SE¼;
Sec. 36, NE¼NW¼, W½NW¼, W½SW¼, SE¼SW¼.

T. 23 S., R. 35 E.,
Sec. 1, Lots 2, 3, 4, SW¼, NW¼SE¼;
Sec. 2, Lots 1 to 4, incl., SW¼, SE¼;
Sec. 3, Lot 1, N½SE¼, SE¼SE¼;
Sec. 10, NE¼NE¼;
Sec. 11, NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 12, SW¼NE¼, NW¼, SW¼, W½SE¼;
Sec. 13, W½NE¼, NW¼, SW¼, W½SE¼;
Sec. 14, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 22, SW¼SE¼, E½SE¼;
Sec. 23, NE¼, NE¼NW¼, SW¼, SE¼;
Sec. 24, NW¼, W½SE¼;
Sec. 26, all;
Sec. 27, NE¼, E½NW¼, SW¼NW¼, SW¼, SE¼;
Sec. 34, NE¼, S½NW¼, E½SW¼, SE¼;
Sec. 35, NW¼NW¼.

T. 24 S., R. 35 E.,
Sec. 2, Lot 4, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 3, Lots 1, 2, S½NE¼, E½SE¼;
Sec. 11, NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 13, SW¼SW¼;
Sec. 14, SE¼NE¼, W½NE¼, NE¼NW¼, SE¼;
Sec. 23, E½NE¼;
Sec. 24, W½NW¼, SW¼;
Sec. 25, W½NE¼, E½NW¼, NW¼NW¼, E½SW¼, SW¼SW¼, W½SE¼;
Sec. 36, NW¼, SW¼.

T. 25 S., R. 35 E.,
Sec. 12, SE¼SE¼;
Sec. 13, NE¼, E½SW¼, W½SE¼, NE¼SE¼;
Sec. 24, NW¼NE¼, NE¼NW¼, SW¼NW¼.

T. 20 S., R. 36 E.,
Sec. 16, W½SW¼ (unsurveyed);
Sec. 17, S½SE¼, NE¼SE¼;
Sec. 18, Lots 1 to 4, incl., E½NW¼, E½SW¼, SW¼SE¼;
Sec. 19, Lot 1, NE¼, E½NW¼, NE¼SE¼;
Sec. 20, NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 21, NW¼NW¼ (unsurveyed);
Sec. 29, W½NE¼, E½NW¼, SW¼NW¼, SW¼;
Sec. 31, SE¼NE¼, E½SE¼;
Sec. 32, NW¼, W½SW¼.

T. 21 S., R. 36 E (unsurveyed),
Sec. 5, NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 8, NE¼, SE¼;
Sec. 17, NE¼, SE¼NW¼, N½NW¼, SW¼SW¼, NW¼SE¼;
Sec. 18, S½SE¼, NE¼SE¼;
Sec. 19, NE¼NE¼, W½NE¼, NW¼, N½SW¼, SW¼SW¼.

T. 25 S., R. 36 E.,
Sec. 6, Lots 3 to 7, incl., SE¼NW¼, E½SW¼;
Sec. 7, Lots 1 to 4, incl.;
Sec. 18, Lot 1.

The above areas contain approximately 31,500 acres.

G. W. Lineweaver,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

William Zimmerman, Jr.,
Acting Director.
Bureau of Land Management.

February 26, 1952.

[F. R. Doc. 52-2440; Filed, Mar. 3, 1952; 8:46 a. m.]

Kern River Division, Central Valley Project, California

Notice for filing objections to order[1] withdrawing public lands

February 19, 1952.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the proposed Kern River Division, Central Valley Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. Lineweaver,
Acting Commissioner.

[F. R. Doc. 52-2441; Filed, Mar. 3, 1952; 8:46 a. m.]

Kings River Division, Central Valley Project, California

First form reclamation withdrawal

February 19, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

Mount Diablo Meridian, California

T. 13 S., R. 24 E.,
Sec. 8, Lot 12;
Sec. 9, NE¼SW¼;

T. 10 S., R. 26 E.,
Sec. 8, SE¼SE¼;
Sec. 17, NE¼, S½;
Sec. 19, E½SE¼;
Sec. 20, N½NE¼, W½SE¼, W½;
Sec. 21, S½NW¼, S½;
Sec. 22, W½SW¼;
Sec. 27, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 28, SE¼NE¼, N½N½;
Sec. 34, SE¼NE¼, N½NE¼, NE¼SE¼;
Sec. 35, SW¼NW¼, NW¼SW¼, S½SW¼, SW¼SE¼.

T. 11 S., R. 26 E. (unsurveyed),
Sec. 1, SW¼NW¼, W½SW¼;
Sec. 2, N½, E½SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, NE¼, SE¼NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 12, NW¼NW¼;
Sec. 14, N½NW¼, SW¼SW¼;
Sec. 15, NE¼, E½NW¼, E½SE¼;
Sec. 22, E½E½;
Sec. 23, W½W½;
Sec. 27, E½E½;
Sec. 34, E½NE¼, NE¼SE¼;
Sec. 35, W½NW¼, SW¼.

T. 9 S., R. 27 E.,
Sec. 25, NE¼NE¼, S½N½, S½;
Sec. 26, S½NE¼, SE¼NW¼, SE¼;
Sec. 36, E½W½, E½.

T. 10 S., R. 27 E.,
Sec. 1, Lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 12, NE¼, NE¼NW¼;
Sec. 31, Lot 2, E½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 32, W½NW¼, SW¼.

T. 11 S., R. 27 E.,
Sec. 5, Lot 3, S½NW¼;
Sec. 6, Lots 1, 2, 5, 6, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.

T. 12 S., R. 27 E.,
Sec. 20, S½NE¼, S½SW¼, SE¼;
Sec. 21, S½N½, N½S½;
Sec. 22, SW¼NE¼, S½NW¼, N½S½, SE¼SE¼;
Sec. 23, SW¼, W½SE¼, SE¼SE¼;
Sec. 24, S½S½;
Sec. 25, N½N½;
Sec. 29, NW¼, N½SW¼.

T. 9 S., R. 28 E.,
Sec. 19, Lots 3 and 4;
Sec. 26, SW¼NW¼, SW¼;
Sec. 27, SE¼NE¼, E½SE¼;
Sec. 30, Lots 1 to 4, incl., E½W½;
Sec. 31, Lots 1 to 4, incl., E½W½, SW¼SE¼;
Sec. 32, S½SW¼;
Sec. 33, S½SE¼;
Sec. 34, NE¼NE¼, S½NE¼, SE¼NW¼, N½SW¼; SW¼SW¼, NW¼SE¼;
Sec. 35, NW¼, NE¼SW¼, SW¼NE¼, W½SE¼.

T. 10 S., R. 28 E.,
Sec. 1, Lots 2, 3, 4, S½N½, N½SE¼, SE¼SE¼;
Sec. 2, Lots 1 and 2;
Sec. 4, Lots 2, 3, 4, SW¼NW¼;
Sec. 5, Lots 2, 3 and 4;
Sec. 6, Lots 2 to 7, incl.;
Sec. 7, Lots 1 to 4, incl., SE¼SW¼;
Sec. 18, Lots 1, 2, E½W½, SW¼SE¼.

T. 12 S., R. 28 E.,
Sec. 19, Lot 4, SE¼SW¼, S½SE¼;
Sec. 20, SW¼SW¼;
Sec. 26, S½SW¼;
Sec. 27, SW¼, W½SE¼, SE¼SE¼;
Sec. 28, S½N½, NE¼SW¼, N½SE¼;
Sec. 29, NE¼, N½NW¼;
Sec. 30, Lot 1, N½NE¼, NE¼NW¼;
Sec. 34, NE¼NE¼;
Sec. 35, NE¼, N½NW¼;
Sec. 36, NW¼NW¼, S½N½, SW¼, S½SE¼.

T. 13 S., R. 28 E.
Sec. 1, Lots 1, 2, 7 and 8.

T. 10 S., R. 29 E.,
Sec. 6, Lots 6, 7, SE¼SW¼, SW¼SE¼;
Sec. 7, Lots 1, NE¼, E½NW¼.

[1] See F. R. Doc. 2440, *supra*.

T. 12 S., R. 29 E.,
Sec. 1, NE¼SE¼, SW¼SE¼;
Sec. 11, E½SE¼;
Sec. 12, NW¼NE¼, NE¼NW¼, SW¼NW¼;
Sec. 23, W½NW¼;
Sec. 27, N½NW¼, SW¼NW¼;
Sec. 28, NE¼NE¼, S½NE¼, E½SW¼, W½SE¼, NE¼SE¼;
Sec. 31, Lots 3, 4, E½SW¼, SE¼;
Sec. 32, S½NE¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 33, NW¼NE¼, NW¼, N½SW¼.
T. 13 S., R. 29 E.,
Sec. 1, Lots 21, 22, S½;
Sec. 2, Lots 13 to 24, incl., N½S½, SE¼SE¼;
Sec. 3, Lots 5, 9 to 20, incl., Lot 24;
Sec. 4, Lots 1 to 12, incl., Lot 16;
Sec. 5, Lots 1 to 8, incl.;
Sec. 6, Lots 1 to 12, incl.;
Sec. 11, NE¼NE¼;
Sec. 12, N½N½.
T. 13 S., R. 30 E.,
Sec. 6, Lot 26, SE¼SW¼, S½SE¼;
Sec. 7, Lot 1, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 8, NW¼NW¼, S½N½, N½S½;
Sec. 9, S½NW¼, N½SW¼.

The above areas contain approximately 21,600 acres.

G. W. Lineweaver,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

William Zimmerman, Jr.,
Acting Director,
Bureau of Land Management.
February 26, 1952.

[F. R. Doc. 52-2442; Filed, Mar. 3, 1952; 8:46 a. m.]

Kings River Division, Central Valley Project, California

Notice for filing objections to order[1] withdrawing public lands

February 19, 1952.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the proposed Kings River Division, Central Valley Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. Lineweaver,
Acting Commissioner.

[F. R. Doc. 52-2443; Filed, Mar. 3, 1952; 8:46 a. m.]

[1] See F. R. Doc. 52-2442, *supra.*

Mill-Deer Division, Central Valley Project, California

First form reclamation withdrawal

February 19, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

Mount Diablo Meridian, California

T. 25 N., R. 2 E.,
Sec. 2, Lots 2, 3, 5 and 6;
Sec. 10, NE¼NE¼, S½NE¼, SW¼SW¼, E½SW¼, NW¼SE¼;
Sec. 11, Lot 4;
Sec. 18, Lot 4, SE¼SW¼, S½SE¼;
Sec. 20, N½N½.
T. 26 N., R. 2 E.,
Sec. 24, NW¼, E½SW¼;
Sec. 25, N½SE¼;
Sec. 36, NW¼NE¼, NW¼SW¼.
T. 26 N., R. 3 E.,
Sec. 5, Lots 2, 3, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, Lots 4, 7, 12, N½NE¼, SW¼NE¼, NE¼SE¼;
Sec. 18, Lot 1;
Sec. 30, Lots 2 and 3.
T. 27 N., R. 3 E.,
Sec. 32, E½E½, W½SE¼.
T. 27 N., R. 4 E.,
Sec. 9, N½NE¼, E½NW¼, NE¼SW¼;
Sec. 17, NE¼NE¼, W½NE¼, S½SW¼, NW¼SE¼;
Sec. 20, NW¼NW¼, S½NW¼, SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, E½NE¼, SW¼NE¼, SW¼SW¼, E½SW¼, W½SE¼, NE¼SE¼.
T. 29 N., R. 4 E.,
Sec. 23, NE¼SE¼.
T. 28 N., R. 5 E.,
Sec. 4, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 5, SE¼NE¼, NE¼SE¼;
Sec. 6, SW¼NE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NW¼, SE¼NW¼, NE¼SW¼, SW¼SW¼;
Sec. 15, NW¼NW¼.

The above areas contain approximately 3,880 acres.

G. W. Lineweaver,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

William Zimmerman, Jr.,
Acting Director,
Bureau of Land Management.

February 26, 1952.

[F. R. Doc. 52-2444; Filed, Mar. 3, 1952; 8:46 a. m.]

Mill-Deer Division, Central Valley Project, California

Notice for filing objections to order[1] withdrawing public lands

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the proposed Mill-Deer Division, Central Valley Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. Lineweaver,
Acting Commissioner.

[F. R. Doc. 52-2445; Filed, Mar. 3, 1952; 8:47 a. m.]

Upper San Joaquin River Division, Central Valley Project, California

First form reclamation withdrawal

February 19, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

Mount Diablo Meridian, California

T. 4 S., R. 24 E. (unsurveyed),
Sec. 36, NE¼NE¼, SW¼NE¼, W½SE¼NE¼, SE¼NW¼, E½SW¼, NW¼SE¼.
T. 5 S., R. 24 E.,
Sec. 1, NE¼NW¼, SW¼NW¼, W½SE¼NW¼, NW¼SW¼;
Sec. 2, E½NE¼SE¼, E½SW¼SE¼, SE¼SE¼;
Sec. 9, E½SE¼SE¼;
Sec. 10, S½NE¼, S½NE¼NE¼, E½SE¼NW¼, E½NW¼SW¼, E½SW¼, SW¼SW¼, N½SE¼, SW¼SE¼;
Sec. 11, S½NW¼NW¼, S½NW¼, SW¼, E½;
Sec. 12, W½NW¼SW¼, SW¼SW¼;
Sec. 14, W½NE¼, NW¼, SW¼SW¼, NW¼SE¼;
Sec. 15, NE¼, NE¼NW¼, S½SE¼;
Sec. 16, NE¼, NE¼NW¼, E½NW¼NW¼;
Sec. 20, NE¼SE¼, S½SE¼;
Sec. 21, NE¼NE¼, W½NE¼, SE¼NW¼, S½SW¼NW¼, W½NE¼SW¼, NW¼SW¼;

[1] See F. R. Doc. 52-2444, *supra.*

Sec. 22, N½NE¼NE¼, NW¼NW¼;
Sec. 23, N½NW¼NW¼;
Sec. 29, W½NW¼NE¼, NE¼NW¼, S½NW¼NW¼, W½SE¼NW¼, SW¼NW¼, W½SW¼;
Sec. 30, E½SE¼;
Sec. 31, NE¼NE¼, E½SW¼NE¼, W½SE¼NE¼, NE¼SW¼, SW¼SW¼, N½SE¼SW¼, NW¼SE¼, N½SW¼SE¼, SE¼SE¼.

T. 6 S., R. 24 E.,
Sec. 5, Lots 4 to 7, incl.;
Sec. 6, Lots 1, 3, 4, S½NE¼, E½SE¼NW¼, E½SE¼;
Sec. 7, Lot 2, NE¼, E½NW¼;
Sec. 8, NW¼SW¼, S½SW¼;
Sec. 16, S½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 18, E½SW¼NW¼;
Sec. 22, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 23, SW¼SW¼;
Sec. 25, S½;
Sec. 26, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 35, SW¼SE¼, E½SE¼;
Sec. 36, all.

T. 7 S., R. 24 E.,
Sec. 1, Lots 1 to 4, incl.;
Sec. 2, Lots 1, 2, S½NE¼, S½S½SW¼, SE¼;
Sec. 3, S½S½SE¼;
Sec. 10, N½NE¼, E½SW¼NE¼, SE¼NE¼, E½NW¼SE¼, E½SE¼;
Sec. 11, W½E½, NE¼NE¼, W½SE¼NE¼, W½, W½E½SE¼;
Sec. 14, W½NE¼NE¼, NW¼NE¼;
Sec. 15, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼, W½SE¼SW¼;
Sec. 16, E½SE¼SE¼;
Sec. 21, E½E½NE¼;
Sec. 22, W½W½, W½SE¼SW¼;
Sec. 27, W½E½W½, W½NW¼, NW¼SW¼, E½SW¼SW¼;
Sec. 34, W½E½NW¼, E½W½NW¼, E½SW¼.

T. 8 S., R. 24 E.,
Sec. 3, Lot 3, E½ Lot 4, SE¼NW¼, E½SW¼NW¼, NE¼SW¼, W½SE¼SW¼, E½W½SW¼;
Sec. 10, W½NE¼NW¼, E½NW¼NW¼, SW¼NW¼, W½SW¼;
Sec. 15, W½W½;
Sec. 22, W½SW¼NE¼, W½NE¼NW¼, NW¼NW¼, E½SW¼NW¼, SE¼NW¼.

T. 3 S., R. 25 E. (unsurveyed),
Sec. 33, SE¼SE¼;
Sec. 34, SE¼NW¼, W½NE¼SW¼, W½SW¼.

T. 4 S., R. 25 E. (unsurveyed),
Sec. 4, NE¼NE¼, E½NW¼NE¼, SW¼NE¼, E½E½SW¼, NW¼SE¼, W½SW¼SE¼;
Sec. 9, E½W½;
Sec. 16, E½W½, SW¼SW¼;
Sec. 20, E½NE¼NE¼, SE¼NE¼, E½SE¼SW¼, W½NE¼SE¼, NW¼SE¼, W½SW¼SE¼;
Sec. 21, NW¼NW¼;
Sec. 29, NE¼NW¼, E½NW¼NW¼, SW¼NW¼, NW¼SW¼;
Sec. 30, NE¼SW¼, S½NW½SW¼, SW¼SW¼, N½SE¼SW¼, N½SE¼;
Sec. 31, W½NW¼NW¼.

T. 5 S., R. 25 E.,
Sec. 1, Lots 6, 7, 8, S½NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 10, E½SW¼SE¼, E½SE¼;
Sec. 11, S½S½NE¼, N½SW¼, N½N½SE¼;
Sec. 12, N½S½, N½;
Sec. 15, W½NE¼NE¼, E½NW¼NE¼, SW¼NE¼, E½NE¼SW¼, SE¼SW¼, NW¼SE¼, W½SW¼SE¼;
Sec. 21, E½SE¼SE¼;
Sec. 22, E½SW¼NW¼, E½NW¼, W½NE¼SW¼, W½SW¼;
Sec. 27, W½W½NW¼, W½SW¼;
Sec. 28, E½NE¼NE¼, SE¼NE¼, E½SE¼;
Sec. 33, E½NE¼, E½E½SW¼, SE¼;
Sec. 34, W½NW¼, S½;
Sec. 35, NW¼SW¼, S½SW¼, SW¼SE¼.

T. 6 S., R. 25 E.,
Sec. 1, Lot 4, SW¼NE¼, S½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 2, Lots 1, 2, 3, SE¼NE¼;
Sec. 3, Lots 2, 3, 4, S½NW¼;
Sec. 4, Lots 1 to 4, incl., S½N½, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 5, Lot 1, S½NE¼, E½SW¼, SE¼;
Sec. 7, E½SE¼;
Sec. 8, N½NE¼, NW¼, W½SW¼;
Sec. 18 (unsurveyed), E½;
Sec. 19 (unsurveyed), NE¼NE¼, S½NE¼, E½SW¼, W½SE¼;
Sec. 30, Lots 1, 2, 3, 4, E½NW¼, NE¼SW¼.

T. 5 S., R. 26 E.,
Sec. 5, W½W½NW¼;
Sec. 6, N½, SW¼;
Sec. 7, NE¼NW¼, W½NW¼.

T. 6 S., R. 26 E.,
Sec. 6, SW¼, SW¼SE¼;
Sec. 7, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 8, S½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 9, S½SW¼, SW¼SE¼;
Sec. 15, SW¼NW¼, W½SW¼;
Sec. 16, N½, NE¼SW¼, SE¼;
Sec. 21, N½NE¼;
Sec. 22, NW¼NW¼.

The above areas contain approximately 20,200 acres.

G. W. LINEWEAVER,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM ZIMMERMAN, Jr.,
Acting Director,
Bureau of Land Management.

FEBRUARY 26, 1952.

[F. R. Doc. 52-2446; Filed, Mar. 3, 1952; 8:47 a. m.]

UPPER JAN JOAQUIN RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

NOTICE FOR FILING OBJECTIONS TO ORDER[1] WITHDRAWING PUBLIC LANDS

FEBRUARY 19, 1952.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the proposed Upper San Joaquin River Division, Central Valley Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Acting Commissioner.

[F. R. Doc. 52-2447; Filed, Mar. 3, 1952; 8:47 a. m.]

[1] See F. R. Doc. 52-2446, *supra.*

EDEN PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

AUGUST 30, 1951.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 105 W.,
Secs. 6, 7, 18, 19, 30 and 31, all.

T. 25 N., R. 105 W.,
Sec. 4, all;
Sec. 5, Lots 1 and 2, and S½NE¼;
Sec. 6, SE¼SE¼;
Sec. 9, NE¼SW¼, SE¼, and N½;
Sec. 14, SW¼;
Sec. 15, all;
Sec. 17, SE¼NE¼, S½SW¼, and SE¼;
Sec. 19, Lots 1 to 4, incl., NE¼, E½W½, and N½SE¼;
Sec. 20, N½N½;
Sec. 21, NE¼, N½NW¼, and SE¼;
Sec. 22, all;
Sec. 23, W½;
Sec. 28, E½, and E½W½;
Sec. 32, S½NE¼, W½, and SE¼;
Sec. 33, all.

T. 26 N., R. 105 W.,
Sec. 6, Lots 1 to 5, incl., S½NE¼, SE¼NW¼, and SE¼;
Sec. 7, N½NE¼, S½SE¼, and NE¼SE¼;
Sec. 8, W½;
Sec. 15, N½NE¼, SW¼NE¼, and W½;
Sec. 17, all;
Sec. 18, Lot 4, E½, and E½SW¼;
Sec. 19, Lots 1 to 4 incl., E½, and E½W½;
Sec. 20, all;
Sec. 21, N½, SW¼, W½SE¼, and SE¼SE¼;
Sec. 22, S½NE¼, NW¼NW¼, S½SW¼, NE¼SW¼, and SE¼;
Sec. 28, E½, and NW¼NW¼;
Sec. 29, all;
Sec. 30, Lots 1 and 2, E½, and E½NW¼;
Sec. 31, Lots 1 to 4, incl., NE¼, E½NW¼, and NE¼SW¼;
Sec. 32, NW¼NE¼, NW¼, and SE¼SW¼;
Sec. 33, E½, SW¼, E½NW¼, and SW¼NW¼.

T. 23 N., R. 106 W.,
Sec. 1, Lots 1 to 4, incl., S½N½, and S½;
Sec. 2, Lots 1 to 4, incl., S½N½, and S½;
Sec. 3, Lots 1 and 2, S½NE¼, and S½;
Sec. 4, Lots 3 and 4, S½NW¼, and S½;
Sec. 5, Lots 1 to 4, incl., S½N½, and S½;
Secs. 8, 9 and 10, all.

T. 24 N., R. 106 W.,
Sec. 1, Lots 1 to 4, incl., and S½;
Sec. 2, Lots 1 and 2;
Sec. 3, Lots 3 and 4, and SW¼;
Sec. 4, Lots 1 to 4, incl., and S½;
Sec. 5, Lots 1 to 4, incl., and S½;
Sec. 6, Lots 1, 2 and 3, SE¼, and E½SW¼;
Sec. 7, Lots 1 and 2, and E½NW¼;
Sec. 12, E½E½;
Sec. 13, NE¼, S½NW¼, and S½;
Sec. 17, S½NW¼;
Sec. 18, Lots 1 and 2, NE¼, and E½NW¼;
Sec. 23, E½;
Sec. 24, all;
Sec. 25, SE¼NE¼, SW¼, S½SE¼, and NE¼SE¼;
Sec. 26, SE¼;
Sec. 29, S½S½;

Sec. 30, Lots 3 and 4, SE¼, and E½SW¼;
Sec. 31, Lots 1 to 4, incl., E½, and E½W½;
Sec. 35, E½, S½NW¼, and SW¼.
T. 25 N., R. 106 W.,
Sec. 2, Lot 3;
Sec. 22, W½SW¼;
Sec. 23, SW¼SE¼;
Sec. 24, W½NE¼, S½NW¼, SE¼SW¼, and S½SE¼;
Sec. 25, all;
Sec. 26, E½, NE¼NW¼, S½NW¼, and SW¼;
Sec. 27, SE¼;
Sec. 28, SE¼NE¼, and E½SE¼;
Sec. 33, NE¼NE¼, S½NE¼, E½SW¼, and SE¼;
Sec. 34, NE¼NW¼, S½SW¼, and E½;
Sec. 35, all.
T. 26 N., R. 106 W.,
Sec. 1, Lots 1, 2, and 3;
Sec. 12, E½W½, and NW¼NW¼;
Sec. 13, E½NW¼, E½SW¼, S½SE¼, and NW¼SE¼;
Sec. 23, N½SE¼;
Sec. 24, NE¼, E½SW¼, and SE¼;
Sec. 25, all;
Sec. 26, NE¼NE¼, S½NE¼, E½SW¼, and SE¼;
Sec. 35, E½NW¼, and NW¼SW¼.
T. 27 N., R. 106 W.,
Sec. 32, NE¼.
T. 24 N., R. 107 W.,
Sec. 12, Lots 3 and 4, SW¼, and W½SE¼;
Sec. 13, Lots 1 and 2, W½NE¼, W½, and W½SE¼;
Sec. 23, S½;
Sec. 24, NW¼;
Sec. 25, W½NW¼, N½SW¼, and SE¼;
Sec. 26, N½, N½S½, and S½SW¼;
Sec. 27, N½.

The above lands aggregate 35,385.22 acres.

WESLEY R. NELSON,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

JANUARY 24, 1952.

[F. R. Doc. 52-2448; Filed, Mar. 3, 1952; 8:47 a. m.]

EDEN PROJECT, WYOMING

NOTICE FOR FILING OBJECTIONS TO ORDER[1] WITHDRAWING PUBLIC LANDS

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Wyoming, for use in connection with the Eden Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent.

[1] See F. R. Doc. 52-2448, *supra*.

Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY R. NELSON,
Assistant Commissioner.

[F. R. Doc. 52-2449; Filed, Mar. 3, 1952; 8:47 a. m.]

MOUNTAIN HOME PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 30, 1951.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

BOISE MERIDIAN, IDAHO

T. 1 N., R. 1 E.,
Sec. 4, SW¼SW¼;
Sec. 5, S½;
Sec. 6, Lots 6 and 7, and SE¼;
Sec. 7, Lots 2, 3 and 4, SE¼NW¼, E½SW¼, and E½;
Sec. 8, all;
Sec. 9, W½SE¼, and W½;
Sec. 13, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 14, S½NW¼, SW¼, and S½SE¼;
Sec. 15, NW¼NE¼, W½SE¼, and W½;
Sec. 17, all;
Sec. 18, Lots 1 and 2, E½NW¼, NE¼SW¼, and E½;
Sec. 20, NE¼, NW¼NW¼, E½W½, and N½SE¼;
Secs. 21 and 22, all;
Sec. 23, N½S½, and N½;
Sec. 24, NE¼, N½SW¼, and SE¼SW¼;
Sec. 25, NE¼, and SW¼;
Sec. 26, NW¼NE¼, S½NE¼, E½NW¼, and S½;
Sec. 27, all;
Sec. 28, E½NW¼, NE¼SW¼, and E½;
Sec. 35, all.
T. 2 N., R. 1 E.,
Sec. 13, SE¼NE¼, W½NW¼, and S½;
Sec. 24, SW¼, and S½SE¼;
Sec. 25, all.
T. 1 N., R. 2 E.,
Sec. 5, SE¼NW¼;
Sec. 10, E½;
Sec. 11, S½NW¼, SW¼, and W½SE¼;
Sec. 13, SW¼SW¼;
Sec. 14, N½;
Sec. 15, NW¼NE¼;
Sec. 17, N½NE¼, and NE¼NW¼;
Sec. 18, SW¼NE¼;
Sec. 19, Lots 2, 3 and 4, SE¼NW¼, E½SW¼, and E½;
Sec. 20, NW¼, and E½;
Sec. 21, S½N½, and SW¼;
Sec. 22, S½;
Sec. 23, N½N½, SW¼, and S½SE¼;
Sec. 24, W½;
Secs. 26 and 27, all;
Sec. 28, W½SW¼, E½SE¼, and N½;
Sec. 29, NE¼, and S½;
Sec. 30, Lot 3, N½NE¼, NE¼SW¼, and N½SE¼;
Sec. 31, Lots 1 to 4, incl., E½W½, and E½;
Sec. 32, N½NE¼, SW¼, and S½SE¼;
Sec. 33, NW¼, and E½;
Secs. 34 and 35, all.
T. 2 N., R. 2 E.,
Sec. 2, SE¼;
Sec. 11, W½NE¼;
Sec. 12, N½SW¼;
Sec. 14, E½NE¼, and NW¼NW¼;
Sec. 17, NW¼NW¼;
Sec. 18, Lot 4, and N½NE¼;
Sec. 19, Lots 1, 2 and 3, SW¼NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 20, S½SW¼;
Sec. 29, NW¼NE¼, NE¼NW¼, SW¼SW¼, E½SW¼, and SE¼;
Sec. 30, Lots 1 to 4, incl., SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 32, W½NE¼;
Sec. 33, SW¼NE¼.
T. 3 N., R. 2 E.,
Sec. 32, NW¼SE¼.
T. 1 N., R. 3 E.,
Sec. 33, NE¼, and S½;
Sec. 34, all.
T. 1 N., R. 4 E.,
Sec. 31, Lots 1 and 2, W½NE¼, E½NW¼, and SE¼.
T. 1 N., R. 1 W.,
Sec. 1, SW¼;
Sec. 2, Lots 1, 2 and 3, S½NE¼, SE¼NW¼, and N½SE¼;
Sec. 3, Lots 2, 3 and 4;
Sec. 4, Lots 1 to 4, incl., SW¼NE¼, S½NW¼, and NW¼SW¼;
Sec. 9, Lots 3 and 4, SE¼SW¼, and SW¼SE¼;
Sec. 11, E½SE¼;
Sec. 12, Lots 1 to 4, incl., W½E½, and W½;
Sec. 13, Lots 1, 2 and 3, W½E½, and W½;
Sec. 14, E½NE¼, SE¼SW¼, and SE¼;
Sec. 17, E½NE¼, and SE¼;
Sec. 20, S½SE¼, and W½;
Sec. 21, SW¼;
Sec. 22, NE¼;
Sec. 23, NE¼NE¼, W½NE¼, NW¼, and N½SW¼;
Sec. 28, S½SE¼, and W½;
Sec. 29, all;
Sec. 30, S½NE¼, and SE¼;
Sec. 31, E½;
Secs. 32 and 33, all;
Sec. 34, Lots 1 to 4, incl.
T. 2 N., R. 1 W.,
Sec. 34, SE¼SE¼;
Sec. 35, S½S½.
T. 1 S., R. 1 W.,
Sec. 4, Lots 1 to 4, incl., S½N½, SW¼, and W½SE¼;
Sec. 5, Lots, 1 and 2, S½NE¼, SW¼NW¼, and SE¼;
Sec. 8, E½NW¼, SW¼NW¼, SW¼, and E½,
Sec. 9, all;
Sec. 10, W½;
Sec. 13, S½;
Secs. 14, 15, and 17, all;
Sec. 20, NE¼;
Secs. 21 and 22, all;
Sec. 23, W½NE¼, SE¼NE¼, NW¼, and S½;
Sec. 24, S½NW¼, SW¼ and E½;
Secs. 25 to 28, incl., all;
Sec. 29, E½SE¼;
Sec. 34, Lots 1 and 2, and NE¼NW¼;
Sec. 35, Lots 1, 3, and 4, N½NE¼, SE¼NE¼, and NE¼NW¼.
T. 1 S., R. 1 E.,
Sec. 1, Lots 1 to 4, incl., S½N½, and S½;
Sec. 2, Lots 1 to 4, incl., S½N½, and S½;
Sec. 3, Lots 1 to 4, incl., S½N½, and S½;
Sec. 4, Lot 1, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 8, S½NE¼, SW¼SW¼, E½SW¼, and SE¼;
Secs. 9 to 12, incl., all;
Sec. 13, SW¼, W½SE¼, and N½;
Secs. 14, 15, and 17, all;
Sec. 18, SE¼NW¼, E½SW¼, and E½;
Sec. 19, Lots 1 to 4, incl., E½W½, and E½;
Secs. 20, 21, and 22, all;
Sec. 23, SW¼, W½SE¼, NE¼SE¼, and N½;
Sec. 24, NW¼NE¼, NE¼NW¼, and W½NW¼;
Sec. 25, SW¼, and W½SE¼;
Secs. 26 to 29, incl., all;
Sec. 30, Lots 1 to 4, incl., E½W½, and E½;
Sec. 31, Lots 1 to 4, incl., E½W½, and E½;
Secs. 32 to 35, incl., all.

T. 2 S., R. 1 E.,
Sec. 1, Lots 3 and 4;
Sec. 2, Lots 1 to 4, incl., S½N½, and S½;
Sec. 3, Lots 1 to 4, incl., S½N½, and S½;
Sec. 4, Lots 1 to 4, incl., S½N½, and S½;
Sec. 5, Lots 1 to 4, incl., S½N½, and S½;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼ NW¼, E½SW¼, and SE¼;
Sec. 7, Lots 1 and 2, E½W½, and E½;
Secs. 8 and 9, all;
Sec. 10, NE¼, and W½;
Sec. 11, W½NE¼, and NW¼;
Sec. 15, W½;
Sec. 17, all;
Sec. 18, E½NE¼;
Secs. 20 and 21, all;
Sec. 22, W½;
Sec. 26, S½S½;
Sec. 27, NW¼, and S½;
Secs. 28 and 29, all;
Sec. 30, SE¼NE¼, and E½SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, N½NW¼, and E½;
Secs. 33, 34, and 35, all.

T. 3 S., R. 1 E.,
Sec. 1, Lots 1 to 4, incl., S½N½, and S½;
Sec. 2, Lots 1 to 4, incl., S½N½, and S½;
Sec. 3, Lots 1 to 4, incl., S½N½, and S½;
Sec. 4, Lots 1 to 4, incl., S½N½, and S½;
Sec. 5, Lots 1 to 4, incl., S½N½, and S½;
Sec. 6, Lots 1 and 2, and SE¼NE¼;
Sec. 8, Lots 1, 4, 5 and 8, NE¼, and NE¼ SE¼;
Secs. 9 to 14, incl., all;
Sec. 15, NW¼, E½SW¼, and E½;
Sec. 22, Lots 4 to 7, incl., NE¼, and E½ NW¼;
Secs. 23, 24 and 25, all;
Sec. 26, Lots 1, 2 and 4, E½NW¼, and E½.

T. 1 S., R. 2 E.,
Sec. 2, Lots 2, 3 and 4, S½NW¼, and SW¼;
Sec. 3, Lots 1 to 4, incl., S½N½, and S½;
Sec. 4, Lots 1 to 4, incl., S½N½, and S½;
Sec. 5, Lots 1 to 4, incl., S½N½, and S½;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼ NW¼, E½SW¼, and SE¼;
Sec. 7, Lots 1, 3 and 4, NE¼NW¼, and E½SW¼;
Sec. 8, E½NE¼;
Sec. 9, NW¼.

T. 2 S., R. 2 E.,
Sec. 31, Lots 3 and 4, E½SW¼, and SE¼.

T. 3 S., R. 2 E.,
Sec. 5, Lot 4, SW¼NW¼, and W½SW¼;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼ NW¼, E½SW¼, and SE¼;
Sec. 7, Lots 1, 2, 3 and 4, E½W½, and E½;
Sec. 8, NW¼, and S½;
Sec. 14, S½SW¼;
Sec. 15, S½;
Sec. 17, all;
Sec. 18, Lots 1 to 4, incl., E½W½, and E½;
Sec. 19, Lots 1 to 4, incl., E½W½, and E½;
Secs. 20 to 23, incl., all;
Sec. 24, SW¼NE¼, NW¼SE¼, and W½;
Sec. 25, W½W½;
Secs. 26 to 29, incl.;
Sec. 30, Lots 1 to 4, incl., E½W½, and E½;
Sec. 31, NE¼, and NE¼NW¼;
Secs. 32 to 35, incl.

T. 4 S., R. 2 E.,
Sec. 1, Lots 1 to 4, incl., S½N½, and S½;
Sec. 2, Lots 1 to 4, incl., S½N½, and S½;
Sec. 3, Lots 1 to 4, incl., S½N½, and S½;
Sec. 4, Lots 1 to 4, incl., S½N½, and S½;
Sec. 5, Lots 1 to 4, incl., and 8, SE¼SE¼, and SE¼NE¼;
Sec. 6, Lots 2, 5 and 6;
Sec. 8, Lot 1;
Sec. 9, Lots 1 to 4, incl.;
Sec. 10, Lot 2, and E½NE¼;
Sec. 11, Lot 1, NW¼, SE¼SW¼, and E½;
Secs. 12 and 13, all;
Sec. 14, Lots 1 and 3, SE¼NW¼, SW¼, and E½;
Sec. 15, Lots 3 and 4, and SE¼SE¼;
Sec. 22, Lots 1, 4, 5 and 8, and E½E½;
Secs. 23 and 24, all;
Sec. 25, NW¼SE¼, and N½;
Sec. 26, Lots 1 and 5, NE¼, N½NW¼, and SE¼NW¼.

T. 1 S., R. 3 E.,
Sec. 1, Lots 1 to 4, incl., and S½N½;
Sec. 2, Lots 1 to 4, incl., and S½N½;
Sec. 3, Lots 1 to 4, incl., and S½N½;
Sec. 4, Lots 1 to 4, incl., S½N½, and S½;
Sec. 5, Lots 1, 5, 6 and 7;
Sec. 8, E½NE¼;
Sec. 9, NW¼SW¼, and N½.

T. 3 S., R. 3 E.,
Sec. 31, Lots 2, 3 and 4, SE¼NW¼, E½ SW¼, and W½SE¼.

T. 4 S., R. 3 E.,
Sec. 6, Lots 1 to 4, incl., E½W½, and E½;
Sec. 7, Lots 1 to 4, incl., NE¼NE¼, W½ NE¼, and E½W½;
Sec. 18, Lots 1 to 4, incl.;
Sec. 19, Lots 1 to 4, incl.;
Sec. 30, Lots 1 and 2.

T. 1 S., R. 4 E.,
Sec. 3, SW¼NW¼, and W½SW¼;
Sec. 4, Lots 3 and 4, S½N½, and SE¼;
Sec. 5, Lots 1 and 2, S½N½, W½SW¼, and N½SE¼;
Sec. 11, S½NW¼, SW¼, S½SE¼, and NE¼ SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, Lot 4, NW¼NW¼, S½NW¼, SW¼, and W½SE¼;
Sec. 14, NW¼, and E½;
Sec. 20, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 24, Lots 1 to 4, incl., and W½E½;
Sec. 25, Lot 1, and NW¼NE¼;
Sec. 34, N½NW¼;
Sec. 35, N½NE¼.

T. 2 S., R. 4 E.,
Sec. 1, N½SE¼;
Sec. 11, SE¼;
Sec. 12, SE¼;
Sec. 13, N½;
Sec. 14, NW¼;
Sec. 15, SE¼, and N½;
Sec. 21, NE¼, and W½;
Sec. 22, E½;
Sec. 23, W½SW¼, and N½;
Sec. 24, NE¼, and W½;
Sec. 26, W½NW¼, and E½;
Sec. 27, N½N½, and W½SW¼;
Sec. 28, W½;
Sec. 29, NE¼, N½NW¼, SE¼NW¼, and N½SE¼;
Sec. 33, E½NW¼, and E½;
Sec. 34, W½NW¼, and SW¼.

T. 3 S., R. 4 E.,
Sec. 1, Lots 6 and 7, SW¼NE¼, SW¼, and W½SE¼,
Sec. 2, Lots 3 and 4, S½NW¼, and S½;
Sec. 3, Lots 1 to 4, incl., S½N½, and SE¼;
Sec. 10, NE¼NE¼;
Sec. 11, NW¼, and E½;
Sec. 12, Lots 1 to 4, incl., W½E½, and W½;
Sec. 13, NW¼NE¼, NW¼SE¼, and W½;
Sec. 14, NE¼SE¼;
Sec. 23, E½NE¼, and SE¼;
Sec. 24, Lots 1 to 4, incl., SW¼, and W½ E½;
Sec. 25, Lots 1 to 4, incl., NW¼, and W½ E½;
Sec. 26, NE¼, and S½;
Sec. 35, all.

T. 4 S., R. 4 E.,
Sec. 1, Lots 1 to 4, incl., S½N½, and S½;
Sec. 2, Lots 1, 2, and 3, S½NE¼, and SE¼;
Sec. 11, NW¼NE¼, and SW¼SE¼;
Sec. 12, N½NW¼, SE¼NW¼, N½NE¼, and E½SW¼.
Sec. 13, NE¼, S½NW¼, and S½;
Sec. 14, NW¼NE¼, S½NE¼, and SE¼;
Secs. 23, 24, and 25, all;
Sec. 26, N½NW¼, SW¼SW¼, E½SW¼, and E½;
Sec. 34, E½NE¼, and SE¼;
Sec. 35, all.

T. 5 S., R. 4 E.,
Sec. 1, S½;
Sec. 2, Lots 1 to 4, incl., S½N½, and S½;
Sec. 3, Lots 1 to 4, incl., S½N½, and S½;
Sec. 4, E½SE¼;
Sec. 10, all;
Sec. 11, N½;
Sec. 12, NE¼SE¼, and N½.

T. 1 S., R. 5 E.,
Sec. 18, S½SE¼;
Sec. 19, Lots 3 and 4, E½SW¼, and SE¼;
Sec. 20, NE¼NE¼, W½NE¼, N½NW¼, S½SW¼, and SW¼SE¼;
Sec. 28, NW¼, and S½;
Sec. 29, NE¼, E½NW¼, NW¼NW¼, W½ SW¼, and E½SE¼;
Sec. 30, Lot 2, NE¼NE¼, and S½SE¼;
Sec. 31, N½SE¼;
Sec. 32, SW¼;
Sec. 33, NE¼NE¼, W½NE¼, and W½.

T. 2 S., R. 5 E.,
Sec. 1, Lots 3 and 4, S½NW¼, and W½ SW¼;
Sec. 2, Lots 1 and 2;
Sec. 5, Lots 1 and 2, and S½NE¼;
Sec. 6, Lots 1 to 4, incl., and S½N½;
Sec. 7, W½;
Sec. 8, NW¼, and S½;
Sec. 12, W½;
Sec. 13, Lots 1, 2, and 3, W½NE¼, NE¼ NW¼, and NW¼SE¼;
Sec. 17, W½W½, and W½SE¼;
Sec. 18, S½;
Sec. 19, SE¼;
Sec. 20, NW¼;
Sec. 29, NW¼;
Sec. 30, NE¼NE¼;
Sec. 32, Lots 1 to 4, incl., S½NE¼, SE¼NW¼, and N½S½.

T. 3 S., R. 5 E.,
Sec. 1, Lots 2 and 3, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 4, Lot 4, SW¼NW¼, and W½SW¼;
Sec. 5, Lots 1 and 2, S½NE¼, SW¼, and W½SE¼;
Sec. 6, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 7, Lots 3 and 4, NE¼, and E½SE¼;
Sec. 8, NE¼, and S½;
Sec. 12, N½NE¼, and E½NW¼;
Sec. 17, N½;
Sec. 18, Lots 3 and 4, E½SW¼, and E½;
Sec. 19, Lots 1 to 4, incl., NE¼, and E½W½;
Sec. 30, Lots 2, 3 and 4, SE¼NW¼, and E½SW¼;
Sec. 31, Lots 1 to 4, incl., E½W½, and E½.

T. 4 S., R. 5 E.,
Sec. 5, Lots 3 and 4, S½NW¼, and SW¼;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, Lots 1 to 8, incl., E½W½, and E½;
Sec. 8, S½SE¼, and W½;
Sec. 9, S½SW¼;
Sec. 15, S½SW¼;
Sec. 17, all;
Sec. 18, Lots 1 to 8, incl., E½W½, and SE¼;
Sec. 19, Lots 1 to 8, incl., E½W½, and E½;
Sec. 30, Lots 1 to 8, incl., and E½W½;
Sec. 31, Lots 1 to 8, incl., E½W½, and SE¼;
Sec. 35, S½NE¼, NW¼, and S½.

T. 5 S., R. 5 E.,
Sec. 1, Lots 1, 2, 3 and 4, S½N½, and S½;
Sec. 2, Lots 1, 2, 3 and 4, S½N½, and S½;
Sec. 3, Lots 1, 2, 3 and 4, S½N½, and S½;
Sec. 4, Lots 1, 2, 3 and 4, S½NE¼, S½SW¼, and SE¼;
Sec. 5, Lots 3 and 4, S½NW¼, and SW¼;
Sec. 6, Lots 1 to 11, incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, Lots 1 to 8, incl., E½W½, and E½;
Secs. 8 to 11, incl., all;
Sec. 12, NW¼, and S½;
Sec. 13, N½S½, and N½;
Secs. 14 and 15, all;
Sec. 17, SE¼NE¼, SW¼NW¼, and N½N½;
Sec. 18, Lots 1 and 2, NE¼, E½NW¼, and N½SE¼;
Sec. 22, Lots 1, 2 and 3, NE¼, E½NW¼, and NW¼NW¼;
Sec. 23, Lot 4, and NW¼.

T. 2 S., R. 6 E.,
Sec. 18, Lots 2, 3 and 4, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 19, Lots 1 to 4, incl., and E½SW¼;
Sec. 30, Lots 1 to 4, incl., E½W½, and W½SE¼;
Sec. 31, Lots 1 to 4, incl., E½W½, and E½;
Sec. 33, SE¼SW¼, and SE¼;
Sec. 34, S½SW¼;
Sec. 35, NE¼, S½SW¼, and W½SE¼.

T. 3 S., R. 6 E.,
Sec. 2, Lots 3 and 4, and SW¼NW¼;
Sec. 3, Lots 1 to 4, incl.,
Sec. 4, Lots 1 to 4, incl., S½N½, and S½;
Sec. 5, Lots 1 to 4, incl., S½N½, and S½;
Sec. 6, Lots 1, 2 and 3, S½NE¼, SE¼NW¼, and E½SE¼;
Sec. 8, N½N½;
Sec. 10, E½NE¼.
T. 4 S., R. 6 E.,
Sec. 24, NW¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 28, E½NE¼, NW¼NE¼, and SW¼;
Sec. 29, NW¼;
Sec. 30, Lots 3 and 4, and E½SW¼;
Sec. 31, Lots 1 to 4, incl., NE¼, and E½W½;
Sec. 33, NE¼, and S½;
Sec. 34, all;
Sec. 35, W½NE¼.
T. 5 S., R. 6 E.,
Sec. 1, S½NW¼;
Sec. 4, S½;
Sec. 5, Lots 3 and 4, S½NW¼, and S½;
Sec. 6, Lots 1 and 2, and S½NE¼;
Sec. 7, SE¼;
Sec. 8, S½;
Sec. 9, NW¼, and S½;
Sec. 17, SW¼, N½SE¼, SW¼SE¼, and N½;
Sec. 18, Lots 1 to 4, incl., E½W½, and E½;
Sec. 19, N½NE¼;
Sec. 20, NW¼;
Sec. 21, NW¼SW¼, N½SE¼, SE¼SE¼, and N½;
Sec. 35, Lots 1 and 2, NE¼, and E½NW¼.
T. 2 S., R. 7 E.,
Sec. 31, Lots 3 and 4, and E½SW¼.
T. 3 S., R. 7 E.,
Sec. 6, Lots 3, 4 and 5, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, NW¼NE¼, and SE¼NE¼;
Sec. 18, NE¼, E½NW¼, SE¼SW¼, and W½SE¼;
Sec. 29, W½SW¼;
Sec. 31, E½NE¼;
Sec. 32, W½.
T. 4 S., R. 7 E.,
Sec. 5, Lot 4, SW¼NW¼, N½SW¼, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 8, NE¼, N½SE¼, and SE¼SE¼;
Sec. 9, W½NW¼, SW¼, and W½SE¼;
Sec. 17, NW¼SW¼, and E½SE¼;
Sec. 18, Lots 3 and 4, NE¼SW¼, and NW¼SE¼;
Sec. 20, NE¼;
Sec. 21, NE¼NE¼, and S½N½;
Sec. 28, SW¼NE¼, SW¼, and W½SE¼;
Sec. 29, S½SW¼.
T. 5 S., R. 7 E.,
Sec. 4, Lots 1 to 4, incl., S½N½, and S½;
Sec. 6, Lots 3, 4 and 7, and SE¼SW¼;
Sec. 7, Lots 1 to 4, incl., E½W½, and SE¼;
Sec. 8, NE¼, and S½;
Sec. 10, W½NW¼, and S½;
Sec. 11, SW¼;
Sec. 14, W½;
Sec. 15, all;
Sec. 17, E½SE¼, and N½;
Sec. 18, Lots 1 to 4, incl., NE¼, E½W½, and W½SE¼;
Sec. 19, Lots 1 to 4, incl., NW¼NE¼, S½NE¼, E½W½, and SE¼;
Sec. 20, NE¼NE¼, S½N½, NE¼SW¼, and SE¼SE¼;
Sec. 21, NW¼, S½SW¼, and SE¼;
Sec. 22, NE¼, and S½;
Sec. 23, W½E½, and W½;
Sec. 26, SW¼, NW¼SE¼, and N½;
Sec. 27, Lot 1, N½SW¼, SE¼SW¼, SE¼, and N½;
Sec. 28, Lots 1, 2 and 3, NE¼SE¼, and N½;
Sec. 29, Lot 1, N½SW¼, NW¼SE¼, and N½;
Sec. 30, Lots 1 to 4, incl., NE¼, and E½W½, and NW¼SE¼;
Sec. 31, Lots 1, 2, and 3, and NE¼NW¼;
Sec. 34, Lot 1, and N½NE¼;
Sec. 35, NW¼NW¼.
T. 2 N., R. 3 E.,
Sec. 3, Lots 9, 10, 11 and 12.
T. 1 S., R. 8 E.,
Sec. 26, NW¼NW¼.

The above areas aggregate 183,130.16 acres.

WESLEY R. NELSON,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM FINCUS,
Assistant Director,
Bureau of Land Management.

JANUARY 28, 1952.

[F. R. Doc. 52-2450; Filed, Mar. 3, 1952; 8:47 a. m.]

MOUNTAIN HOME PROJECT, IDAHO

NOTICE FOR FILING OBJECTIONS TO ORDER[1] WITHDRAWING PUBLIC LANDS

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Idaho, for use in connection with the Mountain Home Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY R. NELSON,
Assistant Commissioner.

[F. R. Doc. 52-2451; Filed, Mar. 3, 1952; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043).

Lindy Allan, Inc., 59 O'Neill Street, Kingston, N. Y., effective 2-18-52 to 2-17-53; 10 learners (ladies' dresses).

Altoona Factories, Inc., 1715 Eleventh Avenue, Altoona, Pa., effective 2-20-52 to 2-19-53; 10 percent of the productive factory force or 10 learners, whichever is greater (sportswear and other odd outerwear, pants, overalls, and jackets).

Blue Bell, Inc., Nappannee, Ind., effective 2-21-52 to 8-20-52; 20 learners for expansion purposes (men's and boys' denim dungarees).

Blue Bell, Inc., Nappannee, Ind., effective 2-21-52 to 2-20-53; 10 learners (men's and boys' denim dungarees).

Blue Bell, Inc., North Webster, Ind., effective 2-21-52 to 2-20-53; 10 learners (men's and boys' dungarees).

Blue Bell, Inc., North Webster, Ind., effective 2-21-52 to 8-20-52; 20 learners for expansion purposes (men's and boys' denim dungarees).

Jacobs Bros. Inc., Manchester, Md., effective 2-19-52 to 2-18-53; 10 learners (nurses' and maids' uniforms).

Jacobs Bros. Inc., Littlestown, Pa., effective 2-19-52 to 2-18-53; five learners (nurses' and maids' uniforms).

Jacobs Bros. Inc., Delmar, Del., effective 2-19-52 to 2-18-53; five learners (nurses' and maids' uniforms).

Mary Kirk, Inc., 130 West Third Street, Mount Carmel, Pa., effective 2-21-52 to 2-20-53; 10 percent of the productive factory force or 10 learners, whichever is greater (dresses).

Patterson Manufacturing Co., Inc., 428 North Main Street, Miami, Okla., effective 2-21-52 to 2-20-53; 10 percent of the productive factory force (pants, overalls, coveralls, and work shirts).

Perfect Brassiere Corp., 214 Academy Street, Hampton, Va., effective 2-22-52 to 2-21-53; 10 learners (brassieres).

Regal Shirt Corp., Second and Pine Streets, Catawissa, Pa., effective 2-22-52 to 2-21-53; 10 percent of the productive factory force (dress shirts, collars, sleeping wear).

Selro Manufacturing Co., 115 Pace Street, Cambridge, Md., effective 2-21-52 to 2-20-53; 10 percent of the productive factory force or 10 learners, whichever is greater (women's blouses).

Short Manufacturing Co., Columbus, Nebr., effective 2-23-52 to 2-22-53; five learners (dress shirts, collars, sleeping wear).

Southeastern Garment Co., Ltd., Monroe, Ga., effective 2-21-52 to 2-20-53; 10 percent of the productive factory force (pants, overalls, coveralls, work shirts).

Trudy Manufacturing Co., Inc., Bareville, Pa., effective 2-19-52 to 2-18-53; 10 percent of the productive factory force (ladies' slips).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Monte Glove Co., Inc., 34-38 East Jackson Street, Shelbyville, Ind., effective 2-20-52 to 2-19-53; 10 learners (cotton work gloves).

[1] See F. R. Doc. 52-2450, *supra*.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Ashburn Hosiery Mills, Mount Airy, N. C., effective 2-22-52 to 2-21-53; five learners.

Elliott Knitting Mills, Inc., Hickory, N. C., effective 2-20-52 to 2-19-53; 5 percent of the productive factory force.

Lenoir Hosiery Mills, Inc., Realty Street, Lenoir, N. C., effective 2-23-52 to 2-22-53; 5 percent of the productive factory force.

Magnet Mills, Inc., Clinton, Tenn., effective 2-22-52 to 2-21-53; 5 percent of the productive factory force.

Miller White Hosiery Mills, Taylorsville, N. C., effective 2-22-52 to 2-21-53; five learners.

Morris Hosiery Mills, Denton, N. C., effective 2-22-52 to 2-21-53; four learners.

Mount Pleasant Hosiery Mills, Inc., Mount Pleasant, N. C., effective 2-22-52 to 2-21-53; five learners.

Walridge Knitting Mills, Inc., Marvell, Ark., effective 2-21-52 to 2-20-53; five learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Public Utilities Co., Crossett, Ark., effective 2-20-52 to 2-19-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Mullins Textile Mills, Inc., Cypress Street, Mullins, S. C., effective 2-20-52 to 8-19-52; 50 learners for expansion purposes (outerwear and underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

American Fiber-Velope Manufacturing Co., 229-233 North Sixty-third Street, Philadelphia 39, Pa., effective 2-21-52 to 8-20-52; five learners; Hand and machine operations in making envelopes; 320 hours at 70 cents per hour (envelopes).

Samuel Jackson, Jr., 900 Elm Avenue, Laurel Springs, N. J., effective 2-23-52 to 8-22-52; four learners; fuse maker, but not including cutting bonnets, cutting tape, cutting cover paper and helpers; 160 hours at 65 cents per hour (railway signal fuses).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 25th day of February 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-2452; Filed, Mar. 3, 1952; 8:48 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request 5]

REQUEST TO PARTICIPATE IN THE FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON HEAVY TACTICAL TRUCKS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on Heavy Tactical Trucks in accordance with the revised Voluntary Plan, entitled "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on Heavy Tactical Trucks," dated October 3, 1951, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

The revised Voluntary Plan provides for the formation and operation of this Heavy Tactical Truck Integration Committee and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This revised Voluntary Plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of the Heavy Tactical Trucks Integration Committee in accordance with the revised Voluntary Plan, entitled "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on Heavy Tactical Trucks," dated October 3, 1951, a copy of which is herewith enclosed.

In my opinion, your participation in the activities of this Committee will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the revised Voluntary Plan and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Heavy Tactical Trucks Integration Committee and your participation therein are within the limits set forth in the revised Voluntary Plan.

In the event that you accept this request will you kindly send two copies of your acceptance to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G-4, United States Army, Pentagon Building, Washington 25, D. C.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Diamond "T" Motor Car Co., 4401 West Twenty-sixth Street, Chicago, Ill.

International Harvester Co., 180 North Michigan Avenue, Chicago, Ill.

Mack Manufacturing Co., Allentown, Pa.

(Sec. 708, 64 Stat. 818, 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: February 29, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-2595; Filed, Mar. 3, 1952; 11:35 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26841]

BRICK FROM COLUMBIA TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

FEBRUARY 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for the Missouri-Kansas-Texas Railroad Company.

Commodities involved: Brick and related articles, carloads.

From: Columbia, Mo.

To: Kansas City, Mo.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3686, Supp. 57.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2465; Filed, Mar. 3, 1952; 8:50 a. m.]

[4th Sec. Application 26842]

FINE COAL FROM MISSOURI TO IOWA

APPLICATION FOR RELIEF

FEBRUARY 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3456.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Missouri.

To: Points in Iowa.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3456, Supp. 90.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2466; Filed, Mar. 3, 1952; 8:50 a. m.]

[4th Sec. Application 26843]

SULPHATE BLACK LIQUOR SKIMMINGS FROM POINTS IN SOUTHWEST TO BAY MINETTE, ALA.

APPLICATION FOR RELIEF

FEBRUARY 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906, 3908, and 3967.

Commodities involved: Sulphate black liquor skimmings, tank-car loads.

From: Points in Arkansas, Louisiana, and Texas.

To: Bay Minette, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; F. C. Kratzmeir's tariff I. C. C. No. 3906, Supp. 101; F. C. Kratzmeir's tariff, I. C. C. No. 3908, Supp. 88; F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2467; Filed, Mar. 3, 1952; 8:50 a. m.]

[4th Sec. Application 26844]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM POINTS IN ILLINOIS AND WISCONSIN TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 754, Agent C. A. Spaninger's tariff I. C. C. No. 1285.

Commodities involved: Fresh meats and packing house products, carloads.

From: Chicago, Ill., Cudahy, Madison, North Madison, and Milwaukee, Wis.

To: North Carolina, South Carolina, Tennessee, Kentucky, and Virginia.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch's tariff I. C. C. No. 754, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2468; Filed, Mar. 3, 1952; 8:50 a. m.]

[4th Sec. Application 26845]

HIDES FROM HAZELWOOD, N. C., TO PEABODY AND NEWBURYPORT, MASS.

APPLICATION FOR RELIEF

FEBRUARY 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1193.

Commodities involved: Hides, pelts, or skins, green salted or pickled, carloads.

From: Hazelwood, N. C.

To: Peabody and Newburyport, Mass.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2469; Filed, Mar. 3, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1277]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF PETITION TO AMEND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 26, 1952.

Take notice that Transcontinental Gas Pipe Line Corporation (Transcontinental), a Delaware corporation having its principal place of business at Houston, Texas, filed on February 19, 1952, a "Petition for Amendment of Orders Issuing Certificates of Public Convenience and Necessity", by which it requests the Commission to amend its order issued April

28, 1950, accompanying Opinion No. 191, and the order issued November 8, 1950, accompanying Opinion No. 202, issuing certificates of public convenience and necessity in the proceeding in Docket No. G–1277, by rescission of authority granted to Transcontinental to sell and deliver 64,000 Mcf of natural gas per day to Northeastern Gas Transmission Company and to construct any facilities specifically required therefor, and to relieve Transcontinental of any obligation to sell and deliver said 64,000 Mcf to Northeastern or to construct any facilities specifically required therefor.

By said petition, Transcontinental further requests the Commission to authorize it to sell and deliver said 64,000 Mcf of natural gas, on a permanent basis, to the following present contract customers of Transcontinental located in Transcontinental's Zone 2.

Customer	Present sales authorized	Additional sales requested to be authorized	Total
	Mcf	*Mcf*	*Mcf*
Consolidated Edison Co. of New York	128,000	19,000	147,000
The Brooklyn Union Gas Co	70,000	16,000	86,000
Public Service Electric & Gas Co	70,000	8,000	78,000
Philadelphia Electric Co	37,000	10,000	47,000
Long Island Lighting System	35,000	1,500	36,500
Elizabethtown Consolidated Gas Co	12,000	1,500	13,500
Brooklyn Borough Gas Co	9,000	1,000	10,000
Kings County Lighting Co	9,000	1,000	10,000
Philadelphia Gas Works Co	25,000	3,000	28,000
South Jersey Gas Co	20,000	2,500	22,500
City of Danville	3,200	500	3,700
	418,200	64,000	482,200

The petition is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of March 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–2456; Filed, Mar. 3, 1952; 8:49 a. m.]

[Docket Nos. G–1277, G–1650, G–1713, G–1621, G–1747, G–1633, G–1728, G–1800]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS, PERMITTING WITHDRAWAL OF PETITION, AND POSTPONING DATE OF HEARING

FEBRUARY 26, 1952.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket Nos. G–1277, G–1650, G–1713; Atlantic Seaboard Corporation, Docket Nos. G–1621, G–1747; Manufacturers Light and Heat Company, Docket No. G–1633; Rockland Light and Power Company, Docket No. G–1728; United Fuel Gas Company, Docket No. G–1800.

By order issued December 7, 1951, the Commission directed that the proceeding in Docket No. G–1277, in the matter of Transcontinental Gas Pipe Line Corporation (Transcontinental), be reopened for certain specific purposes;[1] consolidated said reopened proceeding for purpose of hearing with the proceedings in Docket Nos. G–1621, G–1747, G–1633, G–1650, G–1713, and G–1800; and fixed the date of hearing in said consolidated proceedings as January 28, 1952.

Subsequently, by order issued December 26, 1951, the Commission directed that the proceeding in Docket No. G–1728 be consolidated for purpose of hearing with the proceedings consolidated by the order issued December 7, 1951.

Thereafter, on January 2, 1952, Transcontinental filed in Docket No. G–1277 a "Petition to Temporarily Amend Order Issuing Certificate of Public Convenience and Necessity" in which it requested, among other things, that pending final determination in the reopened proceeding, Transcontinental be authorized to dispose of the 64,000 Mcf per day by increasing deliveries to certain customers as follows:

	Mcf
Consolidated Edison Co	15,000
The Brooklyn Union Gas Co	6,000
Public Service Electric & Gas Co	16,000
Philadelphia Electric Co	7,500
Long Island Lighting System	1,500
	46,000

[1] In the order issued December 7, 1951, directing the proceeding in Docket No. G–1277 be reopened the Commission stated as follows:

"The Commission, by its Opinion No. 202 and accompanying order dated November 4, 1950,[1] issued to Transcontinental a certificate of public convenience and necessity authorizing the company to construct and operate facilities required for natural-gas service in New England, applied for in that portion of Docket No. G–1277 not covered by our Opinion No. 191, issued April 28, 1950. By said order Transcontinental was directed to sell and deliver to Northeastern a maximum of 64,000 Mcf of natural gas per day for distribution in the New England area.

"Transcontinental, in conformity with the Commission's order in Docket No. G–1277, entered into a contract dated March 15, 1951, with Northeastern for a delivery to that company of 64,000 Mcf of natural gas daily. Transcontinental's contract with Northeastern further provided that the commencement of deliveries of natural gas begin by September 1, 1951. On or about November 23, 1951, Transcontinental advised the Commission that it had terminated its contract with Northeastern and suggested to the latter company that a contract similar to the terminated contract be entered into to provide for the delivery of natural gas to Northeastern by Transcontinental beginning September 1, 1953."

In view of the foregoing, it appears that Transcontinental has a substantial volume of gas available which may be used for the purpose of alleviating the critical market shortages in the areas adjacent to its system. It therefore appears that it would be in the public interest to reopen the proceedings in Docket No. G–1277 for the purpose of determining (1) whether the certificate in that docket should be modified to provide for the sale and delivery of 64,000 Mcf to specified customers on a permanent basis; (2) whether such volume of gas should be disposed of by further order of the Commission on a temporary basis; or (3) whether some other plan should be devised for the utilization of the 64,000 Mcf which may be available in the Transcontinental system.

Transcontinental proposed to deliver the remaining 18,000 Mcf per day to the Columbia Gas System, Inc., under existing exchange agreements between Transcontinental and subsidiaries of the Columbia Gas system.

By order issued January 10, 1952, the proceeding upon the "Petition to Temporarily Amend Order Issuing Certificate of Public Convenience and Necessity" was consolidated for purpose of hearing with the proceedings consolidated for purpose of hearing by the orders of the Commission issued December 7 and 26, 1951.

By notice dated January 16, 1952, the hearing in the consolidated proceedings, theretofore set to commence on January 28, 1952, was postponed to March 3, 1952.

On February 19, 1952, Transcontinental filed with the Commission a "Petition for Amendment of Orders Issuing Certificate of Public Convenience and Necessity" by which it requests the Commission to amend the order issued April 28, 1950, accompanying Opinion No. 191, and the order issued November 8, 1950, accompanying Opinion No. 202, issuing certificates of public convenience and necessity in the proceeding in Docket No. G–1277, in such manner as to relieve Transcontinental of any obligation to sell and deliver 64,000 Mcf of natural gas per day to Northeastern Gas Transmission Company and to construct any facilities specifically required therefor. By such petition, Transcontinental further requests the Commission to authorize it to sell and deliver the 64,000 Mcf of natural gas per day on a permanent basis, to present customers of Transcontinental, located in Transcontinental's Zone 2, in accordance with its Rate Schedule CD–2 and with the applicable provisions of the general terms and conditions of Transcontinental's F. P. C. Gas Tariff, now on file with the Commission. The customers which Transcontinental requests authority to serve are as follows:

Customer	Percent sales authorized	Additional sales requested to be authorized	Total
	Mcf	*Mcf*	*Mcf*
Consolidated Edison Co. of New York	128,000	19,000	147,000
The Brooklyn Union Gas Co	70,000	16,000	86,000
Public Service Electric & Gas Co	70,000	8,000	78,000
Philadelphia Electric Co	37,000	10,000	47,000
Long Island Lighting System	35,000	1,500	36,500
Elizabethtown Consolidated Gas Co	12,000	1,500	13,500
Brooklyn Borough Gas Co	9,000	1,000	10,000
Kings County Lighting Co	9,000	1,000	10,000
Philadelphia Gas Works Co	25,000	3,000	28,000
South Jersey Gas Co	20,000	2,500	22,500
City of Danville	3,200	500	3,700
	418,200	64,000	482,200

By telegram received by the Commission on February 20, 1952, Transcontinental requests that it be permitted to withdraw its "Petition to Temporarily Amend Order Issuing Certificate of Public Convenience and Necessity" filed on January 2, 1952, referred to hereinbefore.

The Commission finds:

(1) Good cause exists to permit Transcontinental to withdraw its "Petition to Temporarily Order Issuing Certificate of Public Convenience and Necessity" filed January 2, 1952.

(2) Good cause exists and it is in the public interest to amend the orders issued in these consolidated proceedings on December 7 and 26, 1951, so as to eliminate therefrom provisions providing for hearing with respect to reopening the proceeding in Docket No. G–1277 for the specific purpose of determining:

* * * (1) Whether the certificate in that docket should be modified to provide for the sale and delivery of 64,000 Mcf to specified customers on a permanent basis; (2) whether such volume of gas should be disposed of by further order of the Commission on a temporary basis; or (3) whether some other plan should be devised for the utilization of the 64,000 Mcf which may be available in the Transcontinental system.

(3) It is in the public interest that the proceedings in Docket No. G–1277 be reopened for the purpose of determining whether the order issued November 8, 1950, accompanying Opinion No. 202, issuing a certificate of public convenience and necessity to Transcontinental be modified so as to:

(A) Revoke the authority granted to Transcontinental "to construct and operate the facilities required for natural-gas service to New England applied for in that portion of Docket No. G–1277 not covered by our Opinion No. 191, issued April 28, 1950"; and revoke the term and condition thereto that Transcontinental "shall deliver and sell to Northeastern not in excess of 64,000 Mcf of natural gas per day."

(B) Authorize and require Transcontinental to sell and deliver the said 64,000 Mcf of natural gas per day, on a permanent basis, (1) to present customers of Transcontinental specified in its "Petition for Amendment of Orders Issuing Certificates of Public Convenience and Necessity" filed February 19, 1952, hereinbefore mentioned, or (2) to such companies or municipalities, or both, as the public convenience and necessity may require.

(4) It is in the public interest that at the hearing in the proceedings, consolidated for purpose of hearing as hereinafter ordered, testimony with respect to the issues as set forth in paragraph (3) (A) be heard and completed prior to the commencement of the taking of testimony with respect to the issues as set forth in paragraph (3) (B), together with the taking of testimony in other proceedings consolidated for purposes of hearing as hereinafter ordered.

(5) It is in the public interest to consolidate for purpose of hearing the proceeding in Docket No. G–1277 reopened, as hereinafter ordered upon Transcontinental's "Petition for Amendment of Orders Issuing Certificates of Public Convenience and Necessity" with the proceedings in Docket Nos. G–1728, G–1621, G–1747, G–1633, G–1650, G–1713, and G–1800.

(6) In view of Transcontinental's request for permission to withdraw its petition filed January 2, 1952, and of the filing of its petition of February 19, 1952, good cause exists for postponing the hearing in these proceedings from March 3, 1952, to March 24, 1952.

The Commission orders:

(A) Transcontinental be, and it hereby is, permitted to withdraw the "Petition to Temporarily Amend Order Issuing Certificate of Public Convenience and Necessity" filed by it on January 2, 1952.

(B) The proceeding in Docket No. G–1277 be and it hereby is reopened for further hearing for the specific purposes as set forth in finding (3) of this order, and in the manner and procedure set forth in finding (4) of this order.

(C) The reopened proceeding in Docket No. G–1277, as provided herein, be consolidated for the purposes of hearing with the proceedings in Docket Nos. G–1650, G–1713, G–1621, G–1747, G–1633, G–1728, and G–1800.

(D) The Commission's order of December 7, 1951, hereinbefore mentioned, be and it is hereby amended to eliminate therefrom the excerpt quoted in finding (2) above, and by substituting therefor the following:

Whether the order of November 8, 1950, accompanying Opinion No. 202, issuing a certificate of public convenience and necessity to Transcontinental should be modified so as to:

(A) Revoke the authority granted to Transcontinental "to construct and operate the facilities required for natural-gas service to New England applied for in that portion of Docket No. G–1277 not covered by our Opinion No. 191, issued April 28, 1950"; and revoke the term and condition thereof that Transcontinental "shall deliver and sell to Northeastern not in excess of 64,000 Mcf natural gas per day."

(B) Authorize and require Transcontinental to sell and deliver the said 64,000 Mcf of natural gas per day, on a permanent basis, (1) to present customers of Transcontinental as specified in its "Petition for Amendment of Orders Issuing Certificates of Public Convenience and Necessity," filed February 19, 1952, hereinbefore mentioned, or (2) to such companies or municipalities, or both, as the public convenience and necessity may require.

(E) The hearing in the consolidated proceeding now set to commence on March 3, 1952, be and it is hereby postponed to commence March 24, 1952, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: February 27, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–2457; Filed, Mar. 3, 1952; 8:49 a. m.]

[Docket No. G–1652]

GULF-MICHIGAN GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING AND PERMITTING INTERVENTION

FEBRUARY 26, 1952.

On April 4, 1951, Gulf-Michigan Gas Transmission Corporation, a Delaware corporation with its principal place of business at St. Louis, Missouri, filed an application, amended June 11, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural-gas transmission pipe-line facilities, and the transportation and sale of natural gas, subject to the jurisdiction of the Commission, all as more fully described in the application, as amended, on file with the Commission and open to public inspection.

Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on April 18, 1951 (16 F. R. 3389–90).

Petitions seeking leave to intervene in this proceeding were filed on the dates hereinafter indicated by the following petitioners:

Petitioner	*Date filed*
Central Wisconsin Gas. Co	Apr. 26, 1951
Railway Labor Executive Association	Apr. 27, 1951
Fuels Research Council, Inc	Do.
Anthracite Institute	Do.
National Coal Association and United Mine Workers of America (jointly)	Do.
The Chesapeake & Ohio Ry. Co	May 2, 1951
Illinois Power Co	Do.
Panhandle Eastern Pipe Line Co	Do.

The Commission finds: The participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held commencing on March 20, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington 25, D. C., concerning the matters involved and the issues presented by the application, as amended, and the pleadings thereto, including intervening petitions.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the aforesaid rules of practice and procedure.

(C) The above-named petitioners be and the same hereby are permitted to become interveners in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the admission of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

Date of issuance: February 27, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–2455; Filed, Mar. 3, 1952; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 51, Amdt. 2]

TRIMOUNT CLOTHING CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 51 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's suits, tuxedos, sport coats, slacks, topcoats, and overcoats manufactured by Trimount Clothing Co., Inc. and having the brand name "Clipper Craft".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated September 27, 1951 and January 10, 1952.

Amendatory provisions. Special Order 51 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's application dated May 3, 1951", insert the words "as supplemented and amended by its applications dated June 22, 1951, September 27, 1951 and January 10, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated September 27, 1951, and January 10, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 10, 1952.

Effective date. This amendment shall become effective February 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2414; Filed, Feb. 27, 1952; 4:31 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 114, Amdt. 1]

ARVIN INDUSTRIES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 114 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for electric toasters, waffle irons, cookers, ovens, fans and heaters manufactured by Arvin Industries, Inc. and having the brand name "Arvin."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 3, 1952.

Amendatory provisions. Special Order 114 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 28, 1951," insert the words "as supplemented and amended by its application dated January 3, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 3, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 15, 1952.

Effective date. This amendment shall become effective February 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2415; Filed, Feb. 27, 1952; 4:31 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 115, Amdt. 1]

ARVIN INDUSTRIES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 115 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for radios manufactured by Arvin Industries, Inc. and having the brand name "Arvin."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated August 14, 1951.

Amendatory provisions. Special Order 115 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 19, 1951," insert the words "as supplemented and amended by its application dated August 14, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated August 14, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 15, 1952.

Effective date. This amendment shall become effective February 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2416; Filed, Feb. 27, 1952; 4:31 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 189, Amdt. 3]

A. STEIN & CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 189 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's garters, suspenders, belts and buckles, boys' belts, women's sanitary belts, garter belts, hose supporters, dress shields, girdles, chafe shields, crotch shields, brassieres and elastic strips manufactured by A. Stein & Company and having the brand names "Paris," "Perma-Lift," and "Hickory."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated October 18, 1951, and December 12, 1951.

Amendatory provisions. Special Order 189 under section 43, Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 1, after the words "in its application dated October 31, 1951," insert the words "as supplemented and amended by its application dated October 18, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated October 18, 1951, and December 12, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 18, 1952.

Effective date. This amendment shall become effective February 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2417; Filed, Feb. 27, 1952; 4:31 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 427, Amdt. 3]

ONEIDA LTD.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 427 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for sterling and plated silver flatware and holloware manufactured by Oneida Ltd., and having the brand names "Heirloom Sterling", "Community", "Tudor Plate", "1881 (R) Rogers (R)", and "(o.) (c.) Oneida Community, Ltd."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by

incorporating into the special order the amended application dated November 28, 1951.

Amendatory provisions. Special Order 427 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "September 11, 1951", the following dates "November 28, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated November 28, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 22, 1952.

Effective date. This amendment shall become effective February 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2418; Filed, Feb. 27, 1952; 4:31 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 661, Amdt. 1]

L. E. MASON CO.

CEILING PRICE RETAIL

Statement of considerations. Special Order 661 under section 43 of Ceiling Price Regulation 7, issued September 19, 1951, established ceiling prices for sales at retail of silent butler, and carve fork distributed by L. E. Mason Company, having the brand names "Mason Silent Butler" and "Mason Carve-Rite".

This amendment establishes different costs to retailers and corresponding different retail prices for a western zone.

In addition this amendment lists the selling prices to retailers and the corresponding ceiling prices at retail established by the special order and which did not appear therein.

Amendatory provisions. Special Order 661 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. Delete paragraph 1 of the special order and substitute therefor the following:

1. The following ceiling prices are established for sales by any seller at retail of silent butler and carve fork distributed by L. E. Mason Company, having the brand names "Mason Carve-Rite" and "Mason Silent Butler" and described in the distributor's application dated May 28, 1951, and supplemented and amended by the distributor's application dated October 30, 1951.

Different ceiling prices are established for eastern and western zones. The western zone is comprised of the states of California, Washington and Oregon. The eastern zone includes the remainder of the United States and the District of Columbia.

Description	Ceiling price at retail	
	Eastern zone (per unit)	Western zone (per unit)
Mason Carve-Rite	$3.50	$3.69
Mason Silent Butler	5.95	5.95

2. Delete paragraph 4 of the special order and substitute therefor the following:

4. Within 15 days after the effective date of this special order the supplier shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the supplier had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto issued prior to the date of the delivery.

Within 15 days after the effective date of any subsequent amendment to this special order, the supplier shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the supplier had delivered any article the sale of which is affected in any manner by the amendment.

Effective date. This amendment shall become effective February 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2419; Filed, Feb. 27, 1952; 4:31 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 705, Amdt. 2]

REVERE COPPER AND BRASS, INC., ROME MFG. CO. DIVISION

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 705 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for kitchen utensils manufactured by Revere Copper and Brass, Incorporated, Rome Manufacturing Company Division and having the brand name "Revere Ware."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 30, 1952.

Amendatory provisions. Special Order 705 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1 after the words "in its application dated August 10, 1951," insert the words "as supplemented and amended by its applications dated September 12, 1951, October 18, 1951, November 12, 1951, November 29, 1951, and January 30, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 30, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 18, 1952.

Effective date. This amendment shall become effective February 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2420; Filed, Feb. 27, 1952; 4:32 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 821]

PLASTIC PRODUCTS CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Plastic Products Company, Inc., 3409 Main Street, Dallas, Texas.

Brand names: "Auto Pak".

Articles: Garment bags.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are

the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in Section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. / dozen. / etc.	Terms {net. / percent EOM. / etc. $--------

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2421; Filed, Feb. 27, 1952; 4:32 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 822]

A. GRONA MATTRESS CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: A. Grona Mattress Co., Inc., 1907 So. St. Mary's Street, San Antonio 6, Texas.

Brand names: "Serta".

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit. dozen. etc.} Terms{net. percent EOM. etc.}
$_____

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2422; Filed, Feb. 27, 1952; 4:32 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 823]

UNITED STATES TRUNK CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: United States Trunk Company, Inc., 951 Broadway, Fall River, Mass.

Brand names: "Sophisticase" and "Luggage by U. S."

Articles: Luggage.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $ _____

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit. / dozen. / etc.} Terms{net. / percent EOM. / etc.}

$_____

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2423; Filed, Feb. 27, 1952; 4:32 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 824]

OSTERMOOR & CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Ostermoor & Company, Bridgeport 4, Connecticut.

Brand names: "Ostermoor".

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately

prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. / dozen. / etc.} Terms {net. / percent EOM. / etc.}	$_____

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2424; Filed, Feb. 27, 1952; 4:33 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 825]

WEBSTER-CHICAGO CORP.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Webster-Chicago Corporation, 5610 Bloomingdale Avenue, Chicago 39, Illinois has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of phonographs, wire recorders, tape recorders, recording tape, recording wire, recording wire assortment kits, and record changers sold through retailers and wholesalers and having the brand name(s) "Webster-Chicago" shall be the proposed retail and wholesale ceiling prices listed by Webster-Chicago Corporation, 5610 Bloomingdale Avenue, Chicago 39, Illinois, hereinafter referred to as the "applicant" in its application dated September 14, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's applications dated October 2, 1951, November 26, 1951, and January 28, 1952).

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than April 28, 1952, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after April 28, 1952, Webster-Chicago Corporation must mark each article for which a ceiling price has been established in paragraph .1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after May 28, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to May 28, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the pretickeeting requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90 day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)	(Column 3)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1	Wholesaler's ceiling price for articles listed in column 1
----------	$----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order; amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first six-month period following the effective date of this special order and within 45 days of the expiration of each successive six-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that six-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2425; Filed, Feb. 27, 1952; 4:33 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 826]

OAKVILLE COMPANY DIVISION, SCOVILL MANUFACTURING CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Oakville Company Division, Scovill Manufacturing Company, Waterbury 20, Connecticut, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of fasteners sold through wholesalers and retailers and having the brand name(s) "Gripper" shall be the proposed retail ceiling prices listed by Oakville Company Division, Scovill Manufacturing Company, Waterbury 20, Connecticut hereinafter referred to as the "applicant" in its application dated November 14, 1951 and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than April 28, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after April 28, 1952, Oakville Company Division, Scovill Manufacturing Company, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after May 28, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to May 28, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the sixty-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner,

annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1) Item (style or lot number or other description)	(Column 2) Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first six-month period following the effective date of this special order and within 45 days of the expiration of each successive six-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that six-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2426; Filed, Feb. 27, 1952; 4:33 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 827]

SEAL-DRI SPORTSWEAR CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Seal-Dri Sportswear Co., 2514 Kilburn Avenue, Rockford, Illinois.

Brand names: "Seal-Dri."

Articles: Waders, wader tops, hippers, parkas, jackets, pants, storm suits, and raincoats.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $---------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list

shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the nctification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling Price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. dozen. etc.	Terms{net. percent EOM. etc. $--------

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $ --------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2427; Filed, Feb. 27, 1952; 4:33 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 828]

VALCO MANUFACTURING CO.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Valco Manufacturing Co., 4700 W. Walton St., Chicago 51, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of guitars sold through retailers and wholesalers and having the brand name(s) "National" and "Supro" shall be the proposed retail and wholesale ceiling prices listed by Valco Manufacturing Co., 4700 W. Walton St., Chicago 51, Illinois, hereinafter referred to as the "applicant" in its application dated September 25, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's applications dated November 16, 1951 and January 22, 1952).

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than April 28, 1952, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after April 28, 1952, Valco Manufacturing Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after May 28, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to May 28, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)	(Column 3)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1	Wholesaler's ceiling price for articles listed in column 1
----------	$----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in sub-paragraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2423; Filed, Feb. 27, 1952; 4:33 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 829]

LEWIS ENGINEERING AND MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Lewis Engineering and Manufacturing Co., South Mahoning Avenue, Alliance, Ohio has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of grass shears, pruning shears, and hedge shears sold through wholesalers and retailers and having the brand names "Doo-Klip" and "Snipitt Jr." shall be the proposed retail ceiling prices listed by The Lewis Engineering and Manufacturing Co., South Mahoning Avenue, Alliance, Ohio, hereinafter referred to as the "applicant" in its application dated October 8, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than April 28, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after April 28, 1952, The Lewis Engineering and Manufacturing Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after May 28, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to May 28, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this specal order must comply as to each such article with the pre-ticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2429; Filed, Feb. 27, 1952; 4:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 830]

GREEN SHOE MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price after June 30, 1952. However, prior to June 30, 1952, each article may be marked or tagged with the model, style or lot number, in lieu of the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: The Green Shoe Manufacturing Co., 960 Harrison Ave., Boston, Mass.

Brand name: "The Stride Rite Shoe."

Articles: Misses', growing girl's, children's, and infants' shoes.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in one of the following forms:

OPS—Sec. 43—CPR 7
Price $------

or

OPS—Sec. 43—CPR 7
Model No. --------

On and after June 30, 1952, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The netice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per.....{unit. dozen. etc. Terms {net. percent EOM. etc.	$.....

9. *Pre-ticketing requirements.* (a) As the applicant to whom this special order is issued, you must mark each article covered by this order with a statement in the following form.

OPS—Sec. 43—CPR 7
Price $ --------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

(b) With respect to articles manufactured on and after April 10, 1952, and delivered prior to June 30, 1952, The Green Shoe Manufacturing Co. must label, tag, or ticket each article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (a) of this paragraph or with a mark of statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. --------

(c) The Green Shoe Manufacturing Co. must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by The Green Shoe Manufacturing Co. determine the ceiling price for each such article and mark or tag it in accordance with the provisions of Section 51 of Ceiling Price Regulation 7.

(d) Unless, on or before April 20, 1952, The Green Shoe Manufacturing Co. certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2430; Filed, Feb. 27, 1952; 4:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 831]

BERK-RAY CORP.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers.—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Berk-Ray Corporation, 230 Fifth Avenue, New York, N. Y.

Brand names: "Berk-Ray Fruit of the Loom".

Articles: Men's jackets.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag, or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date, you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below, to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment

to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit. / dozen. / etc.} Terms{net. / percent EOM. / etc.} $_____

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2431; Filed, Feb. 27, 1952; 4:34 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARGARET KOEHLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Margaret Koehler, 17 Apsley Crescent, Manningham, Bradford, Yorks, England; Claim No. 42351; $875.79 in the Treasury of the United States.

Executed at Washington, D. C., on February 27, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-2487; Filed, Mar. 3, 1952; 8:52 a. m.]

HERMINE HERMANCE ZEITLBERGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hermine Hermance Zeitlberger a/k/a Matzner, nee Strakosch Gotha-Siebieben, Thuringia, Germany; Claim No. 42766; $2,388.39 in the Treasury of the United States; all right, title, interest and claim of Hermine Hermance Zeitlberger, a/k/a Hermine Hermance Strakosch, nee Matzner, in and to the trust estate created under Article Ninth of the Last Will and Testament of Emil Fuchs, deceased.

Executed at Washington, D. C., on February 27, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-2488; Filed, Mar. 3, 1952; 8:53 a. m.]

MARIA VON LUSCHINSKY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria von Luschinsky, Vienna, Austria; Claim No. 44108; $10,000.00 in the Treasury of the United States.

Executed at Washington, D. C., on February 27, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-2489; Filed, Mar. 3, 1952; 8:53 a. m.]

ABRAM NEIMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Abram Neiman, Paris France; Claim No. 42009; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent Nos. 2,075,746 and 2,101,446, and property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,231,546.

Executed at Washington, D. C., on February 27, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-2490; Filed, Mar. 3, 1952; 8:53 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 45

Washington, Wednesday, March 5, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

ELIGIBLE REGISTERS

Paragraph (d) of § 2.107 is amended and a new paragraph (e) is added as set out below:

§ 2.107 *Eligible registers.* * * *

(d) (1) A permanent or indefinite employee who is separated (voluntarily or involuntarily) without delinquency or misconduct may have his name restored to the register of eligibles from which he was appointed, if he applies for such restoration while the register is still in use. Where the original register has been terminated, an indefinite employee involuntarily separated without delinquency or misconduct may have his name placed on the successor register if he applies for restoration of eligibility within 90 days after separation.

(2) An indefinite employee who leaves to enter the military service may have his name restored to the register from which appointed, or to the successor register, if:

(i) He is honorably separated from military service;

(ii) He applies for restoration to the register within 90 days after discharge from active military duty or from hospitalization continuing after discharge for not more than one year; and

(iii) He is still qualified to perform the duties of the position for which the register is used.

(e) A veteran who was on active duty in the armed forces after June 30, 1950, and for that reason lost a period of eligibility on a competitive civil service register which has been terminated may have his name placed on the successor register, if:

(1) He has been honorably separated from the military service;

(2) He applies for restoration of eligibility within 90 days after discharge from active military duty or from hospitalization continuing after discharge for not more than one year; and

(3) He is still qualified to perform the duties of the position for which the register is used.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-2529; Filed, Mar. 4, 1952; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—GRAPEFRUIT EXPORT PROGRAM SMX 23a (FISCAL YEAR 1952)

Sec.
517.320 General statement.
517.321 Approved countries.
517.322 Rate of payment.
517.323 Eligibility for payment.
517.324 Claims supported by evidence of compliance.
517.325 Records and accounts.
517.326 Amendment and termination.
517.327 Persons not eligible.
517.328 Set-off.
517.329 Assignment.
517.330 Good faith.
517.331 Definitions.

AUTHORITY: §§ 517.320 to 517.331 issued under sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146, as amended; 7 U. S. C. 612c, 22 U. S. C. Sup. 1510.

§ 517.320 *General statement.* (a) In order to encourage the exportation of fresh and processed grapefruit produced in the United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, and section 112 (f) of the Foreign Assistance Act of 1948, offers to make payments to U. S. exporters of such products as defined in paragraph (b) of this section which are sold and exported to an approved country as designated in § 517.321, subject to

(Continued on p. 1929)

CONTENTS

Agriculture Department — Page
See Production and Marketing Administration.

Atomic Energy Commission
Nevada; withdrawing public lands for use of the Commission and partial revocation of Executive orders; correction (*see* Land Management, Bureau of).

Civil Aeronautics Board
Notices:
Hawaiian Airlines, Ltd.; hearing ... 1947

Civil Service Commission
Rules and regulations:
Appointment through the competitive system; eligible registers ... 1927

Coast Guard
Notices:
Approval of equipment and change in name and address of manufacturer ... 1944

Commerce Department
See International Trade, Office of; National Production Authority.

Customs Bureau
Notices:
Petroleum and petroleum products; final quantities and allocation of tariff-rate quotas for calendar year 1952 ... 1944

Defense Mobilization, Office of
Notices:
Determination and certification of a critical defense housing area:
Barstow, Calif., area (2 documents) ... 1955, 1956
Orlando, Fla., area ... 1955
Umatilla-Hermiston, Oreg., area (2 documents) ... 1955, 1956

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board.

Education, Office of
Rules and regulations:
Financial assistance for current expenditures for public schools in areas affected by Federal activities; necessity of final reports ... 1943

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CONTENTS—Continued

Federal Communications Commission Page

Notices:

Hearings, etc.:

American Broadcasting Co., Inc. (WJZ–TV) et al. 1952

Bethlehems' Globe Publishing Co. (WGPA) 1951

Community Broadcasting Service, Inc. (WWBZ) 1949

KJBS Broadcasters (KJBS) et al. 1948

Maryland Broadcasting Co. (WITH) 1951

Pomeroy, John C., and Oakland Broadcasting Co. 1947

R. I. Broadcasting Co. (WRIB) 1950

Smith, Hugh H. (KVSM) 1948

Southern California Broadcasting Co. (KWKW) and KMTR Radio Corp. (KLAC–TV) 1950

CONTENTS—Continued

Federal Communications Commission—Continued Page

Notices—Continued

Hearings, etc.—Continued

Sun Coast Broadcasting Corp. (WMIE) and Paul Brake (WWPB–FM) 1949

Theater television service 1947

Western Union Telegraph Co. 1947

W. H. Greenhow Co. (WWHG) and Hornell Broadcasting Corp. (WLEA) 1947

Federal Security Agency

See Education, Office of.

Foreign and Domestic Commerce Bureau

See International Trade, Office of.

Interior Department

See Land Management, Bureau of.

International Trade, Office of

Rules and regulations:

Positive list of commodities and related matters; miscellaneous amendments (2 documents) 1932, 1934

Interstate Commerce Commission

Notices:

Applications for relief:

All commodities between Boston and Springfield, Mass., and Harlem River, N. Y. 1954

Iron or steel pipe from Texas to Illinois 1953

Lumber from the south to Lone Star, Va. 1953

Petrolatum, crude from New Orleans, La., to New York, Ohio, Pennsylvania, and West Virginia 1954

Sound deadening compounds from southwest to trunkline territory 1953

Sugar from Corpus Christi, Tex., to the south 1954

Sugar from Corpus Christi, Tex., to Tampa, Fla. 1953

Labor Department

See Wage and Hour Division.

Land Management, Bureau of

Notices:

Oregon; opening of public lands restored from Vale Project 1945

Redelegation of authority to District Foresters; authority in general 1946

Rules and regulations:

Alaska; withdrawing public lands for town site purposes, revoking in part public land order 1942

Nevada; withdrawing public lands for use of Atomic Energy Commission, partial revocation of Executive orders; correction 1942

National Production Authority

Rules and regulations:

Pure tungsten and pure molybdenum (M–81) 1938

Tin plate and terneplate (M–24) 1939

CONTENTS—Continued

Price Stabilization, Office of Page

Notices:

Ceiling prices at retail:

American Girl Shoe Co. 1960

Corning Glass Works 1960

Eclipse Sleep Products, Inc. 1960

J. Wiss & Sons Co. 1959

Magnavox Co. 1959

Rose Marie Reid, Inc. 1959

Shifman Bros. 1961

Directors of District Offices, redelegation of authority:

Region I; under CPR 98 1956

Region IV:

Act on applications for ceiling prices, and to price reports of ceiling prices 1957

Act under GOR 24 1957

Make adjustments under SR 39 1956

Process statements, and to approve, deny, or request further information concerning filings 1956

Under CPR 98 1957

Region IX; under CPR 98 1957

Region XI; under CPR 98 1957

Directors of Territorial Offices, Region XIV; act on pricing and reports 1957

Territorial Directors, Region XIV:

Act under CPR 93 1958

Act under CPR 100 1958

Act under GOR 10 1958

Freon refrigerants, ceiling prices, sold by resellers 1961

Lucht Field, Bay County, Mich.; crude petroleum ceiling prices adjusted on an in-line basis 1961

Milam Chevrolet Co. et al.; hearing 1958

Special Agents; redelegation of authority to take sworn testimony and administer oaths and affirmations 1956

Rules and regulations:

Ceiling prices of certain foods at retail in Group 3 and 4 stores; mail order and express sales (CPR 15) 1935

Director's authority to establish or modify ceiling prices (GOR 25) 1937

Exemptions relating to specified nonprofit organizations (GOR 6, Coll. 1) 1936

General ceiling price regulation; used rails and demolition projects (GCPR) 1936

Production and Marketing Administration

Rules and regulations:

Grapefruit export program; fiscal year 1952 1927

National Agricultural Conservation Program; 1952 1931

Potatoes, Irish, grown in certain designated counties in Idaho and Malheur County, Oreg.; termination of assessments on shipments 1931

Rent Stabilization, Office of

Rules and regulations:

Housing and rooms; specific provisions, Pennsylvania 1942

CONTENTS—Continued

Salary Stabilization Board Page
Rules and regulations:
Profit sharing and other bonuses; miscellaneous amendments (Int. 3) ---------- 1937

Securities and Exchange Commission
Notices:
Hearings, etc.:
American Gas and Electric Co. and Indiana & Michigan Electric Co ---------- 1954
Niagara Mohawk Power Corp ---------- 1955

Treasury Department
See Coast Guard; Customs Bureau.

Wage and Hour Division
Notices:
Puerto Rico, Beer Division of Alcoholic Beverage and Industrial Alcohol Industry; disapproval of minimum wage rate ---------- 1946

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5	Page
Chapter I:	
Part 2	1927
Title 6	
Chapter IV:	
Part 517	1927
Title 7	
Chapter VII:	
Part 701	1931
Chapter IX:	
Part 957	1931
Title 15	
Chapter III:	
Part 399 (2 documents)	1932, 1934
Title 32A	
Chapter III (OPS):	
CPR 15	1935
GCPR	1936
GOR 6	1936
GOR 25	1937
Chapter IV:	
Subchapter A (SSB):	
Int. 3	1937
Chapter VI (NPA):	
M–24	1939
M–81	1938
Chapter XXI (ORS):	
RR 1	1942
RR 2	1942
Title 43	
Chapter I:	
Appendix (Public land orders):	
386 (revoked in part by PLO 808)	1942
805	1942
808	1942
Title 45	
Chapter I:	
Part 105	1943

the terms and conditions set forth in §§ 517.320 to 517.331.

(b) Payments under this subpart will be limited to the following products: Packed fresh grapefruit, canned concentrated grapefruit juice of 55° or more Brix, canned single-strength grapefruit juice, canned single-strength blended orange and grapefruit juice, canned grapefruit sections, and canned citrus salad.

(c) Information pertaining to this subpart and forms prescribed for use under this subpart may be obtained from the following Representatives of the Secretary.

West Coast States: M. T. Coogan or Warren C. Noland, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, 117 West Ninth Street, Room 103, Los Angeles 15, Calif. (Phone: Prospect 4711.)

Florida: M. F. Miller, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, P. O. Box 19, Lakeland, Fla. (Phone: Lakeland 2137.)

All other States: F. N. Andary or Granville B. Coffman, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, Washington 25, D. C. (Phone: Re. 4142, Ext. 3450.)

§ 517.321 *Approved countries.* An approved country is any country or area specifically named in this section.

Austria.
Belgium.
Denmark.
France.
Finland.
Germany, Federal Republic of (Trizone).
Greenland.
Hong Kong.
Iceland.
Indonesia, The Republic of.
Ireland.
Luxembourg
Malaya, Federation of.
Netherlands, The.
Norway.
Philippines, The Republic of the.
Singapore.
Sweden.
Switzerland.
United Kingdom.

§ 517.322 *Rate of payment.* The rate of payment per unit shall be the lowest of the following:

(a) At 40 percent of the f. a. s. sale price per unit stated in the application (see § 517.323 (c));

(b) At 40 percent of the market price, as determined by the Secretary, on the date of sale shown in the application f. a. s. the named port of export;

(c) At 40 percent of the market price, as determined by the Secretary, on the date of sale shown on the application f. a. s. a customary port of export, as determined by the Secretary, for the area of production of such product.

(d) At the applicable rate per unit shown in the following table.

Product	Unit	Rate
Fresh grapefruit	1⅗ bushel box or larger.	$0.90
Concentrated grapefruit juice 55° or more Brix.	Gallon, or equivalent	1.05
Single-strength grapefruit juice.	Case 24/2's	.80
	Case 12/3 cylindrical or 6/10's.	.95
Single-strength blended orange and grapefruit juice.	Case 24/2's	.85
	Case 12/3 cylindrical or 6/10's.	1.00
Grapefruit sections or citrus salad.	Case 24/2's	1.15

§ 517.323 *Eligibility for payment—*(a) *Dates of sale and of export.* No payment under this subpart will be made in connection with any sale for export unless the date of sale (see § 517.331 (d)) is on or after the effective date of this subpart and the products are exported on or after the date of such sale and prior to the date specified in paragraph (h) of this section, except that a sales contract made prior to the effective date of this subpart and expressly made contingent upon the Secretary's issuing this or a similar offer will be deemed to be a sale made after such effective date if after such effective date the parties to such contract make the sale binding unconditionally by confirmation or otherwise and if no exportations were made pursuant to such sale prior to such effective date. A sale made subject to the condition that the Representative of the Secretary will approve the Application for Export Payment (paragraph (c) of this section) will be deemed a sale pursuant to this subpart, and since available funds are limited, exporters may find it advisable to make their sales subject to this condition. Products shall be deemed to have been exported when loaded on board the exporting carrier provided such products are not thereafter unloaded from such carrier in the United States, its territories or possessions, and are not diverted to an ineligible country. The date of export of any lot shall be considered to be the date of loading on board the exporting carrier on which movement of such lot from the United States is effected. The date of the on-board bill of lading (or loading tally sheet, see § 517.324 (a) (3)) shall be considered to be the date the products were loaded on board, unless an "on-board" date is shown.

(b) *Minimum size of lot.* No payment will be made under this subpart for the exportation of any lot of less than one hundred (100) units of the eligible products. A unit is 1 box of fresh fruit, 1 case of canned single strength juice, or 1 gallon or equivalent of concentrated juice. A lot is that quantity of products loaded to any one export carrier at any one departure consigned to any one destination under any one export sale.

(c) *Application for export payment.* (1) No payment will be made under this subpart, unless the exporter files Form FV–461 "Application for Export Payment," with the designated Representative of the Secretary, as indicated in § 517.320 (c) and unless such application is approved by the Representative of the Secretary. Form FV–461 must be prepared separately for each export sale and shall be mailed or delivered as promptly as possible after date of consummation of sale but in no event later than the date of export. No payment will be made if such form is mailed or delivered after such date of export unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will approve applications covering sales which meet the requirements of this subpart, so long as funds which have been allocated to this subpart are available, in the order in which the applications are received or on such other basis as he may determine to be equitable, will

give written notice of approval or disapproval to the exporter, and will notify the exporter as promptly as possible after receipt of any executed Form FV-461 if any information shown in such form does not conform with the terms and conditions of this subpart. No payment will be made in excess of the sum indicated in the approved Form FV-461, unless the Secretary, upon written request, by the exporter stating substantial reasons therefor, approves a larger amount.

(2) In the event the sale covered by any approved application is not consummated or completed the exporter shall promptly so notify the Representative of the Secretary who approved the application. Such notice shall be furnished within twenty (20) days after the intended date of export shown in the approved application but in no event later than the date of filing of claim for payment, and shall request cancelation of the application to the extent that the quantity exported is reduced.

(d) *Grades.* (1) Florida and Texas fresh grapefruit shall meet the requirements of U. S. No. 2 Grade, or better, and for Standard Pack, as defined in "U. S. Standards for Grapefruit", effective November 15, 1949, provided that such fruit shall be individually wrapped, or packed in boxes lined with diphenyl paper, or blind packed, i. e., fruit on top, bottom, and sides of the box shall be individually wrapped. When wrapped, each fruit shall be fairly well enclosed in its individual wrapper. Such fruit shall also meet the following standards for export: Not more than a total of 10 percent, by count, of the fruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, growth cracks, damage by creasing, or serious damage by dryness or mushy condition, except that for any lot:

Not more than 5 percent of the fruit shall be soft;

Not more than ½ of 1 percent of the fruit shall be affected by decay;

Not more than 5 percent of the fruit shall be damaged by a skin breakdown;

Not more than 3 percent of the fruit shall have broken skins which are not healed;

Not more than 3 percent of the fruit shall have growth cracks;

Not more than 5 percent of the fruit shall be damaged by creasing; and

Not more than 5 percent of the fruit shall be seriously damaged by dryness or mushy condition.

Any lot of fruit shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the fruit in any container has any of the defects enumerated in the standards for export.

(2) California and Arizona fresh grapefruit shall meet the requirements of U. S. No. 2 Grade, or better, the Standards for Export, and Standard Pack, as defined in "U. S. Standards for Grapefruit (California and Arizona)," effective January 9, 1950, provided that such fruit shall be individually wrapped, or packed in boxes lined with diphenyl paper, or blind packed, i. e., fruit on the top, bottom, and sides of the box shall be individually wrapped. When wrapped, each fruit shall be fairly well enclosed in its individual wrapper.

(3) Canned processed products shall meet the requiremnets of U. S. Grade A as defined in the latest respective "United States Standards" or "Tentative United States Standards" for such products.

(e) *Inspection.* Exporters shall furnish, at no expense to the Secretary, certificates of inspection for each lot of fresh or processed products exported pursuant to this subpart. Such certificates for fresh fruit shall be issued by representatives of the Federal or Federal-State inspection service and for processed products by representatives of the Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, PMA, USDA. For fresh fruit the period from date of inspection to date of exportation, both dates inclusive, must not exceed sixteen (16) days, and for processed products the period from date of completion of inspection to date of exportation, both dates inclusive, must not exceed ninety (90) days: *Provided,* That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time of such period.

(f) *Packaging.* All products to be exported under this subpart shall be suitably packed for export in new boxes or cases acceptable for export shipment in accordance with standard commercial practice for export and in a manner which shall reasonably assure their arrival in good condition in the country of destination. The best known practices to prevent shrinkage and decay shall be followed in packing fresh fruit for export shipment.

(g) *Re-entry or diversion.* The exporter shall undertake, as a part of his "Application for Export Payment," which is required in paragraph (c) of this section, that the products exported under this subpart will thereafter not re-enter the United States or its territories or possessions, or be diverted to other than an approved country as listed in this subpart, in fresh or processed form. In the event of such re-entry or diversion to other than an approved country, the exporter shall refund to the Secretary any export payment received under this subpart with respect to the quantity so re-entered or diverted.

(h) *Final dates.* The final date for mailing or delivering Form FV-461, "Application for Export Payment," shall be 12:00 o'clock midnight September 15, 1952. The final date of export shall be 12:00 o'clock midnight September 30, 1952.

§ 517.324 *Claims supported by evidence of compliance.* (a) The exporter shall file claims for payment for any lot exported under this subpart not later than twenty (20) days after the date of export of such lot: *Provided,* That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time for such filing. Each claim for payment shall be filed in an original and three copies on voucher Form FDA-564, "Public Voucher—Diversion Programs," and shall be supported by (1) two certified copies of the sales contract, (2) two certified copies of the sales invoice to the buyer showing the f. a. s. sales price less the payment to be made by the Secretary, (3) two copies of the on-board export bill of lading signed by an agent of the exporting carrier (except that where loss, destruction or damage occurs subsequent to loading on board exporting carrier but prior to issuance of on-board bill of lading, two copies of a loading tally sheet or similar document may be submitted in lieu of such bill of lading), (4) the original (or a signed copy) and one copy of the inspection certificate(s) required in paragraph (e) of § 517.323, and (5) such other documents, if any, as may be required by the Secretary, evidencing purchase, sale and exportation of the commodity on which payment is claimed.

(b) The exporting bill of lading must show the quantity and description of the commodity, inspection certificate number or other detail sufficient to relate the commodity loaded on board the export carrier to the commodity covered by the related inspection certificate, the date and place of loading, the fact that such commodity is on board, the destination of the commodity, and the name and address of both the exporter and consignee. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in Form FV-461, the exporter shall furnish with his claim a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this subpart for the commodity covered by such bill of lading.

(c) The foregoing required evidence will not be accepted as conclusive if the Secretary has reason to believe that exportation of all or any quantity of the products was not actually accomplished or that there has not been compliance with other requirements of this subpart, and in any such instance the Secretary may require such additional evidence as he deems reasonable.

§ 517.325 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales, and deliveries of products exported or to be exported in connection with this subpart. Such records, accounts, and other documents relating to any transaction in connection with this subpart shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for at least two years after the effective date of this subpart.

§ 517.326 *Amendment and termination.* The Secretary may amend or terminate this subpart at any time upon public announcement thereof. Such amendment or termination, however, shall not apply to applications approved under the subpart prior to the effective time of such amendment or termination

§ 517.327 *Persons not eligible.* No member of, or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of any contract made under this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 517.328 *Set-off.* The Secretary may set off, against any amount owned to any exporter under this subpart, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 517.329 *Assignment.* An exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, as amended, any claim for payment hereunder, or name a joint payee with respect to any such claim. In case of such assignment, the Secretary may set off any claim against the exporter arising out of the exportation on which the assigned claim is based, and may set off any other claim of the United States against the exporter based on facts existing at the time of receipt of notice of assignment, or when claim is not assigned, based on facts existing at time of receipt of claim.

§ 517.330 *Good faith.* If the Secretary determines that any exporter has not acted in good faith in connection with any transaction under this subpart or has failed to discharge fully any obligation assumed by him under this subpart, such exporter may be denied the right to continue participating in this subpart or the right to receive payment under this subpart in connection with any sales previously made under this subpart, or both.

§ 517.331 *Definitions.* As used in §§ 517.320 to 517.331, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized Representative of the Secretary.

(b) "Exporter" means any individual, corporation, partnership, association, or other business entity, located in the United States and engaged in the business of selling and exporting fresh or processed citrus fruits, produced and packed in the continental United States.

(c) "Sales contract" may be in the form of offer and acceptance, confirmation of sale or purchase, or other documentary evidence of consummation of sale including contracts between exporter and buyer.

(d) "Date of sale" means the date on which both buyer and seller signed a written contract, or the date on which buyer accepts an offer of sale or confirms the purchase, or the date on which the seller accepts an offer to purchase or confirms the sale. In the absence of documentary evidence establishing the date of consummation of sale the date of loading on board an export carrier will be considered to be the date sale was consummated.

(e) "F. a. s." means free alongside ship or other export carrier.

(f) "On-board export bill of lading" includes any bill of lading covering the exportation of fresh or processed citrus fruits from the United States.

(g) "Public announcement" and "public notice" mean the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

(h) "Filed." Applications, claims and related documents are deemed to be filed when they are postmarked, if mailed, or when received by the designated PMA office if otherwise delivered.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective on March 5, 1952.

Dated this 28th day of February 1952.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 52-2565; Filed, Mar. 4, 1952; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061(52)-1, Supp. 3]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART 1952

STATE FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1952 National Agricultural Conservation Program, issued August 31, 1951 (16 F. R. 9006), as amended September 25, 1951 (16 F. R. 9859), and December 3, 1951 (16 F. R. 12306) is further amended as follows:

Section 701.301 is amended to read as follows:

§ 701.301 *State funds.* (a) Funds available for conservation practices will be distributed among States on the basis of their conservation needs, but the proportion allocated to any State shall not be reduced more than 15 percent from its proportionate 1951 distribution. The allocation of funds among the States is as follows:

Alabama	$5,957,000
Alaska	27,000
Arizona	1,437,000
Arkansas	4,573,000
California	4,807,000
Colorado	3,254,000
Connecticut	488,000
Delaware	328,000
Florida	2,076,000
Georgia	6,910,000
Hawaii	182,000
Idaho	1,624,000
Illinois	7,836,000
Indiana	4,992,000
Iowa	8,464,000
Kansas	6,393,000
Kentucky	5,555,000
Louisiana	4,041,000
Maine	919,000
Maryland	1,280,000
Massachusetts	528,000
Michigan	$4,464,000
Minnesota	5,387,000
Mississippi	6,265,000
Missouri	8,754,000
Montana	3,400,000
Nebraska	5,966,000
Nevada	250,000
New Hampshire	469,000
New Jersey	712,000
New Mexico	1,765,000
New York	4,644,000
North Carolina	6,018,000
North Dakota	4,469,000
Ohio	5,141,000
Oklahoma	7,222,000
Oregon	2,093,000
Pennsylvania	4,933,000
Puerto Rico	822,000
Rhode Island	82,000
South Carolina	3,111,000
South Dakota	4,654,000
Tennessee	5,176,000
Texas	18,341,000
Utah	1,253,000
Vermont	1,017,000
Virgin Islands	12,000
Virginia	4,036,000
Washington	2,326,000
West Virginia	1,552,000
Wisconsin	5,160,000
Wyoming	1,935,000

(b) The apportionment shown in this section does not include the amount set aside for administrative expenses, the amount required for size-of-payment adjustments in § 701.375, and the amount set aside for the Naval Stores Conservation Program.

(Sec. 4, 49 Stat. 164, Pub. Law 135, 82d Cong., 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q; Pub. Law 135 82d Cong.)

Done at Washington, D. C., this 28th day of February 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2564; Filed, Mar. 4, 1952; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

TERMINATION OF ASSESSMENTS ON SHIPMENTS

Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee established under said marketing agreement and order, as amended, and upon other available information, it is hereby found that the rules and regulations set forth in § 957.204 (16 F. R. 7275), no longer tend to effectuate the declared policy of the act in that grade and size regulations § 957.308 (16 F. R. 5833, 6501, 12035) were terminated as of February 12, 1952 and

the basis for levying assessments after that date was thereby eliminated.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (a) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient for such compliance, and (b) this order relieves restrictions imposed by the provisions of § 957.204 (16 F. R. 7275) which is hereinafter terminated.

The provisions of § 957.204 *Budget of expenses and rate of assessment.* (16 F. R. 7275) are hereby terminated as of 12:01 a. m., m. s. t., February 12, 1952. The termination hereof shall not affect any right, duty, obligation, or liability which arose prior to the effective time of this termination action in connection with § 957.42 of Order No. 57, as amended, and regulation § 957.204 issued pursuant thereto.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 29th day of February 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-2566; Filed, Mar. 4, 1952; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. P. L. 71 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

CORRECTIONS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars: The Positive List of Commodities, published in Amendment P. L. 68, 17 F. R. 1579, is corrected as set forth below. Unless otherwise indicated, each revised entry is substituted for the single entry which appeared in Amendment P. L. 68, 17 F. R. 1579, against the similar Schedule B number. The first entry under Schedule B No. 763060 has been deleted. Corrections have been made in the parenthetical reference to the former Schedule B number in the following entries: The fifth entry under Schedule B No. 770500; the second entry under Schedule B No. 770700; two entries under Schedule B No. 770910; the entry under Schedule B No. 813578; and the first entry under Schedule B No. 914950.

[1] This amendment was published in Current Export Bulletin No. 659, dated February 21, 1952.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
642900	Copper primary forms, n. e. e. (specify by name) (formerly 643998).	Lb.	NONF	100	RO
647913	Brass and bronze castings and forgings, rough and semi-finished.	Lb.	NONF	200	RO
647950	Brass and bronze in primary forms, n. e. o. (specify by name) (formerly 647998).	Lb.	NONF	100	RO
654509	Nickel alloy primary forms, n. e. c. (specify by name and nickel content) (formerly 669198) (report cupro-nickel wire in 645700).	Lb.	NONF	25	RO
656507	Tin metal in ingots, pigs, bars, blocks, anodes, cathodes, slabs, and other crude forms (See § 373.1 of this subchapter).	Lb.	NONF	25	RO
	Beryllium:				
664509★	Primary forms, n. e. c. (specify by name) (formerly 664905) (report beryllium copper primary forms in 644000-647950).	Lb.	NONF	None	RO
	Manganese:				
664541	Manganese copper, in crude form and scrap (formerly 664998).	Lb.	NONF	25	RO
701910	Power capacitors (static condensers for power factor corrections) (formerly 701900 and 709998).	No.	ELME 1	100	R
	Motors and controls, n. e. c., and parts:				
704330	Electric propulsion motors, generators, and controls for land transportation vehicles, and specially fabricated parts and accessories, n. e. c. (specify by name) (formerly 704530).[1]	----------	TRAN	500	R
	Industrial motor controls (consisting of starting, speed regulating, stopping and protecting devices), and parts:				
704810	Other steel mill and materials handling equipment controls, for motors, 5 horsepower and over; and specially fabricated parts, n. e. c. (formerly 704800).[2]	----------	ELME 1	100	R
704820	Other special-purpose controls, n. e. c. for motors, 5 horsepower and over; and specially fabricated parts, n. e. c. (formerly 704800).[3]	----------	ELME 1	100	R
704850	Other industrial motor controls, n. e. c. for motors, 5 horsepower and over; and specially fabricated parts, n. e. c. (formerly 704800).[4]		ELME 1	100	R
	Radio and television apparatus:				
707607	Radio and television broadcast station transmitting equipment, and specially fabricated parts and accessories, n. e. c. (formerly 707615 and 707628).	----------	RARA 50	100	R
	Radio communication equipment, n. e. c. (report radar equipment in 708410; broadcast equipment in 707607; automobile and bome type radio receivers in 707635-707719):				
707613[1]	Radio receiver sets, communication type, sbiphorne (formerly 707720).	No.	RARA 51	200	R
708460	Carrier current equipment (high frequency wire transmitting and receiving apparatus), n. e. c., and specially fabricated parts, n. e. c., except telemetering equipment (formerly 708500 and 708700).	----------	ELME 1	None	R
709909	Getters (formerly 669198)[5]	----------	GIEQ	None	RO
709909	Parts, n. e. c., specially fabricated for electronic and cathode-ray tubes, n. e. c., except parts for radio transmitter tubes, radio receiver tubes, and television picture tubes (formerly 709905).[6]	----------	ELME	None	RO
709920	Electrical steel punchings, transformer grades (formerly 603595).[7]	Lb.	STEE	100	RO
709920	Other electrical steel punchings (formerly 603595) (report iron and steel punchings except electrical in 619910).[7]	Lb.	STEE	1,000	RO
	Internal-combustion engines, n. e. c., and parts, n. e. c.:				
715900[8]	Parts, n. e. c., specially fabricated for internal combustion locomotive engines (report H. P. and RPM of engines requiring parts).	----------	TRAN	500	R
	Construction power cranes and shovels, new (report used in 720160):				
720112	Crawler or walker mounted, full revolving, convertible, 2½ cu. yd. dipper capacity and under, or 50 net tons maximum rated crane capacity and under, new (formerly 720110).	No.	CONS	None	RO
	Materials handling equipment, and parts:				
723040	Whirley cranes, including revolving and rotary cranes, 30 net tons and over maximum rated capacity (including, but not limited to, portal, tower, hammerbead, pintle and whirley types) (formerly 723410).[8]	No.	CONS	None	RO
723040	Whirley cranes, including revolving and rotary cranes, 10 tons and under 30 tons maximum rated capacity (including, but not limited to, portal, tower, hammerhead, pintle and whirley types) (formerly 723410).[8]	No.	CONS	None	R
723070[8]	Pillar cranes, 30 net tons and over maximum rated capacity (formerly 723410).	No.	CONS	None	RO
723070[8]	Pillar cranes, 10 tons and under 30 tons maximum rated capacity (formerly 723410).	No.	CONS	None	R
723080	Specially fabricated parts, n. e. e., for cranes included on the Positive List under Schedule B Nos. 723010 through 723070 for which validated license is required to R and O country destinations (formerly 729100).[9]	----------	CONS	100	RO
723080	Specially fabricated parts, n. e. c., for cranes included on the Positive List under Schedule B Nos. 723010 through 723070 for which validated license is required to R country destinations only (formerly 729100).[9]	----------	CONS	250	R
723125	Electric hoists, 200 horsepower and over, except overhead hoists (formerly 724190) (report slope and shaft mine hoists in 730760).[10]	No.	MINE	None	RO
723125	Electric hoists, 50 up to but not including 200 horsepower, except overhead hoists (formerly 724190) (reports slope and shaft mine hoists in 730760).[10]	No.	MINE	None	R
724905	Oscillating conveyors and feeders, underground mine type, including all-electric vibrating pans and tubes; and live (powered) roll conveyors (formerly 729100).[11]	No.	MINE	250	R
724905	Other chain, belt and shaking conveyors, underground mine type (specify by name) (include en masse or chain-in-casing type for transporting loose, bulk materials) (formerly 724900).[11]	No.	MINE	None	R

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Materials handling equipment, and parts—Continued				
724925[3]	Specially fabricated parts and accessories, n. e. c., for slack line and tower excavators (formerly 720200).	----------	CONS	250	R
724965	Specially fabricated parts, n. e. c., for: chain and belt conveyors; bucket elevators; conveying stackers; feeders; loading and unloading systems; en masse or chain-in-casing type; and bridges and booms (formerly 729100).[13]	----------	MINE	250	R
	Earth and rock drilling machines, n. e. c., and parts, n. e. c.:				
	Well drilling machines, and parts:				
730900	Rotary drill rigs (including truck or trailor-mounted) (formerly 731200 and 734240).	No.	MINE	None	RO
	Power-driven metal working machine tools (non-portable), and parts:				
740308	Special spinning lathes for bombs (formerly 740307).[13]	No.	TOOL	None	RO
744410	Metalworking presses, and specially fabricated parts, n. e. c. except hand-powered presses (formerly 744405).	----------	TOOL	None	RO
	Textile machinery:				
750850	Rayon filament extrusion and spinning machines; and spinning pumps (formerly 754800).[14]	----------	GIEQ	None	RO
750850	Other rayon filament and band forming machinery, and parts, except spinnerettes (formerly 754800).[14]	----------	GIEQ	50	R
750850	Spinnerettes for yarns of 150 denier and greater (formerly 754800).[14]	----------	GIEQ	None	RO
	Food and beverage processing machines, and parts:				
	Cannery machines, n. e. c., and specially fabricated parts, n. e. c.:				
761250	Piping specially fabricated for cannery machines, and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A."	----------	GEIQ	25	RO
	Vegetable-oil mill machines, n. e. c., and specially fabricated parts, n. c. c.:				
761600	Piping specially fabricated for vegetable-oil mill machines, and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A."	----------	GIEQ	25	RO
	Food and beverage processing machines, n. e. c., and specially fabricated parts, n. c. c.:				
761950	Piping specially fabricated for food and beverage processing machines, and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A."	----------	GIEQ	25	RO
	Plain bearings, n. e. c. (specify by name):				
769320	Water-lubricated bearings, rubber (formerly 209990).[15]	----------	RUBR	250	RO
769320[3]	Other nonferrous metal bearings (formerly 669198)	----------	GIEQ	25	RO
	Air compressors:				
	Stationary, capacity not over 25 cubic feet:				
770400[3]	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading (formerly 770400, 775050 and 775098).	No.	CONS	None	RO
	Portable capacity under 60 cubic feet:				
770610[3]	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading (formerly 770610, 775050, and 775098).	No.	CONS	None	RO
	Mechanical vacuum pumps:				
770840	Mechanical vacuum pumps capable of producing a vacuum less than atmospheric pressure but not as low as 2 millimeters mercury pressure absolute (specify millimeter of mercury pressure absolute which pump is capable of producing; and specify whether pump is fabricated of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A.").	No.	GIEQ	None	RO
770990[3]	Parts, n. e. c., specially fabricated for air compressors included on the Positive List under Schedule B Nos. 770400 through 770615 (formerly 775098).	----------	GIEQ	100	R
	Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c.:				
775055	Piping specially fabricated for chemical and pharmaceutical processing and manufacturing machines, and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A."[16]	----------	GIEQ	None	RO
	Lubrication equipment, n. e. c., and specially fabricated parts, and accessories, n. e. c.:				
775090[3]	Grease cups, lubricators, nozzles and oil cups, brass and bronze (formerly 647998).	----------	NONF	100	RO
	Processing vessels, non-agitated, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name):				
775330[3]	Tanks, vats, kettles and allied fixtures, made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A" (formerly 761250, 761600, 761950, 775050, and 775098).	----------	GIEQ	None	RO
775330	Distillation equipment made of copper, and designed for gauge pressures of less than 50 pounds per square inch or vacuums less than 50 mm. of mercury absolute (formerly 775098).[17]	----------	GIEQ	100	R
	Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name):				
775998	Piping specially fabricated for industrial manufacturing and service-industries machines, n. e. c., and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A."[18]	----------	GIEQ	None	RO
	Parts for commercial automobiles, and busses:				
792610	Parts and accessories, n. e. c., specially fabricated, for assembly, except: air cleaners; ammeters; brake extension handles; bumpers; clearance lights; dashboard plugs; door locks; fog lights; beaters; horns; hub caps; lighters; oil filter clamps; oil filters; oil pressure switches; oil purifiers; oil rectifiers; parking lights; power take-offs for trucks; radiator caps; radiator ornaments; reflex signals, road traffic; shock absorbers; speedometers; spotlights; stop lights; taxicab meters; third axle assemblies; tire locks; windshield wipers; and specially fabricated parts for the excepted items (formerly 791200) (excludes accessories and complete knockdown vehicles; complete knockdown vehicles should be reported in the proper car, truck, or bus classification, whether the integral components are shipped simultaneously or in a series of partial shipments).	----------	TRAN	500	R
792620	Parts, n. e. c., specially fabricated for spares, replacement, or manufacture into larger components, except: air cleaners; brake extension handles; bumpers; door locks; horns; hub caps; oil filter clamps; oil filters; oil purifiers; oil rectifiers; parking lights; radiator caps; radiator ornaments; reflex signs, road traffic; stop lights; third axle assemblies; windshield wipers; and specially fabricated parts for the excepted items (formerly 792305).	----------	TRAN 6	500	R
795155[19]	Parts specially fabricated for recreational watercraft, whether or not engine-equipped, 18 feet in length and over; and parts specially fabricated for other watercraft, 18 feet in length and over (including but not limited to tankers, tank barges, and whaling factories) (formerly 799998).	----------	TRAN	100	RO
796148	Used and rebuilt mine, industrial, and other freight cars, except self-propelled (formerly 796600 and 796750).[20]	No.	TRAN	None	RO
	Coal-tar intermediates, except coal-tar acids:				
	Other coal-tar intermediates (specify by name):				
802590	Dibutyl sebacate; and dibenzyl sebacate.[21]	Lb.	COTA	100	RO
	Alcohols (report jet fuels in 829920):				
831450	Glycerine, crude and refined (report weight of glycerol content only as net quantity).	C. Lb.	ORGN	100	RO
831520	Propyl alcohol, secondary (isopropanol; isopropyl alcohol) (formerly 831500).	Lb.	ORGN 67	100	R
832700[3]	Cellulose nitrate lacquer base, wet down or plasticized (formerly 826800 and 826900).	Lb.	RESN 66	100	R
	Organic chemicals not of coal-tar origin, n. e. c. (specify by name):				
832990	Amine acetates[22]	Lb.	ORGN	100	RO
	Sodium compounds:				
837320	Liquid (report dry weight content as net quantity)	C. Lb.	SALT	1,000	R
	Explosives:				
860700[23]	Nitroglycerin explosives, except dynamite (formerly 860500) (report dynamite in 860400).	Lb.	RESN	100	R

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Microscopes, and specially fabricated accessories and parts, n. e. c.:				
914950	Other microscopes, parts and accessories, except diamondscopes, micro-projectors, and microscope slides.[24]	----------	SATE	None	R
	Basic research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.:				
919070★[5]	Microphotometers, and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	None	RO
	Secondary research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.:				
919080	pH meters, noncontinuous (formerly 919098).[25]	----------	SATE	100	RO
919080	Viscosimeters, noncontinuous (formerly 919098).[25]	----------	SATE	200	R

★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

[1] The above entry is substituted for the three entries presently on the Positive List under Schedule B No. 704330.
[2] The above entry is substituted for the second entry presently on the Positive List under Schedule B No. 704810.
[3] The above entry is substituted for the second entry presently on the Positive List under Schedule B No. 704820.
[4] The above entry is substituted for the second entry presently on the Positive List under Schedule B No. 704850.
[5] This entry was omitted in Amendment P. L. 68.
[6] The above two entries are substituted for the first and fourth entries presently on the Positive List under Schedule B No. 709909.
[7] The above two entries are substituted for the two entries presently on the Positive List under Schedule B No. 709920.
[8] The above two entries are substituted for the two entries presently on the Positive List under Schedule B No. 723040.
[9] The above two entries are substituted for the two entries presently on the Positive List under Schedule B No. 723080.
[10] The above two entries are substituted for the two entries presently on the Positive List under Schedule B No. 723125.
[11] The above two entries are substituted for the two entries presently on the Positive List under Schedule B No. 724905.
[12] The above entry is substituted for the first entry presently on the Positive List under Schedule B No. 724965.
[13] The above entry is substituted for the first entry presently on the Positive List under Schedule B No. 740390.
[14] The above three entries are substituted for the three entries presently on the Positive List under Schedule B No. 754800.
[15] The above entry is substituted for the first entry presently on the Positive List under Schedule B No. 769320.
[16] The above entry is substituted for the twenty-fifth entry presently on the Positive List under Schedule B No. 775055.
[17] The above entry under Schedule B No. 775330 is substituted for the third entry presently on the Positive List under Schedule B No. 775998 which is hereby deleted.
[18] The above entry is substituted for the second entry presently on the Positive List under Schedule B No. 775998.
[19] The Schedule B Number is corrected from 795160.
[20] The above entry is substituted for the first entry presently on the Positive List under Schedule B No. 796148.
[21] The above entry is substituted for the third entry presently on the Positive List under Schedule B No. 802590.
[22] The above entry is substituted for the first entry presently on the Positive List under Schedule B No. 832990.
[23] The Schedule B Number is corrected from 860500 and the description is clarified.
[24] The above entry is substituted for the third entry presently on the Positive List under Schedule B No. 914950.
[25] The above two entries are substituted for the fifth and sixth entries presently on the Positive List under Schedule B No. 919080.

(Sec. 3, 63 Stat. 7, Pub. Law 33, 82d Cong., 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.; Pub. Law 33, 82d Cong.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-2527; Filed, Mar. 4, 1952; 8:47 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 72 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
915590	Dental instruments, equipment, supplies, and parts: Dental alloys and amalgams containing cobalt----------	Lb.	MINL	None	RO

This part of the amendment shall become effective as of 12:01 a. m., March 4, 1952.

2. The following revisions are made in commodity descriptions. These revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Shipping containers for oil, gas, and other liquids and solids (all metals) (report storage tanks in 618967 and 618971):				
	Filled shipping containers of any size capable of withstanding internal pressures over 300 pounds per square inch and filled shipping containers with a capacity of 5 or more gallons, fabricated of, or lined with, any corrosion-resistant materials (report only quantity and value of such containers under 619011 and 619012; include weight with gross weight of their contents) (the gross weight and value of other filled metal shipping containers should be included under the Schedule B number applicable to the contents):[1] [2]				
619011	Gas cylinders (formerly 620520)[3]----------	No.	STEE [4]	100	RO
619012	Other (formerly 620520)[5]----------	No.	STEE [4]	100	RO
651519	Lead and lead-base alloy primary forms, n. e. c. (specify by name) (formerly 651598).	Lb.[6]	NONF	100	RO
656519	Tin pipe, plates, sheets, tubes, and other primary forms (specify by name) (formerly 656502 and 656598) (report collapsible tubes in 619950).[7]	Lb.	NONF	25	RO
	Nonferrous ores and concentrates, n. e. c. (specify by name) (report radium ore concentrates for industrial use in 839900):				
664598	Selenium (specify selenium content and grade).[8]----------	Lb.	MINL	10	RO
	Nonferrous metals and alloys in primary forms, n. e. c. (specify by name):				
664998	Selenium metal (specify selenium content and grade).[9]----------	Lb.	MINL	10	RO
703700	Electrical quantity recording instruments, n. e. c. (specify by name) (formerly 703700 and 919098).[10]	No.	ELME 2	None	RO
	Radio and television apparatus:				
	Radio communication equipment, n. e. c. (report radar equipment in 708410; broadcast equipment in 707607; automobile and home type radio receivers in 707635–707719):				
707617	Radio receiver sets, communications type, except airborne and shipborne (formerly 707720).[11]	No.	RARA 51	200	R
709030	Spark plugs, automobile, bus, tractor, truck, and industrial engine type (formerly 715900, 788901, 788905, 791200, and 792100).[12]	No.	TRAN	500	R
709909	Other parts, n. e. c., specially fabricated for radio transmitter tubes (formerly 707628).[13]	--------	RARA 50	100	R
724965	Chain and belt conveyors (stationary, traveling, and portable); bucket elevators; conveying stackers; feeders; loading and unloading systems; en masse or chain-in-casing type for transporting loose, or bulk materials; and bridges and booms (formerly 724900) (report underground mine type in 724905).[14]	----------	MINE	None	R
724965	Oscillating conveyors and feeders, including all-electric vibrating pans and tubes, and specially fabricated parts; and live (powered) roll conveyors, and specially fabricated parts (formerly 729100) (report underground mine type in 724905).[14]	----------	MINE	250	R

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 659, dated February 21, 1952.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Earth and rock drilling machines, n. e. c., and parts, n. e. c.:				
	Rock drill hits, core drill hits, and reamers (including well drilling machine hits and reamers):				
730870	Bits and reamers containing tungsten carbide (formerly 731150).[15]	No.	MINE	None	RO
730875★	Bits and reamers containing diamonds (formerly 731-150) (see §§ 373.1, 373.9 of this subchapter).[15]	No.	MINE	None	RO
730880	Other bits and reamers, for well drilling (specify kind) (formerly 731150).[16]	No.	MINE	None	RO
	Well drilling machines, and parts:				
732000	Parts and accessories, n. e. c., specially fabricated for well drilling machines (specify by name) (formerly 733990 and 734240).[17]	----------	MINE	100	RO
	Automatic control or regulating valves, n. e. c. (any pipe valve having partially or wholly integral with it a mechanism which automatically regulates or controls its operation):				
774490★	Automatic control valves except (a) check, non-return and float valves, (b) pressure relief valves designed for working pressures of less than 300 pounds per square inch, and (c) automatic valves specifically designed for milking machines or for household refrigerators and home freezers (specify whether pressure parts are made of or wholly lined with corrosion-resistant material as defined in the "General Notes to Appendix A").[18]	No.	GIEQ	None	RO
	Biologics (all forms):				
812100	Human blood plasma (report blood plasma for relief in 999890).[19]	----------	DRUG	None	RO
812390	Adreno cortico tropic hormone, all forms (ACTH, etc.).[20]	----------	DRUG	25	R
812390	11-dehydro-17-hydroxycorticosterone, all forms (Cortisone, Cortone, Cortogen, etc.).[20]	----------	DRUG	25	R
812390	Other biologic products, n. e. c. (include synthetic forms) (specify by name).[20]	----------	DRUG	500	R
829984	Hydraulic fluids and oils except of petroleum origin (report hydraulic fluids and oils of petroleum origin in 505900).[21]	Gal.	SALT	100	RO
	Secondary research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.:				
919080	Laboratory furnaces of the following types only: muffle furnaces; combustion furnaces; and crucible furnaces, and specially fabricated parts, n. e. c. (formerly 707492 and 919098).[22]	----------	SATE	None	R

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

[1] The pressure ratings stamped on metal drums and containers are the working pressures. Any containers which do not have a pressure rating stamped thereon are not pressure containers.

[2] Corrosion-resistant materials are defined in the "General Notes to Appendix A."

[3] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 619011. The effect of this revision is to extend the coverage to include all filled metal gas cylinders of any size capable of withstanding internal pressures over 300 pounds per square inch and all filled gas cylinders with a capacity of 5 or more gallons, fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A"; and to change the unit of quantity from pound to number.

[4] Applicable to containers only and not to contents.

[5] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 619012. The effect of this revision is to extend the coverage to include all filled metal shipping containers of any size capable of withstanding internal pressures over 300 pounds per square inch and all filled shipping containers with a capacity of 5 or more gallons, fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A"; and to change the unit of quantity from pound to number.

[6] The unit quantity "pound" is hereby added.

[7] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 656519. The effect of this revision is to change the GLV dollar value limit for tin pipe and tubes (formerly 656502) from $100 to $25.

[8] The above entry is substituted for the second entry presently on the Positive List under Schedule B No. 664598. The effect of this revision is to change the GLV dollar value limit from $25 to none, and to require that the selenium content and grade be specified.

[9] The above entry is substituted for the first entry presently on the Positive List under Schedule B No. 664998. The effect of this revision is to change the GLV dollar value limit from $25 to none, and to require that the selenium content and grade be specified.

[10] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 703700. The effect of this revision is to extend the controls from R to RO for electrical quantity recording instruments formerly classified under this Schedule B number, and to add to the Positive List for RO control electrical quantity recording instruments which were formerly classified under Schedule B No. 919098.

[11] The effect of this revision is to clarify the coverage of the entry and makes no substantive change.

[12] The above entry is substituted for the four entries presently on the Positive List under Schedule B No. 709030. The effect of this revision is to change the GLV dollar value limit to $500, and the processing code to TRAN for all spark plugs.

[13] The above entry is substituted for the third entry presently on the Positive List under Schedule B No. 709909. The effect of this revision is to clarify the coverage of the entry and makes no substantive change.

[14] The above two entries are substituted for the second and third entries presently on the Positive List under Schedule B No. 724965. The effect of this revision is to clarify the coverage of the entries and makes no substantive change.

[15] The above two entries are substituted for the entries presently on the Positive List for Schedule B Nos. 730870 and 730875. The effect of this revision is to clarify the coverage of the entries and makes no substantive change.

[16] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 730880. The effect of this revision is to add to the Positive List all bits and reamers for well drilling. Previously only hits and reamers for oil and gas well drilling were included.

[17] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 732000. The effect of this revision is to change the GLV dollar value limit for parts and accessories, n. e. c., specially fabricated for rotary drill rigs for oil and gas well drilling from none to $100.

[18] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 774490. The effect of this revision is to clarify the description without making substantive change and to require that the applicant specify whether valves are made of or wholly lined with corrosion-resistant material as defined in the "General Notes to Appendix A".

[19] The above entry is substituted for the first entry presently on the Positive List under Schedule B No. 812100. The effect of this revision is to clarify the coverage of the entry and makes no substantive change.

[20] The above three entries are substituted for the three entries presently on the Positive List under Schedule B No. 812390. The effect of these revisions is to clarify the coverage of the entries and makes no substantive change.

[21] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 829984. The effect of this revision is to add to the Positive List for RO control hydraulic fluids other than hydraulic brake fluids, and all hydraulic oils classified under Schedule B No. 829984.

[22] The above entry is substituted for the first three entries presently on the Positive List under Schedule B No. 919080. The effect of this revision is to change the GLV dollar value limit from $200 to none for nonelectric laboratory furnaces of the types set forth in the entry, and to change the processing code from ELME to SATE for electrical laboratory furnaces of the types set forth in the entry and specially fabricated parts.

This part of the amendment shall become effective as of 12:01 a. m., March 4, 1952.

3. The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limit
	Chromium or chromite:	
664522	Metal and chromium-bearing alloys in crude form, and scrap (formerly 664920).	25
664523	Primary forms, n.e.c. (specify by name) (formerly 664920).	25
	Columbium or niobium:	
664533	Metals and alloys in crude form (formerly 664930).	None
664535	Primary forms, n.e.c. (specify by name) (formerly 664930).	None
	Nonferrous ores and concentrates, n.e.c. (specify by name) (report radium ore concentrates for industrial use in 839900):	
664598	Strontium	10
664598	Other ores and concentrates, n.e.c.	None
	Nonferrous metals and alloys in primary forms, n.e.c. (specify by name):	
664998	Calcium metal	10
664998	Strontium metal	10
664998	Other metals and alloys in primary forms, n.e.c.	None

This part of the amendment shall become effective as of 12:01 a. m., March 4, 1952.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced as a result of changes set forth in Parts 1, 2, and 3 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or intransit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 4, 1952, may be exported under the previous general license provisions up to and including March 27, 1952. Any such shipment not laden aboard the exporting carrier on or before March 27, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7; Pub. Law 33, 82d Cong., 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.; Pub. Law 33, 82d Cong.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–2528; Filed, Mar. 4, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 15, Amdt. 12]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND 4 STORES

MAIL ORDER AND EXPRESS SALES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R.

738), this Amendment 12 to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts mail order and express sales from the provisions of Ceiling Price Regulation 15. It is also incorporated by reference into Ceiling Price Regulation 16 by section 21 (d) of CPR 16. As a result, sales of this type will now be under the provisions of the General Ceiling Price Regulation.

Prior to this amendment, the ceiling prices for dry groceries and certain perishable grocery items sent to purchasers through the mail or via express were computed under CPR's 15 and 16 by adding to the sum of their "net cost" and the allowable percentage markup the actual express or mailing expenses. It was thought at the time the regulations were issued that the allowance permitted by section 25 of CPR 15 and by section 21 (d) of CPR 16 for such expenses would be adequate for sales of this type. Further investigation has now shown that since food which is sold through the mail or via express is usually of a "fancy" or semi-luxury grade, rather than being of a staple variety, it had been the practice of retailers when making such sales to add markups much higher than those added by retailers generally or permitted by the regulations. The volume of mail order and express sales is not substantial enough nor is their character of sufficient importance to warrant establishing new and more appropriate markups for them. The food items sold through the mails are generally for use as gifts and the items are at most merely supplementary to the householders' needs. These sales are therefore now exempted from the provisions of CPR's 15 and 16 and will now be required to be priced under the General Ceiling Price Regulation. In view of the type of sales involved, the resulting increases in prices will have only an insignificant effect upon the cost of living. Sales via mail or express to a foreign country, on the other hand, are generally of staple goods. In view of the policy of encouraging gifts of such goods to needy persons abroad and of the special allowance already provided in section 20 for retailers forwarding gift packages to donees in a foreign country, the exemption provided by this amendment is limited to sales via mail or express to consumers within the North American continent.

In the formulation of this amendment, it has been found impracticable to consult with the official advisory committee. However, the provisions of this amendment incorporate the recommendations of trade association representatives and other persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 15 is amended by changing section 25 to read as follows:

SEC. 25. *Mail order and express sales.* Your mail order sales and your express sales are exempt from the provisions of this regulation. For the purposes of this section mail order and express sales are sales in which the items sold are delivered through the mails or via express within the North American continent.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective March 10, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 4, 1952.

[F. R. Doc. 52-2649; Filed, Mar. 4, 1952; 11:07 a. m.]

[General Ceiling Price Regulation, Amdt. 29]

GENERAL CEILING PRICE REGULATIONS

USED RAILS AND DEMOLITION PROJECTS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 29 to the General Ceiling Price Regulation is hereby issued.

STATEMFNT OF CONSIDERATIONS

Amendment 26 to the General Ceiling Price Regulation added section 14 (t) so as to exempt from the provisions of that regulation sales of used supplies or equipment which were not acquired or produced for purpose of sale. As the Statement of Considerations to that amendment indicated, it was intended to exclude sales which were only occasional in nature, such as a sale by a store of its used fixtures.

A number of railroads have interpreted this amendment to exempt them from price control in the sale of their used rails and trackwork (other than rails used for rerolling or melting). These used rails consist principally of relaying rails which, although somewhat worn, are nevertheless usable in trackage which does not require the use of new rail. It was not intended by Amendment 26 to exclude this type of used equipment from the GCPR. Sales of used rails are not occasional, but recur constantly, and are priced on a standard basis. These rails are generally sold to dealers who specialize in straightening and otherwise reconditioning them for subsequent use in industrial plants, short line railroads. mines. etc.

This amendment removes any doubt as to the status of used rails and trackwork by specifically listing such material in section 14 (t) (2) among the products not included in the exemption. Sales of these used rails and trackwork will remain subject to the General Ceiling Price Regulation. Rails sold to be rerolled or melted continue to be subject to CPR 5.

A similar difficulty of interpretation has occurred with respect to "demolition projects" which are defined in CPR 5. Railroads, for example, customarily dispose of their locomotives, freight and passenger cars to be cut down into steel scrap. Because of the difficulty in specific pricing, these items have been excluded from CPR 5 and have been priced under the General Ceiling Price Regulation. As a result, several railroads have interpreted section 14 (t) to exempt sales of their equipment for scrap. Since this was not intended, this amendment clarifies that paragraph by excluding demolition projects from its coverage.

In the preparation of this amendment, consultation was held with industry representatives, including trade association representatives, and consideration was given to their recommendation.

AMENDATORY PROVISIONS

Section 14 (t) (2) of the General Ceiling Price Regulation is amended to read as follows:

(2) This exemption does not apply to used trucks, used rails or trackwork, demolition projects, scrap or waste materials, or to any commodity which is now or hereafter specifically covered by any supplementary regulation to the General Ceiling Price Regulation or any numbered ceiling price regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective March 8, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 4, 1952.

[F. R. Doc. 52-2650; Filed, Mar. 4, 1952; 11:08 a. m.]

[General Overriding Regulation 6, Collation 1]

GOR 6—EXEMPTIONS RELATING TO SPECIFIED NONPROFIT ORGANIZATIONS

[Title amended by Amdt. 2]

COLL. 1—INCLUDING AMENDMENTS 1–4

General Overriding Regulation 6 is republished to incorporate the texts of Amendments 1 through 4, inclusive. General Overriding Regulation 6 was issued April 20, 1951 (16 F. R. 3484). Statements of Consideration for General Overriding Regulation 6, and for Amendments 1–4, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

Sec.

1. Sales of Girl Scout and Boy Scout supplies.
2. Sales by Future Farmers of America.
3. Sales of CARE Relief Packages.
4. Sales by the Salvation Army.
5. Sales of 4–H Supplies.
6. Sales of Camp Fire Girls Supplies.
7. Sales by Goodwill Industries.

AUTHORITY: Sections 1 to 7 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 7 contained in General Overriding Regulation 6, April 20, 1951 (16 F. R. 3484), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: GOR 6, April 25, 1951, 16 F. R. 3484.

Amendment 1, May 1, 1951, 16 F. R. 3833.

Amendment 2, June 19, 1951, 16 F. R. 5870.

Amendment 3, August 8, 1951, 16 F. R. 7825.

Amendment 4, August 20, 1951, 16 F. R. 8347.

SECTION 1. *Sales of Girl Scout and Boy Scout supplies.* No price regulation issued by the OPS applies to sales at wholesale or retail of articles bearing the official emblem, motto, pledge, or other distinguishing mark of the Girl Scouts of the U. S. A., or of the Boy Scouts of America.

SEC. 2. *Sales by Future Farmers of America.* No price regulation issued by the OPS applies to sales at retail by the Future Farmers of America.

SEC. 3. *Sales of CARE relief packages.* No price regulation issued by the Office of Price Stabilization shall apply to sales and distribution of CARE relief packages by Cooperative for American Remittances to Europe, Inc., as long as that organization continues to be organized as a corporation organized and operated exclusively for charitable purposes within the meaning of section 101 (6) of the Internal Revenue Code.

[Section 3 added by Amdt. 1]

SEC. 4. *Sales by the Salvation Army.* No price regulation issued by the Office of Price Stabilization applies to sales at retail by the Salvation Army of used and waste goods donated by members of the public to that organization and sold in the condition received or as reconditioned by the organization.

[Section 4 added by Amdt. 2]

SEC. 5. *Sales of 4–H supplies.* No price regulation issued by the Office of Price Stabilization applies to sales at retail by National Committee on Boys and Girls Club Work, Incorporated, of articles bearing the official emblem, motto, pledge or other distinguishing mark of the 4–H Clubs.

No price regulation issued by the Office of Price Stabilization applies to sales by The Salvation Army of articles of personal use to Salvation Army officers, Salvationists and employees.

[Section 5 added by Amdt. 2; amended by Amdt. 4]

SEC. 6. *Sales of Camp Fire Girls Supplies.* No price regulation issued by the Office of Price Stabilization applies to sales at wholesale or retail of articles bearing the official emblem, motto, pledge or other distinguishing mark of Camp Fire Girls, Inc.

[Section 6 added by Amdt. 2]

SEC. 7. *Sales by Goodwill Industries.* No price regulation issued by the Office of Price Stabilization applies to sales at retail by organizations known as Goodwill Industries which are affiliated with Goodwill Industries of America, Inc. of used and waste goods donated by members of the public to those organizations and sold in the condition received or as reconditioned by the organizations.

[Section 7 added by Amdt. 3]

ELLIS ARNALL,
Director of Price Stabilization.
By: JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–2652; Filed, Mar. 4, 1952; 11:08 a. m.]

[General Overriding Regulation 25]

GOR 25—DIRECTOR'S AUTHORITY TO ESTABLISH OR MODIFY CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 25 is hereby issued.

STATEMENT OF CONSIDERATIONS

This general overriding regulation spells out in general terms applicable to all ceiling price regulations the Director's authority (1) to issue an order fixing an in-line ceiling price applicable to past and future transactions, where a seller has failed to keep the records or file the reports necessary for the establishment of his own ceiling prices; and (2) to disapprove or reduce a ceiling price proposed or established under any ceiling price regulation so as to bring it into line with the level of ceiling prices otherwise established by that regulation.

Many ceiling price regulations already contain specific provisions spelling out these powers of the Director. This GOR is being issued merely to insure uniformity in the interpretation and administration of all ceiling price regulations with respect to these powers regardless of whether any particular regulation already includes or does not include specific provisions covering these matters.

In view of the administrative and general nature of this regulation and since the provisions involved already appear in numerous ceiling price regulations, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Modification of ceiling prices by Director of Price Stabilization.
3. Establishment of ceiling prices in cases of non-compliance.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This general overriding regulation sets forth the authority of the Director to act in certain situations with respect to ceiling prices established or required to be established under any ceiling price regulation.

SEC. 2. *Modification of ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce any ceiling price proposed, reported, or established under any ceiling price regulation, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation.

SEC. 3. *Establishment of ceiling prices in cases of non-compliance.* If any person subject to a ceiling price regulation fails to prepare or keep any record or file any report required by that regulation in connection with the establishment of his ceiling price, or if any person subject to a ceiling price regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by the applicable regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of the applicable regulation or of the various penalties for failure to do so.

SEC. 4. *Definitions.* (a) *"Ceiling price regulation"* means any ceiling price regulation heretofore or hereafter issued by the Director of Price Stabilization.

(b) *"Director of Price Stabilization"* includes any official of the Office of Price Stabilization, including officials of the Regional or District Offices, to whom the Director of Price Stabilization has delegated the function, power, or authority which such official is exercising.

Effective date. This General Overriding Regulation 25 shall become effective March 8, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 4, 1952.

[F. R. Doc. 52–2651; Filed, Mar. 4, 1952; 11:08 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 3, Amdt. 1]

INT. 3—PROFIT SHARING AND OTHER BONUSES UNDER GENERAL SALARY STABILIZATION REGULATION 2

MISCELLANEOUS AMENDMENTS

EDITORIAL NOTE: Federal Register Document 52–2470, appearing at page 1853 of the issue for Saturday, March 1, 1952, has been corrected as follows:

In Paragraph 2.10 the words "any three out of" have been inserted between the words "in" and "the" in the eighth line

of the fourth paragraph, so that the paragraph now reads:

In the alternative, the employer may use as his base period bonus fund one-third of the total bonuses paid in or with respect to any three out of the four fiscal years ending January 31, 1947, January 31, 1948, January 31, 1949, and January 31, 1950, or one-third of the total bonuses paid in any three out of the five calendar years 1946 to 1950 inclusive.

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M–81 as Amended March 4, 1952]

M–81—Pure Tungsten and Pure Molybdenum

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this order, as amended, there has been consultation with industry representatives and consideration has been given to their recommendations. Consultation with trade association representatives has been impossible because there is no trade association in this industry. Consultation with representatives of all trades and industries affected in advance of the issuance of this order, as amended, has been rendered impracticable because the order, as amended, affects a large number of different trades and industries.

This order, as amended, affects NPA Order M–81, as originally effective August 15, 1951, by including a new paragraph designated (d) in section 7 to provide for an additional exception.

Sec.

1. What this order does.
2. Definitions.
3. Relation to other regulations and orders.
4. Substitution required.
5. Uses prohibited.
6. Allocation authorization required.
7. Exceptions to allocation requirements.
8. Limitations on inventory.
9. Applications for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

Authority: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

Section 1. *What this order does.* This order applies only to carbon- and hydrogen-reduced substantially pure tungsten, and pure molybdenum, as hereinafter defined. The purpose of this order is to conserve and to provide for the distribution and use of pure tungsten and pure molybdenum so as best to serve the interest of the national defense program and of defense supporting activities. It makes pure tungsten and pure molybdenum subject to allocation. It prohibits, subject to certain exceptions, deliveries of pure tungsten and pure molybdenum except by authorizations to be issued from time to time by the National Production Authority (hereinafter called the "NPA"). It requires the filing of monthly reports.

Sec. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, and any other organized group of persons, and includes any agency of the United States or any other government. A person who keeps separate inventory records for any separate operating or producing units shall treat each such separate operating or producing unit as a separate person for the purposes of this order, unless NPA otherwise directs or permits upon application of such person.

(b) "Pure tungsten" means the element tungsten in substantially pure form, processed to the extent that it is hydrogen-reduced powder, ingot, wire, rod, sheet, and chemicals and compounds, or carbon-reduced powder. Tungsten ores and concentrates, and scrap tungsten metal are not included in this definition.

(c) "Pure molybdenum" means the element molybdenum in substantially pure form processed to the extent that it is powder, ingot, wire, rod, or sheet. Molybdenum ores, concentrates, chemicals and compounds, and scrap molybdenum metal are not included in this definition.

(d) "Chemicals and compounds" means and includes such chemicals as sodium tungstate, or any other chemicals containing tungsten compounds or mixtures such as cobalt tungsten, or molybdenum tungsten mixtures.

(e) "Scrap tungsten metal" means scrap, waste material, or residues containing commercially recoverable tungsten which has been generated from tungsten products derived from hydrogen-reduced powders.

(f) "Scrap molybdenum metal" means scrap, waste material, or residues containing commercially recoverable molybdenum which has been generated from molybdenum products as defined in paragraph (c) of this section.

(g) "Fabricated parts" means coils, filaments, lead wires containing tungsten and/or molybdenum, and finished contacts and other parts containing tungsten and/or molybdenum which are used in or as subassemblies.

(h) "Pure metal processor" means any person who produces tungsten in the form of carbon-reduced powder, hydrogen-reduced powder, ingot, wire, rod, sheet, or chemicals and compounds, or any person who produces molybdenum in the form of powder, ingot, wire, rod, or sheet.

(i) "Fabricator" means any person who uses tungsten or molybdenum ingots, wire, rod, or sheet and who forms, bends, cuts, welds, or further fabricates ingots, wire, rod, or sheet for resale purposes.

Sec. 3. *Relation to other regulations and orders.* All provisions of any NPA regulation or order are superseded to the extent that they are inconsistent with this order, but in all other respects the provisions of such regulations and orders shall remain in full force and effect. Pure tungsten and pure molybdenum shall be delivered only under an allocation authorization pursuant to the provisions of this order and, accordingly, DO rated orders or other preference orders shall have no effect, except to the extent that NPA takes such preference rating into account in granting an allocation authorization. NPA may, from time to time, issue directives as to deliveries or uses of pure tungsten and pure molybdenum and, unless otherwise provided therein, such directives will prevail over the provisions of this order. The provisions of this order do not in any way affect alloy steels.

Sec. 4. *Substitution required.* No person, whether pursuant to a DO rated order or otherwise, shall incorporate any pure tungsten or pure molybdenum into any product or material when substitution of some other element or material (other than a restricted alloying material as defined in section 2 of NPA Order M–80) for pure tungsten or pure molybdenum is commercially feasible.

Sec. 5. *Uses prohibited.* No person shall use pure tungsten in the manufacture of pigments of any type, or as a coloring or coating material for rubber, linoleum, paper of any kind including but not limited to wallpaper, or grinding wheels: *Provided, however,* That these prohibitions do not apply to:

(a) The use of pure tungsten in the manufacture of pigments for coloring employed by the United States Government in the production of currency, bonds, stamps, and/or other Government securities.

(b) The use of pure tungsten in printing inks.

(c) The use of pure tungsten required by any person to comply with any order or directive of NPA.

(d) The use by any person of not more than 50 pounds (tungsten content) of pure tungsten in any consecutive 3-month period, beginning on or after March 1, 1951.

Sec. 6. *Allocation authorization required.* (a) No person shall deliver pure tungsten or pure molybdenum except in accordance with the terms of an allocation authorization issued by NPA, in accordance with this section, nor shall any person accept delivery of or use pure tungsten or pure molybdenum except in accordance with the terms of such an allocation authorization.

(b) NPA will, from time to time, issue allocation authorizations for pure tungsten and pure molybdenum and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses may be made or withheld. Any person seeking to place a purchase order for pure tungsten or pure molybdenum may be required to place the same with one or more suppliers specified by NPA.

(c) Application for allocation must be filed with NPA by the applicant on Form NPAF–114, not later than 45 days preceding the first day of the month in which delivery is required, accompanied by the inventory statement on Form NPAF–113, unless such form has been currently filed pursuant to section 10

(c) of this order. An application for allocation for delivery in October 1951 must be filed not later than August 15, 1951. Each applicant must furnish all information required by said forms, and the requests for allocations must be correctly indicated in the tungsten or molybdenum products material classifications and size ranges.

(d) Whenever an application for allocation is granted in whole or in part, an authorization will be issued at least 10 days prior to the first day of the delivery month to the appropriate supplier and a copy furnished to the applicant. The authorization will require a supplier to make delivery to the extent of the purchasers' orders within the limits of the authorization.

SEC. 7. *Exceptions to allocation requirements.* The provisions of section 6 of this order shall not apply to:

(a) Deliveries to the General Services Administration or any other authorized agency of the United States for the purposes of stockpiling.

(b) The purchase of fabricated parts. Persons producing these parts, however, must secure an allocation as set forth in section 6 and must indicate the end use on their applications.

(c) The sale of pure tungsten welding rod by a person other than a pure metal processor.

(d) The sale for analytical laboratory use of packaged reagent chemicals containing pure tungsten which have been allocated in bulk for the purpose of packaging and resale. This exception is limited to standard packages which do not exceed 5 pounds net weight.

SEC. 8. *Limitations on inventory.* No person shall place an order for or accept delivery of pure tungsten or pure molybdenum at a time when his inventory exceeds, or by acceptance of such delivery would be made to exceed 60 days' requirements at his then scheduled rate and method of operation. Any person who on the effective date of this order or at any time has outstanding orders for pure tungsten or pure molybdenum for delivery in quantities greater than he would be permitted to receive under this section shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled and such orders shall be adjusted accordingly. This section is applicable irrespective of whether or not any such orders or deliveries are made in accordance with an authorized allocation.

SEC. 9. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in duplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system assures an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have maintained or may maintain such microfilm or other photographic records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Every person who at any time in a calendar month had in his possession or under his control or who during a calendar month consumed more than 25 pounds of pure tungsten or pure molybdenum shall report to NPA on Form NPAF–113 on or before the fifteenth day of the following month.

(d) Persons subject to this order shall make such records and submit such additional reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the Iron and Steel Division, National Production Authority, Washington 25, D. C., Ref: M–81.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect March 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–2665; Filed, Mar. 4, 1952; 11:26 a. m.]

[NPA Order M–24, as Amended March 4, 1952]

M–24—TIN PLATE AND TERNEPLATE

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by the Defense Production Act of 1950, as amended. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected by the issuance of this order as amended has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

NPA Order M–24, as last amended April 3, 1951, is hereby further amended in the following respects:

1. The definition of "menders" has been amended.

2. Definitions have been added of "unmended menders," "unassorted temper tin plate," and "other coated secondaries."

3. The definition of tin plate has been amended to include "menders," "unmended menders," and "unassorted temper tin plate."

4. The use of "other coated secondaries" has been exempted from the restrictions and limitations of the order.

5. The provision respecting the optional use of "menders" has been transposed from section 4 to section 5.

6. The provisions relating to export have been amended for purposes of clarification.

7. Sections 10, 11, 12, and 13 have been reworded to conform the language to the language in the analogous sections in other NPA orders.

8. A typographical error has been corrected in Note 1 to Schedule A.

9. List A of NPA Order M–8, instead of being incorporated by reference, has been included as Schedule B of this order as amended.

As so amended, NPA Order M–24 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Permitted uses.
4. Additional permitted uses.
5. Optional uses.
6. Manufacture.
7. Other restrictions.
8. Certification of delivery of plate.
9. Exceptions.
10. Request for adjustment or exception.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* The purpose of this order is to set forth the permitted uses of tin plate and terneplate, the permitted materials in those uses, and the maximum permitted coat-

ing of tin or of terne metal per single base box. This order also sets forth certain additional permitted uses, optional uses, restrictions on manufacturers, and permitted substitutions. NPA Order M–8, as amended, contains certain limitations on the use of pig tin in the manufacture of tin plate and terneplate, but permits the use of tin for tin plate and terneplate in accordance with the provisions of this order.

SEC. 2. *Definitions.* As used in this order:

(a) "Tin plate" means steel sheets coated with tin, and includes electrolytic tin plate, hot-dipped tin plate, primes, seconds, unassorted, waste-waste, menders, unmended menders, and unassorted temper tin plate. Tin plate (except waste-waste) is furnished as "Specification Production Plate" or "Mill Accumulation Plate," and each such class includes primes, seconds, and unassorted. "Specification Production Plate" is plate produced against orders for specific end uses. "Mill Accumulation Plate" is plate arising in the production of "Specification Production Plate" not applicable against such orders, and, as provided in section 7 of this order, is to be so identified when sold, manifested, and shipped.

(b) "Terneplate" means steel sheets coated with terne metal, and includes special coated manufacturing ternes, manufacturing ternes, roofing ternes generally coated in tin mill coating machines, and long ternes which are steel sheets coated in sheet mill coating machines.

(c) "Reconditioned tin plate or terneplate" means damaged tin plate or terneplate which has been put into usable condition by recoating.

(d) "Waste-waste" means hot-dipped or electrolytic tin-coated steel sheets or steel sheets covered with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes, seconds, or unassorted.

(e) "Unmended menders" means tin-coated steel sheets arising in the production of electrolytic tin plate which have been set aside by the producer by reason of surface appearance which disqualifies such sheets from sale as primes, seconds, or unassorted.

(f) "Menders" means tin-coated steel sheets arising in the production of electrolytic tin plate which have been set aside by the producer by reason of surface appearance which disqualifies such sheets from sale as primes, seconds, or unassorted, and mended either into coke tin plate primes, seconds, or unassorted by hot-dipping in tin, or into unassorted terneplate by hot-dipping in terne metal.

(g) "Unassorted temper tin plate" means primes, seconds, or unassorted tin plate arising in the production of hot-dipped or electrolytic tin plate which has been packaged without regard to temper.

(h) "Other coated secondaries" means steel sheets or strips coated with tin or terne metal which are not defined or classified elsewhere in this section, and includes lacquered or lithographed misprints.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(j) "NPA" means the National Production Authority.

SEC. 3. *Permitted uses.* Tin plate, terneplate, and reconditioned tin plate and terneplate may be used only for the purposes set forth in Schedule A of this order, subject to the limitations, restrictions, and conditions specified in Schedule A with respect to the various items and purposes.

SEC. 4. *Additional permitted uses.* (a) Any person may use waste-waste for any purpose except in the manufacture of any item or in any process set forth in Schedule B of this order. In addition, any person may use tin plate, terneplate, or reconditioned tin plate or terneplate for any purpose, except in the manufacture of any item or in any process set forth in Schedule B, if his total annual consumption of such plate does not exceed 100 base boxes.

(b) Any person may use other coated secondaries without regard to the restrictions and limitations of this order, but such use shall be subject to all restrictions and limitations imposed by any other order or regulation of NPA.

SEC. 5. *Optional uses*—(a) *Substitution of material with lower tin content.* Wherever Schedule A of this order permits use of tin plate or terneplate with a maximum permitted coating of tin or terne metal per base box, tin plate or terneplate coated with less tin or terne metal per base box may be used; or if tin mill black plate is adaptable, it may be used as a substitute.

(b) *Optional use of 0.25 tin plate for terneplate.* Where terneplate is permitted to be used in the manufacture of an item listed in Schedule A, a manufacturer may substitute electrolytic tin plate with a maximum permitted tin coating of 0.25 pound per base box for that item.

(c) *Optional use of electrolytic tin plate.* Where hot-dipped tin plate is permitted to be used in the manufacture of an item listed in Schedule A, the manufacturer may substitute electrolytic tin plate.

(d) *Limited optional use of tin plate menders.* Tin plate menders arising in the production of electrolytic tin plate may be used only for purposes where hot-dipped tin plate is permitted under Schedule A.

SEC. 6. *Manufacture*—(a) Manufacture of tin plate and terneplate. Tin plate and terneplate may be manufactured only for the items and purposes set forth in Schedule A of this order and shall be tested as in this section provided. Coating shall be determined on the basis of average spot-coating tests, in the case of electrolytic tin plate, and on the basis of pot yield, in the case of hot-dipped tin plate. No person may use terne metal containing more than 15 percent tin in tin mill coating machines, and for coating roofing ternes. No person may use terne metal containing more than 10 percent tin in sheet mill coating machines.

(b) *Manufacture of terne metal.* Secondary tin only may be used to make terne metal.

SEC. 7. *Other restrictions.* No person shall sell or deliver any tin plate, terneplate, or reconditioned tin plate or terneplate which he knows or has reason to believe will be accepted or used in violation of the terms of this order, or any other order or regulation of NPA. No person shall sell or deliver any tin plate, terneplate, or reconditioned tin plate or terneplate which he knows or has reason to believe will be exported outside of the continental limits of the United States, its territories and possessions, and Canada, except as permitted by section 9 (c) of this order. No person shall sell or deliver Mill Accumulation Plate unless the same is identified as such when sold, manifested, or shipped.

SEC. 8. *Certification of delivery of plate.* Except as otherwise permitted by section 9 (c) of this order, no person shall sell or deliver any tin plate or terneplate unless he has received from the purchaser a certificate signed manually. This certificate shall be by letter in substantially the following form and, once filed by a purchaser with a seller, covers all future deliveries of tin plate or terneplate from the seller to that purchaser:

To_____, Seller:
The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M–24 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance and use of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

SEC. 9. *Exceptions.* (a) The restrictions in this order shall not apply to military requirements for tin plate or terneplate intended for manufacture of items of a special design or style not normally produced or used commercially, nor to tin plate or terneplate intended for manufacture of items for emergency rations and supplies for lifeboats.

(b) The provisions of this order do not apply to the use of tin plate or terneplate which was in process of manufacture or in the inventory of a consumer, or in the inventory of a manufacturer for the account of a consumer, on April 3, 1951.

(c) The restrictions of this order shall not apply to the sale or delivery for export of tin plate, terneplate, or reconditioned tin plate or terneplate where the person selling or delivering the same has received a validated export license therefor from the Office of International Trade, or has received from another person a certificate signed manually, or where a general export license is applicable. This certificate shall be by letter in substantially the following form, the purchaser striking therefrom the inapplicable words, and shall be filed with each purchase order with the person selling or delivering to such other person tin plate, terneplate, or reconditioned tin plate or terneplate for export:

To ----------, Seller: The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that (he has received a certification from another person that) the Office of International Trade has issued to (him) (such other person) (validated export license No. -------) (an applicable general license) for export shipment of all of the items included in the attached purchase order, and that all purchases from you of items included in the said purchase order and the acceptance of the same by the undersigned will be in compliance with the said license.

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–24.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amended order shall take effect March 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE A OF NPA ORDER M–24

Permitted use (1)	Permitted material (2)	Maximum permitted coating of tin or terne metal (per single base box) (3)
1. All kitchen equipment	Electrolytic tin plate	0.25 pound per base box.
2. Food preparation and cooking equipment:		
(a) Baking pans for institutions and commercial bakers.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	0.50 pound per base box.
(b) All other food preparation and cooking equipment.	Electrolytic tin plate	0.50 pound per base box.
3. Battery caps for electrical contact	Electrolytic tin plate	0.50 pound per base box.
4. Brushes, power driven	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
5. Cans as defined in Order M–25	As permitted by Order M–25	As permitted by Order M–25.
6. (a) Closures as defined in Order M–26	As permitted by Order M–26	As permitted by Order M–26.
(b) Closures for steel drums	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Special coated manufacturing ternes.	See note 1.
7. Carbide nonexplosive emergency lights	Long ternes	4 pounds per base box.
	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
8. Chaplets, skingates, and tin forms for foundry use.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
9. Cheese vats	Hot dipped tin plate	11 pounds per base box.
10. Component parts for Internal Combustion engines including air cleaners, cooling systems, fuel systems, and lubricating systems, but only where less essential material is impractical because of corrosion or solderability.	Reconditioned tin plate	
	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
11. Cylinder liners for lard and fruit presses	Manufacturing ternes	3 pounds per base box.
12. Dairy ware and equipment including dairy pails, milk strainer pails, hooded milking palls, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Hot dipped tin plate	1.25 pounds per base box.
	Hot dipped tin plate	3.30 pounds per base box (2A charcoal).
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
13. Diamond cutting wheels	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
14. Dusters and sprayers, band, for disinfectant and pest control; parts requiring solderable coatings.	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
15. Equipment or appliance parts requiring solderable coatings.	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
16. (a) Fuel tanks, except for automotive equipment.	Electrolytic tin plate	0.25 pound per base box.
	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
(b) Fuel tanks for automotive equipment.	Special coated manufacturing ternes.	See note 1.
	Long ternes	6 pounds per base box.
	Reconditioned terne plate	
17. Gas mask canisters	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
18. Gas meters	Hot dipped tin plate	3.30 pounds per base box (2A charcoal).
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
19. Heat exchangers	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box
	Reconditioned terne plate	
20. Integral parts of signal cells—but only for current collectors and baskets.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	

SCHEDULE A OF NPA ORDER M-24—Continued

Permitted use (1)	Permitted material (2)	Maximum permitted coating of tin or terne metal (per single base box) (3)
21. Lining of drying chambers for milk and egg dehydration.	Hot dipped tin plate	11 pounds per base box.
	Reconditioned tin plate	
22. Maple syrup evaporators	Hot dipped tin plate	11 pounds per base box.
	Reconditioned tin plate	
23. Oilers (excluding cans as defined by Order M-25).	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
24. Oil lanterns and non-electric lamps	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
25. Repair parts for domestic laundry equipment.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
26. Safety cans for inflammable liquids	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
27. Textile spinning cylinders, card screens, spools, bobbins, loom reeds, warper and flasher combs and brushing machines for reed cleaning.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
28. Torpedoes for oil and gas well shooting	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
29. Vaporizing liquid fire extinguishers	Hot dipped tin plate	1.25 pounds per base box.
	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds por base box.
	Reconditioned terne plate	
30. Wick holders for oil stoves	Special coated manufacturing ternes.	See note 1.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
31. Smoke pipe elbows and fittings	Long ternes	10 pounds per base box.
32. Hot water heater flue jacket liners and other parts exposed to flame or hot flue gases.	Long ternes	6 pounds per base box.
33. Roofing, fire doors, gutters, downspouts and fittings for same; roof flashings; exterior louvres and exterior shutters, where such flashings, louvres and shutters are to be soldered and painted.	Roofing ternes	10 pounds per base box.

NOTE 1. Special coated manufacturing ternes may be used in all gauges up to and including 107 pounds. In base weights heavier than 107 pounds per base box, special coated manufacturing ternes, or manufacturing ternes having a coating not in excess of 3 pounds per base box, may be used.
(Also see section 4 of this order for additional permitted uses and section 5 for optional uses.)

SCHEDULE B OF NPA ORDER M-24

(See section 4)

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal, or other similar tin-bearing alloys.
4. Buckles.
5. Buttons.
6. Chimes and bells.
7. Coated paper.
8. Emblems and insignia.
9. Fasteners as follows: book match clips and staples, paper clips, spiral binders, office staples, and paper fasteners.
10. Jewelry.
11. Novelty souvenirs and trophies.
12. Ornaments and ornamental fittings.
13. Hollow ware.
14. Plating and coating for decorative purposes.
15. Powder for decorative purposes.
16. Refrigerator trays or shelves (all types).
17. Seals and labels.
18. Slot, game, and vending machines.
19. Tablets, markers, and memorials.
20. Tin oxide (except for the purposes and to the extent set forth in Schedule VI of NPA Order M-8, as amended).
21. Toys and games.
22. Zinc galvanizing.
23. All other ornamental or decorative purposes.

[F. R. Doc. 52-2664; Filed, Mar. 4, 1952; 11:26 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Correction to Schedule B]

[Rent Regulation 2, Correction to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS

PENNSYLVANIA

Effective Feb. 28, 1952, Rent Regulation 1 and Rent Regulation 2 are corrected as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 29th day of February 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

A new item 46 is added to Schedule B of Rent Regulation 1 and a new item 51 is added to Schedule B of Rent Regulation 2 reading as follows:

Provisions relating to Brighton Township in Beaver County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area (item 267 of Schedule A). Effective February 28, 1952, the provisions of this regulation shall apply to housing accommodations in Brighton Township in Beaver County, Pennsylvania, except as modified by the following provision:

Section 91 et seq. relating to the establishment of maximum rents shall be applicable to said housing accommodations instead of section 81 et. seq. relating to the establishment of maximum rents.

[F. R. Doc. 52-2535; Filed, Mar. 4, 1952; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 805]

NEVADA

WITHDRAWING PUBLIC LANDS FOR USE OF THE U. S. ATOMIC ENERGY COMMISSION; PARTIAL REVOCATION OF EXECUTIVE ORDERS NOS. 8578 AND 9019

CORRECTION

In F. R. Doc. 52-1975, appearing at page 1522 of the issue for Tuesday, February 19, 1952, the title following the signature of Dale E. Doty should have read "Acting Secretary of the Interior."

[Public Land Order 808]

ALASKA

WITHDRAWING PUBLIC LANDS FOR TOWN SITE PURPOSES; REVOKING IN PART PUBLIC LAND ORDER NO. 386 OF JULY 31, 1947

By virtue of the authority vested in the President by Section 2380 of the Revised Statutes (43 U. S. C. 711), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for town site purposes, to be hereafter disposed of under applicable town site laws:

FAIRBANKS MERIDIAN

T. 10 S., R. 10 E.,
Sec. 11, lots 8, 10, and S½SE¼;
Sec. 12, S½SW¼;
Sec. 13, W½;
Sec. 14, lots 1, 2, 3, 4, 5, 7, 8, NE¼, NW¼ SE¼, and E½SE¼;
Sec. 23, lots 1, 2, 3, 5, to 12, inclusive, NE¼NE¼, SE¼SW¼, and SE¼SE¼;
Sec. 24, lots 1, 2, 7, 8, N½NW¼, and SE¼ NW¼;
Sec. 25, lots 4 and 5;
Sec. 26, lots 1, 3, 4, and 5; and the lands in U. S. Surveys Nos. 2774 and 2778, but excluding the lands in U. S. Surveys Nos. 2770, 2771, 2772, 2773, 2775, and 2776.

The areas reserved aggregate 1,799.69 acres. All of the lands described above, including those designated by survey numbers, are within the hereinafter described area at Buffalo Center.

Public Land Order No. 386 of July 31, 1947, which was revoked as to certain lands at Buffalo Center by Public Land Order No. 448 of February 17, 1948, is hereby revoked as to the remaining lands at Buffalo Center included in the following description:

BUFFALO CENTER

A tract of land containing approximately 5440 acres at the junction of the Alaska Highway and the Richardson Highway on the east bank of Delta River, more particularly described as follows:

Beginning at a point in the center line of the Alaska Highway at Mile Station 1427, approximately in latitude 64°1′ N., and longitude 145°41′ W., thence by metes and bounds:

South 80 chains;

West 186 chains, more or less, crossing Jarvis Creek and Richardson Highway to the east bank of Delta River;

Northerly, with the meanders of the east bank of Delta River 334 chains, more or less, to a point on the bank of said river which is 240 chains in northing from the point of beginning on this description;

East 180 chains, more or less, crossing Richardson Highway to a point due north of the point of beginning of this description;

South 240 chains to the point of beginning.

The lands in U. S. Surveys Nos. 2770 to 2773 inclusive, 2775 and 2776 shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Anchorage, Alaska, opening the lands to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, with a ninety-day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 497 (43 U. S. C. 279–284), as amended.

At 10:00 a. m., on the 35th day after the date of this order, the unappropriated, unreserved, unsurveyed public lands released by this order shall be opened to settlement under the homestead laws only and to that form of appropriation only by qualified veterans of World War II for whose services recognition is granted by the Act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 a. m., on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations.

At 10:00 a. m. on the 35th day after the date of this order the surveyed public lands released by this order shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, such lands shall be subject to (1) application under the homestead laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, or application under the homesite or headquarter site act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homesite or homestead laws shall be governed by the regulations contained in Parts 64 and 65 of Title 43 of the Code of Federal Regulations, and applications under the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 27, 1952.

[F. R. Doc. 52–2502; Filed, Mar. 4, 1952; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 105—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES FOR PUBLIC SCHOOLS IN AREAS AFFECTED BY FEDERAL ACTIVITIES

NECESSITY OF FINAL REPORTS

Part 105, 16 F. R. 5901, amended in 17 F. R. 347, is further amended by the addition of § 105.24, as follows:

§ 105.24 *Necessity of final reports.* For each fiscal year, all applicants shall submit on forms prescribed by the Commissioner a final report to enable the Commissioner to determine the amount to which the applicant is entitled under the act. Certification for final payment for any fiscal year shall not be made until the final report has been received. Unless such final report has been received by the Commissioner on or before the thirtieth day of September following the fiscal year for which payment is requested, an applicant shall not be entitled to any further certification for payment out of funds then available for such fiscal year. Until such report has been received in proper form, no further certification for payment to the applicant shall be made under the provisions of Pub. Law 874 for any subsequent fiscal year. The Commissioner may disallow any portion of the estimated entitlement for such fiscal year as he may determine to be excessive on the basis of such information as is available. Whether or not a report has been submitted, if an applicant is found, after such date, on the basis of all available information, to have received funds in excess of its entitlement for such fiscal year, such excess will be deducted from subsequent certifications for payment to the applicant or, where no certifications are due, the applicant will be required to refund such excess to the Commissioner.

(Sec. 7, 64 Stat. 1107; 20 U. S. C. 242. Interprets or applies sec. 5, 64 Stat. 1106; 20 U. S. C. 240)

[SEAL] EARL J. MCGRATH,
Commissioner of Education.

Dated: February 21, 1952.

Approved: February 28, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52–2533; Filed, Mar. 4, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52936]

PETROLEUM AND PETROLEUM PRODUCTS

TARIFF-RATE QUOTA

FEBRUARY 28, 1952.

Final quantities and allocation of the tariff-rate quotas for the calendar year 1952 on imported crude petroleum and petroleum products (T. D. 52905).

Treasury Decision 52905 sets forth the estimated quantity of crude petroleum, topped crude petroleum, and fuel oil derived from petroleum, including fuel oil known as gas oil, the products of the countries listed below, which would be entitled to be entered, or withdrawn from warehouse, for consumption at the reduced rate of duty during the calendar year 1952 on an approximated basis.

The Director of the Bureau of Mines has now furnished definite information and the amounts as published below are final:

	Gallons
United States of Venezuela	2,956,841,949
Kingdom of the Netherlands (including its overseas territories)	930,857,651
Other foreign countries	1,090,148,800
Total	4,977,848,400

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-2545; Filed, Mar. 4, 1952; 8:50 a. m.]

United States Coast Guard

[CGFR 52-6]

APPROVAL OF EQUIPMENT AND CHANGE IN NAME AND ADDRESS OF MANUFACTURER

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of 5 years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority and the following change in name and address of a manufacturer of approved equipment shall be made:

LIFE PRESERVERS, FIBROUS GLASS, ADULT AND CHILD (JACKET TYPE)

Approval No. 160.005/5/0, Model 51 adult fibrous glass life preserver, U. S. C. G. Specification Subpart 160.005, manufactured by Victory Apparel Manufacturing Corp., 238-50 Passaic Street, Newark 4, N. J.

Approval No. 160.005/6/0, Model 55 child fibrous glass life preserver, U. S. C. G. Specification Subpart 160.005, manufactured by Victory Apparel Manufacturing Corp., 238-50 Passaic Street, Newark 4, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4482, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.005)

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Cushions are approved for use on motorboats of classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.007/113/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Kamor Manufacturing Corp., 426 Great East Neck Road, West Babylon, N. Y.

Approval No. 160.007/114/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Sports Development Co., Oak and Beech Streets, Grafton, Wis.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are approved for use on motorboats of classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.008/505/0, 19" x 21" x 3" rectangular buoyant cushion, 72-ounce kapok, dwg. dated January 11, 1952, manufactured by Seashore Upholstering Co., 1217 Asbury Avenue, Ocean City, N. J.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.008)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/38/0, 30-inch cork ring life buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Elvin Salow Co., 379 Atlantic Avenue, Boston 10, Mass.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.4-1, 33.01-5, 33.40-1, 59.56, 60.49, 76.53, 94.53, 113.46, 160.009)

LIFE RAFTS

Approval No. 160.018/5/1, Type B life raft, for other than ocean and coastwise service, 10.5' x 7.83' x 3.0', 15-person capacity, identified by general arrangement dwg. No. B-10-6-15-1, dated September 10, 1951, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio. (Supersedes Approval No. 160.018/5/0 published in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 246, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.018)

DAVITS, LIFEBOAT

Approval No. 160.032/123/0, Mechanical davit, straight boom sheath screw, Type 22-25, approved for maximum working load of 7,000 pounds per set (3,500 pounds per arm), using 2-part falls, identified by arrangement dwg. No. DB-101-2 dated March 24, 1950 and revised October 25, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.032)

LIFEBOATS

Approval No. 160.035/17/1, 22.0' x 7.5' x 3.17' steel oar-propelled lifeboat, 31-person capacity, identified by General Arrangement dwg. No. G-2231 dated July 12, 1951, and revised December 24, 1951, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y. (Supersedes Approval No. 160.035/17/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.035/250/0, 14.0' x 5.29' x 2.17' aluminum, square stern, oar-propelled lifeboat, 9-person capacity, identified by construction and arrangement dwg. No. 3283, dated May 18, 1949, and revised August 5, 1949, manufactured by Welin Davit & Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 33.01-5, 59.13, 76.16, 94.15, 113.10, 160.035)

KITS, FIRST-AID

Approval No. 160.041/1/0, First-aid Kit, Model M 2, dwg. No. 99, dated July 1, 1951, submitted by E. D. Bullard Co., 275 Eighth Street, San Francisco, Calif.

(R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.041)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/31/0, Fyr-Fyter Model 33-1, 5-pound carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 33-1 dated September 8, 1949, issue of July 11, 1951, name plate dwg. No. 4665 dated May 28, 1951, no revision, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.005/32/0, Fyr-Fyter Model 34-1, 10-pound carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 34-1 dated September 7, 1949, issue of January 31, 1950, name plate dwg. No. 4667 dated May 28, 1951, no revision, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.005/33/0, Fyr-Fyter Model 35-1, 15-pound carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 35-1 dated September 8, 1949, issue of January 31, 1950, name plate dwg. No. 4669 dated May 28, 1951, no revision, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.005/34/0, Buffalo Model 33-2, 5-pound carbon-dioxide type

hand portable fire extinguisher, assembly dwg. No. 33–2 dated September 8, 1949, issue of July 11, 1951, name plate dwg. No. 4666 dated May 28, 1951, no revision, manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.005/35/0, Buffalo Model 34–2, 10-pound carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 34–2 dated September 7, 1949, issue of January 31, 1950, name plate dwg. No. 4668 dated May 28, 1951, no revision, manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.005/36/0, Buffalo Model 35–2, 15-pound carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 35–2 dated September 8, 1949, issue of January 31, 1950, name plate dwg. No. 4670 dated May 28, 1951, no revision, manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL FOAM TYPE

Approval No. 162.006/18/1, Alfco Model 3F1–CG Foam, 2½-gallon hand portable fire extinguisher, assembly dwg. No. 4X–1331 dated March 2, 1950, Alt. C dated September 21, 1951, name plate dwg. No. 4X–550 dated September 7, 1950, Alt. C dated April 3, 1951, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y. (Supersedes Approval No. 162.006/18/0 published in the FEDERAL REGISTER dated Oct. 3, 1950.)

Approval No. 162.006/19/1, Kidde CG Foam (Symbol AM), 2½-gallon hand portable fire extinguisher, assembly dwg. No. 4X–1352 dated September 30, 1950, Alt. B dated September 21, 1951, name plate dwg. No. 4X–578 dated April 10, 1951, no revision, manufactured for Walter Kidde & Co., Inc., Belleville 9, N. J., by American-LaFrance-Foamite Corp., Elmira, N. Y. (Supersedes Approval No. 162.006/19/0 published in the FEDERAL REGISTER dated Oct. 3, 1950.)

Approval No. 162.006/31/0, Buffalo Better-Built CG Foam (Symbol AM), 2½ gallon hand portable fire extinguisher, assembly dwg. No. 4X–1377 dated January 21, 1952, no revision, name plate dwg. No. 4X–585 dated October 17, 1951, no revision, manufactured for Buffalo Fire Appliance Corp., Dayton 1, Ohio, by American-LaFrance-Foamite Corp., Elmira, N. Y.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHER, PORTABLE, HAND, SODA-ACID TYPE

Approval No. 162.007/29/2, Kidde (Symbol AM), 2½ gallon soda-acid type hand portable fire extinguisher, assembly dwg. No. 2X–1131 dated March 24, 1948, Alt. D dated September 21, 1951, name plate dwg. No. 2X–427 dated July 17, 1950, Alt. A dated October 22, 1951, manufactured for Walter Kidde & Co., Inc., Belleville 9, N. J., by American-LaFrance-Foamite Corp., Elmira, N. Y. (Supersedes Approval No. 162.007/29/1 published in the FEDERAL REGISTER dated Feb. 8, 1950.)

Approval No. 162.007/30/1, Alfco Model 381, 2½-gallon soda-acid type hand portable fire extinguisher, assembly dwg. No. 2X–1111 dated August 16, 1946, Alt. L dated September 21, 1951, name plate dwg. No. 2X–426 dated June 6, 1950, no revision, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y. (Supersedes Approval No. 162.007/30/0 published in the FEDERAL REGISTER dated Feb. 8, 1950.)

Approval No. 162.007/42/0, Buffalo Better-Built (Symbol AM), 2½ gallon soda-acid type hand portable fire extinguisher, assembly dwg. No. 2X–1219 dated January 21, 1952, no revision, name plate dwg. No. 2X–442 dated October 17, 1951, no revision, manufactured for Buffalo Fire Appliance Corp., Dayton 1, Ohio, by American-LaFrance-Foamite Corp., Elmira, N. Y.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

CHANGE IN NAME AND ADDRESS OF MANUFACTURER

The name and address of Oceanic Insul-Lite Corp., 464 Baltic Street, Brooklyn 17, N. Y., has been changed to Ocean-Lite Flooring Corp., 2 Conover Street, Brooklyn 31, N. Y., for Approval No. 164.006/32/0 published in the FEDERAL REGISTER dated April 1, 1948, for deck covering.

Dated: February 28, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 52–2546; Filed, Mar. 4, 1952; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1242884]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM VALE PROJECT

FEBRUARY 28, 1952.

An order of the Bureau of Reclamation dated October 26, 1950, concurred in by the Acting Director, Bureau of Land Management, December 6, 1950, revoked the Departmental order of December 14, 1926, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Vale Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

WILLAMETTE MERIDIAN

T. 18 S., R. 43 E.,
Sec. 34, N½SW¼.

The above areas aggregate 80 acres.

The lands are chiefly valuable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requimements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of

their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Portland, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Portland, Oregon.

WILLIAM ZIMMERMAN, Jr.,
Acting Director.

[F. R. Doc. 52-2500; Filed, Mar. 4, 1952; 8:45 a. m.]

[Order 1]

DISTRICT FORESTERS

DELEGATION OF AUTHORITY

FEBRUARY 13, 1952.

Redelegation of authority to District Foresters; Order No. 1.

PART 1—AUTHORITY IN GENERAL

SECTION 1.1 *Functions of district foresters and acting district foresters.* (a) Pursuant to the authority contained in B. L. M. Order No. 427 approved August 16, 1950,[1] the district foresters are hereby authorized to perform, in accordance with the existing policies, regulations and procedures of the Department of the Interior, the functions of the Regional Administrator as provided in this order. This shall include all types of actions in the matters listed, unless otherwise provided. No action shall be taken by the district foresters affecting the lands or activities of any other agency in this Department, or other Federal agency, until the matter has been cleared with that agency.

(c) The following designated classes of employees are authorized to perform the functions of the district forester in case of the death, resignation, absence or sickness of the district forester, unless the Regional Administrator determines otherwise in a particular case: The assistant district forester, if any, and if there be no assistant district forester, the forester in the office who is in the highest grade, and if there be more than one such employee in such grade, the forester in such grade who is senior in point of time of service in that grade.

[1] The section numbers in this order conform as nearly as practicable to similar numbers in B. L. M. Order No. 427.

(e) Any employee authorized to act under paragraph (c) of this section shall sign all documents and other papers as "Acting District Forester." Any employee who serves in this capacity shall by memorandum advise the Regional Administrator of the beginning and of the termination of the period of service.

SEC. 1.2 *Limitations.* In addition to limitations on authority in specified matters, set forth in particular sections, the authority delegated by this order shall not include:

(a) The issuance of regulations.

(b) Any function which has been or may be delegated to the head, or other official, of any other agency of this Department.

(c) The issuance of public-land orders.

(d) The exercise of the supervisory powers of the Secretary, whether by way of appeal to the Secretary or otherwise.

(e) Any action to be taken with the approval or concurrence of the President, or the head of any department or independent agency of the Government.

(f) The issuance of patents.

No delegation or authority made by this order is to be construed as depriving the Regional Administrator of authority to act in any matter as to which authority has been delegated to him by the Secretary of the Interior or the Director of the Bureau of Land Management.

PART 2—AUTHORITY IN SPECIFIED MATTERS

GENERAL

Subject to the provisions of Part 1 of this order, the district foresters are hereby authorized to take all actions, except as otherwise hereinafter provided, with respect to the following matters:

SEC. 2.2 *Bonds.* Bonds required in connection with any particular type of matter which the district foresters are authorized to handle.

SEC. 2.3 *Cancellations or surrenders of contracts, licenses and permits.* The partial or complete cancellation or surrender of any type of contract, license or permit which the district foresters are authorized to handle.

SEC. 2.15 *Trespass.* The disposal of all resources from the public lands recovered in trespass cases for not less than the appraised value thereof.

SEC. 2.16 *Return of applications.* The return to the sender of any application for entry or disposal of title to lands withdrawn in aid of the purposes of the Sustained-Yield Forest Management Act of March 29, 1944 (58 Stat. 132, 16 U. S. C. 583, 583a-i) with notice that such an application will not be accepted for filing by the Bureau of Land Management because of such withdrawal.

TIMBER

SEC. 2.121 *Disposition of timber.* The sale of timber on lands under the jurisdiction of the Bureau of Land Management where the estimated stumpage value of the timber does not exceed $1,000, and the free use of timber on such lands.

PART 3—APPEALS

SEC. 3.1 *Right of appeal.* Any person aggrieved by the action of a district forester, except a return of an application under section 2.16, may appeal to the Director, Bureau of Land Management, and from his decision to the Secretary of the Interior pursuant to the rules of practice (43 CFR Part 221).

PART 4—EFFECT ON PRIOR ORDERS AND EFFECTIVE DATE

SEC. 4.1 *Effective date.* This order shall be effective upon approval by the Secretary of the Interior and publication in the FEDERAL REGISTER.

H. S. PRICE,
Regional Administrator.

Approved: February 27, 1952.

DALE E. DOTY,
Assistant Secretary of the Interior.

[F. R. Doc. 52-2501; Filed, Mar. 4, 1952; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

BEER DIVISION OF ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

DISAPPROVAL OF MINIMUM WAGE RATE

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. Sup. 1001) notice was published in the FEDEDAL REGISTER on February 8, 1952 (17 F. R. 1227) of a proposed decision to disapprove the minimum wage recommendation of Special Industry Committee No. 9 for Puerto Rico for the Beer Division of the Alcoholic Beverage and Industrial Alcohol Industry in Puerto Rico. Interested parties were given an opportunity to submit exceptions within 15 days from the date of publication of the notice.

Objections to the proposed decision were filed by Union de Trabajadores de la Industria Cervecera y Bebidas Refrescantes de la Cerveceria India, Inc., afiliada a La Confederacion General de Trabajadores de Puerto Rico Autentica (Union of Workers of the Beer and Soft Drinks Industry, CGT Authentic). These objections have been considered, but I find that they present no new matter which would require modification of the previous conclusions, as set forth in the supplementary findings and opinion entitled "In the Matter of the Recommendations of Special Industry Committee No. 9 for Puerto Rico of Minimum Wage Rates in the Alcoholic Beverage and Industrial Alcohol Industry in Puerto Rico."

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; 29 U. S. C. 201), the minimum wage rate recommended by Special Industry Committee No. 9 for Puerto Rico for the Beer Division of the Alcoholic Beverage and Industrial Alcohol Industry in Puerto Rico is hereby disapproved. Activities included within the Beer Division as defined in 29 CFR 706.3 (b) (2), are and will, until further order of the

Administrator, continue to remain subject to the minimum wage rate provided in the wage order for the Malt Beverage, Water, and Soft Drinks Division of the Foods, Beverages, and Related Products Industries in Puerto Rico (29 CFR 673.2 (b)).

Signed at Washington, D. C., this 28th day of February 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 52-2534; Filed, Mar. 4, 1952; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4162]

HAWAIIAN AIRLINES LTD.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing on the Order to Show Cause, E-6055, in the above-entitled proceeding is assigned to be held on March 6, 1952, at 10:00 a. m., e. s. t., in Room E-133, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., February 29, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-2211; Filed, Mar. 4, 1952; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9552]

THEATER TELEVISION SERVICE

ORDER CONTINUING HEARING

In the matter of allocation of frequencies and promulgation of rules and regulations for a theater television service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of February 1952;

The Commission having under consideration its order herein of January 31, 1952, released February 1, 1952, which schedules a hearing in the above-entitled proceeding before the Commission en banc commencing March 10, 1952;

It appearing, that the Commission will be engaged in other matters necessitating its attention and that it would contribute to the orderly dispatch of its business to continue the hearings in the above-entitled proceeding to a later date;

It is ordered, That the hearing herein, now scheduled for March 10, 1952, is continued to May 5, 1952.

Released: February 26, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2532; Filed, Mar. 4, 1952; 8:48 a. m.]

[Docket Nos. 9895, 9912]

JOHN C. POMEROY AND OAKLAND BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of John C. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP-7811; Harry A. McDonald, Jr. and Ray A. Shapero, d/b as Oakland Broadcasting Company, Pontiac, Michigan, Docket No. 9912, File No. BP-7984; for construction permits.

The Commission having under consideration a petition, filed on February 11, 1952, by John C. Pomeroy, requesting the Commission to designate the above-entitled applications for hearing at an early date; and

It appearing from the record herein, that the hearing in this proceeding was continued without date by order of May 11, 1951, upon motion of an applicant who is not now a party, and that petitioner now desires to have the hearing set for a definite and early date; and

It further appearing, from statements made on this date by counsel for each party and for the Chief of the Broadcast Bureau, that the hearing date hereinafter established meets the convenience of all parties and that the orderly dispatch of the Commission's business will be facilitated by granting the petition, to which no objection has been interposed;

Now therefore, it is ordered, This 25th day of February 1952, that the petition is granted, and the above-entitled applications are assigned for hearing to be commenced at Washington, D. C., at 10:00 a. m., on Monday, March 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2531; Filed, Mar. 4, 1952; 8:48 a. m.]

[Docket Nos. 10060, 10061]

W. H. GREENHOW CO. (WWHG) AND HORNELL BROADCASTING CORP. (WLEA)

ORDER CONTINUING HEARING

In re application of The W. H. Greenhow Company (WWHG), Hornell, New York, for construction permit, Docket No. 10060, File No. BP-8024; Hornell Broadcasting Corporation (WLEA), Hornell, New York, for modification of construction permit; Docket No. 10061, File No. BMP-5636.

The Commission having under consideration a petition filed February 14, 1952, by the Hornell Broadcasting Corporation, Hornell, New York, requesting a 15-day continuance of the hearing in the above-captioned matter, presently scheduled for March 11, 1952; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 25th day of February 1952, that the petition is granted; and that the hearing is continued to March 26, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2530; Filed, Mar. 4, 1952; 8:48 a. m.]

[Docket No. 10112]

WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of new classifications, regulations and practices of the Western Union Telegraph Company in connection with use of interstate and foreign leased facilities for the dissemination of horse or dog racing news.

The Commission having under consideration a petition filed February 26, 1952, by the State of California, for a continuance to April 1, 1952, of the hearing on the above entitled matter now scheduled for 10:00 a. m., March 3, 1952, in Washington, D. C.; and

It appearing, that the Commission has today granted leave to the State of California to intervene in said proceeding; that the petition for a continuance alleges that the Attorney General of the State of California did not receive notice of the order of the Commission, dated January 30, 1952, designating this matter for hearing until February 21, 1952; that the State of California is preparing and will tender to the Commission very soon a petition for enlargement of the issues to be heard in said proceeding, and that the now scheduled date of March 3, 1952, does not allow sufficient time for the filing thereof and action thereon; that under the proposed enlarged issues the State of California will have important evidence, both oral and documentary, to present; that Western Union and Delaware Wired Music, Inc. have agreed to the requested continuance, but petitioner has been unable to reach respondents, Owner Publishing Company and Big League News Service; that Western Union has agreed to undertake to postpone the effective date of its Tariff FCC No. 219, Seventh Revised, Page 8, until June 1, 1952; and

It appearing further, that good cause has been shown for a grant of the petition of the State of California for a continuance of the above-entitled proceeding to April 1, 1952; that an immediate grant of the instant petition would not cause irreparable injury to any of the parties, and that the public interest requires immediate consideration of said motion;

Now, therefore, it is ordered, This 27th day of February 1952, that the petition

of the State of California is granted and the hearing on the above-entitled matter now scheduled for 10:00 a. m., March 3, 1952, is continued to 10:00 a. m., April 1, 1952, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2454; Filed, Mar. 4, 1952; 8:45 a. m.]

[Docket No. 10125]

HUGH H. SMITH (KVSM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Hugh H. Smith (KVSM), San Mateo, California, for renewal of license; Docket No. 10125, File No. BR-1327.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of February 1952;

The Commission having under consideration the above-entitled application for renewal of license; and

It appearing, that the said licensee broadcast horse racing information on a regular basis; and

It further appearing, that such information is offered by this station with frequency during afternoon broadcast time; and

It further appearing, that the broadcast of horse racing information during the afternoon may be of aid to illegal gambling activities; and

It further appearing, that the broadcast of horse racing information may preclude the rendition by the said licensee of a well-rounded program service which meets the needs and interests of the community; and

It further appearing, that in view of the foregoing, the Commission is unable to determine that a grant of the subject application for renewal of license would be in the public interest;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To determine whether, to what extent, and the manner in which the subject station has broadcast, is currently broadcasting and proposes to broadcast the following information relating to horse racing:

(a) Entries.
(b) Scratches.
(c) Probable jockeys.
(d) Jockey changes.
(e) Winning jockey.
(f) Weights.
(g) Selections.
(h) Off-time.
(i) Next post time.
(j) Track conditions.
(k) Weather conditions.
(l) Time of race.
(m) Mutuels of prices paid.
(n) Results of race.
(o) Results in code.
(p) Post positions.
(q) Running account of race.
(r) Pre-race betting odds.

2. To determine the manner in which the station obtains the above information.

3. To determine whether the broadcast of horse racing information by this station appears likely to be of substantial use to, or is used by persons engaged in illegal gambling activities.

4. To determine (a) the sponsorship, if any, of programs offering horse racing information, (b) the arrangements between the sponsors and the licensee for the handling of the broadcasts of horse racing information, and (c) whether and to what extent these arrangements have been or are being carried out.

5. To determine the arrangements, or commitments, if any, entered into by this station with persons engaged in illegal gambling activities for the broadcast of horse racing information, and the extent to which those arrangements or commitments are being met.

6. To ascertain whether the licensee in this proceeding has had discussions or dealings with any other broadcast station, with respect to the manner in which broadcasts of horse-racing information should be handled, and to determine the outcome of such discussions or dealings.

7. To determine what instructions, if any, have been given by the licensee to its employees concerning the manner in which horse-racing information is to be handled.

8. To determine what steps, if any, have been taken, and the manner in which such steps were taken by the licensee to ascertain the nature of the listening interests being served by the broadcast of horse-racing information.

9. To determine the effect of the broadcast of horse racing information upon the station's overall programming.

10. To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-entitled renewal application would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2537; Filed, Mar. 4, 1952; 8:49 a. m.]

[Docket Nos. 10128-10130]

KJBS BROADCASTERS (KJBS) ET AL.

ORDER DESIGNATING APPLICATION FOR HEARING OF STATED ISSUES

In re applications of KJBS Broadcasters (KJBS), San Francisco, California, Docket No. 10128, File No. BR-40; Golden Gate Broadcasting Corporation (KSAN), San Francisco, California, Docket No. 10129, File No. BR-41; KYA, Incorporated (KYA), San Francisco, California, Docket No. 10130, File No. BR-44; for renewal of licenses.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of February 1952;

The Commission having under consideration the above-entitled applications for renewal of licenses; and

It appearing, that the said licensees responded to the Commission's "Questionnaire Concerning the Broadcasting of Horse Racing Information" that they broadcast horse racing information on a regular basis; and

It further appearing, that such information is offered by each of these stations with frequency during afternoon broadcast time; and

It further appearing, that these broadcasts of horse racing information during the afternoon may be of aid to illegal gambling activities; and

It further appearing, that these broadcasts of horse racing information may preclude the rendition by the said licensees of a well-rounded program service which meets the needs and interests of the community; and

It further appearing, that, in view of the foregoing, the Commission is unable to determine that a grant of any of the subject applications for renewal of licenses would be in the public interest;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing, at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To determine whether, to what extent, and the manner in which each of the subject stations has broadcast, is currently broadcasting and proposes to broadcast the following information relating to horse racing:

(a) Entries.
(b) Scratches.
(c) Probable jockeys.
(d) Jockey changes.
(e) Winning jockeys.
(f) Weights.
(g) Selections.
(h) Off-time.
(i) Next post time.
(j) Track conditions.
(k) Weather conditions.
(l) Time of race.
(m) Mutuels or prices paid.
(n) Results of race.
(o) Results in code.
(p) Post positions.
(q) Running account of race.
(r) Pre-race betting odds.

2. To determine in each case the manner in which the above information is obtained.

3. To determine in each case whether the broadcast of horse racing information appears likely to be of substantial use to, or is used by persons engaged in illegal gambling activities.

4. To determine in each case (a) the sponsorship, if any, of programs offering horse racing information, (b) the arrangements between the sponsors and the licensee for the handling of the broadcasts of horse racing information, and (c) whether and to what extent those arangements have been or are being carried out.

5. To determine in each case the arrangements, or commitments, if any, entered into with persons engaged in illegal gambling activities for the broadcast of horse racing information, and the

extent to which those arrangements or commitments are being met.

6. To ascertain whether any of the licensees in this proceeding has had discussions or dealings with any other broadcast station, whether involved in this proceeding or not, with respect to the manner in which broadcasts of horse racing information should be handled, and to determine the outcome of such discussions or dealings.

7. To determine in each case what instructions, if any, have been given by the licensee to its employees concerning the manner in which horse racing information is to be handled.

8. To determine in each case what steps, if any, have been taken, and the manner in which such steps were taken to ascertain the nature of the listening interests being served by the broadcast of horse racing information.

9. To determine in each case the effect of the broadcasts of horse racing information upon over-all programming.

10. To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether a grant of any of the above-entitled renewal applications would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2536; Filed, Mar. 4, 1952; 8:48 a. m.]

[Docket Nos. 10131, 10132]

SUN COAST BROADCASTING CORP. (WMIE), AND PAUL BRAKE (WWPB-FM)

ORDER DESIGNATION APPLICATION FOR HEARING ON STATED ISSUES

In re applications of Sun Coast Broadcasting Corporation (WMIE), Miami, Florida, for license to cover construction permit for Station WMIE, Miami, Fla., Docket No. 10131 File No. BI-3373; Paul Brake (WWPB-FM), Miami, Florida, for renewal of license of Station WWPB-FM, Docket No. 10132, File No. BRH-373.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of February 1952;

The Commission having under consideration the above-entitled applications of Sun Coast Broadcasting Corporation for license to cover the construction permit for Station WMIE, and Paul Brake for renewal of license for Station WWPB-FM; and

It appearing, that the said applicants responded to the Commission's "Questionnaire Concerning the Broadcasting of Horse Racing Information" that they broadcast horse racing information on a regular basis; and

It further appearing, that such information is offered by each of these stations with frequency during afternoon broadcast time; and

It further appearing, that these broadcasts of horse racing information during the afternoon may be of aid to illegal gambling activities; and

It further appearing, that these broadcasts of horse racing information may preclude the rendition by the above-noted stations of a well-rounded program service which meets the needs and interests of the community; and

It further appearing, that, in view of the foregoing, the Commission is unable to determine that a grant of either of the subject applications would be in the public interest;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing, at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To determine whether, to what extent, and the manner in which each of the subject stations has broadcast, is currently broadcasting and proposes to broadcast the following information relating to horse racing:

(a) Entries.
(b) Scratches.
(c) Probable jockeys.
(d) Jockey changes.
(e) Winning jockey.
(f) Weights.
(g) Selections.
(h) Off-time.
(i) Next post time.
(j) Track conditions.
(k) Weather conditions.
(l) Time of race.
(m) Mutuels or prices paid.
(n) Results of race.
(o) Results in code.
(p) Post positions.
(q) Running account of race.
(r) Pre-race betting odds.

2. To determine in each case the manner in which the above information is obtained.

3. To determine in each case whether the broadcast of horse racing information appears likely to be of substantial use to, or is used by persons engaged in illegal gambling activities.

4. To determine in each case (a) the sponsorship, if any, of programs offering horse racing information, (b) the arrangements between the sponsors and the station for the handling of the broadcasts of horse racing information, and (c) whether and to what extent those arrangements have been or are being carried out.

5. To determine in each case the arrangements, or commitments, if any, entered into with persons engaged in illegal gambling activities for the broadcast of horse racing information, and the extent to which those arrangements or commitments are being met.

6. To ascertain whether either of the applicants in this proceeding has had discussions or dealings with any other broadcast station, whether involved in this proceeding or not, with respect to the manner in which broadcasts of horse racing information should be handled, and to determine the outcome of such discussions or dealings.

7. To determine in each case what instructions, if any, have been given by the applicant to its employees concerning the manner in which horse racing information is to be handled.

8. To determine in each case what steps, if any, have been taken, and the manner in which such steps were taken to ascertain the nature of the listening interests being served by the broadcast of horse racing information.

9. To determine in each case the effect of the broadcasts of horse racing information upon over-all programming.

10. To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether a grant of either of the above-entitled applications would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2538; Filed, Mar. 4, 1952; 8:49 a. m.]

[Docket No. 10133]

COMMUNITY BROADCASTING SERVICE, INC. (WWBZ)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Community Broadcasting Service, Incorporated (WWBZ), Vineland, New Jersey, for renewal of license; Docket No. 10133, File No. BR-1435.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of February 1952;

The Commission having under consideration the above-entitled application for renewal of license; and

It appearing, that the said licensee responded to the Commission's "Questionnaire Concerning the Broadcasting of Horse Racing Information" that it broadcasts horse racing information on a regular basis; and

It further appearing, that such information is offered by this station with frequency during afternoon broadcast time; and

It further appearing, that the broadcast of horse racing information during the afternoon may be of aid to illegal gambling activities; and

It further appearing, that the broadcast of horse racing information may preclude the rendition by the said licensee of a well-rounded program service which meets the needs and interests of the community; and

It further appearing, that, in view of the foregoing, the Commission is unable to determine that a grant of the subject application for renewal of license would be in the public interest;

It is ordered: That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To determine whether, to what extent, and the manner in which the subject station has broadcast, is currently broadcasting and proposes to broadcast the following information relating to horse racing:

(a) Entries.
(b) Scratches.
(c) Probable jockeys.
(d) Jockey changes.
(e) Winning jockey.

(f) Weights.
(g) Selections.
(h) Off-time.
(i) Next post time.
(j) Track conditions.
(k) Weather conditions.
(l) Time of race.
(m) Mutuels or prices paid.
(n) Results of race.
(o) Results in code.
(p) Post positions.
(q) Running account of race.
(r) Pre-race betting odds.

2. To determine the manner in which the station obtains the above information.

3. To determine whether the broadcast of horse racing information by this station appears likely to be of substantial use to, or is used by persons engaged in illegal gambling activities.

4. To determine (a) the sponsorship, if any, of programs offering horse racing information, (b) the arrangements between the sponsors and the licensee for the handling of the broadcasts of horse racing information, and (c) whether and to what extent these arrangements have been or are being carried out.

5. To determine the arrangements, or commitments, if any, entered into by this station with persons engaged in illegal gambling activities for the broadcast of horse racing information, and the extent to which those commitments or arrangements are being met.

6. To ascertain whether the licensee in this proceeding has had discussions or dealings with any other broadcast station, with respect to the manner in which broadcasts of horse racing information should be handled, and to determine the outcome of such discussions or dealings.

7. To determine what instructions, if any, have been given by the licensee to its employees concerning the manner in which horse racing information is to be handled.

8. To determine what steps, if any, have been taken, and the manner in which such steps were taken by the licensee to ascertain the nature of the listening interests being served by the broadcast of horse racing information.

9. To determine the effect of the broadcasts of horse racing information upon the station's overall programming.

10. To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-entitled renewal application would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2539; Filed, Mar. 4, 1952; 8:49 a. m.]

[Docket Nos. 10134, 10135]

SOUTHERN CALIFORNIA BROADCASTING CO. (KWKW) AND KMTR RADIO CORP. (KLAC-TV)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of Marshall S. Neal, Paul Buhlig, M. B. Buhlig, & Edwin Earl, a limited partnership, d/b as Southern California Broadcasting Co. (KWKW), Pasadena, California, for renewal of license of Station KWKW, Docket No. 10134, File No. BR-2050; KMTR Radio Corporation (KLAC-TV), Los Angeles, California, for license to cover construction permit, Docket No. 10135, File No. BLCT-100.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of February 1952;

The Commission having under consideration the above-entitled applications of Southern California Broadcasting Company for renewal of license for Station KWKW, and KMTR Radio Corporation for license to cover Construction Permit for Station KLAC-TV; and

It appearing, that the said applicants responded to the Commission's "Questionnaire Concerning the Broadcasting of Horse Racing Information" that they broadcast horse racing information on a regular basis; and

It further appearing, that such information is offered by each of these stations with frequency during afternoon broadcast time; and

It further appearing, that these broadcasts of horse racing information during the afternoon may be of aid to illegal gambling activities; and

It further appearing, that these broadcasts of horse racing information may preclude the rendition by the above-noted stations of a well-rounded program service which meets the needs and interests of the community; and

It further appearing, that, in view of the foregoing, the Commission is unable to determine that a grant of either of the subject applications would be in the public interest;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To determine whether, to what extent, and the manner in which each of the subject stations has broadcast, is currently broadcasting and proposes to broadcast the following information relating to horse racing:

(a) Entries.
(b) Scratches.
(c) Probable jockeys.
(d) Winning jockey.
(e) Jockey changes.
(f) Weights.
(g) Selections.
(h) Off-time.
(i) Next post time.
(j) Track conditions.
(k) Weather conditions.
(l) Time of race.
(m) Mutuels or prices paid.
(n) Results of race.
(o) Results in code.
(p) Post positions.
(q) Running account of race.
(r) Pre-race betting odds.

2. To determine in each case the manner in which the above information is obtained.

3. To determine in each case whether the broadcast of horse racing information appears likely to be of substantial use to, or is used by persons engaged in illegal gambling activities.

4. To determine in each case (a) the sponsorship, if any, of programs offering horse racing information, (b) the arrangements between the sponsors and the station for the handling of the broadcasts of horse racing information, and (c) whether and to what extent those arrangements have been or are being carried out.

5. To determine in each case the arrangements, or commitments, if any, entered into with persons engaged in illegal gambling activities for the broadcast of horse racing information, and the extent to which those arrangements or commitments are being met.

6. To determine whether either of the applicants in this proceeding has had discussions or dealings with any other broadcast station, whether involved in this proceeding or not, with respect to the manner in which broadcasts of horse racing information should be handled, and to determine the outcome of such discussions or dealings.

7. To determine in each case what instructions, if any, have been given by the applicant to its employees concerning the manner in which horse racing information is to be handled.

8. To determine in each case what steps, if any, have been taken, and the manner in which such steps were taken to ascertain the nature of the listening interests being served by the broadcast of horse racing information.

9. To determine in each case the effect of the broadcasts of horse racing information upon the station's overall programming.

10. To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether a grant of either of the above-entitled applications would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2540; Filed, Mar. 4, 1952; 8:49 a. m.]

[Docket No. 10136]

R. I. BROADCASTING CO. (WRIB)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of R. I. Broadcasting Co. (WRIB), Providence, Rhode Island, for renewal of license; Docket No. 10136, File No. BR-1584.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of February 1952;

The Commission having under consideration the above-entitled application for renewal of license; and

It appearing, that the said licensee responded to the Commission's "Questionnaire Concerning the Broadcasting of Horse Racing Information" that it broadcasts horse racing information on a regular basis; and

It further appearing, that such information is offered by this station with frequency during afternoon broadcast time; and

It further appearing, that the broadcast of horse racing information during the afternoon may be of aid to illegal gambling activities; and

It further appearing, that the broadcast of horse racing information may preclude the rendition by the said licensee of a well-rounded program service which meets the needs and interests of the community; and

It further appearing, that, in view of the foregoing, the Commission is unable to determine that a grant of the subject application for renewal of license would be in the public interest;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To determine whether, to what extent, and the manner in which the subject station has broadcast, is currently broadcasting and proposes to broadcast the following information relating to horse racing:

(a) Entries.
(b) Scratches.
(c) Probable jockey.
(d) Jockey changes.
(e) Winning jockey.
(f) Weights.
(g) Selections.
(h) Off-time.
(i) Next post time.
(j) Track conditions.
(k) Weather conditions.
(l) Time of race.
(m) Mutuels or prices paid.
(n) Results of race.
(o) Results in code.
(p) Post positions.
(q) Running account of race.
(r) Pre-race betting odds.

2. To determine the manner in which the station obtains the above information.

3. To determine whether the broadcast of horse racing information by this station appears likely to be of substantial use to, or is used by persons engaged in illegal gambling activities.

4. To determine (a) sponsorship, if any, of programs offering horse racing information, (b) the arrangements between the sponsors and the licensee for the handling of the broadcasts of horse racing information, and (c) whether and to what extent these arrangements have been or are being carried out.

5. To determine the arrangements, or commitments, if any, entered into by this station with persons engaged in illegal gambling activities for the broadcast of horse racing information, and the extent to which those arrangements or commitments are being met.

6. To ascertain whether the licensee in this proceeding has had discussion or dealings with any other broadcast station, with respect to the manner in which broadcasts of horse racing information should be handled, and to determine the outcome of such discussions or dealings.

7. To determine what instructions, if any, have been given by the licensee to its employees concerning the manner in which horse racing information is to be handled.

8. To determine what steps, if any, have been taken, and the manner in which such steps were taken by the licensee to ascertain the nature of the listening interests being served by the broadcast of horse racing information.

9. To determine the effect of the broadcasts of horse racing information upon the station's over-all programming.

10. To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-entitled renewal application would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2541; Filed, Mar. 4, 1952; 8:49 a. m.]

[Docket No. 10137]

BETHLEHEMS' GLOBE PUBLISHING CO. (WGPA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Bethlehems' Globe Publishing Company (WGPA), Bethlehem, Pennsylvania, for renewal of license; Docket No. 10137, File No. BR-1463.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of February 1952;

The Commission having under consideration the above-entitled application for renewal of license; and

It appearing, that the said licensee responded to the Commission's "Questionnaire Concerning the Broadcasting of Horse Racing Information" that it broadcasts horse racing information on a regular basis; and

It further appearing, that such information is offered by this station with frequency during afternoon broadcast time; and

It further appearing, that the broadcast of horse racing information during the afternoon may be of aid to illegal gambling activities; and

It further appearing, that the broadcast of horse racing information may preclude the rendition by the said licensee of a well-rounded program service which meets the needs and interests of the community; and

It further appearing, that, in view of the foregoing, the Commission is unable to determine that a grant of the subject application for renewal of license would be in the public interest;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To determine whether, to what extent, and the manner in which the subject station has broadcast, is currently broadcasting and proposes to broadcast the following information relating to horse racing:

(a) Entries.
(b) Scratches.
(c) Probable jockeys.
(d) Jockey changes.
(e) Winning jockey.
(f) Weights.
(g) Selections.
(h) Off-time.
(i) Next post time.
(j) Track conditions.
(k) Weather conditions.
(l) Time of race.
(m) Mutuels or prices paid.
(n) Results of race.
(o) Results in code.
(p) Post positions.
(q) Running account of race.
(r) Pre-race betting odds.

2. To determine the manner in which the station obtains the above information.

3. To determine whether the broadcast of horse racing information by this station appears likely to be of substantial use to, or is used by persons engaged in illegal gambling activities.

4. To determine (a) the sponsorship, if any, of programs offering horse racing information, (b) the arrangements between the sponsors and the licensee for the handling of the broadcasts of horse racing information, and (c) whether and to what extent these arrangements have been or are being carried out.

5. To determine the arrangements, or commitments, if any, entered into by this station with persons engaged in illegal gambling activities for the broadcast of horse racing information, and the extent to which those commitments or arrangements are being met.

6. To ascertain whether the licensee in this proceeding has had discussion or dealings with any other broadcast station, with respect to the manner in which broadcasts of horse racing information should be handled, and to determine the outcome of such discussions or dealings.

7. To determine what instructions, if any, have been given by the licensee to its employees concerning the manner in which horse racing information is to be handled.

8. To determine what steps, if any, have been taken, and the manner in which such steps were taken by the licensee to ascertain the nature of the listening interests being served by the broadcast of horse racing information.

9. To determine the effect of the broadcasts of horse racing information upon the station's overall programming.

10. To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-entitled renewal application would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2542; Filed, Mar. 4, 1952; 8:50 a. m.]

[Docket No. 10138]

MARYLAND BROADCASTING CO. (WITH)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Maryland Broadcasting Co. (WITH), Baltimore,

Maryland, for renewal of license; Docket No. 10138, File No. BR–1102.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of February 1952;

The Commission having under consideration the above-entitled application for renewal of license; and

It appearing, that the said licensee responded to the Commission's "Questionnaire Concerning the Broadcasting of Horse Racing Information" that it broadcast horse racing information on a regular basis; and

It further appearing, that such information is offered by this station with frequency during afternoon broadcast time; and

It further appearing, that the broadcast of horse racing information during the afternoon may be of aid to illegal gambling activities; and

It further appearing, that the broadcast of horse racing information may preclude the rendition by the said licensee of a well-rounded program service which meets the needs and interests of the community; and

It further appearing, that, in view of the foregoing, the Commission is unable to determine that a grant of the subject application for renewal of license would be in the public interest:

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To determine whether, to what extent, and the manner in which the subject station has broadcast, is currently broadcasting and proposes to broadcast the following information relating to horse racing:

(a) Entries.
(b) Scratches.
(c) Probable jockeys.
(d) Jockey changes.
(e) Winning jockey.
(f) Weights.
(g) Selections.
(h) Off-time.
(i) Next post time.
(j) Track conditions.
(k) Weather conditions.
(l) Time of race.
(m) Mutuels or prices paid.
(n) Results of race.
(o) Results in code.
(p) Post positions.
(q) Running account of race.
(r) Pre-race betting odds.

2. To determine the manner in which the station obtains the above information.

3. To determine whether the broadcast of horse racing information by this station appears likely to be of substantial use to, or is used by persons engaged in illegal gambling activities.

4. To determine (a) the sponsorship, if any, of programs offering horse racing information, (b) the arrangements between the sponsors and the licensee for the handling of the broadcasts of horse racing information, and (c) whether and to what extent these arrangements have been or are being carried out.

5. To determine the arrangements, or commitments, if any, entered into by this station with persons engaged in illegal gambling activities for the broadcast of horse racing information, and the extent to which those arrangements or commitments are being met.

6. To ascertain whether the licensee in this proceeding has had discussions or dealings with any other broadcast station, with respect to the manner in which broadcasts of horse racing information should be handled, and to determine the outcome of such discussions or dealings.

7. To determine what instructions, if any, have been given by the licensee to its employees concerning the manner in which horse racing information is to be handled.

8. To determine what steps, if any, have been taken, and the manner in which such steps were taken by the licensee to ascertain the nature of the listening interests being served by the broadcast of horse racing information.

9. To determine the effect of the broadcast of horse racing information upon the station's over-all programming.

10. To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-entitled renewal application would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–2543; Filed, Mar. 4, 1952; 8:50 a. m.]

[Docket Nos. 10139–10141]

AMERICAN BROADCASTING CO., INC. (WJZ–TV) ET AL.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of American Broadcasting Company, Inc. (WJZ–TV), New York, New York, Docket No. 10139, File No. BLCT–114: WPIX, Inc. (WPIX), New York, New York, Docket No. 10140, File No. BLCT–120, for licenses to cover construction permits; WBNX Broadcasting Company, Inc. (WBNX), New York, New York, Docket No. 10141, File No. BR–250; for renewal of license of Station WBNX.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of February 1952;

The Commission having under consideration the above-entitled applications of American Broadcasting Company, Inc. and WPIX, Inc. for licenses to cover constructions permits for Stations WJZ–TV and WPIX respectively, and WBNX Broadcasting Co., Inc., for renewal of license of Station WBNX; and

It appearing, that the said applicants responded to the Commission's "Questionnaire Concerning the Broadcasting of Horse Racing Information" that they broadcast horse racing information on a regular basis; and

It further appearing, That such information is offered by each of these stations with frequency during afternoon broadcast time; and

It further appearing, that these broadcasts of horse racing information during the afternoon may be of aid to illegal gambling activities; and

It further appearing, that these broadcasts of horse racing information may preclude the rendition by the above-noted stations of a well-rounded program service which meets the needs and interests of the community; and

It further appearing, that, in view of the foregoing, the Commission is unable to determine that a grant of any of the subject applications would be in the public interest;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing, at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To determine whether, to what extent, and the manner in which each of the subject stations has broadcast, is currently broadcasting and proposes to broadcast the following information relating to horse racing:

(a) Entries.
(b) Scratches.
(c) Probable jockeys.
(d) Jockey changes.
(e) Winning jockey.
(f) Weights.
(g) Selections.
(h) Off-time.
(i) Next post time.
(j) Track conditions.
(k) Weather conditions.
(l) Time of race.
(m) Mutuels or prices paid.
(n) Results of race.
(o) Results in code.
(p) Post positions.
(q) Running account of race.
(r) Pre-race betting odds.

2. To determine in each case the manner in which the above information is obtained.

3. To determine in each case whether the broadcast of horse racing information appears likely to be of substantial use to, or is used by persons engaged in illegal gambling activities.

4. To determine in each case (a) the sponsorship, if any, of programs offering horse racing information, (b) the arrangements between the sponsors and the station for the handling of the broadcasts of horse racing information and (c) whether and to what extent those arrangements have been or are being carried out.

5. To determine in each case the arrangements, or commitments, if any, entered into with persons engaged in illegal gambling activities for the broadcast of horse racing information, and the extent to which those arrangements or commitments are being met.

6. To ascertain whether any of the applicants in this proceeding has had discussions or dealings with any other broadcast station, whether involved in this proceeding or not, with respect to the manner in which broadcasts of horse racing information should be handled and to determine the outcome of such discussions or dealings.

7. To determine in each case what instructions, if any, have been given by the applicant to its employees concerning the manner in which horse racing information is to be handled.

8. To determine in each case what steps, if any, have been taken, and the manner in which such steps were taken to ascertain the nature of the listening interests being served by the broadcast of horse racing information.

9. To determine in each case the effect of the broadcasts of horse racing information upon the station's overall programming.

10. To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether a grant of any of the above-entitled applications would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2544; Filed, Mar. 4, 1952; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26846]

LUMBER FROM POINTS IN SOUTH TO LONE STAR, VA.

APPLICATION FOR RELIEF

FEBRUARY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1230.

Commodities involved: Lumber and related articles, carloads.

From: Points in the South.

To: Lone Star, Va.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1230, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2517; Filed, Mar. 4, 1952; 8:46 a. m.]

[4th Sec. Application 26847]

SOUND DEADENING COMPOUNDS FROM THE SOUTHWEST TO POINTS IN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3908, 3919, and 3967.

Commodities involved: Auto body sealer or sound deadening compounds, carloads.

From: El Dorado, Ark., Cyril and Stroud, Okla., and Mount Pleasant, Tex.

To: Points in trunk-line territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3908, Supp. 89; F. C. Kratzmeir's tariff I. C. C. No. 3919, Supp. 89; F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 82.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2518; Filed, Mar. 4, 1952; 8:46 a. m.]

[4th Sec. Application 26848]

SUGAR FROM CORPUS CHRISTI, TEX., TO TAMPA, FLA.

APPLICATION FOR RELIEF

FEBRUARY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Sugar, corn and sorghum grain, carloads.

From: Corpus Christi, Tex.

To: Tampa, Fla.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 83.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2519; Filed, Mar. 4, 1952; 8:46 a. m.]

[4th Sec. Application 26849]

IRON OR STEEL PIPE FROM HOUSTON AND GALVESTON, TEX., TO KANKAKEE AND WEST KANKAKEE, ILL.

APPLICATION FOR RELIEF

FEBRUARY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Pipe, steel or wrought iron, welded or seamless, carloads.

From: Houston and Galveston, Tex.

To: Kankakee and West Kankakee, Ill.

Grounds for relief: Competition with motor-water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 84.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed

within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2520; Filed, Mar. 4, 1952; 8:46 a. m.]

[4th Sec. Application 26850]

ALL COMMODITIES BETWEEN BOSTON AND SPRINGFIELD, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and New York & Worcester Express, Inc.

Commodities involved: All commodities, carloads.

Between: Boston and Springfield, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2521; Filed, Mar. 4, 1952; 8:46 a. m.]

[4th Sec. Application 26851]

CRUDE PETROLATUM FROM NEW ORLEANS, LA., TO POINTS IN NEW YORK, OHIO, PENNSYLVANIA, AND WEST VIRGINIA

APPLICATION FOR RELIEF

FEBRUARY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers, pursuant to fourth-section order No. 16101.

Commodities involved: Crude petrolatum, tankcar loads.

From: New Orleans, La., and points taking the same rates.

To: Points in New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2522; Filed, Mar. 4, 1952; 8:47 a. m.]

[4th Sec. Application 26852]

SUGAR FROM CORPUS CHRISTI, TEX., TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3894 and 3967.

Commodities involved: Sugar, corn or sorghum grain, carloads.

From: Corpus Christi, Tex.

To: Points in southern territory.

Grounds for relief: Circuitous routes, market competition, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3894, Supp. 105; F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 83.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2523; Filed, Mar. 4, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2792]

AMERICAN GAS AND ELECTRIC CO. AND INDIANA & MICHIGAN ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE AND SALE BY SUBSIDIARY OF SHARES OF COMMON STOCK AND ACQUISITION OF SUCH STOCK BY PARENT COMPANY AND RELATED ACCOUNTING TRANSACTIONS

FEBRUARY 28, 1952.

American Gas and Electric Company ("American Gas"), a registered holding company and one of its public utility subsidiary companies, Indiana & Michigan Electric Company ("Indiana") have filed a joint application-declaration with this Commission pursuant to sections 6 and 10 of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

Indiana proposes to issue and sell and American Gas proposes to acquire 50,000 shares of Indiana common stock, without par value, in consideration for $8,000,000 represented by cash capital contributions previously made to Indiana by American Gas. Indiana proposes to charge its "Other Deferred Credits" Account (Account No. 242) and credit its "Common Capital Stock" Account (Account No. 200) with the said amount of $8,000,000.

It is stated that the above transactions are being proposed so that Indiana may comply with an order of the Public Service Commission of Indiana dated January 10, 1952, wherein the Indiana Commission required such procedure to be taken at the time it authorized Indiana to issue and sell $17,000,000 principal amount of its 1982 Bonds and $6,000,000 principal amount of its Serial Notes. This Commission authorized American Gas to make the cash capital contribution to Indiana in the aggregate principal amount of $8,000,000 in its order dated December 3, 1951 (Holding Company Act Release No. 10907), and granted the application of Indiana for the issuance and sale of the above-mentioned Bonds and Serial Notes by orders dated January 11 and 23, 1952 (Holding Company Act Releases Nos. 11001 and 11022).

The Public Service Commission of Indiana and the Michigan Public Service Commission having expressly approved the proposed transactions and having issued their respective orders thereon, and the joint applicants-declarants having requested that the Commission's order herein become effective forthwith upon issuance; and

Due notice having been given of the filing of the joint application-declaration, and a hearing not having been

requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said joint application-declaration be, and hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2504; Filed, Mar. 4, 1952; 8:46 a. m.]

[File No. 70-2810]

NIAGARA MOHAWK POWER CORP.

NOTICE REGARDING PROPOSED SALE OF PRINCIPAL AMOUNT OF NOTES

FEBRUARY 28, 1952.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Niagara Mohawk Power Corporation ("Niagara Mohawk"), a public utility company and an exempt holding company, of which the United Corporation a registered holding company, owns 9.68 percent of the outstanding voting securities as of February 23, 1952. Applicant has designated the third sentence of section 6 (b) of the act, if any, as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 12, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 12, 1952 said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to the terms of a loan agreement, Niagara Mohawk proposes to borrow from twenty-one banks an aggregate of $40,000,000 on notes maturing March 1, 1953. The notes will bear interest at the rate of 3 percent per annum and will be dated as of the date of issuance. Under the loan agreement Niagara Mohawk proposes to borrow at least $6,000,000 by April 1, 1952, at least an aggregate of $14,000,000 by July 1, 1952, at least an aggregate of $24,000,000 by October 1, 1952, and the entire $40,000,000 before December 31, 1952. It is further proposed that Niagara Mohawk pay to each of the participating banks a commitment fee at the rate of one-half of one percent per annum for the period from February 15, 1952, on the average daily difference between the amount of the bank's commitment and the amount borrowed from the bank under the loan agreement. The proceeds from the sale of such notes will be used for the construction of additional utility plant.

The applicant states the Public Service Commission of the State of New York by order dated February 13, 1952, issued its order dismissing the petition of Niagara Mohawk with respect to said notes without prejudice as unnecessary.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2503; Filed, Mar. 4, 1952; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 40]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MARCH 4, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Orlando, Florida, Area. (The area consists of Orange County, and Commissioner's Districts 2 and 3 in Osceola County, including the City of Kissimmee; all in the State of Florida.)

C. E. WILSON, *Director, Office of Defense Mobilization.*

[F. R. Doc. 52-2672; Filed, Mar. 4, 1952; 11:48 a. m.]

[CDHA 40; Docket No. 167]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MARCH 4, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82nd Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Umatilla-Hermiston, Oregon, Area. (The area consists of Precincts 28, 29, 30, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41, including the Cities of Stanfield, Hermiston, Umatilla and Echo, all in Umatilla County, Oregon.)

This supersedes certification under Docket No. 167 dated December 7, 1951.

C. E. WILSON, *Director, Office of Defense Mobilization.*

[F. R. Doc. 52-2673; Filed, Mar. 4, 1952; 11:48 a. m.]

[CDHA 40; Docket No. 94]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MARCH 4, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Barstow, California, Area. (The area consists of Barstow Township and the area

within the United States Marine Corps Depot Military Reservation, all in San Bernardino County, California.)

This supersedes certification under Docket 94 dated November 19, 1951.

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2674; Filed, Mar. 4, 1952; 11:48 a. m.]

[RC 34; No. 94]

BARSTOW, CALIFORNIA, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

MARCH 4, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Barstow, California, Area. (The area consists of Barstow Township and the area within the United States Marine Corps Depot Military Reservation, all in San Bernardino County, California.)

This supersedes certification under Docket 94 dated October 24, 1951.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[F. R. Doc. 52-2675; Filed, Mar. 4, 1952; 11:48 a. m.]

[RC 34; No. 167]

UMATILLA-HERMISTON, OREGON, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

MARCH 4, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Umatilla-Hermiston, Oregon, Area. (The area consists of Precincts 28, 29, 30, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41, including the Cities of Stanfield, Hermiston, Umatilla, and Echo, all in Umatilla County, Oregon.)

This supersedes certification under Docket 167 dated December 29, 1951.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[F. R. Doc. 52-2676; Filed, Mar. 4, 1952; 11:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority No. 40, Supplement 1, Amdt. 1]

SPECIAL AGENTS

REDELEGATION OF AUTHORITY TO TAKE SWORN TESTIMONY AND ADMINISTER OATHS AND AFFIRMATIONS

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by Delegation of Authority 40 (16 F. R. 12411) this Amendment 1 to Supplement 1 of Delegation of Authority No. 40 is hereby issued.

Delegation of Authority No. 40, Supplement 1, is amended by adding immediately after (f) Special Agents in Charge: "and Special Agents, Office of Price Stabilization,"

This supplement shall be effective March 1, 1952.

EDWARD P. MORGAN,
Assistant Director of Price Stabilization for Enforcement.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2547; Filed, Feb. 29, 1952; 4:45 p. m.]

[Region I, Redelegation of Authority 29]

DIRECTORS OF DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY UNDER CPR 98

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, pursuant to Delegation of Authority No. 53 (17 F. R. 1236), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to accept applications for the establishment of ceiling prices or adjustment in extras made in accordance with the provisions of section 40 of Ceiling Price Regulation 98, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling prices or extras, to establish ceiling prices or extras, and to modify or revoke ceiling prices or extras established under that section.

2. Any official to whom authority is delegated by or under this redelegation may, in the exercise of that authority, refer for review and advice any filing or application in connection with the establishment of a ceiling price or extra to any other Director of a District Office of the Office of Price Stabilization within Region I or to the Director of Regional Office No. 1.

This redelegation of authority shall take effect as of February 20, 1952.

JOSEPH M. MCDONOUGH,
Director, Regional Office No. 1.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2551; Filed, Feb. 29, 1952; 4:47 p. m.]

[Region IV, Redelegation of Authority 22]

DIRECTORS OF DISTRICT OFFICES, REGION IV

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SUPPLEMENTARY REGULATION 39 TO THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 25 (16 F. R. 11406), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39 to the General Ceiling Price Regulation relating to intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39 to the General Ceiling Price Regulation relating to intrastate operations.

This redelegation of authority is effective March 10, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2552; Filed, Feb. 29, 1952 4:47 p. m.]

[Region IV, Redelegation of Authority 23]

DIRECTORS OF DISTRICT OFFICES, REGION IV

REDELEGATION OF AUTHORITY TO PROCESS STATEMENTS FILED PURSUANT TO SECTIONS 6 AND 12 OF CPR 92, AND TO APPROVE, DENY, OR REQUEST FURTHER INFORMATION CONCERNING, FILINGS MADE PURSUANT TO SECTION 42 (b) AND SECTION 42 (c) (5) AND (6) OF CPR 92

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 27 (16 F. R. 11468), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to process statements filed under sections 6 and 12 of Ceiling Price Regulation 92, and to approve, deny, or request further information concerning, filings made pursuant to section 42 (b) or section 42 (c) (5) and (6) of Ceiling Price Regulation 92 and filings made pursuant

to section 46 (b) of Ceiling Price Regulation 92.

This redelegation of authority is effective March 10, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

FEBRUARY 29, 1952.

[F. R. Doc. 52–2553; Filed, Feb. 29, 1952; 4:47 p. m.]

[Region IV, Redelegation of Authority 24]

DIRECTORS OF DISTRICT OFFICES, REGION IV

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 24

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 50 (17 F. R. 675), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to issue adopting orders as authorized by GOR 24 and to grant, deny, or revoke the reclassification provided for under section 7 of GOR 24.

2. If the area for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one regional or district office of the Office of Price Stabilization, the office for the area in which the majority of the sellers to be covered by the order is located shall be the office to issue an order fixing community dollars-and-cents ceiling prices for all sellers in that area.

This redelegation of authority is effective March 10, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

FEBRUARY 29, 1952.

[F. R. Doc. 52–2554; Filed, Feb. 29, 1952; 4:47 p. m.]

[Region IV, Redelegation of Authority 25]

DIRECTORS OF DISTRICT OFFICES, REGION IV

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 33 AND 53 OF CPR 117, AND TO PROCESS REPORTS OF CEILING PRICES FILED PURSUANT TO SECTION 52 (b) OF CPR 117

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 52 (17 F. R. 904), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act, by order, on all applications for ceiling prices under the provisions of sections 33 and 53 of Ceiling Price Regulation 117.

2. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to disapprove ceiling prices reported pursuant to section 52 (b) of Ceiling Price Regulation 117 or to request further information concerning such ceiling prices.

This redelegation of authority is effective March 10, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

FEBRUARY 29, 1952.

[F. R. Doc. 52–2555; Filed, Feb. 29, 1952; 4:47 p. m.]

[Region IV, Redelegation of Authority 26]

DIRECTORS OF DISTRICT OFFICES, REGION IV

REDELEGATION OF AUTHORITY UNDER CPR 98

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 53 (17 F. R. 1236), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to accept applications for the establishment of ceiling prices or adjustment in extras made in accordance with the provisions of section 40 of Ceiling Price Regulation 98, to request further information in connection with such applications, to approve, disapprove, or revise proposed ceiling prices or extras, to establish ceiling prices or extras, and to modify or revoke ceiling prices or extras established under that section.

2. Any official to whom authority is redelegated by or under this redelegation may, in the exercise of that authority, refer for review and advice any filing or application in connection with the establishment of a ceiling price or extra to any other Director of a Regional or District Office of the Office of Price Stabilization, or to the Director of Price Stabilization.

This redelegation of authority is effective March 10, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

FEBRUARY 29, 1952.

[F. R. Doc. 52–2556; Filed, Feb. 29, 1952; 4:47 p. m.]

[Region IX, Redelegation of Authority 28]

DIRECTORS OF DISTRICT OFFICES, REGION IX

REDELEGATION OF AUTHORITY UNDER CPR 98

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 53, dated February 7, 1952 (17 F. R. 1236), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to accept applications for the establishment of ceiling prices or adjustment in extras made in accordance with the provisions of section 40 of Ceiling Price Regulation 98; to request further information in connection with such applications; to approve, disapprove or revise proposed ceiling prices or extras; to establish ceiling prices or extras; and to modify or revoke ceiling prices or extras established under that section.

2. Any official to whom authority is delegated by or under this redelegation may, in the exercise of that authority, refer for review and advice any filing or application in connection with the establishment of a ceiling price or extra to any other Director of a Regional or District Office of the Office of Price Stabilization, or to the Director of Price Stabilization.

This redelegation of authority shall take effect as of February 19, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

FEBRUARY 29, 1952.

[F. R. Doc. 52–2557; Filed, Feb. 29, 1952; 4:47 p. m.]

[Region XI, Redelegation of Authority 32]

DIRECTORS OF DISTRICT OFFICES, REGION XI

REDELEGATION OF AUTHORITY UNDER CPR 98

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, and pursuant to Delegation of Authority No. 53 (17 F. R. 1236), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of District Offices of the Office of Price Stabilization in Region XI to accept applications for the establishment of ceiling prices or adjustment in extras made in accordance with the provisions of section 40 of Ceiling Price Regulation 98, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling prices or extras, to establish ceiling prices or extras, and to modify or revoke ceiling prices or extras established under that section.

2. Any District Director to whom authority is redelegated by or under this redelegation of authority may, in the exercise of that authority, refer for review and advice any filing or application in connection with the establishment of a ceiling price or extra, to the Regional Director of Region XI of the Office of Price Stabilization.

This redelegation of authority shall take effect as of February 28, 1952.

GEORGE F. ROCK,
Regional Director, Region XI.

FEBRUARY 29, 1952.

[F. R. Doc. 52–2558; Filed, Feb. 29, 1952; 4:48 p. m.]

[Region XIV, Redelegation of Authority 12]

DIRECTORS OF TERRITORIAL OFFICES, REGION XIV

REDELEGATION OF AUTHORITY TO ACT ON PRICING AND REPORTS UNDER CPR 34

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, No. XIV, pursuant

to Delegation of Authority No. 28, as amended (16 F. R. 17703; 17 F. R. 330), this redelegation of authority is hereby issued.

1. *Authority under section 3 (b) of Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the Directors of the Territorial Offices of the Office of Price Stabilization for the territories of Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands to accept the reports correcting purely arithmetical errors under the provisions of section 3 (b) of Ceiling Price Regulation 34, as amended.

2. *Authority to act under sections 6, 7 and 8 of Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the Directors of the Territorial Offices of the Office of Price Stabilization for the territories of Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands to accept reports, establish, approve or disapprove ceiling prices or to require further information under the provisions of sections 6, 7 and 8 of Ceiling Price Regulation 34, as amended.

3. *Authority to act under section 9 of Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the Directors of the Territorial Offices of the Office of Price Stabilization for the territories of Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands to disapprove or to revise proposed or established ceiling prices under the provisions of section 9 of Ceiling Price Regulation 34, as amended.

4. *Authority to act under sections 18 (b) and 18 (c) of Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the Directors of the Territorial Offices of the Office of Price Stabilization for the territories of Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands to require further information or to disapprove statements filed under the provisions of sections 18 (b) and 18 (c) of Ceiling Price Regulation 34, as amended.

5. *Authority to act under section 19 (b) of Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the Directors of the Territorial Offices of the Office of Price Stabilization for the territories of Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands to establish ceiling prices under section 19 (b) of Ceiling Price Regulation 34, as amended.

6. *Authority under section 20 (a) of Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the Directors of the Territorial Offices of the Office of Price Stabilization for the territories of Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands to adjust ceiling prices under the provisions of section 20 (a) of Ceiling Price Regulation 34, as amended.

This redelegation of authority shall take effect on March 1, 1952.

EDWARD J. FRIEDLANDER,
Acting Regional Director,
Region XIV.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2559; Filed, Feb. 29, 1952; 4:48 p. m.]

[Region XIV, Redelegation of Authority 13]

TERRITORIAL DIRECTORS, REGION XIV

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CPR 100

By virtue of the authority vested in me as Acting Director of Region XIV, Office of Price Stabilization, pursuant to Delegation of Authority No. 37 (16 F. R. 12299), this redelegation of authority is hereby issued.

1. *Authority to act under section 5 of CPR 100.* Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands, to approve a ceiling price for sales of farm equipment proposed by a seller under section 5 of CPR 100, disapprove such a proposed ceiling price, establish a different ceiling price by order, or request further information concerning such a ceiling price.

This redelegation of authority is effective March 1, 1952.

EDWIN S. VILLMOARE,
Acting Regional Director,
Region XIV.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2560; Filed, Feb. 29, 1952; 4:48 p. m.]

[Region XIV, Redelegation of Authority 14]

TERRITORIAL DIRECTORS, REGION XIV

REDELEGATION OF AUTHORITY TO ACT UNDER GOR. 10

By virtue of the authority vested in me as Acting Director of Region XIV, Office of Price Stabilization, pursuant to Delegation of Authority No. 43 (16 F. R. 12747), this redelegation of authority is hereby issued.

1. *Authority to act under GOR 10.* Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands, to process and act on applications for adjustments, filed by manufacturers having a yearly sales volume of $250,000 or less, under GOR 10.

2. *Authority to act under GOR 10.* Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands, to process and act on all applications for adjustments filed under GOR 10 by manufacturers having a yearly sales volume exceeding $250,000, where the applications have been referred to the territorial offices by the regional office.

This redelegation of authority is effective March 1, 1952.

EDWIN S. VILLMOARE,
Acting Regional Director,
Region XIV.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2561; Filed, Feb. 29, 1952; 4:48 p. m.]

[Region XIV, Redelegation of Authority 15]

TERRITORIAL DIRECTORS, REGION XIV

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 93

By virtue of the authority vested in me as Acting Director of Region XIV, Office of Price Stabilization, pursuant to Delegation of Authority No. 44 (16 F. R. 12802), this redelegation of authority is hereby issued.

1. *Authority to act under CPR 93.* Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands, to authorize, establish, adjust, revise, or disapprove ceiling prices, ceiling fees, ceiling markups and rates, or request further information in connection therewith, or otherwise act to administer individual reporting or adjustment provisions of CPR 93, in accordance with the specific provisions thereof.

This redelegation of authority is effective March 1, 1952.

EDWIN S. VILLMOARE,
Acting Regional Director,
Region XIV.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2562, Filed, Feb. 29, 1952; 4:48 p. m.]

[Docket Nos. 2083-1-P, 2083-2-P]

MILAM CHEVROLET CO. ET AL.

NOTICE OF HEARING

Whereas, The Milam Chevrolet Company of San Antonio, Texas, the A & B Pontiac Company of Laredo, Texas and numerous other automobile dealers have petitioned the Director of Price Stabilization in accordance with section 21 of Article IV of Price Procedural Regulation 1, Revised, for amendments to CPR 83, which imposes ceiling prices on the retail and wholesale sale of new automobiles; and

Whereas, the amendments requested provide for the establishment of an optional method of computing ceiling prices and an optional method of determining the charge for preparation and conditioning of new passenger automobiles for delivery; and

Whereas, the Director of Price Stabilization has concluded that the questions presented and suggested by these petitions are of substantial public importance, and it is therefore deemed appropriate and desirable to request and provide the petitioners and other interested parties to present evidence and/or argument in support of, or in opposition to, such proposed amendment, in accordance with section 24 of Price Procedural Regulation 1, revised; *It is hereby ordered:*

1. That hearing and argument on the above petitions and the issues presented therein be consolidated and held on March 24, 1952, at 10:00 a. m., e. s. t., in Room 43, Natural History Building, Tenth and Constitution Avenue NW., Washington, D. C.

2. That a panel be hereby appointed to preside at this hearing and said panel is hereby empowered with such authority as may be necessary to conduct this hearing, or any reasonable continuation thereof.

3. That the panel above mentioned shall consist of the following officers of the Office of Price Stabilization:

Murray D. Smith, Director of the Industrial Materials and Manufactured Goods Division;
Gardner Ackley, Economic Advisor;
William C. Burt, Associate Chief Counsel;
Presiding Officer.

It is further ordered, That upon the completion of this hearing or reasonable continuation of the same, that the panel above appointed shall make a report to the Director of Price Stabilization together with whatever recommendations are deemed desirable.

It is also further ordered, That this notice be served on the various petitioners and others who have indicated their interest in this matter. A list of such persons is hereto attached and made a part of this order.

Issued and effective this 29th day of February 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APPENDIX A TO NOTICE OF HEARING

Stanley Peeler, president, Florida Automobile Dealers Association.
Elias J. Strong, secretary-manager, Utah Automobile Dealers Association.
C. P. Stephens, Jr., president, Arizona Automobile Dealers Association.
Joseph A. Paretti, president, Louisiana Automobile Dealers Association.
Amos T. Crowl, manager, Northern California Motor Car Dealers Association.
John J. Jewell, manager and counsel, Montana Automobile Dealers Association.
J. Cavendish Darrell, general manager, Automobile Trade Association of Maryland.
Edward Fox, Jr., general manager, Oregon Automobile Dealers Association.
Leon L. Weeks, secretary, Idaho Automobile Dealers Association.

[F. R. Doc. 52-2563; Filed, Feb. 29, 1952; 4:52 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 45, Amdt. 3]

J. WISS & SONS CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 45, issued on May 29, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for shears, scissors, snips, pinking shears, pruning shears and clippers, manufactured by J. Wiss & Sons Co., 11-15 Littleton Avenue, Newark 7, New Jersey, having the brand name "Wiss." J. Wiss & Sons Co., has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after April 1, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS—Sec. 43—CPR 7," and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions.—Special Order 45, issued on May 29, 1951, under section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 2 and substituting the following new paragraph 2:

2 (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, J. Wiss & Sons Co., prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

(b) With respect to articles manufactured on and after April 1, 1952, and delivered prior to June 30, 1952, J. Wiss & Sons Co., must label, tag, or ticket each article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (a) of this paragraph or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. _____

(c) J. Wiss & Sons Co., must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by J. Wiss & Sons Co., determine the ceiling price for each such article and mark or tag it in accordance with the provisions of section 51 of Ceiling Price Regulation 7.

(d) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

(e) Unless, on or before April 10, 1952, J. Wiss & Sons Co., certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 28, 1952.

[F. R. Doc. 52-2479; Filed, Feb. 28, 1952; 4:02 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 120, Amdt. 1]

ROSE MARIE REID, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 120 under section 43, Ceiling Price Regulation 7, established ceiling prices at retail for ladies swim suits manufactured by Rose Marie Reid, Inc., and having the brand name "Rose Marie Reid".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 23, 1951.

Amendatory provisions. Special Order 120 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 12, 1951" insert the words "as supplemented and amended by its application dated November 23, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated November 23, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 20, 1952.

Effective date. This amendment shall become effective February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 28, 1952.

[F. R. Doc. 52-2480; Filed, Feb. 28, 1952; 4:02 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 130, Amdt. 1]

MAGNAVOX CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 130 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for television sets, and radio-phonographs manufactured by The Magnavox Company and having the brand name "Magnavox."

This amendment establishes new retail ceiling prices for certain of the ap-

plicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated August 10, 1951, October 12, 1951, October 23, 1951 and January 21, 1952.

This amendment also adds television installation kits to the special order.

Amendatory provisions. Special Order 130 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 21, 1951," insert the words "as supplemented and amended by its applications dated August 10, 1951, October 12, 1951, October 23, 1951 and January 21, 1952.

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated August 10, 1951. October 12, 1951, October 23, 1951, and January 21, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 25, 1952.

3. In paragraph 1, delete the word "and" which precedes the words "radio-phonographs" and substitute therefor a comma.

4. In paragraph 1 following the words "radio-phonograph" add the words "television installation kits."

Effective date. This amendment shall become effective February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 28, 1952.

[F. R. Doc. 52-2481; Filed, Feb. 28, 1952; 4:02 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 151, Amdt. 4]

AMERICAN GIRL SHOE CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 151, issued on July 17, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for women's and misses' shoes, distributed by American Girl Shoe Co., 120 Kingston Street, Boston, Massachusetts, having the brand name "American Girl Shoe". American Girl Shoe Co. has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles distributed on and after April 10, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS — Sec. 43 — CPR 7", and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 151, issued on July 17, 1951, under Section 43 of Ceiling Price Regulation 7, is amended by deleting paragraph 3 and substituting the following new paragraph 3:

3 (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, American Girl Shoe Co., prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

(b) With respect to articles distributed on and after April 10, 1952, and delivered prior to June 30, 1952, American Girl Shoe Co. must label, tag, or ticket each article before or immediately after the manufacture is completed, either with the mark or statement required by subparagraph (a) of this paragraph, or with a mark or statement which contains the article's model, style, or lot number, and is in the following form:

OPS—Sec. 43—CPR 7
Model No. --------

(c) American Girl Shoe Co. must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by American Girl Shoe Co. determine the ceiling price for each such article and mark or tag it with the ceiling price in accordance with the methods set forth in paragraph (a) or (b) of section 51 of Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 21, 1952, American Girl Shoe Co. certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 28, 1952.

[F. R. Doc. 52-2482; Filed, Feb. 28, 1952; 4:03 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 204, Amdt. 1]

ECLIPSE SLEEP PRODUCTS, INC.

CEILING PRICES AT RETAIL

Special Order 204, under section 43 of Ceiling Price Regulation 7, issued on July 25, 1951, effective July 26, 1951, established ceiling prices for sales at retail of mattresses and box springs manufactured by Eclipse Sleep Products, Inc. The applicant requests the deletion of the brand name "Royal Superest" and substitute therefor, the brand name "Backress." The applicant states that the cost to the retailer and the resale price are the same as for the brand name "Royal Superest."

This amendment deletes the brand name "Royal Superest" and substitutes therefor, the brand name "Backress" in the special order.

Amendatory provisions. Special Order 204 under Ceiling Price Regulation 7, Section 43, is amended in the following respects:

1. In paragraph 1, delete the brand name "Royal Superest" and insert therefor, the brand name "Backress" as described in the manufacturer's application dated April 18, 1951, as amended by its application dated September 26, 1951.

Effective date. This amendment shall become effective February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 28, 1952.

[F. R. Doc. 52-2483; Filed, Feb. 28, 1952; 4:03 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 363, Amdt. 1]

CORNING GLASS WORKS

CEILING PRICES AT RETAIL

Statement of considerations. Special order 363 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for heat resistant ovenware and flatware manuractured by Corning Glass Works and having the brand name "Pyrex".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are

no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 26, 1951.

Amendatory provisions. Special Order 363 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 31, 1951," insert the words "as supplemented and amended by its application dated December 26, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated December 26, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 22, 1952.

Effective date. This amendment shall become effective February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 28, 1952.

[F. R. Doc. 52-2484; Filed, Feb. 28, 1952; 4:03 p. m.]

[General Overriding Regulation 18, Special Order 1]

FREON REFRIGERANTS

CEILING PRICES BY RESELLERS

Pursuant to Sec. 4 of General Overriding Regulation 18 of the Office of Price Stabilization, this special order is hereby issued.

Statement of considerations. This special order permits resellers of Freon refrigerants to adjust their ceiling prices in accordance with any adjustments in their net invoice costs resulting from Letter Order L-1, issued to the E. I. DuPont de Nemours & Company, Inc., the manufacturer of these refrigerants, under section 4 of General Overriding Regulation 18. This letter order to the manufacturer effected increases and decreases in the manufacturer's ceiling prices of Freon refrigerants in order to eliminate what may have been deemed discriminatory prices under the Robinson-Patman Act. Information received since the issuance of this letter order shows that changes in the ceiling prices of resellers of these commodities are appropriate.

This special order permits resellers of Freon refrigerants to increase their ceiling prices on the basis of any increases in their net invoice costs of Freon refrigerants resulting from the letter order issued to the manufacturer, in the same manner provided by sections 4 and 5 of Supplementary Regulation 29 to the General Ceiling Price Regulation. If a reseller elects to increase his ceiling price in accordance with this order, he must also decrease ceiling prices of other commodities for which the net invoice costs have decreased as a result of the letter order issued to the manufacturer.

Any reseller who increases his prices to a wholesaler or retailer as a result of this order must, on or before delivery of any of the subject commodities at the increased price, send a copy of this order to his customer.

Special provisions. 1. This special order applies to you if you are a wholesaler or retailer (as defined in the General Ceiling Price Regulation) of Freon refrigerants manufactured by the E. I. DuPont de Nemours Co., of Wilmington, Delaware.

2. If you are a wholesaler, and your supplier has increased his prices of Freon refrigerants to you under authority of Letter Order, L-1, Docket No. GOR 18, Sec. 4-93-1, issued to the E. I. DuPont de Nemours Co. of Wilmington, Delaware, you may increase your ceiling prices as provided by section 4 of Supplementary Regulation 29 to the General Ceiling Price Regulation.

3. If you are a retailer, and your supplier has increased his prices of Freon refrigerants to you under authority of said letter order, or under authority of paragraph 2 of this special order, you may increase your ceiling prices as provided by section 5 of Supplementary Regulation 29 to the GCPR.

4. If you increase your ceiling prices pursuant to paragraphs 2 or 3 of this special order, you must also decrease your ceiling prices of Freon refrigerants, as provided in section 4 or 5 of SR 29 to GCPR, where your supplier's prices to you are decreased. Where a price to you is decreased, you must assume that the decrease was made pursuant to the aforementioned letter order, or pursuant to this special order, unless you are informed in writing by your supplier that no part of the decrease is required by said letter order or this special order. Notwithstanding the provisions of sections 4 and 5 of SR 29 to the GCPR, you are not required to decrease your ceiling prices unless you put into effect increases in your ceiling prices pursuant to this special order.

5. On or before the first delivery by you of any Freon refrigerant to a wholesaler or retailer at any increase in price authorized by this special order, you must send a copy of this special order to the wholesaler or retailer.

This special order shall become effective February 29, 1952.

ELLIS ARNALL,
Director, Office of Price Stabilization.

FEBRUARY 28, 1952.

[F. R. Doc. 52-2478; Filed, Feb. 28, 1952; 4:02 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 5]

LUCHT FIELD, BAY COUNTY, MICHIGAN

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Lucht Field, Bay County, Michigan.

The Bay Pipe Line Corporation of Saginaw, Michigan, a purchaser of crude petroleum from the Lucht Field, Bay County, Michigan, wishes to eliminate the differentials it has heretofore imposed upon crude petroleum produced from this oil field. During the base period there was a lack of low cost pipe line transportation and as a result the crude petroleum produced from the Lucht Field, Bay County, Michigan, was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It now appears that adequate low cost pipeline transportation has been installed and that the former differentials resulting in prices for this crude petroleum below the in-line ceiling price for comparable crude petroleum in the same general area should no longer be imposed.

From information available to this Office, it appears that the requested adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.72 per barrel.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Lucht Field, Bay County, Michigan, shall be: $2.72 per barrel.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on February 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 28, 1952.

[F. R. Doc. 52-2485; Filed, Feb. 28, 1952; 4:04 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 832]

SHIFMAN BROS.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send

to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Shifman Bros., 1 Mott Street, Newark 5, New Jersey.

Brand names: "Sanotuft."

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. / dozen. / etc.	Terms {net. / percent EOM. / etc. $--------

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on February 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2432; Filed, Feb. 27, 1952; 4:34 p. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 46

Washington, Thursday, March 6, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10331

INSPECTION OF INCOME TAX RETURNS BY THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

By virtue of the authority vested in me by section 55 (a) of the Internal Revenue Code (53 Stat. 29, 54 Stat. 1008, 55 Stat. 722; 26 U. S. C. 55 (a)), it is hereby ordered that any income tax return for the years 1946 to 1950, inclusive, shall, during the Eighty-second Congress, be open to inspection by the Senate Committee on Interior and Insular Affairs or any duly authorized subcommittee thereof in connection with its studies of relations of the United States with the Indians and the Indian tribes and measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds, subject to the conditions stated in the Treasury decision relating to the inspection of such returns by that Committee, approved by me this date.[1]

This Executive order shall be effective upon its filing for publication in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 4, 1952.

[F. R. Doc. 52-2677; Filed, Mar. 4, 1952; 1:56 p.m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

REVISED DETERMINATION OF EQUIVALENT INDEX

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and to the applicable provisions of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR Part 927), hereinafter referred to as the "order", it is hereby found and determined as follows:

1. The wholesale price index on a 1947–49 base for all commodities in January 1952 and the monthly indexes on the same base for the year 1948 have not officially been reported by the Bureau of Labor Statistics, United States Department of Labor.

2. On the basis of information and data, which appears to have been in existence at the time of the issuance of the determination of an equivalent index on February 25, 1952 (17 F. R. 1746), but which had not come to the attention of the Department of Agriculture at that time, it now appears that the indexes which were determined on February 25, 1952 to be equivalent to and comparable with the wholesale price indexes specified in the order for use in computing the Class I–A price for March 1952 were inaccurate and should be revised.

3. The price resulting from the application of such indexes is limited to the Class I–A price for milk received from producers during March 1952 and does not apply to milk received from producers prior to the time of this revised determination.

4. Accordingly, the determination issued on February 25, 1952 (17 F. R. 1746), is hereby revised to provide, and it hereby is determined that the indexes which are equivalent to and comparable with the wholesale price indexes on a 1947–49 base as specified in the order for use in computing the Class I–A price for March 1952 are 113.2 for the month of January 1952; and 104.4 for the average of the monthly indexes for the year 1948.

5. The indexes specified in this revised determination shall be used in computing the Class I–A price for March 1952 in lieu of those specified in the original determination of February 25, 1952, and the preliminary Class I–A price heretofore announced by the Market Administrator is adjusted accordingly.

6. Notice of proposed rule making, public procedure thereon, and 30 days' prior notice of the effective date hereof

(Continued on next page)

[1] See F. R. Doc. 52-2678, Title 26, Chapter I, *infra*.

CONTENTS

THE PRESIDENT

Executive Order — Page

Income tax returns; inspection by Senate Committee on Interior and Insular Affairs — 1963

EXECUTIVE AGENCIES

Agriculture Department

See Production and Marketing Administration.

Commerce Department

See National Production Authority.

Economic Stabilization Agency

See Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board.

Federal Civil Defense Administration

Rules and regulations:
- Contributions for organizational equipment; miscellaneous amendments — 1967

Federal Power Commission

Notices:
- Hearings, etc.:
  - Jersey Central Power & Light Co — 1978
  - Kansas - Colorado Utilities, Inc., and Colorado Interstate Gas Co — 1979
  - Northern Natural Gas Co. (2 documents) — 1978, 1980
  - Sierra Pacific Power Co — 1978
  - United Gas Pipe Line Co — 1979

Federal Trade Commission

Rules and regulations:
- Cease and desist orders:
  - Lloyds Sportswear Co., Inc., et al — 1966
  - Regal Collection Service, Inc., et al — 1965
  - Top Mfg. Co — 1965

General Services Administration

Notices:
- Administrator, Housing and Home Finance Agency; delegation of authority with respect to application of Arkansas Louisiana Gas Co. for approval of proposed rate for gas service to local housing authorities — 1981

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CONTENTS—Continued

Housing and Home Finance Agency Page
Delegation of authority to Administrator with respect to application of Arkansas Louisiana Gas Co. for approval of proposed rate for gas service to local housing authorities (*see* General Services Administration).

Interior Department
See Land Management Bureau of; Reclamation Bureau.

Internal Revenue Bureau
Rules and regulations:
Income tax returns; inspection by Senate Committee on Interior and Insular Affairs— 1967

Interstate Commerce Commission
Notices:
Applications for relief:
Caustic soda solution from Kansas City, Mo.-Kans., to Chicago, Ill., and St. Louis, Mo— 1986

CONTENTS—Continued

Interstate Commerce Commission—Continued Page
Notices—Continued
Applications for relief—Con.
Compounds, cleaning, from Chicago, Ill., to Kansas City, Mo.-Kans— 1986
Oil, coal tar, from border territory to points in trunkline and New England territories— 1985
Paper from Cairo, Ill., to New Mexico— 1986
Sewer pipe from the east to the south— 1985
Volcanic scoria or slag from New Mexico to Missouri— 1986
Rerouting or diversion of traffic; all railroads— 1985

Justice Department
Notices:
Assistant Attorney General in Charge of Criminal Division; delegation of authority to make written determination that registration of any person who is agent of foreign principal would not be in interest of national security— 1971

Land Management, Bureau of
Notices:
Arizona; stock driveway withdrawals (2 documents)— 1973
Colorado; restoration order— 1973
Wyoming; air navigation site withdrawals (5 documents)— 1974, 1975

National Production Authority
Notices:
Administrator of Federal Security Agency et al.; delegation of authority to make allotments and assign ratings— 1971

Price Stabilization, Office of
Notices:
Ceiling prices at retail:
Jewel Radio Corp— 1985
Kaiser-Frazer Corp— 1982
Vanity Fair Mills, Inc— 1982

Production and Marketing Administration
Rules and regulations:
Grapefruit grown in Arizona, in Imperial County, Calif., and in that part of Riverside County, Calif., situated south and east of the San Gorgonio Pass, recodification; correction— 1965
Milk in New York metropolitan area— 1963

Reclamation Bureau
Notices:
Community Center Reservation; Newlands Project, Nevada— 1978
First form reclamation withdrawals:
Central Valley Project, California:
Feather River Division— 1976
Notice for filing objections— 1977

CONTENTS—Continued

Reclamation Bureau—Con. Page
Notices—Continued
First form reclamation withdrawals—Continued
Central Valley Project, California—Continued
Trinity River Division— 1975
Notice for filing objections— 1976
Solano Project, California— 1975
Notice for filing objections— 1975

Rent Stabilization, Office of
Rules and regulations:
Maryland and Texas:
Hotels— 1970
Housing and rooms in rooming houses and other establishments— 1970

Salary Stabilization Board
Rules and regulations:
Ten percent increases in salaries and other compensation (Int. 4)— 1968

Securities and Exchange Commission
Notices:
Hearings, etc.:
American & Foreign Power Co., Inc., and Electric Bond and Share Co— 1982
Commonwealth & Southern Corp. et al— 1981

Treasury Department
See Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
10331— 1963

Title 7
Chapter IX:
Part 927— 1963
Part 955— 1965

Title 16
Chapter I:
Part 3 (3 documents)— 1965, 1966

Title 26
Chapter I:
Part 458— 1967

Title 32
Chapter XVII:
Part 1701— 1967

Title 32A
Chapter IV:
Subchapter A (SSB):
Int. 4— 1968
Chapter XXI (ORS):
RR 1— 1970
RR 2— 1970
RR 3— 1970

are impractical, unnecessary, and contrary to the public interest in that it is essential and imperative that the corrected indexes be announced immediately. Failure to make such announcement would interfere with the orderly marketing of milk in the New York metropolitan milk marketing area. The issuance of this determination does not

require of persons affected substantial or extensive preparation prior to the effective date hereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 3d day of March 1952 to become effective immediately.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-2634; Filed, Mar. 5, 1952; 8:54 a. m.]

PART 955—GRAPEFRUIT GROWN IN ARIZONA: IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

RECODIFICATION

Correction

In F. R. Doc. 52-1857, appearing at page 1412 of the issue for Thursday, February 14, 1952, the following changes should be made:

In the eighth line of § 955.21 (e), "on" between the words "on" and "before" should read "or."

In the seventh line of § 955.25, the word "number" should read "member."

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5919]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

REGAL COLLECTION SERVICE, INC., ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 3.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections;* § 3.1425 *Government connection;* § 3.1490 *Nature in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal;* § 3.1995 *Job guarantee and employment;* § 3.2080 *Terms and conditions.* Subpart—*Using misleading name—Vendor:* § 3.2425 *Nature, in general.* In connection with the offering for sale, sale or distribution in commerce or the use in commerce, of mailing cards, letters or any other printed or written material of a substantially similar nature, (1) using the name, "Employers Clearing House," or any other word or words of similar import, to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that respondents are conducting an employment bureau or employment agency or are engaged in compiling business or labor statistics; (2) using, or supplying to others for use, mailing cards or other printed forms or material which represent, directly or by implication, that respondents or their customers are engaged in operating or conducting an employment bureau or employment agency or that they are compiling labor or business statistics; (3) using, or supplying to others for use, mailing cards or other material which represents, directly or by implication, that respondents' business is other than the collection of debts, or other than that of obtaining information for use in the collection of debts, or that the information sought through the use of such mailing cards or other material is for other use in the collection of debts; or, (4) representing or placing in the hands of others the means of representing, directly or by implication, that information sought concerning debtors or other persons is sought by or on behalf of any Government agency; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Regal Collection Service, Inc., et al., Docket 5919, December 31, 1951]

In the Matter of Regal Collection Service, Inc., a Corporation, and Sidney Cross and Irving S. Raider, Individually and as Officers of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission and respondents' answer in which they admitted all of the material allegations of fact in the complaint and waived all intervening procedure and further hearing as to such facts.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon the complaint and answer, and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on December 31, 1951.

The said order is as follows:

It is ordered, That the respondents, Regal Collection Service, Inc., a corporation, and its officers, and Sidney Cross and Irving S. Raider, individually and as officers of said corporation, and respondents agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce or the use in commerce, as "commerce" is defined in the Federal Trade Commission Act, of mailing cards, letters or any other printed or written material of a substantially similar nature, do forthwith cease and desist from:

(1) Using the name, "Employers Clearing House," or any other word or words of similar import, to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that respondents are conducting an employment bureau or employment agency or are engaged in compiling business or labor statistics.

(2) Using, or supplying to others for use, mailing cards or other printed forms or material which represent, directly or by implication, that respondents or their customers are engaged in operating or conducting an employment bureau or employment agency or that they are compiling labor or business statistics.

(3) Using, or supplying to others for use, mailing cards or other material which represents, directly or by implication, that respondents' business is other than the collection of debts, or other than that of obtaining information for use in the collection of debts, or that the information sought through the use of such mailing cards or other material is for other than use in the collection of debts.

(4) Representing or placing in the hands of others the means of representing, directly or by implication, that information sought concerning debtors or other persons is sought by or on behalf of any Government agency.

By "Decision of the Commission and order to file report of compliance," Docket 5919, December 29, 1951, which decreed fruition of said initial decision on December 31, 1951, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 29, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-2607; Filed, Mar. 5, 1952; 8:52 a. m.]

[Docket 5831]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

TOP MANUFACTURING CO.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, or other lottery devices which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45] [Cease and desist order, Ewald A. Thalacker d. b. a. Top Manufacturing Company, Docket 5831, December 24, 1951]

In the Matter of Ewald A. Thalacker, Individually and Doing Business as Top Manufacturing Company

This proceeding was heard by William L. Pack, hearing examiner, upon the Commission's complaint and respondent's answer in which he admitted all of the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to the facts, conditioned upon the deferring by said examiner of his initial decision in the matter until the determination by the Commission of another, similar matter, namely, that of W. H. Brady & Company, Docket 5298.

Thereafter the instant proceeding regularly came on for final consideration by said hearing examiner, theretofore duly designated by the Commission, which had, in the meantime, on August 8, 1951, rendered its decision in said Brady case, upon the complaint and answer, and said examiner, having duly considered the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on December 24, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondent, Ewald A. Thalacker, individually and doing business as Top Manufacturing Company, or under any other name, and his agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

By "Decision of the Commission and order to file report of compliance," Docket 5831, December 21, 1951, which decreed fruition of said initial decision on December 24, 1951, report of compliance with the said order was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: December 21, 1951.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 52-2608; Filed, Mar. 5, 1952; 8:52 a. m.]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LLOYDS SPORTSWEAR CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, of ladies' skirts or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said Act; misbranding such products, (1) by falsely and deceptively stamping, tagging, labeling or otherwise identifying such products; (2) by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and, (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool products of any nonfibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Lloyds Sportswear Company, Inc., et al., Docket 5862, December 29, 1951]

In the Matter of Lloyds Sportswear Company, Inc., a Corporation, and Isaac N. Hazan and Max Orlinsky, Individually, and as Officers of the Lloyds Sportswear Company, Inc., a Corporation

This proceeding was heard by James A. Purcell, hearing examiner, upon the Commission's complaint and respondents' answer, in which they denied certain charges and pleaded insufficient knowledge or information to form a belief as to the truth or falsity of the other charges, and a subsequent "stipulation as to the facts" in which respondents stated that they were desirous of expediting the proceeding and avoiding the expense incident to the taking of testimony, that the facts set forth therein might be taken as the facts in the proceeding in lieu of evidence in support of the charges stated in the complaint or in opposition thereto, and that the hearing examiner might proceed thereon with the making of his initial decision stating his findings as to the facts, inferences which he might draw therefrom, and his conclusion based thereon and enter his order disposing of the proceeding.

Thereafter the proceeding regularly came on for final consideration by said hearing examiner, theretofore duly designated by the Commission, upon said complaint and stipulation as to the facts, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts, conclusions drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on December 29, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Lloyds Sportswear Company, Inc., a corporation, and Isaac N. Hazan and Max Orlinsky as officers of said Lloyds Sportswear Company, Inc., and also in their individual capacities, their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid acts, of ladies' skirts or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products:

1. By falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products;

2. By failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and, (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool products of any nonfibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission and order to file report of compliance", Docket 5862, December 29, 1951, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 29, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-2609; Filed, Mar. 5, 1952; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5886]

PART 458—INSPECTION OF RETURNS

INSPECTION OF INCOME TAX RETURNS BY THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

§ 458.311 *Inspection of returns by Senate Committee on Interior and Insular Affairs.* (a) Pursuant to the provisions of section 55 (a) of the Internal Revenue Code (53 Stat. 29, 54 Stat. 1008, 55 Stat. 722; 26 U. S. C. 55 (a)), and of the Executive order issued thereunder,[1] any income tax return for the years 1946 to 1950, inclusive, shall, during the Eighty-second Congress, be open to inspection by the Senate Committee on Interior and Insular Affairs or any duly authorized subcommittee thereof in connection with its studies of relations of the United States with the Indians and the Indian tribes and measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

The inspection of returns herein authorized may be made by the Committee or a duly authorized subcommittee thereof, acting directly as a Committee or as a subcommittee, or by or through such examiners or agents as the Committee or subcommittee may designate or appoint in its written request hereinafter mentioned. Upon written request by the Chairman of the Committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such Committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the Committee or subcommittee or by such examiners or agents as the Committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the Committee or subcommittee shall be held confidential: *Provided, however,* That any portion or portions thereof relevant or pertinent to the purpose of the investigation may be submitted by the Committee to the United States Senate.

(b) Because of the immediate need of the said Senate Committee on Interior and Insular Affairs to inspect the tax returns herein mentioned, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(c) This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

JOHN W. SNYDER,
Secretary of the Treasury.

Approved: March 4, 1952.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 52-2678; Filed, Mar. 4, 1952; 1:56 p. m.]

[1] See F. R. Doc. 52-2677, E. O. 10331, *supra.*

TITLE 32—NATIONAL DEFENSE

Chapter XVII—Federal Civil Defense Administration

PART 1701—CONTRIBUTIONS FOR ORGANIZATIONAL EQUIPMENT

MISCELLANEOUS AMENDMENTS

Sections 1701.3 and 1701.6 are amended as indicated below and a new § 1701.9 is added:

1. The first paragraph of § 1701.3 is amended to read as follows:

§ 1701.3 *Conditions of contributions.* The Administrator will make contributions to States for organizational equipment, which shall be understood to include approved installation costs, subject to the following conditions:

2. Section 1701.3 (n) is amended to read as follows:

(n) *Title.* Title to organizational equipment procured by FCDA will pass to the State upon delivery of such equipment to the State. When procurement contracts are let by FCDA on an f. o. b. origin basis and FCDA executes inspection and receiving reports which have the effect of its accepting the equipment at the shipping point, it will be considered that delivery to the State has been effected at that time and at that place. The State will furnish to FCDA the name or names of such person or persons who has or have been authorized in the name of the State to execute the necessary receiving reports, fiscal transactions, and other necessary documents in connection with such equipment.

3. Section 1701.6 (b) is amended to read as follows:

§ 1701.6 *Procurement of equipment involving federal funds.* * * *

(b) When a State procures organizational equipment, the amount of the Federal contribution shall not exceed the sum of 50 percent of what the Administrator would have paid had he purchased the equipment, plus 50 percent of the transportation, plus 50 percent of approved installation costs.

4. Section 1701.9 is added as follows:

§ 1701.9 *Advances of Federal funds for State procurement.* Upon approval by the Administrator of a request for organizational equipment which the State is to procure, the Administrator may make advance contributions of Federal funds to the States for this purpose subject to the following additional conditions:

(a) The Treasurer (or comparable fiscal officer of the State) shall be the sole custodian of the funds advanced.

(b) The funds shall be held in a separate fund or account.

(c) The funds shall not be withdrawn from such account except for the procurement of organizational equipment approved by the Administrator.

(d) The State shall keep such central records and accounts as are in accordance with accepted or prescribed methods of accounting, showing the receipt and expenditure of the Federal

funds advanced to it. The Administrator, or his representatives, shall be granted ready access to such records and accounts and may require such additional records, and the preparation of such reports as are reasonable and necessary.

(e) Periodic settlement of balances due the United States or the State, as the case may be, will be made on the basis of the review by FCDA of the State reports, records and accounts called for in paragraph (d) of this section.

(Sec. 401, 64 Stat. 1254; 50 U. S. C. App. Sup. 2253)

This amendment shall be effective March 6, 1952.

MILLARD CALDWELL,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 52-2611; Filed, Mar. 5, 1952; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 4]

GSSR 1—STABILIZATION AND AUTHORIZED ADJUSTMENTS OF SALARIES AND OTHER COMPENSATION

INT. 4—TEN (10) PERCENT INCREASES IN SALARIES AND OTHER COMPENSATION UNDER SECTION 8 OF GENERAL SALARY STABILIZATION REGULATION 1, AS AMENDED

Section 8 (a) Underlying policy

1. Q. What is the maximum percentage of increases permitted under section 8?

A. Ten (10) percent. Under section 8, salaries and other compensation of an appropriate unit (or group) of employees may be increased in amounts up to, but not in excess of ten percent over the salary level of such employee group for the first regular payroll of such group ending on or after January 15, 1950.

2. Q. May the ten (10) percent increases under section 8 be granted without the prior approval of the Office of Salary Stabilization?

A. Yes. It is the purpose of section 8 to place such increases on a self-administering basis. To substantiate the propriety of the increases granted by him, the employer must keep the records and prepare the summary statements, as prescribed in sections 15, 16 and 17 of General Salary Stabilization Regulation 1, as amended.

Section 8 (b) General definitions

1. Q. Is the amount available for increases under section 8 commuted individually for each employee?

A. No. The amount available for such increases is based on the salaries of an appropriate employee unit of the employer.

2. Q. What constitutes an appropriate employee unit under section 8?

A. An appropriate employee unit is composed of employees under the jurisdiction of the Salary Stabilization Board in the establishment or plant of the employer, or in a business division or department thereof, whom the employer has historically or usually treated as a group for the purpose of granting general increases in salaries and other compensation.

Where an employer has, as a matter of past practice, divided his employees into different groups for the purpose of granting general salary increases, he must continue to follow such practice. For instance, if administrative employees have been treated as a separate group distinct from employees in charge of production, the two groups of employees must be treated as separate units under section 8.

For example, an employer may treat each of the following groups of employees as an appropriate unit if so treating them is in accordance with his past practice in making general salary increases:

(a) The branch managers of a chain of retail food stores; this may be true even though the branch managers are located in many cities in different parts of the country;

(b) Chemists or physicists working in a particular laboratory of a plant or division thereof.

3. Q. Under what conditions may an employer treat all his employees subject to the jurisdiction of the Salary Stabilization Board as a single unit?

A. Only where the employer has consistently over a period of time created all such employees as a single group in raising their salaries and other compensation.

4. Q. May an appropriate unit consist of a single employee?

A. Yes, if an employer over a period of time has treated a single employee as a unit for purposes of granting salary increases to him. Where this is true, the employer may continue this practice.

5. Q. May an appropriate unit be composed of employees subject to the jurisdiction of the Salary Stabilization Board and employees subject to the jurisdiction of the Wage Stabilization Board?

A. No, even though (prior to wage and salary stabilization) the employer did treat such employees as a single unit.

6. Q. On what basis is the 10 percent increase computed?

A. The 10 percent increase is computed on the basis of the salary level of the appropriate employee unit for the first payroll period ending on or after January 15, 1950.

7. Q. Is all compensation paid employees in an appropriate unit included in the unit's salary level?

A. No. The salary level of the group comprises the regular salaries of the employees in the group, together with time and incentive earnings and night shift differentials, if any, but including overtime premium payments, employer contributions to payments of insurance and welfare benefits, employer contributions to pension funds and annuities, and other like allowances.

The incentive earnings which may be included in computing the salary level are those which are not related to sales or other business transactions. The latter are governed exclusively by General Salary Stabilization Regulation 5.

8. Q. May a prorated part of bonuses authorized under General Salary Stabilization Regulation 2 and paid employees in the unit be included in the salary level?

A. No.

9. Q. May commission earnings be included in salary levels?

A. No. Such earnings for employees under Salary Stabilization Board jurisdiction are regulated by General Salary Stabilization Regulation 5 and are not treated as part of the salary level of an employee unit under section 8.

10. Q. On what payroll period basis are salary levels computed?

A. Salary levels may be computed on the basis of regularly scheduled weekly, biweekly, semimonthly or monthly pay periods in accordance with the employer's practice.

11. Q. An employer desires to grant increases to an appropriate unit of employees under section 8. If he has given such employees increases in salaries and other compensation, which of those increases must be taken into account?

A. Increases in salaries and other compensation made subsequent to the first regular payroll period ending January 15, 1950 must be taken into account in computing 10 percent increases authorized under section 8, unless it is otherwise provided in a General Salary Stabilization Regulation, a General Salary Order, or a specific determination of the Office of Salary Stabilization. The following types of increases must be deducted from the 10 percent:

(a) Increases in salaries made since the first regular payroll period ending on or after January 15, 1950, if the employee group's straight time earnings in any payroll period were increased by 1 percent or more.

(b) Increases in salaries after January 25, 1951, even though the amount is less than 1 percent.

(c) Increases in other forms of compensation if made after January 25, 1951.

(d) Cost-of-living increases granted under section 10 of General Salary Stabilization Regulation 1, as amended, after January 25, 1951.

(e) Increases required to be deducted pursuant to a specific determination of the Office of Salary Stabilization or, before May 10, 1951, of the Wage Stabilization Board.

12. Q. Are there types of increases which need not be taken into account in determining the amount available for increases under section 8?

A. Yes. The following types of increases used need not be deducted from the 10 percent:

(a) Increases in salaries made on or before January 25, 1951 if the employee group's straight time earnings in any payroll period were not increased by 1 percent or more.

(b) Increases in other forms of compensation not included in computing the salary level, if made on or before January 25, 1951.

(c) Merit or length of service increases or adjustments as the result of a promotion, transfer, or assignment to a new or changed position under General Salary Stabilization Regulation 3, as amended.

(d) Tandem increases approved under section 12 of General Salary Stabilization Regulation 1, as amended.

(e) Inter-plant inequity increases approved under General Salary Order 5 (Inter-plant inequities).

(f) Increases representing contribution to or benefits paid under a health and welfare plan which may be modified or put into effect without prior approval of the Office of Salary Stabilization under General Salary Order 11 (Health and welfare plans).

(g) Increases made pursuant to General Salary Order 6, as amended (Maintenance of compensation relationships).

(h) Cost-of-living increases of the type referred to in section 10 of General Salary Stabilization Regulation 1, as amended, made on or before January 25, 1951.

(i) Any other increases which are not required to be deducted pursuant to a specific determination of the Office of Salary Stabilization or, before May 10, 1951, the Wage Stabilization Board.

Section 8 (c) Increases permissible without prior approval

1. Q. A company had an appropriate unit consisting of three executives compensated solely by fixed salaries on a monthly basis. For the payroll period for the month of January 1950 A was paid $900; B was paid $1,000; and C was paid $1,100 per month. On July 1, 1951 the company proposes to increase the compensation of these employees by ten (10) percent. The company has not granted any increases to the executives in the unit since January 1950, and has not hired any additional executives. How is the increase computed?

A. The total salaries of the employees in the group for the month of January 1950, amounted to $3,000. Ten percent of that amount is $300. This is the dollar amount of the 10 percent increase which the employer may grant per month to this group of executives.[1]

2. Q. May the company grant the entire $300 to C alone, raising his salary to $1,400 per month?

A. Yes. The 10 percent increase may be distributed within the group by the employer in his discretion and need not be uniformly distributed. However, inequities among the compensation of employees created by such unequal distribution cannot later be corrected by requesting the approval of the Office of Salary Stabilization for further increases in salaries and other compensation for the remaining employees in the unit.

3. Q. Assume the facts as in questions c–1 and c–2. On September 1, 1951, the company adds a fourth executive, D, to the group at a monthly salary of $900. May the company increase D's salary on November 1, 1951 under section 8?

A. No. The salary increases granted by the employer on July 1, 1951 exhaust the increases permissible under section 8.

4. Q. Assume the same basic facts as in question c–1. However, on April 1, 1951, A had been raised from $900 to $1,050 per month. This increase was not based on merit or length-of-service. How much does the company have available for increases under section 8 on July 1, 1951?

A. $150 per month, or the difference between the total of $300 (see question c–2) and the $150 per month salary increase granted to A on April 1, 1951.

5. Q. Assume the same basic facts as in question c–1. On December 1, 1950, B was given a salary increase of $25 per month. Does this increase have to be taken into account in computing the amount available for the July 1, 1951 increase?

A. No. The increase was less than 1 percent of the straight time earnings of the unit during December 1950. However, if the $25 salary increase had been given to B on March 1, 1951 (i. e., after the stabilization date) the amount would have to be deducted in determining the amount available for the July 1, 1951 increase.

6. Q. Assume the same basic facts as in question c–1 and assume further that the company on June 1, 1951, engaged the services of D and E for its executive staff at monthly salaries of $1,000 for each. How much does the company have available on July 1, 1951 for a 10 percent increase to this group, now composed of five executives, none of whom has received any increase in salaries or other compensation since January 1950?

A. The company has available $500 per month.

In January 1950 the company had available $300 per month for three employees (see question c–1), or an average amount of $100 per employee. Since the group is now composed of five employees instead of the original three, the total amount available for monthly salary increases is $500 or five times the average amount of $100 per employee.

The amount available for increases under section 8 in any payroll period is thus always dependent upon the number of employees in the unit at the time when the employer makes the decision to grant an increase.

7. Q. Assume the same basic facts as in question c–1. On December 1, 1950, the company added two executives to the group, D and E, at monthly salaries of $1,000 and $1,100 respectively. On March 1, 1951 the company granted each of the five executives a monthly salary increase of $50.00. Assuming that no change occurs in the number of employees thereafter, how much does the employer have left for further salary increases to the executives under section 8?

A. $250 per month. The employer had available $500 per month (an initial average per employee of $100 and five employees at the time of the increase), $250 of which was absorbed in the March 1, 1951 salary increase.

The computation of the amount available for increases under section 8 is not affected by the amount of the salary paid any new employee hired into the group subsequent to the first regular payroll period ending on or after January 15, 1950.

8. Q. Assume the facts as in question c-7. On May 1, 1951, D resigns. On July 1, 1951, the company wants to give the remaining four executives in the group salary increases totaling $250 per month for all. May the company do so?

A. No. The proposed salary increase to the four executives in the group on July 1, 1951, may not exceed $200 per month.

Since the group now has only four members, the total amount of increases to be given to it may not on July 1, 1951, exceed $200 per month. After the March 1, 1951, increase $250 were left available for further increases to the group then having five members, resulting in an average available for further increases of $50 per employee. Since on July 1, 1951, the group has only four members, only four times the amount available per employee ($50) or a total of $200 per month may be spent.

9. Q. Is the employer, under section 8, limited to straight salary increases to his employees?

A. No. In addition to giving straight salary increases, the employer may use the amount available for increases under section 8 to grant his employees fringe benefits. For instance, he may compute the cost of an additional one week's paid vacation and may grant his employees such additional week's paid vacation out of the amount available for the 10 percent increase.

10. Q. If the employer in 1951 used up the entire 10 percent increase which he may give to an appropriate unit by granting the employees in the unit additional paid vacations, may the employer in 1952 discontinue the additional paid vacations and give the employees instead the amount of the 10 percent increase in the form of a straight salary increase?

A. Yes. The employer may use this money in a calendar year for fringe benefits, such as a paid vacation; at the end of the calendar year he may grant paid vacations for the following calendar year or, on the other hand, he may use the money for a permanent addition to his payroll. The amount available to an employer as a 10 percent increase under section 8 is available as a permanent addition to the payroll of an appropriate employee unit. However, once the amount available under section 8 for salary increases and other compensation has been used by the employer for a straight salary increase, it cannot be thereafter used for temporary or fringe benefit purposes.

11. Q. May the employer use the unexpended portion of the 10 percent increase for bonuses authorized under General Salary Stabilization Regulation 2?

A. Yes, within the limits of section 9 of General Salary Stabilization Regulation 2. For details of application, the employer should consult sections 9.01 to 9.05 of Interpretation 3 issued by the Office of Salary Stabilization on December 7, 1951.

[1] For an example of a 10 percent increase where the number of employees in the group has changed, see question c–6.

12. Q. May the 10 percent increase under Section 8 be made retroactively?

A. Only to a very limited extent. Without the prior approval of the Office of Salary Stabilization, 10 percent increases may be made retroactively only to the commencement of the payroll period in which the increase was decided upon, provided that the employer's records contain convincing proof as to when the increase was decided upon. Any unusual lapse of time between that payroll period and the date when the increase is first actually paid is considered a prima facie indication that the decision to grant the increase was not made in the earlier payroll period.

13. Q. Is there any provision in the General Salary Stabilization Regulations or General Salary Orders allowing for retroactive increases upon prior approval of the Office of Salary Stabilization under which ten (10) percent increases may be made retroactively?

A. Yes. Section 12 of General Salary Stabilization Regulation 1 provides for retroactive increases upon prior approval of the Office of Salary Stabilization where an established compensation relationship between groups of employees has been disrupted. However, in obtaining approval of the Office of Salary Stabilization for retroactive increases under section 12, the employer must meet the requirements of that section.

In other cases, application for retroactivity will be granted only for compelling reasons under unusual circumstances.

Section 8 (d) Base pay period abnormalities

1. Q. A company opened its plant on February 1, 1950, but the plant did not go into full operation until April 15, 1950. After that date, the company's payroll reflects normal operations. Scientists employed and paid on a monthly payroll basis at the company's laboratory form an appropriate employee unit which did not reach its normal operating strength until May 1, 1950. What payroll period may the employer use as a basis for computing 10 percent increases for this group under section 8?

A. The first normal payroll period for this group of employees is the payroll period between May 1 and May 31, 1950. The employer may apply to the Office of Salary Stabilization for authorization to use the month of May 1950 payroll as a substitute base pay period for computing the amount of the 10 percent increase available for the scientists at the company's laboratory. As to a possible reduction of the permissible percentage, see question d-4.

2. Q. Are there other circumstances under which an employer may use a substitute base pay period?

A. Yes. An employer may petition the Office of Salary Stabilization for authorization to use a substitute base pay period where the usual base pay period does not reflect normal operations for any one of the following reasons:

(a) The seasonal character of the employer's business;

(b) Broad changes in "product mix," i. e., situations where the employer changes from the manufacture of one product to that of another, or adds a different product to those previously manufactured by him;

(c) Wide swings in employment; or

(d) Other similar circumstances.

3. Q. Is the amount of increases which an employer may grant under section 8 affected by the approval of a substitute base pay period for the employer?

A. Yes. The authorized 10 percent for increases in salaries and other compensation must be reduced by the percentage by which the Consumers' Price Index, published by the Bureau of Labor Statistics has risen between the first regular base pay period ending on or after January 15, 1950, and the substitute base pay period allowed the employer.

4. Q. A company commenced operations on July 1, 1951. Its employees are paid in accordance with a schedule submitted and approved under General Salary Stabilization Regulation 1, as amended, section 11. May the employer on October 1, 1951 grant his employees a general salary increase under section 8?

A. No. Section 8 is not available to employers for a new plant opened since January 25, 1951.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interprets or applies Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Approved: March 3, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52–2715; Filed, Mar. 5, 1952; 11:53 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 30 to Schedule A]

[Rent Regulation 2, Amdt. 28 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

MARYLAND AND TEXAS

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective March 6, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of March 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Maryland				
(139) Baltimore	B	City of Baltimore; Baltimore County; Harford County; in Cecil County, election district 3, containing the city of Elkton; Howard County, except election districts 3, 4, and 5; and Anne Arundel County, except election districts 1, 7, and 8.	Apr. 1, 1942	July 1, 1942
	C	Harford County; and in Cecil County, election district 3, containing the city of Elkton.	Jan. 1, 1951	Nov. 7, 1951
	C	In Anne Arundel County, election districts 4 and 5.	do	Mar. 6, 1952
	A	Cecil County, except election disrict 3, containing the city oi Elkron.	do	Nov. 7, 1951
(142) Montgomery-Prince Georges.	B	Montgomery County; and Prince Georges County, except the town of Colmar Manor and election districts 3, 4, 5, 7, 8, 11, and 15.	Jan. 1, 1941	July 1, 1942
	C	In Prince Georges County, election districts 10 and 14.	Jan. 1, 1951	Mar. 6, 1952
Texas				
(324) Mount Pleasant-Daingerfield.	A	Camp County; in Cass County, precincts 1, 2, and 8; in Marion Couuty, precincts 1, 2, and 6; Morris County; and in Titus County, precincts 1, 4, 5, 6, and 7.	Apr. 1, 1951	Nov. 26, 1951
		In Marion County, precinct 3	do	Jan. 15, 1952
	A	In Upshur County, precincts 2, 6, and 8	do	Mar. 6, 1952

[F. R. Doc. 52–2633; Filed, Mar. 5, 1952; 8:53 a. m.]

[Rent Regulation 3, Amdt. 46 to Schedule A]

RR 3—HOTELS

SCHEDULE A—DEFENSE-RENTAL AREAS

MARYLAND AND TEXAS

This amendment is issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective March 6, 1952, Rent Regulation 3 is amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of March 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(139) Baltimore	Maryland	Harford and Cecil	Jan. 1, 1951	Nov. 7, 1951
		In Anne Arundel County, election districts 4 and 5.	do	Mar. 6, 1952
(142) Montgomery-Prince Georges.	do	In Prince Georges County, election districts 10 and 14.	do	Do.
(324) Mount Pleasant-Daingerfield.	Texas	Camp County; in Cass County, precincts 1, 2, and 8; in Marion County, precincts 1, 2, and 6; Morris County; and in Titus County, precincts 1, 4, 5, 6, and 7.	Apr. 1, 1951	Nov. 26, 1951
		In Marion County, precinct 3	do	Jan. 15, 1952
		In Upshur County, precincts 2, 6, and 8	do	Mar. 6, 1952

[F. R. Doc. 52-2632; Filed, Mar. 5, 1952; 8:53 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

[Order 3732, Supp. 57]

ASSISTANT ATTORNEY GENERAL IN CHARGE OF CRIMINAL DIVISION

DELEGATION OF AUTHORITY TO MAKE WRITTEN DETERMINATION THAT REGISTRATION OF ANY PERSON WHO IS AGENT OF FOREIGN PRINCIPAL WOULD NOT BE IN INTEREST OF NATIONAL SECURITY

FEBRUARY 29, 1952.

By virtue of the authority vested in me by section 360 of the Revised Statutes of the United States (5 U. S. C. 311) and section 2 of Reorganization Plan No. 2 of 1950 (15 F. R. 3173) it is ordered as follows:

The authority vested in the Attorney General by subparagraph (5) of paragraph (c) of section 1 of the Foreign Agents Registration Act of 1938 as amended by section 1 of the act of April 29, 1942, 56 Stat. 248, and subsection (a) of section 20 of the Internal Security Act of 1950, Public Law 831, 81st Congress (22 U. S. C. 611 (c) (5)), to make a written determination that the registration of any person who is an agent of a foreign principal as defined by the said subparagraph (5) of paragraph (c) of section 1 of the Foreign Agents Registration Act of 1938 as amended, would not be in the interest of national security is hereby delegated to the Assistant Attorney General in charge of the Criminal Division of the Department of Justice.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 52-2606; Filed, Mar. 5, 1952; 8:52 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[NPA Delegation 14, as Amended Mar. 6, 1952]

ADMINISTRATOR OF FEDERAL SECURITY AGENCY ET AL.

DELEGATION OF AUTHORITY TO MAKE ALLOTMENTS AND ASSIGN RATINGS UNDER REVISED CMP REGULATION NO. 6 AND TO PROCESS APPLICATIONS UNDER NPA ORDER M-100

NPA Delegation 14, as last amended February 15, 1952, is hereby further amended to read as follows:

1. Pursuant to the authority under the Defense Production Act of 1950 as amended, Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61), and Defense Production Administration Delegation 1 (16 F. R. 738), the following functions to be performed pursuant to Revised CMP Regulation No. 6 are delegated to each of the persons named in Table I of this delegation with power to delegate and to authorize successive delegations with respect to the categories of construction set forth in Table I opposite his name: To authorize construction schedules of owners in accordance with the provisions of Revised CMP Regulation No. 6; to make allotments of controlled materials for construction; to apply or to assign to others the right to apply DO ratings and allotment numbers and symbols for procurement of building materials (other than controlled materials), building equipment, production machinery, and production equipment, which are required for construction under an approved construction program as provided by Revised CMP Regulation No. 6. Power is further delegated to process applications for adjustment or exception under the provisions of Revised CMP Regulation No. 6, and to take final appellate action under the regulations.

2. Pursuant to the authority under the Defense Production Act of 1950 as amended, Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61), and Defense Production Administration Delegation 1 (16 F. R. 738), the following functions to be performed pursuant to NPA Order M-100 are delegated to each of the persons named in Table II of this delegation with power to delegate and to authorize successive delegations with respect to the categories of construction set forth in Table II opposite his name: To process applications for adjustment or exception under the provisions of NPA Order M-100, and to take final appellate action under that order.

3. The authority delegated by paragraphs 1 and 2 of this delegation shall be exercised within such construction program determinations or other quantitative restrictions as may be established by the Defense Production Administration, and in accordance with such instructions, record-keeping and reporting requirements, policy statements and directives, as may be issued from time to time by the National Production Authority. Such delegated authority shall also be exercised in conformity with the regulations and orders of the National Production Authority, and in conformity with the provisions of Revised CMP Regulation No. 6 or NPA Order M-100, whichever is applicable, and as contained in the instructions applicable to forms to be made use of in connection with Revised CMP Regulation No. 6 or NPA Order M-100, whichever is applicable, or such other forms as have been or will be approved by the National Production Authority.

4. In addition, the following power is delegated to the persons named in subparagraphs (a) and (b) of this paragraph with power to delegate and to authorize successive delegations.

(a) To the Administrator of Veterans' Affairs, and to the Administrator of the Federal Security Agency, power to receive, consider, pass upon, and take action in his own name, including appellate action, upon applications for adjustment or exception under the provisions of section 33 of Revised CMP Regulation No. 6, to authorize commencement of construction of buildings, structures, or projects of the type specified in Table I of Revised CMP Regulation No. 6, which buildings, structures, or projects are required as part of an integrated hospital program.

(b) To the Administrator of the Federal Security Agency, power to receive, consider, pass upon, and take action in his own name, including appellate action, upon applications for adjustment or exception under the provisions of section 33 of Revised CMP Regulation No. 6, to authorize commencement of construction of a gymnasium which is to be an integral part of a school plant and is to be used primarily in instructional purposes in physical education and training, and which does not include facilities for permanent spectator seating, provided such gymnasium is not a free standing building.

5. Any adjustment or exception under Revised CMP Regulation No. 6 issued by any delegate pursuant to this delegation must be correlated with the delegate's activities under the Controlled Materials Plan of the National Production Authority; and all projects approved by each delegate, and the allotment of controlled materials made therefore, will be charged against the total construction program and allotments approved for such delegate by the Defense Production Administration.

6. As used in this delegation, the terms "petroleum," "gas," "solid fuels," "electric power," "metals and minerals," "food," "domestic transportation," "storage," and "port facilities," have the same meanings as are set forth in Executive Order 10161, as amended, and other applicable interagency agreements.

7. All actions taken pursuant to this delegation shall be in the name of the delegate or other official to whom like authority has been delegated by the delegate, and shall be authenticated by the signature and title of the individual authorized to take such actions.

This amended delegation shall take effect March 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
HENRY H. FOWLER,
Administrator.

TABLE I OF NPA DELEGATION 14

NOTE: If a water well, office building, or other facility is an integral part of a facility, jurisdiction of which is herein delegated to a specific claimant agency, jurisdiction over the water well, office building, or other facility shall be with the claimant agency having jurisdiction over the facility of which it is an integral part. (For example, communications about a water well to be constructed on a farm shall be filed with the Department of Agriculture; communications about an administrative building to be used exclusively by an industrial enterprise, and which is to be located on the factory or industrial site, shall be filed with the claimant agency having jurisdiction over such industrial construction.) However, the fact that jurisdiction over such water well, office building, or other facility is as herein described does not change the classification of the water well, office building, or other facility being constructed; and in determining the right to self-authorize orders for such construction, the definition in section 2 (m) of revised CMP Regulation No. 6 shall be controlling.

NOTE: If a water well is an integral part of a residential structure, jurisdiction of which is herein delegated to a specific claimant agency, jurisdiction over the water well shall be with the claimant agency having jurisdiction over the structure of which it is an integral part. (For example, communications about a water well to be constructed for a farm house shall be filed with the Department of Agriculture.) Further, the jurisdiction of the claimant agency specified in this table does not include jurisdiction over any commercial or other facilities intended, or which might be construed, as supplemental to residential construction. (For example, jurisdiction over a shopping center proposed to service a residential development is with NPA, and not with the claimant agencies named in this table.)

Delegate	*Category of construction*
The Administrator of the Federal Security Agency.	All school, museum, and library construction; hospital and health facility housing; college and educational institutional housing; all hospital and health facility construction other than the Veterans' Administration and military hospitals; all other health and sanitation programs including refuse disposal systems and free standing incinerators (but not water supply and sewer construction programs), and excluding such types of construction which are federally owned on federally owned property under the control of the Atomic Energy Commission, and such types of construction on military reservations.
The Administrator of Veterans' Affairs.	The hospital program of the Veterans' Administration.
The Secretary of Agriculture.	Farm housing; facilities for production of food including on-farm and off-farm construction; wholesale food distribution and handling; canning, freezing, or otherwise processing or preparing food for marketing and distribution; tobacco auction warehouses; public cold storage food lockers and storage facilities owned or operated in whole or in major part as an integral part of such handling, processing, and wholesaling. (With respect to food having industrial uses, facilities for the specified purposes are included only to the point where responsibility for such food ceases to be exercised by Production and Marketing Administration under the agreement between Production and Marketing Administration and NPA (16 F. R. 3410), as from time to time amended.)
The Secretary of the Interior.	Facilities for departmental programs of the Department of the Interior; facilities for the production, preparation, and processing of solid fuels; facilities for the production and processing of fishery products.
The Petroleum Administrator for Defense.	Facilities for the production, processing, refining, and distribution of petroleum and gas; and facilities for the production, processing, and distribution of the products listed in Appendix A of NPA Delegation No. 9 (but not filling stations).
The Secretary of Commerce.	Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment, repair shops, bridges, tunnels, toll road facilities, and appurtenant installations, publicly owned parking facilities incident to a highway or street, regardless of financing, but not garages, filling stations, restaurants, or other commercial facilities; air navigation facilities, civil airports; shipyards.

TABLE I OF NPA DELEGATION 14—Continued

Delegate	*Category of construction*
The Administrator of the Defense Transport Administration.	Facilities for domestic transportation, storage, and port facilities, as defined in E. O. 10161, as amended.
The Atomic Energy Commission.	All construction by, or for the account of the Atomic Energy Commission; industrial construction sponsored by the Atomic Energy Commission; federally owned housing on federally owned property under the control of the Atomic Energy Commission.
The Secretary of Defense.	Construction by or for the account of the Department of Defense, Navy construction, Army construction, Air Force construction, including but not limited to projects of an industrial nature financed by the military departments; housing on military reservations, and military housing under Public Law 211, 81st Congress (Wherry Act); Military Command construction; and construction for National Advisory Committee for Aeronautics.
The Administrator of the General Services Administration.	Federal buildings and facilities, except as otherwise specifically designated in this table, including buildings and facilities constructed by private interests and capital, where a predominant portion of the premises is designed and intended to be used under lease for extended periods by Federal Government Agencies.
The Secretary of the Army.	Civil Works Corps of Engineers projects; the Panama Canal Company; Domiciliary Building, Old Soldiers' Home (except projects having electric power generating facilities not specifically exempted by the Administrator of the Defense Electric Power Administration).
The Administrator of the Housing and Home Finance Agency.	All public and private housing not specifically covered above.
The Administrator of the Defense Materials Procurement Administration.	Facilities for production and processing of metals and minerals (except solid fuels, oil, and gas).
The Administrator of the Federal Civil Defense Administration.	Buildings, structures, or projects which are to be used exclusively for civil defense purposes.

NOTE: The following construction programs will be administered by the National Production Authority:

Communications Division, National Production Authority.	Operation construction in connection with communications facilities, but not including air navigation facilities.
Water Resources Division, National Production Authority.	Facilities for ground and surface water supply, transmission, pumping, treatment, storage, and distribution for domestic and industrial use; domestic and industrial liquid wastes (storage, collection, transmission, pumping, treatment, and disposal). Excluded are the facilities and works and their operations for navigation, flood control, storm sewers, drainage of flood-areas, reclamation projects, hydro-electric generation of power, fish and wild life, domestic and irrigation water on farms and farmsteads.
Industrial Expansion Division, National Production Authority.	Industrial construction not listed above in this table and note.
Construction Controls Division, National Production Authority.	All other construction not specifically listed above in this table and note (including all categories of construction in Table I except as provided in section 33 of Revised CMP Regulation No. 6).

TABLE II OF NPA DELEGATION 14

NOTE: If a water well is an integral part of a residential structure, jurisdiction of which is herein delegated to a specific claimant agency, jurisdiction over the water well shall be with the claimant agency having jurisdiction over the structure of which it is an integral part. (For example, communications about a water well to be constructed for a farm house

TABLE II OF NPA DELEGATION 14—Continued

shall be filed with the Department of Agriculture.) Further, the jurisdiction of the claimant agency specified in this table does not include jurisdiction over any commercial or other facilities intended, or which might be construed, as supplemental to residential construction. (For example, jurisdiction over a shopping center proposed to service a residential development is with the National Production Authority, and not with the claimant agencies named in this table.)

Delegate	*Category of construction*
The Secretary of Agriculture.	Farm housing.
The Atomic Energy Commission.	Federal housing on federally owned property under the control of the Atomic Energy Commission.
The Administrator of the Federal Security Agency.	College and educational institutional housing. Hospital and health facility housing.
The Administrator of the Housing and Home Finance Agency.	All other public and private housing subject to NPA Order M-100, but not military housing or Wherry Act housing (see Table I).

[F. R. Doc. 52-2716; Filed, Mar. 5, 1952; 12:08 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R-IV-10]

COLORADO

RESTORATION ORDER NO. 3 (R-IV) UNDER FEDERAL POWER ACT, AMENDED

FEBRUARY 25, 1952.

Restoration Order No. 3 (R-IV) of December 11, 1951, published at 16 F. R. 12727, December 19, 1951, is hereby amended to correct paragraph two of said order to read as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public-land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the stipulation that if and when the land is required wholly or in part for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States, its permittees or licensees:

Determination No.	Date and type of withdrawal	Type of restoration	Description of lands
DA-297-Colorado.....	Power site classification No. 89, dated Feb. 24, 1925.	Under the applicable public land laws.	Colorado: T. 5 S., R. 85 W., 6th P. M.: sec. 5: lot 5, containing 4.86 acres.

H. BYRON MOCK,
Regional Administrator.

[F. R. Doc. 52-2567; Filed, Mar. 5, 1952; 8:45 a. m.]

ARIZONA

STOCK DRIVEWAY WITHDRAWAL NO. 56, ARIZONA NO. 2, MODIFIED

FEBRUARY 25, 1952.

By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (43 U. S. C. 300), and pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

1. The order of the Secretary of the Interior dated August 19, 1941, modifying and defining Stock Driveway No. 56, Arizona No. 2, is hereby modified by excluding therefrom the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 4W.,
Sec. 23, W½SE¼;
Sec. 26, W½E½;
Sec. 35, W½E½.

The areas described aggregate 400.00 acres.

2. The hereinafter described public lands, which are hereby classified under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1272, 49 Stat. 1976; 43 U. S. C. 315f, as necessary and suitable for the purpose, are hereby withdrawn, excepting any mineral deposits therein, from all disposal under the public land laws as an addition to this driveway, subject to valid existing rights:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 4 W.,
Sec. 25, W½W½;
Sec. 36, W½W½.

The areas described aggregate 320.00 acres.

The lands which are hereby excluded from the driveway are traversed by a steep, narrow backbone-like ridge which is very rocky and covered with a dense growth of thorny scrub. They are chiefly valuable for grazing. The lands will not be subject to occupancy or disposition until they have been classified. It is unlikely that the lands will be classified as suitable for homestead, desert land, or small tract use. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended. Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the U. S. Land and Survey Office, 100 U. S. Courthouse, Phoenix, Arizona.

FRANCIS L. MCFARREN,
Acting Regional Administrator.

[F. R. Doc. 52-2568; Filed, Mar. 5, 1952; 8:46 a. m.]

ARIZONA

STOCK DRIVEWAY WITHDRAWAL NO. 164, ARIZONA NO. 6, REDUCED

FEBRUARY 27, 1952.

By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (43 U. S. C. 300), and pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

The order of the Secretary of the Interior dated June 6, 1923, establishing Stock Driveway Withdrawal No. 164, Arizona No. 6, is hereby revoked, in so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 21, SW¼;
Sec. 27, NW¼, and S½.

The areas described aggregate 640.00 acres.

The lands described above were classified as set out in Arizona Small Tract Classification Order No. 21, dated August 8, 1950 (15 F. R. 5411-12), as amended August 11, 1950 (15 F. R. 5477), subject to valid existing rights and the provisions of existing withdrawals, as suitable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a). These lands are not subject to disposition under any other non-mineral public land law.

Inquiries concerning the disposition of these lands under the Small Tract Act of June 1, 1938, as amended, shall be addressed to the Manager, U. S. Land and Survey Office, 100 U. S. Courthouse, Phoenix, Arizona.

GLENN R. HASTE,
Acting Regional Administrator.

[F. R. Doc. 52-2569; Filed, Mar. 5, 1952; 8:46 a. m.]

WYOMING

AIR NAVIGATIONAL SITE WITHDRAWAL NO. 14 REVOKED

FEBRUARY 27, 1952.

In accordance with the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of the Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Departmental Order of December 22, 1928, withdrawing certain lands in Wyoming for use by the Department of Commerce in the maintenance of air navigation facilities is hereby revoked so far as it affects the following-described land:

WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 105 W., sec. 14, lot 4, containing 41.78 acres,

and the land is hereby opened to disposition under the applicable public land laws, subject to valid existing rights.

The above-described land is principally suitable for grazing purposes. The sandy to clay soil, arid climate, rough topography and lack of water for irrigation preclude sustained cultivation of the land. This land will not be subject to occupancy or disposition under the homestead, small tract, desert land or any other nonmineral public land laws until it has been classified.

The land is within a grazing district. This order, therefore, shall become effective immediately as to administration of grazing on this land by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date hereof. At that time the said land shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager, Land and Survey Office, Cheyenne, Wyoming.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 52–2573; Filed, Mar. 5, 1952; 8:47 a. m.]

WYOMING

AIR NAVIGATION SITE WITHDRAWAL NO. 39 REVOKED

FEBRUARY 27, 1952.

In accordance with the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of the Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Departmental Order of July 1, 1930, withdrawing certain lands in Wyoming for use by the Department of Commerce in the maintenance of air navigation facilities is hereby revoked so far as it affects the following-described lands:

WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 105 W., sec. 14, lot 5, containing 41.78 acres,

and the land is hereby opened to disposition under the applicable public land laws, subject to valid existing rights.

The above-described land is level to rough and is principally suitable for grazing purposes. The land borders U. S. Highway No. 187 and may have value for small tract purposes. The rough topography, saline soil, arid climate, and lack of water for irrigation preclude sustained cultivation of the land. This land will not be subject to occupancy or disposition under the homestead, small tract, desert land or any other nonmineral public land laws until it has been classified.

The land is within a grazing district. This order, therefore, shall become effective immediately as to administration of grazing on this land by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date hereof. At that time the said land shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager, Land and Survey Office, Cheyenne, Wyoming.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 52–2574; Filed, Mar. 5, 1952; 8:47 a. m.]

WYOMING

AIR NAVIGATION SITE WITHDRAWAL NO. 92 REDUCED

FEBRUARY 27, 1952.

In accordance with the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of the Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Departmental Order of January 6, 1941, withdrawing certain lands in Wyoming for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described land:

WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 86 W., sec. 12, N½, containing 320 acres,

and the land is hereby opened to disposition under the applicable public land laws, subject to valid existing rights.

The topography of the above-described land is level to gently rolling. It is primarily suitable for grazing purposes and for use as an emergency landing strip. The arid climate and lack of water for irrigation preclude sustained crop production. This land will not be subject to occupancy or disposition under the homestead, desert land, small tract, or any other nonmineral public land laws until it has been classified.

The land is within a grazing district. This order, therefore, shall become effective immediately as to administration of grazing on this land by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date hereof. At that time the said land shall become subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager, Land and Survey Office, Cheyenne, Wyoming.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 52–2570; Filed, Mar. 5, 1952; 8:46 a. m.]

WYOMING

AIR NAVIGATION SITE WITHDRAWAL NO. 208 REDUCED

FEBRUARY 27, 1952.

In accordance with the authority contained in section 4 of the act of May 24 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of the Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Departmental Order of September 8 1943, withdrawing certain lands in Wyoming for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described land:

WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 116 W., sec. 22, E½SE¼SE¼ containing 20 acres,

and the land is hereby opened to disposition under the applicable public land laws, subject to valid existing rights.

The above-described land is principally suitable for grazing purposes. The sandy to clay soil, arid climate, roug

topography and lack of water for irrigation preclude sustained cultivation of the land. This land will not be subject to occupancy or disposition under the homestead, small tract, desert land or any other nonmineral public land laws until it has been classified.

The land is within a grazing district. This order, therefore, shall become effective immediately as to administration of grazing on this land by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date hereof. At that time the said land shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager, Land and Survey Office, Cheyenne, Wyoming.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 52–2571; Filed, Mar. 5, 1952; 8:46 a. m.]

WYOMING

AIR NAVIGATION SITE WITHDRAWAL NO. 207 REVOKED

FEBRUARY 27, 1952.

In accordance with the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of the Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Departmental Order of July 31, 1943, withdrawing certain lands in Wyoming for use by the Department of Commerce in the maintenance of air navigation facilities is hereby revoked so far as it affects the following-described land:

WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 106 W., sec. 36, NE¼SE¼SW¼, containing 10 acres,

and the land is hereby opened to disposition under the applicable public land laws, subject to valid existing rights.

The above-described land is principally suitable for grazing purposes. The sandy to clay soil, arid climate, rough topography and lack of water for irrigation preclude sustained cultivation of the land. This land will not be subject to occupancy or disposition under the homestead, small tract, desert land or any other nonmineral public land laws until it has been classified.

The land is within a grazing district. This order, therefore, shall become effective immediately as to administration of grazing on this land by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date hereof. At that time the said land shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager, Land and Survey Office, Cheyenne, Wyoming.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 52–2572; Filed, Mar. 5, 1952; 8:47 a. m.]

Bureau of Reclamation

SOLANO PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 19, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 7 N., R. 2 W.,
Sec. 5, Lots 3, 4, S½NW¼, NW¼SW¼;
Sec. 6, Lot 1, SE¼NE¼, SW¼SE¼, E½SE¼.
T. 8 N., R. 2 W.,
Sec. 7, S½SE¼;
Sec. 17, W½SW¼;
Sec. 18, N½NE¼;
Sec. 20, W½NW¼, N½SW¼;
Sec. 29, SE¼SW¼;
Sec. 32, NW¼NE¼, N½NW¼, SE¼NW¼, NE¼SW¼.
T. 7 N., R. 3 W.,
Sec. 1, W½ Lot 1 of the NE¼, W½ Lot 2 of the NE¼;
Sec. 2, E½ of Lot 2 of the NW¼, SE¼NE¼, SE¼NW¼;
Sec. 4, SW¼NW¼;
Sec. 5, Lots 1, 2, S½NE¼, NE¼SE¼.
T. 8 N., R. 3 W.,
Sec. 19, Lots 2 and 3;
Sec. 25, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 31, W½NE¼, NW¼SE¼;
Sec. 32, SW¼;
Sec. 35, NE¼NE¼.
T. 9 N., R. 3 W.,
Sec. 2, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 3, Lot 4, S½NE¼, S½NW¼, N½SW¼, N½SE¼;
Sec. 4, Lot 1, S½NE¼;
Sec. 9, W½SW¼, W½SE¼, NE¼SE¼;
Sec. 10, NE¼, E½NW¼, SW¼NW¼, SW¼SW¼, E½SW¼, NW¼SE¼, E½SE¼;
Sec. 11, W½E½, W½;
Sec. 14, NW¼NE¼, NE¼NW¼, W½NW¼, NW¼SW¼;
Sec. 15, E½NE¼, NW¼NE¼, N½NW¼, N½SW¼;
Sec. 22, NE¼NE¼.
T. 8 N., R. 4 W.,
Sec. 1, Lots 3, 4, SE¼NE¼, SW¼SW¼, E½SW¼;
Sec. 2, Lots 2, 3, 4, 5, 6, 8, SW¼NE¼, SE¼SE¼;
Sec. 24, E½NE¼, S½SW¼, SE¼;
Sec. 25, Lot 2, NE¼, NE¼NW¼, SE¼.
T. 9 N., R. 4 W.,
Sec. 4, Lots 8, 9, 10, 13, 14, 15 and 16;
Sec. 5, Lots 5, 6, 8, 9, 10, 11, 12 13, 14 and 15;
Sec. 17, E½NE¼, W½SW¼;
Sec. 20, NE¼NE¼, SE¼NE¼, NW¼NW¼, S½NW¼, NW¼SW¼, E½SW¼;
Sec. 27, NE¼NW¼, W½NW¼, NE¼SE¼;
Sec. 35, NE¼NW¼, W½SW¼, SE¼SW¼.
T. 10 N., R. 4 W.,
Sec. 28, N½SE¼;
Sec. 31, Lot 1.
T. 10 N., R. 5 W.,
Sec. 23, SW¼;
Sec. 26, E½NE¼, NW¼NE¼.

The above areas contained approximately 10,500 acres.

G. W. LINEWEAVER,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM ZIMMERMAN, Jr.,
Acting Director,
Bureau of Land Management.

FEBRUARY 27, 1952.

[F. R. Doc. 52–2575; Filed, Mar. 5, 1952; 8:47 a. m.]

SOLANO PROJECT, CALIFORNIA

NOTICE FOR FILING OBJECTIONS TO ORDER[1] WITHDRAWING PUBLIC LANDS

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the proposed Solano Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Acting Commissioner.

[F. R. Doc. 52–2576; Filed, Mar. 5, 1952; 8:47 a. m.]

TRINITY RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 19, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under

[1] See F. R. Doc. 52–2575, *supra.*

the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 32 N., R. 5 W.,
Sec. 7, Lots 7 to 15, incl., Lot 23;
Sec. 10, Lots 4, 11, NE¼NE¼, S½NE¼, N½SE¼;
Sec. 11, Lot 1;
Sec. 17, Lots 2, 3, 8 and 9;
Sec. 18, Lots 12, 13, 14, NW¼NE¼.
T. 32 N., R. 6 W.,
Sec. 2, Lots 6, 10, S½SE¼;
Sec. 6, Lot 1, SE¼NE¼;
Sec. 10, Lot 4;
Sec. 12, S½NW¼, W½SE¼.
T. 33 N., R. 6 W.,
Sec. 31, N½NE¼SE¼, N½N½NW¼SE¼.
T. 33 N., R. 7 W.,
Sec. 19, all;
Sec. 20, S½;
Sec. 34, S½NE¼.
T. 35 N., R. 7 W.,
Sec. 4, Lots 3, 4, and 5;
Sec. 6, Lots 9 to 13, incl.;
Sec. 8, S½NW¼, SW¼, S½SE¼;
Sec. 16, NW¼NE¼, NW¼NW¼;
Sec. 18, Lots 1, 2, 3, SE¼NW¼.
T. 36 N., R. 7 W.,
Sec. 4, Lot 2, E½SW¼NE¼, E½E½NW¼SE¼, E½SW¼SE¼;
Sec. 10, NW¼NE¼, SW¼;
Sec. 12, W½NE¼, NW¼NW¼, N½SW¼, NW¼SE¼;
Sec. 20, SE¼NE¼, SE¼SW¼, E½SE¼;
Sec. 22, NE¼NE¼, E½W½, SW¼SW¼;
Sec. 28, NE¼NE¼, E½NW¼NE¼, SW¼NW¼NE¼, SW¼NE¼, NE¼NE¼SW¼, S½NE¼SW¼, SE¼SW¼;
Sec. 32, NW¼NE¼, W½W½SW¼NE¼, E½NW¼, SW¼SW¼, E½SW¼, W½W½NW¼SE¼;
Sec. 34, NW¼NW¼NE¼SW¼, N½N½NW¼SW¼, S½NW¼NW¼SW¼, N½SW¼NW¼SW¼, SW¼SW¼NW¼SW¼, W½NW¼SW¼SW¼, NW¼SW¼SW¼SW¼, S½SE¼NE¼SW¼, SE¼SW¼NE¼SW¼, SE¼SW¼.
T. 37 N., R. 7 W.,
Sec. 20, Lot 4, W½NE¼;
Sec. 28, SW¼SW¼;
Sec. 32, Lot 1, W½NE¼.
T. 33 N., R. 8 W.,
Sec. 4, SW¼;
Sec. 6, E½SE¼;
Sec. 8, N½NE¼, N½SW¼NE¼, SE¼NE¼, S½S½SE¼;
Sec. 13, N½SW¼, SE¼SW¼, SE¼;
Sec. 14, Lots 1, 2, 3, 4, 6, 9, N½NW¼, SW¼SW¼, E½SE¼;
Sec. 15, NE¼, S½NW¼.
T. 34 N., R. 8 W.,
Sec. 2, Lots 3 and 4;
Sec. 3, SE¼SW¼NE¼;
Sec. 4, NW¼SW¼, NW¼SW¼SW¼, S½S½SW¼, NE¼SE¼, NE¼SE¼SE¼, S½S½SW¼SE¼;
Sec. 5, SW¼NE¼, S½NW¼, S½;
Sec. 6, Lots 1, 5, S½, NE¼, SE¼;
Sec. 7, Lots 3, 4, NE¼, E½SW¼, N½SE¼, SE¼SE¼;
Sec. 10, SW¼NE¼, W½SW¼, W½E½SW¼, SE¼;
Sec. 15, W½NW¼SE¼, SW¼SE¼NE¼;
Sec. 16, E½E½, SW¼SE¼;
Sec. 22, Lots 1 to 8, incl., SE¼SW¼;
Sec. 27, Lot 8, W½NW¼;
Sec. 31, SW¼, SW¼SE¼;
Sec. 32, Lots 1, 4, NE¼NE¼, E½NW¼;
Sec. 34, Lots 5, 6, 11, N½SW¼.
T. 35 N., R. 8 W.,
Sec. 20, E½NE¼, E½SE¼, E½W½SE¼;
Sec. 24, NE¼NE¼, W½SW¼NE¼, NE¼SW¼;
Sec. 25, SW¼SE¼NW¼, W½E½NE¼SW¼, W½NE¼SW¼, E½NW¼SW¼, NW¼NW¼SW¼, SE¼SE¼SW¼;
Sec. 26, NE¼NE¼SE¼, W½NE¼SE¼, NE¼SW¼SE¼, W½SW¼SE¼;
Sec. 27, NW¼SW¼;
Sec. 28, NW¼NE¼, N½NW¼, N½S½NW¼, SW¼SW¼NW¼, SE¼SW¼SE¼, SE¼SE¼;
Sec. 29, E½NE¼, E½W½NE¼, W½W½SW¼, W½E½SW¼SW¼;
Sec. 30, E½SE¼NE¼, NW¼SE¼NE¼, E½NE¼SE¼;
Sec. 31, NW¼;
Sec. 32, Lot 3, NE¼SW¼, SE¼;
Sec. 34, S½NE¼, E½SW¼, NW¼SE¼, N½NE¼SE¼, SE¼SE¼SE¼;
Sec. 36, N½N½, NW¼SW¼.
T. 34 N., R. 9 W.,
Sec. 1, Lot 4, S½N½;
Sec. 2, SE¼NE¼.

The above areas contain approximately 11,200 acres.

G. W. LINEWEAVER,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM ZIMMERMAN, JR.,
Acting Director,
Bureau of Land Management.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2577; Filed, Mar. 5, 1952; 8:48 a. m.]

TRINITY RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

NOTICE FOR FILING OBJECTIONS TO ORDER[1] WITHDRAWING PUBLIC LANDS

FEBRUARY 19, 1952.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the proposed Trinity River Division, Central Valley Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Acting Commissioner.

[F. R. Doc. 52-2578; Filed, Mar. 5, 1952; 8:48 a. m.]

FEATHER RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 19, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 20 N., R. 4 E.,
Sec. 2, Lots 1, 2, SE¼NE¼;
Sec. 12, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 14, NE¼NE¼;
Sec. 24, S½NW¼;
Sec. 33, Lots 3, 5, 6, 8, W½W½NW¼, W½W½NW¼SW¼;
Sec. 36, all.
T. 21 N., R. 4 E.,
Sec. 6, Lot 1, S½NE¼;
Sec. 14, W½SE¼;
Sec. 16, S½SW¼, SW¼SE¼;
Sec. 22, NW¼;
Sec. 26, Lot 3, N½NE¼, SW¼NE¼, W½;
Sec. 36, SE¼NW¼, SW¼.
T. 22 N., R. 4 E.,
Sec. 32, NW¼NE¼, W½.
T. 19 N., R. 5 E.,
Sec. 1, S½;
Sec. 2, Lots 3, 4, S½NW¼;
Sec. 3, Lots 1, 2, 3, 4, SE¼NE¼;
Sec. 4, Lot 1, SE¼NE¼;
Sec. 5, N½SW¼;
Sec. 6, Lot 1;
Sec. 12, NE¼NW¼;
Sec. 28, Lots 1, 2 and 3.
T. 20 N., R. 5 E.,
Sec. 16, W½SW¼;
Sec. 18, Lot 4, SE¼SW¼;
Sec. 20, NE¼NE¼;
Sec. 22, S½NE¼, E½SW¼, SE¼;
Sec. 23, N½S½, SE¼SW¼, S½SE¼;
Sec. 24, NE¼, S½NW¼, N½S½, S½SE¼;
Sec. 27, NE¼, SE¼NW¼, SW¼SW¼, SE¼SW¼, NE¼SE¼;
Sec. 28, SW¼SW¼, SW¼SE¼, E½SE¼;
Sec. 32, NE¼, N½SE¼, SW¼SE¼;
Sec. 33, E½NE¼, SW¼NE¼, NW¼SW¼, N½SE¼;
Sec. 34, N½NW¼, S½SW¼;
Sec. 36, S½SW¼, SW¼SE¼.
T. 21 N., R. 5 E.,
Sec. 10, Lots 1 to 9, incl.;
Sec. 16, Lots 1, 7, 8, 9, and 11 to 15, incl.;
Sec. 18, Lots 2 to 6, incl., and 11 to 17, incl.;
Sec. 20, E½NE¼.
T. 18 N., R. 6 E.,
Sec. 4, Lots 5 and 7.
T. 19 N., R. 6 E.,
Sec. 5, Lots 2, 3, 4, NW¼SW¼, SW¼NW¼;
Sec. 6, Lots 3, 4 and 5;
Sec. 7, Lot 1, E½NW¼;
Sec. 15, Lot 2;
Sec. 33, NE¼, W½SE¼.
T. 20 N., R. 6 E.,
Sec. 3, N½ (unsurveyed), N½NE¼, SW¼NE¼, W½;
Sec. 8, NW¼NE¼, NE¼NW¼, S½N½, N½S½, SW¼SW¼, S½SE¼;
Sec. 9, SW¼SE¼;
Sec. 17, NE¼NE¼;
Sec. 18, Lots 1 to 4, incl., NW¼NE¼, E½NW¼;
Sec. 32, Lots 1, 2, SE¼NE¼, SE¼SW¼;
N½SE¼;
Sec. 33, SW¼NE¼, S½NW¼, NE¼NW¼, NW¼SW¼, N½SE¼;
Sec. 34, S½NW¼, N½SW¼.
T. 21 N., R. 6 E.,
Sec. 2, Lots 1 to 4, incl., S½N½, S½;
Sec. 14, NW¼, W½SW¼;
Sec. 22, NE¼, SE¼NW¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 34, E½E½, SW¼SE¼.
T. 22 N. R. 6 E.,
Sec. 24, SW¼NW¼, NW¼SW¼;
Sec. 26, W½NE¼, NE¼NW¼, NW¼SE¼;
Sec. 36, (unsurveyed), S½NE¼, N½SE¼.
T. 24 N., R. 6 E.,
Sec. 18, Lots 5, 14, W½E½, E½NW¼, NE¼SW¼;
Sec. 30, Lots 10, 15, 19, 20, NW¼NE¼, E½NW¼.

[1] See F. R. Doc. 52-2577, *supra.*

T. 25 N., R. 6 E.,
Sec. 1, Lots 1, 2, 3, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 12, E½W½, W½E½;
Sec. 13, W½NE¼, E½NW¼, NE¼SW¼, SE¼;
Sec. 24, Lots 1, 2, NE¼.
T. 26 N., R. 6 E.,
Sec. 2, Lot 9;
Sec. 22, SE¼NE¼;
Sec. 23, Lots 1 to 5, incl.;
Sec. 25, Lot 6, E½SE¼;
Sec. 26, Lots 3, 4, SW¼NW¼, NW¼SW¼;
Sec. 27, Lot 1, SE¼NE¼, SE¼;
Sec. 28, SE¼SE¼;
Sec. 34, N½NE¼, SW¼NE¼, NW¼, N½SW¼;
Sec. 36, E½NE¼, SE¼.
T. 27 N., R. 6 E.,
Sec. 35, NW¼NW¼.
T. 19 N., R. 7 E.,
Sec. 4, E½NW¼, NE¼SW¼;
Sec. 6, SE¼SE¼;
Sec. 8, N½NW¼, SW¼NW¼;
Sec. 30, Lot 3, SW¼NE¼, E½SW¼, W½SE¼.
T. 20 N., R. 7 E.,
Sec. 27, E½NE¼, N½SE¼, SW¼SE¼;
Sec. 28, S½SE¼.
T. 21 N., R. 7 E.,
Sec. 6, Lots 2 to 5, incl., E½SW¼, W½SE¼;
Sec. 7, Lots 1, 2, W½E½, SE¼NE¼, SE¼;
Sec. 8, Lot 10;
Sec. 17, SW¼SW¼, SW¼SE¼;
Sec. 18, E½NE¼;
Sec. 20, NE¼NW¼;
Sec. 21, NE¼SE¼.
T. 22 N., R. 7 E.,
Sec. 11, SE¼SW¼, S½SE¼, NE¼SE¼;
Sec. 12, Lots 3, 6, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 13, NW¼NW¼;
Sec. 14, NE¼, E½W½, NW¼NW¼, E½SW¼NW¼, E½NW¼SW¼, S½SW¼, SW¼NW¼SW¼;
Sec. 15, S½SE¼, S½NE¼SE¼, NW¼NE¼SE¼;
Sec. 21, NE¼SE¼, S½SE¼;
Sec. 22, Lots 1, 2, 3, S½NE¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 23, Lot 4;
Sec. 27, NW¼NW¼;
Sec. 28, E½, SW¼SW¼, E½W½;
Sec. 29, S½SE¼;
Sec. 31, Lots 2, 3, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 32, N½, N½SW¼;
Sec. 33, NW¼NE¼, N½NW¼.
T. 26 N., R. 7 E.,
Sec. 5, W½, Lot 8;
Sec. 6, Lot 8, W½ Lot 7, W½SE¼, NE¼SE¼;
Sec. 7, S½SE¼, NW¼SE¼;
Sec. 18, Lots 2, 3, 4, NE¼, E½SW¼;
Sec. 19, Lots 1, 2, 9, 10, 11, E½NW¼, SE¼SW¼;
Sec. 30, Lots 3 to 6, incl., 9, 10, 11, SE¼NW¼;
Sec. 31, Lots 1 to 4, incl., E½NW¼, NE¼SW¼;
T. 27 N., R. 7 E.,
Sec. 31, SW¼NE¼, SE¼SW¼, W½SE¼;
T. 20 N., R. 8 E.,
Sec. 6, Lots 4, 7, 8 and 9;
Sec. 8, NE¼NE¼, S½NE¼, NW¼SE¼;
Sec. 17, NW¼NE¼, S½NE¼.
T. 21 N., R. 8 E.,
Sec. 1, Lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼;
Sec. 2, Lot 1, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 10, E½SE¼;
Sec. 11, NE¼, NE¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 12, N½NW¼ SW¼NW¼;
Sec. 14, NW¼NE¼, NW¼;
Sec. 15, NE¼, E½NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 17, SW¼SW¼;
Sec. 20, NE¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 21, N½N½, SE¼NE¼, SW¼NW¼, NE¼SW¼, N½SE¼;
Sec. 22, NW¼NE¼, NW¼, NW¼SW¼;
Sec. 29, NW¼, N½SW¼;
Sec. 30, SE¼NE¼, E½SE¼;
Sec. 31, NE¼NE¼, S½NE¼, SE¼SW¼, SE¼.
T. 22 N., R. 8 E.,
Sec. 2, Lots 1 to 4, incl.;
Sec. 3, Lots 1, 2, S½NE¼, SW¼NW¼, SW¼, NW¼ SE¼;
Sec. 4, NE¼SE¼, S½S½;
Sec. 5, (unsurveyed), S½S½;
Sec. 7, (unsurveyed), NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 8, N½, N½SW¼, SW¼SW¼ (unsurveyed), NW¼SE¼;
Sec. 9, N½N½, S½NW¼;
Sec. 10, NW¼NW¼;
Sec. 18, Lot 1, N½NE¼, NE¼NW¼.
T. 23 N., R. 8 E.,
Sec. 25, S½SE¼;
Sec. 34, N½NE¼, SE¼NE¼;
Sec. 35, Lots 1, 2, 3, NW¼NE¼, S½NE¼, W½, NE¼SE¼;
Sec. 36, NE¼NW¼, N½SE¼.
T. 24 N., R. 8 E.,
Sec. 11, NE¼, NW¼SE¼, SW¼SW¼;
Sec. 12, Lots 3, 4, 5 and 6;
Sec. 13, Lots 3 and 4;
Sec. 14, SE¼NE¼.
T. 22 N., R. 9 E.,
Sec. 3, S½NW¼, SW¼;
Sec. 4, Lots 3, 4, S½NE¼, S½NW¼, N½S½;
Sec. 5, Lot 1, SE¼NE¼;
Sec. 21, SE¼SE¼;
Sec. 22, SW¼SW¼;
Sec. 27, W½W½;
Sec. 28, S½NW¼, N½SW¼, SE¼SW¼, E½;
Sec. 29, W½NW¼, W½SW¼, SE¼SW¼, SW¼SE¼, E½SE¼;
Sec. 30, E½E½;
Sec. 31, Lot 2, NE¼, SE¼NW¼, NE¼SE¼;
Sec. 32, N½NW¼NE¼, N½NW¼;
Sec. 33, SE¼NE¼, E½SW¼;
Sec. 34, NW¼NW¼.
T. 23 N., R. 9 E.,
Sec. 13, S½NE¼, E½SW¼, SE¼;
Sec. 22, SE¼NE¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 23, NE¼, S½NW¼, SW¼SW¼, N½SW¼, N½SE¼;
Sec. 24, NW¼NE¼, NW¼, NW¼SW¼;
Sec. 27, NW¼NE¼, N½NW¼, SW¼SW¼;
Sec. 28, NE¼, S½NW¼, SW¼, N½SE¼;
Sec. 29, SW¼SW¼, E½SW¼, SE¼;
Sec. 30, S½S½;
Sec. 31, N½N½;
Sec. 32, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, SE¼;
Sec. 33, SW¼SW¼.
T. 26 N., R. 9 E.,
Sec. 24, Lot 7;
Sec. 26, NE¼SE¼;
Sec. 34, E½NE¼, S½SW¼, SE¼;
Sec. 35, NE¼NE¼, NW¼, NW¼SW¼.
T. 23 N., R. 10 E.,
Sec. 9, N½SE¼SE¼;
Sec. 10, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼, N½NE¼SE¼;
Sec. 11, E½, E½NW¼, W½E½SW¼, NE¼NE¼SW¼, SE¼SE¼SW¼;
Sec. 12, NW¼NW¼, S½NW¼, S½;
Sec. 14, N½N½;
Sec. 15, NE¼, S½SW¼;
Sec. 16, SW¼NE¼, W½SE¼;
Sec. 17, S½;
Sec. 18, Lots 2, 3, 4, W½NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 19, N½NE¼;
Sec. 20, N½N½;
Sec. 21, E½NE¼, NW¼NW¼, NE¼SE¼;
Sec. 22, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼.
T. 25 N., R. 10 E.,
Sec. 1, Lot 4;
Sec. 2, Lots 1, 2, SE¼SE¼;
Sec. 11, NE¼NE¼.
T. 26 N., R. 10 E.,
Sec. 15, N½SW¼, SW¼SW¼;
Sec. 16, NE¼, E½SE¼;
Sec. 35, SW¼SW¼.
T. 27 N., R. 10 E.,
Sec. 32, SW¼SW¼;
Sec. 33, SW¼SW¼;
Sec. 35, NW¼SE¼;
Sec. 36, NW¼SW¼.
T. 23 N., R. 11 E.,
Sec. 7, Lots 5, 6, 7, 8, SE¼;
Sec. 8, NW¼SW¼, S½S½;
Sec. 17, N½N½;
Sec. 18, Lots 1, 2, 3, N½NE¼.
T. 26 N., R. 11 E.,
Sec. 6, NW¼NE¼NW¼SW¼, S½NE¼NW¼SW¼, NE¼SW¼NW¼SW¼, S½SW¼NW¼SW¼, SE¼NW¼SW¼;
Sec. 18, NE¼NW¼.
T. 21 N., R. 12 E.,
Sec. 8, S½SW¼, N½S½;
Sec. 9, N½SW¼, SE¼SW¼;
Sec. 17, SW¼NW¼, N½SW¼;
Sec. 18, N½SE¼, SW¼SE¼;
Sec. 19, Lot 7, W½NE¼, E½SE¼;
Sec. 20, S½NE¼, S½.
T. 22 N., R. 12 E.,
Sec. 25, NE¼NE¼.
T. 22 N., R. 13 E.,
Sec. 19, S½NE¼, E½SW¼, W½SE¼.
T. 23 N., R. 13 E.,
Sec. 2, Lot 2, S½NE¼, SE¼;
Sec. 3, NE¼SE¼.
T. 24 N., R. 13 E.,
Sec. 17, S½SW¼, SW¼SE¼;
Sec. 19, NE¼NE¼;
Sec. 20, S½NE¼, NW¼NW¼, SW¼SW¼;
Sec. 21, NW¼NE¼, SW¼NW¼;
Sec. 22, SW¼NW¼, SW¼;
Sec. 26, SW¼NW¼, NE¼SW¼;
Sec. 27, NE¼NE¼, NE¼NW¼, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 28, S½NE¼, NW¼NW¼, N½SE¼, SW ¼SE¼;
Sec. 29, NE¼ E½NW¼, SW¼NW¼, NE¼SW¼, SW¼SW¼, SW¼SE¼;
Sec. 35, NE¼NE¼, SE¼SE¼.
T. 24 N., R. 16 E.,
Sec. 5, Lots 1, 3, SW¼NE¼, SW¼NW¼, SW¼SW¼, W½SE¼, SE¼SE¼;
Sec. 8, E½NE¼, NW¼, NE¼SW¼, E½SE¼;
Sec. 17, NE¼NE¼;
Sec. 19, E½NE¼;
Sec. 21, S½SW¼, SW¼SE¼;
Sec. 28, NW¼NE¼, N½NW¼, W½SE¼;
Sec. 29, E½, S½NW¼, E½SW¼;
Sec. 30, SE¼NE¼, N½SE¼;
Sec. 32, E½NE¼, SW¼NE¼, N½SE¼;
Sec. 33, S½NW¼, NE¼SW¼.

The above areas contain approximately 49,000 acres.

G. W. LINEWEAVER,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM ZIMMERMAN, Jr.,
Acting Director,
Bureau of Land Management.

FEBRUARY 27, 1952.

[F. R. Doc. 52-2579; Filed, Mar. 5, 1952; 8:48 a. m.]

FEATHER RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

NOTICE FOR FILING OBJECTIONS TO ORDER[1] WITHDRAWING PUBLIC LANDS

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to

[1] See F. R. Doc. 52-2579, *supra.*

object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the proposed Feather River Division, Central Valley Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Acting Commissioner.

[F. R. Doc. 52-2580; Filed, Mar. 5, 1952; 8:48 a. m.]

NEWLANDS PROJECT, NEVADA

COMMUNITY CENTER RESERVATION

AUGUST 25, 1950.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby reserve the following described land, now withdrawn for reclamation purposes as provided by section 3 of the act of June 17, 1902 (32 Stat. 388) by Departmental Orders of July 2 and August 26, 1902, for community center purposes as provided by the act of October 5, 1914 (38 Stat. 727).

MOUNT DIABLO MERIDIAN, NEVADA

T. 18 N., R. 29 E.,
Sec. 18, E½SE¼SE¼.

The above tract aggregates 10 acres.

WESLEY R. NELSON,
Acting Commissioner.

I concur. The records of the Bureau of Land Management and the Nevada Land Office will be noted accordingly.

WILLIAM ZIMMERMAN, JR.,
Associate Director,
Bureau of Land Management.

FEBRUARY 25, 1952.

[F. R. Doc. 52-2581; Filed, Mar. 5, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1228, G-1832]

JERSEY CENTRAL POWER & LIGHT CO.

ORDER REOPENING AND CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

FEBRUARY 26, 1952.

On November 6, 1951, Jersey Central Power & Light Company (Applicant), a New Jersey corporation having its principal office in Asbury Park, New Jersey, filed an application for (1) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 5,700 feet of 6-inch I. D. natural-gas transmission pipe line extending from a point of connection on its transmission facilities to the distribution facilities of the Camp Wood Division of Fort Monmouth, New Jersey, and (2) an order further modifying the Commission's order of September 27, 1949, in Docket No. G-1228, so as to authorize Applicant (a) to provide a supply of straight natural gas to meet the requirements of Fort Monmouth and future customers served from the said extension, and (b) utilize the transmission facilities authorized in Docket No. G-1228, for the transportation of straight natural gas to Applicant's customers in its entire Coast Division in lieu of the present mixed gas service.

The Commission finds:

(1) It would be in the public interest to reopen the proceeding in Docket No. G-1228 for the sole purpose of considering the present need for further modification of the Commission's order of September 27, 1949, as requested by the Applicant in the instant proceeding, Docket No. G-1832, and to consolidate said proceedings for purpose of hearing.

(2) The proceedings consolidated hereinafter for the purpose of hearing are properly matters for disposition in accordance with the shortened procedure rule, the Applicant in each of the proceedings having requested disposition of the matters in Docket Nos. G-1228 and G-1832 under the shortened procedure provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice in the FEDERAL REGISTER on July 8, 1949 (14 F. R. 3790-91) of the application in G-1228, and on December 4, 1951 (16 F. R. 12235) of the application in G-1832.

The Commission orders:

(A) The proceeding in Docket No. G-1288 be and the same is hereby reopened for the sole purpose of considering the present need for further modification of the Commission's order of September 27, 1949, in Docket No. G-1288, as requested by Applicant in the instant proceeding, Docket No. G-1832, and the reopened proceeding is hereby consolidated with the proceeding in Docket No. G-1832 for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on March 11, 1952, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented in such consolidated proceedings: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the consolidated proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 28, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2582; Filed, Mar. 5, 1952; 8:48 a. m.]

[Docket Nos. G-1382, G-1533, G-1607]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF ORAL ARGUMENT AND PERMITTING FILING OF BRIEFS

FEBRUARY 27, 1952.

Exceptions have been filed to the Presiding Examiner's decision in the above dockets and requests have been made for leave to file briefs and present oral arguments before the Commission.

The Commission finds: Good cause exists for granting the requests to file briefs and to present oral argument.

The Commission orders:

(A) Oral argument in the above Docket Nos. G-1382, G-1533, and G-1607 be had before the Commission on March 19, 1952, at 10:00 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) Briefs in support of the positions of the parties may be filed on or before March 12, 1952.

Date of issuance: February 28, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2583; Filed, Mar. 5, 1952; 8:49 a. m.]

[Docket No. E-6412]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

FEBRUARY 27, 1952.

Take notice that on February 25, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 (a) of the Federal Power Act, by Sierra Pacific Power Company, a corporation organized under the laws of the State of Maine and doing business in the States of California and Nevada with its principal business office at Reno, Nevada, seeking an order authorizing the issuance of unsecured promissory notes, payable to The National Shawmut Bank of Boston or such other bank or banks from which the Company may borrow funds, up to but not exceeding $2,000,000 face amount at any one time outstanding for periods not exceeding twelve months from the date of original issue, or renewal thereof, as the case may be, such notes to have maturity dates not later than December 31, 1953; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 19th day of March 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–2584; Filed, Mar. 5, 1952; 8:49 a. m.]

[Docket Nos. G–1595, G–1870]

KANSAS-COLORADO UTILITIES, INC., AND COLORADO INTERSTATE GAS CO.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS FOR PURPOSE OF HEARING AND FIXING DATE OF HEARING

FEBRUARY 28, 1952.

On January 24, 1951, Kansas-Colorado Utilities, Inc. (Kansas-Colorado), a Kansas corporation having its principal place of business at Lamar, Colorado, filed an application, as supplemented June 6, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing certain sales of natural gas: to wit, to sell to Panhandle Eastern Pipe Line Company all of the natural gas produced from Kansas-Colorado's "McClure" and "Schowalter" wells in Stevens County, Kansas; and to sell 1,300,000 Mcf of gas to Colorado Interstate Gas Company (Colorado Interstate) between August 1950, and August 1951, with an option on the part of Colorado Interstate to purchase 700,000 Mcf of gas during the 12 month period subsequent to August 9, 1951.

On January 11, 1952, the Commission issued an order fixing January 24, 1952, as the date upon which a public hearing would commence concerning the matters involved and the issues presented by the aforesaid application.

On January 21, 1952, Kansas-Colorado filed a request that the Commission set the matter in Docket No. G–1595 for hearing under the shortened form provided by § 1.32 of the Commission's rules of practice and procedure, or grant Kansas-Colorado a postponement in the hearing set for January 24, 1952.

On January 23, 1952, the Commission issued an order denying the request for shortened procedure, granting the request for postponement of the hearing set for January 24, 1952, and fixing February 5, 1952, as the date for commencement of hearing.

On January 24, 1952, the hearing set for that date was convened by a duly appointed Presiding Examiner for the purpose of notifying any interested persons present who may not have received notice of the order of the Commission issued January 23, 1952, hereinbefore mentioned.

On February 5, 1952, the matter in Docket No. G–1595 came on for hearing before the Presiding Examiner, and counsel for Kansas-Colorado entered his appearance, and requested a recess of the hearing. The Presiding Examiner, after calling for responses of all parties present, to the proposal of Kansas-Colorado, recessed the hearing in Docket No. G–1595 until March 18, 1952.

On January 7, 1952, Colorado Interstate, a Delaware corporation having its principal place of business at Colorado Springs, Colorado, filed an application for a certificate of public convenience and necessity, as supplemented on February 6, 1952, for authority to construct and operate certain natural-gas facilities, among which are two meter and regulating stations at points where Colorado Interstate's Panhandle-Kit Carson pipe line crosses a 4-inch pipe line of Kansas-Colorado, at which point Colorado Interstate proposes to sell and deliver natural gas to Kansas-Colorado for ultimate resale in and about the towns of Springfield, McClave, Wiley and Lamar, Colorado.

In its application, Colorado Interstate states that in return for its proposed sales and deliveries of natural gas to Kansas-Colorado, as aforementioned, Kansas-Colorado has agreed to assign to Colorado Interstate its gas purchase contract with Mid-Continent Petroleum Corporation and Glenn J. Smith, covering 18 gas wells on 11,518 proven acres, and with an estimated recoverable reserve of 29 billion cubic feet of gas.

The gas reserves available to Kansas-Colorado under said gas purchase contract are the same reserves and acreage from which Kansas-Colorado proposes to sell a portion of the natural gas in Docket No. G–1595.

Colorado Interstate requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

The Commission finds:

(1) Good cause has not been shown for granting Colorado Interstate's request that its application be heard under the shortened procedure as provided by the Commission's rules of practice and procedure and said request should be denied as hereinafter ordered.

(2) Good cause exists to consolidate the proceedings on the above applications for the purpose of hearing.

The Commission orders:

(A) The request of Colorado Interstate that its application in Docket No. G–1870 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same is hereby denied.

(B) The aforesaid proceedings in Docket Nos. G–1595 and G–1870 be and the same hereby are consolidated for purpose of hearing.

(C) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on March 18, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid applications.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: February 29, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–2585; Filed, Mar. 5, 1952; 8:49 a. m.]

[Docket Nos. G–1750, G–1860, G–1873]

UNITED GAS PIPE LINE CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULES, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

FEBRUARY 28, 1952.

United Gas Pipe Line Company (United) now has on file and has had on file and effective since 1945, its Rate Schedule FPC No. 87, providing for the sale of natural gas in volumes up to approximately 115,000 Mcf per day, to Southern Natural Gas Company (Southern). Delivery is made by United to Southern at Southern's receiving station in the Monroe, Louisiana, gas field, after transportation over United's Carthage to Sterlington pipe line, extending from the Carthage field in Texas to the Monroe field in Louisiana.

On July 18, 1951, United filed an application at Docket No. G–1750 for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, requesting authorization to transport for Southern through the Carthage-Sterlington pipe line volumes of gas up to approximately 55,000 Mcf per day.[1] Public notice of the filing of this application has been given, including publication in the FEDERAL REGISTER on August 8, 1951 (16 F. R. 7809). The application is on file with the Commission and open to public inspection. On January 9, 1952, United filed an application at Docket No. G–1873, for permission and approval pursuant to section 7 of the Natural Gas Act, to abandon, in part, service theretofore rendered to Southern under United's Rate Schedule FPC No. 87. Public notice of the filing of this application has been given, including publication in the FEDERAL REGISTER on January 25, 1952 (17 F. R. 779). This application is on file with the Commission and open to public inspection. These two applications contemplate that the volume of gas to be delivered would total approximately the volumes of gas presently being sold under Rate Schedule FPC No. 87.

Concurrently with the filing of its application at Docket No. G–1750, on July 18, 1951, United tendered for filing a new transportation contract with Southern and a new sales contract with Southern,

[1] The gas to be transported by United for Southern is to be obtained by Southern by purchase from Southern Production Company in the Carthage field. Said volume has apparently been sold in the past by Southern Production Company to United.

both dated May 7, 1951, to effectuate the changes in service to Southern for which authoriation is being sought at Docket Nos. G–1750 and G–1873. These contracts were tendered for filing by United as alleged initial rate schedules in accordance with § 154.3 (b) of the Commission's provisional rules of practice and procedure, notwithstanding the fact that they proposed changes in the present service being rendered to Southern, and provided increases in the rates and charges to Southern as compared with the services and rates and charges provided by the aforesaid Rate Schedule FPC No. 87. This filing by United was rejected by the Commission since United failed to submit the supporting data required by the Commission's rules for changes in existing rate schedules, including supporting data required for proposed increases in rates and charges.

On November 26, 1951, United tendered for filing the sales contract with Southern dated May 7, 1951, hereinbefore referred to, together with data to support the proposed increase in rates and charges amounting to approximately $1,265,790, which contract was designated as United's Rate Schedule FPC No. 112–A and Supplement Nos. 1, 2 and 3 thereto. By order of December 21, 1951, at Docket No. G–1860, the Commission suspended said rate schedule and supplements and ordered a hearing thereon to be held at a time to be fixed by further order of the Commission.

On February 1, 1952, United tendered for filing the transportation contract with Southern, dated May 7, 1951, hereinbefore referred to, together with two supplements, which have been designated as United's Rate Schedule FPC No. 112–B and Supplement Nos. 1 and 2 thereto. As a result of the rate contained in the transportation contract, and the new purchase contract with Southern Production Company, Southern would pay some $700,000 more per year for gas received after transportation than it would have paid under Rate Schedule FPC No. 87. Concurrently, United filed a supplementary agreement with Southern, dated January 8, 1952, to reduce the volume of gas sold to Southern under Rate Schedule FPC No. 87, which supplementary agreement has been designated as Supplement No. 2 to Rate Schedule FPC No. 87.[2]

Said supplementary agreement of January 8, 1952, provides that in the event the transportation contract becomes effective prior to the effective date of the new sales contract, the volume of gas under the existing sales contract shall be reduced to the volume of gas provided in the new sales contract for the period between the effective date of the transportation contract and the effective date of the new sales contract.

It thus appears that United's proposal, to transport volumes of gas for Southern and to reduce correspondingly the volumes of gas sold to Southern, would not result in any change in physical operations from the present operations whereby up to 115,000 Mcf per day is being delivered to Southern under United's Rate Schedule FPC No. 87.

The Commission finds:

(1) United's Rate Schedule FPC No. 112–A and Rate Schedule FPC No. 112–B, and supplements thereto, and Supplement No. 2 to Rate Schedule FPC No. 87 propose changes in existing rates, charges, classifications and service from those specified by United's Rate Schedule FPC No. 87. Such changes would have the result of increasing the cost to Southern of obtaining the gas heretofore obtained at its receiving station in the Monroe field under United's Rate Schedule FPC No. 87 by an amount of at least $2,000,000 per year. Such changes may be unjust, unreasonable, unduly discriminatory or preferential, and may place an undue burden upon ultimate consumers of natural gas, and the Commission should enter upon a hearing, pursuant to section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, classifications and service of said rate schedules, including rules, regulations, and any contracts relating thereto, and said rate schedules should be suspended pending hearing and decision thereon.

(2) The proceedings at Docket Nos. G–1750, G–1873, and G–1860 (the filings of February 1, 1952, are included in this latter docket) are interrelated so that the proceedings in these dockets should be consolidated for purpose of hearing.

The Commission orders:

(A) United's Rate Schedule FPC No. 112–B and Supplement Nos. 1 and 2 thereto, and Supplement No. 4 to Rate Schedule FPC No. 112–A and Supplement No. 2 to Rate Schedule FPC No. 87, be and the same are hereby suspended, pursuant to section 4 of the Natural Gas Act, and pending a hearing and decision thereon, their use is deferred until August 3, 1952, and until such further time as such rate schedules may be made effective in accordance with the provisions of the Natural Gas Act.

(B) The proceedings at Docket Nos. G–1750, G–1860, and G–1873 be and the same are hereby consolidated for purpose of hearing.

(C) Pursuant to the authority contained in sections 4, 7, and 15 of the Natural Gas Act, and the rules and regulations of the Commission thereunder, a public hearing be held in this consolidated proceeding, commencing on March 17, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Date of issuance: February 29, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–2586; Filed, Mar. 5, 1952; 8:49 a. m.]

[2] Said supplement also amends Rate Schedule FPC No. 112–A, and has been also designated as Supplement No. 4 to Rate Schedule FPC No. 112–A.

[Docket No. G–1881]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

FEBRUARY 28, 1952.

On January 25, 1952, the Commission issued its order in the above docket suspending within the purview of and in accordance with section 4 (e) of the Natural Gas Act, pending hearing and decision thereon, the filing made on December 26, 1951, by Northern Natural Gas Company (Northern) of Third Revised Sheets Nos. 5, 12, 13, and 14 to its FPC Gas Tariff, First Revised Volume No. 2 and deferred use of said Sheets Nos. 5, 12, and 13 until June 27, 1952, and said Sheet No. 14 until July 27, 1952, and thereafter until such filing is made effective in the manner prescribed by the Natural Gas Act. The foregoing order also provided for public hearing to be held on a date to be fixed by further order.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and it is in the public interest, that the procedure hereinafter prescribed should be followed at the hearing hereinafter ordered so as to conduct this proceeding with reasonable dispatch.

The Commission orders:

(A) The public hearing heretofore ordered in the above Docket No. G–1881 be held commencing on March 17, 1952, at 10:00 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) Pursuant to the provisions of section 4 (e) of the Natural Gas Act, Northern shall go forward with the burden of proof imposed upon it, and present its justification with respect to the issues raised by the above order of suspension issued January 25, 1952.

(C) After Northern has so presented its justification, other parties, including Commission Staff Counsel, shall conduct so much of their cross-examination with respect to Northern's justification as they are then prepared to undertake. Thereupon, the Presiding Examiner shall recess the hearing to a time to be fixed by further order of the Commission, in order to permit such preparation for the remainder of their cross-examination as the facts and circumstances may warrant, to expedite the proceeding.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: February 29, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–2587; Filed, Mar. 5, 1952; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

ADMINISTRATOR, HOUSING AND HOME FINANCE AGENCY

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF ARKANSAS LOUISIANA GAS CO. FOR APPROVAL OF PROPOSED RATE P. S. C. SCHEDULE 1–A FOR GAS SERVICE TO LOCAL HOUSING AUTHORITIES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interest of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of the Application of Arkansas Louisiana Gas Company for Approval of Proposed Rate P. S. C. Schedule 1–A for Gas Service to Local Housing Authorities, before the Public Service Commission of the State of Arkansas, is hereby delegated to the Administrator, Housing and Home Finance Agency.

2. The Administrator, Housing and Home Finance Agency is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Housing and Home Finance Agency.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officer, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: February 29, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52–2610; Filed, Mar. 5, 1952; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–161, 59–20, 59–8, 54–75]

COMMONWEALTH & SOUTHERN CORP., ET AL.

ORDER GRANTING AUTHORITY FOR REGISTERED HOLDING COMPANY IN PROCESS OF LIQUIDATION TO TRANSFER ALL OF ITS REMAINING ASSETS TO FORMER SUBSIDIARY COMPANY

FEBRUARY 29, 1952.

In the matter of the Commonwealth & Southern Corporation (Delaware), File No. 54–161; the Commonwealth & Southern Corporation (Delaware), Respondent, File No. 59–20; the Commonwealth & Southern Corporation (Delaware), and Its Subsidiary Companies, Respondents, File No. 59–8; the Commonwealth & Southern Corporation (Delaware), File No. 54–75.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company in the process of liquidation, and its former subsidiary, the Southern Company ("Southern"), also a registered holding company, having filed a supplemental application, and amendments thereto, in the above-entitled consolidated proceedings with respect to certain proposed transactions which are summarized as follows:

The Commission by its order dated November 22, 1948 (Holding Company Act Release No. 8633) approved, and the United States District Court for the District of Delaware, by its order dated July 15, 1949, approved and enforced, a plan of reorganization of Commonwealth, filed pursuant to section 11 (e) of the act, providing in substance: (a) For the retirement of all of Commonwealth's outstanding preferred stock; (b) for the distribution to Commonwealth's common stockholders of substantially all of Commonwealth's remaining assets consisting principally of its common stock holdings in two of its then subsidiaries, namely, Southern and Ohio Edison Company, and (c) for the dissolution of Commonwealth. Subsequently, the Commission by its order dated July 25, 1949 (Holding Company Act Release No. 9246) authorized and directed Commonwealth to transfer all of its remaining assets, after payment of all its expenses and liabilities, to Southern.

The instant application states that, as of December 31, 1951, the remaining assets of Commonwealth consisted of approximately $1,485,000 in cash or its equivalent and 234,335 shares of the $5 par value common stock of Southern. According to the filing, Commonwealth estimates that as of December 31, 1951, the maximum amount required to pay all of Commonwealth's known liabilities, including its expenses incurred or to be incurred incident to the consummation of the plan, would not exceed $750,000 and that the value of Commonwealth's assets, excluding the 234,335 shares of common stock of Southern, exceeded such liabilities by more than $700,000.

In order to avoid the incurring of additional and unnecessary expenses, including income taxes on the dividends which would be received on the Southern stock, pending the discharge of its remaining obligations, and to assist Southern and its subsidiaries in the financing of their construction programs, Commonwealth now proposes to accelerate the turnover of its remaining assets to Southern and seeks authority to transfer all its assets to Southern, as a capital contribution, prior to discharging its remaining liabilities. Upon such transfer it is proposed that Southern will cancel the 234,335 shares of its own common stock which it will receive from Commonwealth. Southern has agreed that to the extent of the value of the assets to be transferred, including the value of the 234,335 shares of the common stock of Southern plus future avails and dividends thereon (all such values to be determined as if such transfer had not been made), it will assume the liabilities of Commonwealth existing at the date of such transfer or thereafter arising and that it will perform on behalf of Commonwealth all the remaining duties and obligations of Commonwealth incident to the consummation and performance of Commonwealth's plan of dissolution.

Following the receipt of Commonwealth's assets, Southern proposes to amend its charter so as to reduce its capital stock by $1,171,675, the aggregate par value of the 234,335 shares of common stock to be received, and to transfer that amount from its capital stock account to capital surplus. In connection with the proposed charter amendment, Southern intends to solicit proxies from its stockholders. The filing states that the solicitation material to be used will be submitted to this Commission by subsequent amendment, in accordance with the requirements of Rule U-62 promulgated under the act. Southern also proposes to record the other residual assets to be received from Commonwealth at the amount at which such assets are carried on the books of Commonwealth at the date of the transfer and to set up a reserve in the amount of $750,000, less any amounts that have been paid by Commonwealth, subsequent to December 31, 1951, and prior to the date of transfer, in discharge of its liabilities. The excess of the value of such other residual assets to be received over the amount of the reserve will be credited to capital surplus and should there be any ultimate excess or deficiency in the amount of the reserve, such excess or deficiency will be adjusted through capital surplus.

Due notice having been given of the filing, and a hearing not having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application, as amended, be granted forthwith:

It is ordered, Pursuant to the applicable provisions of the act that said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered and recited, And the Commission finds that the following steps in the consummation and carrying out of Commonwealth's plan of reorganization and the orders of the Commission with respect thereto dated November 22, 1948, and July 25, 1949, are necessary and appropriate to effectuate the provisions of section 11 (b) of the act, and are hereby authorized, approved and directed:

1. The transfer and surrender for cancellation forthwith by Commonwealth to Southern, as a capital contribution, of the 234,335 shares of the common stock of Southern of the par value of $5 per share now held by Commonwealth (on which shares no dividends theretofore declared shall be paid subsequent to said transfer and surrender) and the cancellation and retirement of said shares by Southern, and the consequent reduction of its common capital stock incidental thereto.

2. The distribution and transfer forthwith by Commonwealth to Southern, as

a capital contribution, of all the remaining assets of Commonwealth on the terms and subject to the conditions set forth in the aforesaid application, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2588; Filed, Mar. 5, 1952; 8:50 a. m.]

[File No. 54-111]

AMERICAN & FOREIGN POWER CO., INC., AND ELECTRIC BOND AND SHARE CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO COMPOSITION OF BOARD OF DIRECTORS

FEBRUARY 29, 1952.

The Commission on November 7, 1951, having issued its findings and opinion and order approving the section 11 (e) plan, as amended, of American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, designed to effectuate compliance with the Commission's Order of May 2, 1949, directing the reorganization of Foreign Power; and

The Commission's findings and opinion having provided that Foreign Power would submit to the Commission prior to the consummation of said plan, its proposed slate of Directors to serve as the initial Board of Directors of Foreign Power after the consummation date and to hold office until the first annual meeting of stockholders of Foreign Power; and

The Commission's order of November 7, 1951, having reserved jurisdiction with respect to the proposed composition of the first Board of Directors of Foreign Power upon or after consummation of the plan; and

Foreign Power on February 28, 1952, having filed with the Commission a report and petition designating the names of eleven persons selected to serve as the initial Board of Directors of Foreign Power as follows:

Curtis E. Calder, Chairman of Board and Director of Electric Bond and Share Company;

Enos Curtin, Financial Consultant, Director and Member of the Finance Committee of Graham-Paige Corporation; Member of the Carter Committee for the $7 and $6 Preferred Stockholders of Foreign Power;

Lester Ginsburg, Vice President and Director of Electric Bond and Share Company;

R. A. Hummel, President and Director of Lone Star Cement Corporation;

G. O. Hylander, Vice President and Director of Ebasco International Corporation;

Carlton S. Proctor, Partner, Moran, Proctor, Mueser & Rutledge, Consulting Engineers;

W. S. Robertson, President and Director of American & Foreign Power Company, Inc.;

J. C. Rovensky, Chairman of Board and Director of Patino Mines & Enterprises Cons., Inc.;

W. B. Stafford, Vice President and Director of American & Foreign Power Company, Inc.;

Jacob Viner, Professor of Economics, Princeton University;

George G. Walker, President and Director of Electric Bond and Share Company.

Foreign Power having represented that each of the persons is qualified to serve on its Board of Directors, and that the proposed composition of the first Board of Directors has been submitted to counsel of record for each of the organized stockholders committees which appeared in the proceedings concerning the plan of reorganization of Foreign Power, and that each of such committees has given its approval to the slate designated; and

Foreign Power having further set forth that prior to making its selection discussions were had with security holders who together with the aforesaid committees represent approximately 31.5 percent of the new common stock which will be held by others than Bond and Share; and

The Commission having considered the slate designated by Foreign Power as the proposed initial Board of Directors and having determined that said slate is consistent with the policy of the Company to have public representation on its Board, and that said slate is consistent with the views set forth in the Commission's findings of November 7, 1951, and finding that no adverse action need be taken thereon;

It is ordered, That jurisdiction heretofore reserved with respect to the composition of the initial Board of Directors of Foreign Power be, and the same hereby is, released; and

It is further ordered, That jurisdiction with respect to the carrying out of Foreign Power's representation that it will be its policy to maintain public representation on its Board of Directors subsequent to the initial Board of Directors be, and the same hereby is, continued.

By the Commission:

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2589; Filed, Mar. 5, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 100, Amdt. 3]

VANITY FAIR MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 100 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for slips, pettiskirts, gowns, pajamas, negligees, culottes, camisoles, chemises, panties and bandeaux manufactured by Vanity Fair Mills Inc. and having the brand name "Vanity Fair."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 22, 1952.

Amendatory provisions. Special Order 100 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "December 15, 1951", the following date "January 22, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 22, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

Effective date. This amendment shall become effective February 29, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

FEBRUARY 29, 1952.

[F. R. Doc. 52-2508; Filed, Feb. 29, 1952; 10:56 a. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 16]

KAISER-FRAZER CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 2 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Kaiser-Frazer Corporation. Subsequent to the issuance of Special Order 2, the manufacturer's prices to dealers were increased following an increase in wholesale ceiling prices pursuant to Ceiling Price Regulation 1, Revision 1, Supplementary Regulation 1. This order is accordingly issued to establish sellers' prices and charges which will reflect increased costs to dealers and markup thereon, and is applicable to 1952 models of the passenger automobiles manufactured by Kaiser-Frazer Corporation. The provisions of Special Order 2 remain in effect as to all 1951 models.

For the purpose of clarifying the meaning of "standard equipment" which is included in the basic price of the automobile, an appendix has been added to this order showing the items of equipment which are standard on automobiles manufactured by Kaiser-Frazer Corporation.

Special provisions. For the reasons set forth in the statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83 this Special Order is hereby issued.

1. The basic prices as defined in Ceiling Price Regulation 83, section 2, which retail and wholesale sellers will use in determining the ceiling prices of 1952 model automobiles manufactured by the Kaiser-Frazer Corporation and sold at a price which reflects the increase granted in Letter Order L-5 for the several body styles in each line or series of the various makes, are as follows:

KAISER AUTOMOBILES

Kaiser "Virginian Special" series:	
2-door Traveler	$2,084.97
4-door Sedan	2,036.24
Business Coupe	1,831.55
2-door Sedan	1,987.50
4-door Traveler	2,133.72
Club Coupe	1,968.00
Kaiser "Virginian Deluxe" Series:	
2-door Traveler	2,192.20
4-door Sedan	2,143.46
Business Coupe	1,987.50
2-door Sedan	2,094.73
4-door Traveler	2,240.93
Club Coupe	2,114.22
Kaiser "Deluxe" Series:	
2-door Traveler	2,308.65
4-door Sedan	2,259.91
Business Coupe	2,036.88
2-door Sedan	2,210.31
4-door Traveler	2,357.40
Club Coupe	2,188.63
Kaiser "Manhattan" Series:	
2-door Traveler	2,415.87
4-door Sedan	2,367.14
Business Coupe	2,210.31
2-door Sedan	2,318.41
4-door Traveler	2,464.61
Club Coupe	2,337.89

HENRY J AUTOMOBILES

Henry J "Vagabond" Series: 2-door Sedan	$1,331.57
Henry J "Deluxe Vagabond" Series: 2-door Sedan	1,466.38
Henry J "Corsair" Series: 2-door Sedan	1,488.29
Henry J "Corsair Deluxe" Series: 2-door Sedan	1,615.13

ALLSTATE AUTOMOBILES

4-cylinder Series: 2-door Sedan	$1,488.29
6-cylinder Series: 2-door Sedan	1,615.13

2. The charges for factory installed extra, special or optional equipment which wholesalers and retail sellers will use in determining the ceiling prices of 1952 model automobiles manufactured by the Kaiser-Frazer Corporation and sold at a price which reflects the increase granted in Letter Order L–5 are as follows:

KAISER AUTOMOBILES

Accessory Group No. 1 (Kaiser "Deluxe" and "Virginian Special") (includes oil bath air cleaner, directional signals)	$17.94
Accessory Group No. 2 (Kaiser "Manhattan" 4-door Sedan and 4-door Traveler) (includes oil bath air cleaner, directional signals, rear seat cigarette lighter, bumper bridge end caps, stainless steel wheel covers, tail pipe extension, tilt-type non-glare mirror, electric clock, tenite steering wheel, and electric windshield wipers)	113.91
Accessory Group No. 3 (Kaiser "Manhattan" 2-door Sedan, 2-door Traveler, and Club Coupe), (same as Accessory Group No. 2, above, except no rear seat cigarette lighter)	111.60
Accessory Group No. 29 (Kaiser "Virginian Deluxe" 4-door Sedan and 4-door Traveler) (includes oil bath air cleaner, directional signals, rear seat cigarette lighter, deluxe bumper guards, chrome wheel covers, tail pipe extension, tilt-type non-glare mirror, electric clock, tenite steering wheel, and electric windshield wipers	113.91
Accessory Group No. 29A (Kaiser "Virginian Deluxe" 2-door Sedan, 2-door Traveler and Club Coupe) (same as Accessory Group No. 19 above except no rear seat cigarette lighter)	111.60

KAISER AUTOMOBILES—Continued

Arm rest, center, removable, front and rear (all Kaisers)	$30.00
Continental spare wheel assembly (all Kaisers except Traveler 2 and 4 door sedans)	136.99
Horn ring, chrome (all Kaisers)	2.65
Hydramatic transmission (all Kaisers)	156.00
Overdrive transmission (all Kaisers)	98.79
Paint, two-tone (all Kaisers)	34.25
Rub rail moldings (all Kaisers)	17.50
Tires (5) 6.70×15 4-ply, whitewall (all Kaisers)	20.25
Tires (4) 6.70×15 4-ply, whitewall (all Kaisers)	16.20

HENRY J AUTOMOBILES

Accessory Group No. 4 (Henry J "Corsair") (includes front vent windows and vacuum booster fuel pump)	$27.64
Accessory Group No. 5 (Henry J "Corsair") (includes front vent windows, rear deck lid, and vacuum booster fuel pump, equipped with standard folding rear seat)	65.93
Accessory Group No. 6 (Henry J "Corsair") (same as Accessory Group No. 5, above, except equipped with stationary rear seat)	65.93
Accessory Group No. 7 (Henry J "Corsair Deluxe") (includes 2 front and 2 rear bumper guards, cigarette lighter, stainless steel wheel covers, chrome horn ring, second horn and 2 rear seat ash receivers)	42.48
Accessory Group No. 8 (Henry J "Corsair Deluxe") (includes front vent windows, vacuum booster fuel pump, front and 2 rear bumper guards, cigarette lighter, rear deck lid, stainless steel wheel covers, chrome horn ring, second horn, and 2 rear seat ash receivers, equipped with standard folding rear seat)	108.41
Accessory Group No. 9 (Henry J "Corsair Deluxe") (same as Accessory Group No. 8 above, except equipped with stationary rear seat)	108.41
Accessory Group No. 17 (Henry J "Vagabond") (includes front vent windows, rear deck lid and vacuum booster fuel pump, equipped with standard folding rear seat)	65.93
Accessory Group No. 24 (Henry J "Deluxe Vagabond") (includes front vent windows, vacuum booster fuel pump, 2 front and 2 rear bumper guards, cigarette lighter, rear deck lid, stainless steel wheel covers, chrome horn ring, second horn, and 2 rear seat ash receivers, equipped with standard folding rear seat)	108.41
Accessory Group No. 25 (Henry J "Deluxe Vagabond") (same as Accessory Group No. 24 above, except equipped with stationary rear seat)	108.41
Accessory Group No. 26 (Henry J "Vagabond") (includes front vent windows, rear deck lid and vacuum booster fuel pump, equipped with stationary rear seat)	65.93
Accessory Group No. 28 (Henry J "Deluxe Vagabond") (includes cigarette lighter, stainless steel wheel covers, chrome horn ring, 2 front and 2 rear bumper guards, second horn, two rear seat ash receivers, equipped with standard folding rear seat)	42.48
Cigarette lighter (all Henry J)	2.54
Continental spare wheel assembly (all Henry J)	87.54

HENRY J AUTOMOBILES—Continued

Front ash receiver (all Henry J)	$1.30
Front window vents (all Henry J)	21.27
Mirror, inside, rear-view, tilt-type, nonglare (all Henry J)	2.95
Overdrive transmission (all Henry J)	98.79
Paint, 2-tone (all Henry J)	34.25
Sun visor, right hand (all Henry J)	1.32
Tires 5.90 x 15, set of 5, 4-ply, whitewall (all Henry J)	18.61
Upholstery, vinyl trim, plain (all Henry J)	27.64
Vacuum booster fuel pump (all Henry J)	6.37

ALLSTATE AUTOMOBILES

Arm rects (2) (6-cylinder only)	$6.06
Ash receiver, front (4-cylinder only)	1.30
Ash receivers (2) rear (6-cylinder only)	4.03
Booster fuel pump (4- and 6-cylinder)	6.37
Cigarette lighter (4- and 6-cylinder)	2.54
Continental spare wheel assembly (4- and 6-cylinder)	87.54
Deck lid (4- and 6-cylinder)	38.29
Front window vents (4- and 6-cylinder)	21.27
Horn ring, chrome (6-cylinder only)	2.43
Horn, second (4- and 6-cylinder)	6.51
Lock, left hand door (4- and 6-cylinder)	.53
Overdrive transmission (4- and 6-cylinder)	98.79
Sun visor, right hand (4- and 6-cylinder)	1.32
Wheel discs (4- and 6-cylinder)	11.64

3. The charges for extra, special or optional equipment which wholesale and retail sellers will use in determining the ceiling price of 1952 model automobiles manufactured by the Kaiser-Frazer Corporation for delivery to the customer at the Kaiser-Frazer factory are as follows:

KAISER AUTOMOBILES

Air circulator package (all Kaisers)	$13.25
Air conditioner and defroster (all Kaisers)	63.00
Back-up lights (all Kaisers)	15.00
Chrome wheel discs, set of 5 (all Kaisers)	15.75
Fog lights, pair (all Kaisers)	18.00
Gas tank cover lock (all Kaisers)	2.25
Package tray cover (all Kaisers except Traveler models)	2.75
Radio and manual antenna, 8-tube (all Kaisers)	83.50
Radio and vacuum antenna, 8-tube (all Kaisers)	91.00
Rear view mirror, outside (all Kaisers)	3.95
Rear view mirror, outside, deluxe (all Kaisers)	5.45
Rear door safety locks, pair (all Kaiser 4-door models)	5.00
Rear window wiper (all Kaisers except Travelers)	17.25
Seat covers, matting (all Kaiser 4-door Sedans)	31.00
Seat covers, matting (all Kaiser 2-door Sedans and Club Coupes)	32.00
Seat covers, matting (all Kaiser Business Coupes)	19.25
Seat covers, cloth (all Kaiser 4-door Sedans)	45.00
Seat covers, cloth (all Kaiser 2-door Sedans and Club Coupes)	46.00
Seat covers, cloth (all Kaiser Business Coupes)	26.00
Seat covers, plastic (all Kaiser 4-door Sedans)	45.50
Seat covers, plastic (all Kaiser 2-door Sedans and Club Coupes)	48.50
Seat covers, plastic (all Kaiser Business Coupes)	28.50
Seat covers, plastic, Toreador pattern (all Kaisers except Business Coupes)	54.75

KAISER AUTOMOBILES—Continued

Spot light, right or left (all Kaisers)	21.00
Tail pipe extension (all Kaisers)	2.00
Trunk light (all Kaisers)	3.00
Undercoating (all Kaisers)	25.00
Underhood light (all Kaisers)	2.85
Vanity mirror (all Kaisers)	1.75
Vent shades, set of 4 (all Kaisers)	16.50
Vent wings, plastic (all Kaisers)	.85
Windshield visor, painted (all Kaisers)	24.50
Windshield washers (all Kaisers)	11.00

HENRY J AUTOMOBILES

Air duct, right and left, each (all Henry J)	$9.50
Back-up lights (all Henry J)	15.00
Bumper guards, 2 front and 2 rear (all Henry J)	10.50
Cigarette lighter (all Henry J)	4.00
Courtesy lights (all Henry J)	4.50
Directional signals (all Henry J)	22.50
Extra horn (all Henry J)	7.50
Extra sun visor (all Henry J)	2.50
Fog lights (all Henry J)	18.00
Heater and defroster, fresh-air type (all Henry J)	51.50
Heater and defroster, recirculating type (all Henry J)	40.00
Oil filter (all Henry J)	13.50
Radio and manual antenna, 6-tube (all Henry J)	72.00
Rear view mirror, outside (all Henry J)	3.95
Rear view mirror, outside, deluxe (all Henry J)	5.45
Seat covers, matting for folding rear seat (all Henry J's with this seat)	25.50
Seat covers, matting for stationary rear seat (all Henry J's with this seat)	31.25
Seat covers, plastic, Toreador pattern, for folding rear seat (all Henry J's with this seat)	43.00
Seat covers, plastic, Toreador pattern, for stationary rear seat (all Henry J's with this seat)	45.00
Spot light, right or left (all Henry J)	21.00
Tail pipe extension (all Henry J)	2.00
Undercoating (all Henry J)	25.00
Underhood light (all Henry J)	2.85
Vacuum booster fuel pump (all Henry J)	18.50
Vacuum booster fuel pump, Deluxe (all Henry J)	19.00
Vanity mirror (all Henry J)	1.75
Vent wings, plastic, pair (all Henry J)	.85
Wheel trim rings, set of 5 (all Henry J)	11.50
Windshield visor, painted (all Henry J)	24.50
Windshield washer (all Henry J)	11.00

4. The prices and charges established by this Special Order do not include any provision for Federal Tax. Sellers covered by this order will apply such charges to the prices and charges in accordance with section 2 of Ceiling Price Regulation 83.

5. Appendix A to this order lists the items which are included as standard equipment on the 1952 model automobiles manufactured by the Kaiser-Frazer Corporation.

6. All provisions of Ceiling Price Regulation 83 not inconsistent with this order, including the posting, invoicing, and record-keeping requirements of that regulation, remain in effect as to sales covered by this order.

7. This Special Order or any provision thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order shall become effective February 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 29, 1952.

APPENDIX A—ITEMS OF STANDARD EQUIPMENT ON AUTOMOBILES MANUFACTURED BY THE KAISER-FRAZER CORPORATION

KAISER AUTOMOBILES

Description	*Series on which included*
Arm rests, door	All Kaisers.
Ash receiver, front	All Kaisers.
Ash receiver, rear	All Kaisers.
Bumper guards (bridge)	All Kaisers.
Cigarette lighter, front	All Kaisers.
Dual windshield wipers	All Kaisers.
Fender nameplates	All Kaisers.
Foam rubber seat cushions	All Kaisers "Mannattan" and "Virginian Deluxe."
Glove box light	All Kaisers "Manhattan" and "Virginian Deluxe."
Glove box lock	All Kaisers "Manhattan" and "Virginian Deluxe."
Hood ornament	All Kaisers.
Horn ring, chrome	All Kaisers "Manhattan" and "Virginian Deluxe."
Ignition switch and starter combined (illuminated):	All Kaisers.
Mouldings:	
Belt line (under side windows)	All Kaisers "Manhattan" and "Virginian Deluxe."
Instrument panel	All Kaisers "Manhattan" and "Virginian Deluxe."
Interior door trim	All Kaisers "Manhattan" and "Virginian Deluxe."
Rear wheel opening cover	All Kaisers "Manhattan" and "Virginian Deluxe."
Rub rail (along lower part of fenders and doors).	All Kaisers "Manhattan" and "Virginian Deluxe."
Window reveal	All Kaisers.
Windshield and rear window	All Kaisers "Manhattan" and "Virginian Deluxe."
Oil filter	All Kaisers.
One piece windshield	All Kaisers "Deluxe" and "Manhattan."
Padded instrument panel	All Kaisers "Manhattan" and "Virginian Deluxe."
Parking lights (2)	All Kaisers.
Pillar lamps (2)	All Kaisers.
Spare wheel	All Kaisers.
Springs, rear, semielliptic, full covered	All Kaisers except Traveler models.
Springs, rear, two-stage, variable capacity	All Kaiser Traveler models.
Steering column covers	All Kaiser "Manhattan" and "Virginian Deluxe" except those equipped with hydramatic transmission.
Sun visors (2)	All Kaisers.
Tail lights (2)	All Kaisers.
Tires (5), 6.70 x 15 x 4-ply	All Kaisers.
Tools (jack and wheel wrench)	All Kaisers.

HENRY J AUTOMOBILES

Ash receiver, front	"Corsair Deluxe" and "Deluxe Vagabond."
Dual windshield wipers	All Henry J.
Fender nameplates	All Henry J.
Folding rear seat	All Henry J.
Hood ornament	All Henry J.
Mouldings, exterior, windshield and rear window	"Corsair Deluxe" and "Deluxe Vagabond."
Oil bath air cleaner	All Henry J.
Parking lights (2)	All Henry J.
Spare wheel	All Henry J.
Sun visor, left	All Henry J.
Tail lights (2)	All Henry J.
Tools (jack and wheel wrench)	All Henry J.
Tires (5), 5.90 x 15 x 4 ply	All Henry J.

ALLSTATE AUTOMOBILES

Ash receiver, front	6 cylinder.
Dual windshield wipers	4 and 6 cylinder.
Folding rear seat	4 and 6 cylinder.
Hood ornament	4 and 6 cylinder.
Mouldings, exterior, windshield and rear window	6 cylinder.
Oil bath air cleaner	4 and 6 cylinder.
Parking lights (2)	4 and 6 cylinder.
Spare wheel	4 and 6 cylinder.
Sun visor, left	4 and 6 cylinder.
Tail lights (2)	4 and 6 cylinder.
Tools (jack and wheel wrench)	4 and 6 cylinder.
Tires (5), 5.90 x 15 x 4-ply	4 and 6 cylinder.

[F. R. Doc. 52-2550; Filed, Feb. 29, 1952; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 795, Amdt. 1]

JEWEL RADIO CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in accompanying amendment to Special Order 795, which set the maximum resale prices for retail sales of certain of its articles, Jewel Radio Corporation has applied to the Office of Price Stabilization for the exclusion of certain western states from the operation of the special order. The applicant points out that the original application for a special order omitted to state that a percentage of the applicant's sales are made in the western states and that the articles covered by the special order were not sold at uniform retail prices in those states.

The exclusion of a limited area from the operation of a special order conforms with the provisions of section 43, Ceiling Price Regulation 7.

Amendatory provisions. Special Order 795 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. Delete paragraph 7 of the special order and substitute therefor the following:

7. *Applicability.* The provisions of this special order are applicable in the District of Columbia and the United States with the exception of the following states: Washington, Oregon, California, Nevada, Montana, Idaho, Wyoming, Utah, Colorado, New Mexico and Texas.

Effective date. This amendment shall become effective February 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2512; Filed, Feb. 29, 1952; 10:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 62]

ALL RAILROADS

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, because of a mandatory regulation by the U. S. Department of Agriculture prohibiting all shipments of ruminants, fresh meat, swine, all animal by-products, hay and straw, account present epidemic of hoof and mouth disease in Canada, the railroads of the United States are unable to transport such commodities through Canada. *It is ordered,* That:

(a) Rerouting traffic: Railroads unable to transport ruminants, fresh meat, swine, all animal by-products, hay and straw through Canada, in accordance with shippers' routing, because of a U. S. Department of Agriculture mandatory regulation prohibiting such shipments due to present epidemic of hoof and mouth disease, are hereby authorized to disregard shipper's routing and reroute or divert such traffic over any available route to expedite movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: Railroads desiring to divert or reroute traffic over the line or lines of another carrier under this order, shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p. m., February 27, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., March 15, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., February 27, 1952.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent

[F. R. Doc. 52-2604; Filed, Mar. 5, 1952; 8:51 a. m.]

[4th Sec. Application 26854]

COAL TAR OIL FROM BORDER TERRITORY TO POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

MARCH 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-726.

Commodities involved: Oils, coal tar or gas drip, crude, carloads.

From: Points in Kentucky, North Carolina, Tennessee, and Virginia.

To: Points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers, to maintain grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; C. W. Boin's tariff I. C. C. No. A-726, Supp. 248.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2599; Filed, Mar. 5, 1952; 8:50 a. m.]

[4th Sec. Application 26857]

SEWER PIPE FROM THE EAST TO THE SOUTH

APPLICATION FOR RELIEF

MARCH 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to C. W. Boin's tariff I. C. C. No. A-726, Agent C. A. Spaninger's tariff I. C. C. No. 668.

Commodities involved: Fibre sewer pipe and fittings, carloads.

From: Points in Trunk-line and New England territories and eastern port cities.

To: Points in Kentucky, North Carolina, Tennessee, and Virginia.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-726, Supp. 248. C. A. Spaninger's tariff I. C. C. No. 668, Supp. 203.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2602; Filed Mar. 5, 1952; 8:51 a. m.]

[4th Sec. Application 26853]

CLEANING COMPOUNDS FROM CHICAGO, ILL., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

MARCH 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3733.

Commodities involved: Cleaning, scouring or washing compounds, noibn, granular or powder, carloads.

From: Chicago, Ill.

To: Kansas City, Mo.-Kans.

Grounds for relief: Circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3733, Supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2598; Filed, Mar. 5, 1952; 8:50 a. m.]

[4th Sec. Application 26855]

CAUSTIC SODA SOLUTION FROM KANSAS CITY, MO.-KANS., TO CHICAGO AND ST. LOUIS, MO.

APPLICATION FOR RELIEF

MARCH 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3733.

Commodities involved: Caustic soda solution, tank-car loads.

From: Kansas City, Mo.-Kans.

To: Chicago, Ill., and St. Louis, Mo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3733, Supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2600; Filed, Mar. 5, 1952; 8:51 a. m.]

[4th Sec. Application 26856]

VOLCANIC SCORIA OR SLAG FROM NEW MEXICO TO MISSOURI

APPLICATION FOR RELIEF

MARCH 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3904.

Commodities involved: Volcanic scoria or slag (not pumice stone), carloads.

From: Colorado & Southern Railway stations, Folsom to Clayton, N. Mex., inclusive.

To: Points in Missouri.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3904. Supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2601; Filed, Mar. 5, 1952; 8:51 a. m.]

[4th Sec. Application 26858]

PAPER FROM CAIRO, ILL., TO NEW MEXICO

APPLICATION FOR RELIEF

MARCH 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3905.

Commodities involved: Paper and paper articles, carloads.

From: Cairo, Ill.

To: Points in New Mexico.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3905, Supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2603; Filed, Mar. 5, 1952; 8:51 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 17 NUMBER 47

Washington, Friday, March 7, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1951 TOBACCO LOAN PROGRAM

PUERTO RICAN TOBACCO

Set forth below is the schedule of advance rates, by grades, for the 1951 crop of type 46 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published June 8, 1951 (16 F. R. 5419).

§ 664.332 *1951 crop; Puerto Rican tobacco, Type 46; advance schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade	Advance rate
C1F, C1P, C1M, C2F, C2P — Price Block I	44
C3F, C3P, C3M, C3T, C3S — Price Block II	37
X1F, X1P — Price Block III	26
X2F, X2P — Price Block IV	21
X2PT, X3F, X3P, X3S — Price Block V	17
X4, Y1 — Price Block VI	13

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714 b. Interprets or applies sec. 2, 59 Stat. 506, sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 7 U. S. C. 1312 note, 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

[1] The organizations acting for growers in handling the loans are authorized to deduct $1.00 per hundred pounds from the advances to growers to apply against overhead and handling costs. Tobacco can be placed under loan only by the original producer. No advance is authorized for tobacco found to be in unsafe keeping order, unsound, or damaged.

Issued this 29th day of February 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-2687; Filed, Mar. 6, 1952; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 931—MILK IN CEDAR RAPIDS-IOWA CITY, IOWA, MARKETING AREA

PART 944—MILK IN QUAD CITIES MARKETING AREA

DETERMINATION OF EQUIVALENT PRICE

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable provisions of § 931.52 of Order No. 31, regulating the handling of milk in the Cedar Rapids-Iowa City marketing area and § 944.52 of Order No. 44, as amended, regulating the handling of milk in the Quad Cities marketing area, it is hereby found and determined as follows:

1. The Department of Agriculture, during the month of February 1952, did not publish a price for the cheese known as "Twins" on the Chicago market.

2. The Department of Agriculture, during the month of February 1952, did publish the weekly prevailing price determined per pound of the cheese known as "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, and the daily price per pound of the cheese known as "Cheddars" for the primary markets in Wisconsin.

3. A price equivalent to or comparable with the price of the cheese known as "Twins" on the Chicago market for the month of February 1952 shall be com-

(Continued on p. 1989)

CONTENTS

Agriculture Department Page
See Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of
Notices:
Hearings, etc.:
Ciccioli, Maria 2021
Ciccioli Zelmira 2021
Pozzo, Serafina 2021

Business Economics, Office of
Proposed rule making:
Annual reporting of revenues for carrying imports to and expenditures in the U. S. of shipping and air transport operators of foreign nationality 2020

Civil Aeronautics Administration
Rules and regulations:
Danger areas; alterations 1990
Designation of control areas, control zones, and reporting points; temporary control area extensions 1989

Commerce Department
See Business Economics, Office of; Civil Aeronautics Administration; International Trade, Office of; National Production Authority.

Commodity Credit Corporation
Rules and regulations:
Tobacco; 1951 loan program 1987

Defense Department
Placement of procurement and notification to Department and General Services Administration (*see* Defense Mobilization, Office of, 4 documents).

Defense Mobilization, Office of
Notices:
Findings and determination of critical defense housing areas; Bedford, Mass., area 2028
Placement of procurement and notification to Department of Defense and General Services Administration:
Detroit, Mich., area 2026
Providence, R. I., area 2027
Scranton, Pa., area 2028
Wilkes-Barre, Pa., area 2027

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CONTENTS—Continued

Defense Production Administration Page
Notices:
Request to participate in a voluntary agreement entitled "voluntary agreement relating to the supply of heating oil to the East Coast ... 2023
Request to participate in the formation and activities of an Army Ordnance Integration Committee:
Light and medium tactical trucks ... 2023
Medium and heavy gun tanks and allied combat vehicles ... 2022

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of.

Federal Power Commission
Notices:
Hearings, etc.:
Black Hills Power and Light Co ... 2024

CONTENTS—Continued

Federal Power Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Central Arizona Light and Power Co. and Arizona Edison Co., Inc. (2 documents) ... 2024, 2025
Community Public Service Co ... 2024
Compania Electrica Matamoros, S. A., and Central Power and Light Co ... 2025
East Tennessee Natural Gas Co ... 2024
El Paso Natural Gas Co ... 2025
La Junta Federal de Mejoras Materiales and Central Power and Light Co ... 2025
Mississippi Valley Gas Co and Mississippi Power and Light Co ... 2024
New York State Natural Gas Corp ... 2024
Puget Sound Power & Light Co ... 2025
Servicios Electricos de Piedras Negras, S. A., and Central Power and Light Co ... 2025
Southern Utah Power Co ... 2024
Union Carbide and Carbon Corp ... 2025
Virginia Electric and Power Co ... 2025

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

General Services Administration
Placement of procurement and notification to Department of Defense and General Services Administration (*see* Defense Mobilization, 4 documents).

Interior Department
See also Land Management, Bureau of.
Notices:
Southeastern Power Administration; delegation of authority with respect to advertising ... 2022

International Trade, Office of
Rules and regulations:
Licensing policies and related special provisions ... 1990
Positive list of commodities and related matters ... 1992
Provisions for individual and other validated licenses ... 1990

Interstate Commerce Commission
Notices:
Applications for relief:
Billets to Mount Vernon and Port Chester, N. Y ... 2026
Grain from Texas to Arkansas, Kansas, and Missouri ... 2026
Paper boxes from Jasper, Fla., to official territory ... 2026
Pulpboard and fibreboard from Austell, Ga., to official territory ... 2025

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

CONTENTS—Continued

Land Management, Bureau of Page
Notices:
Michigan; filing of plat of survey (2 documents) ... 2021, 2022

National Production Authority
Rules and regulations:
Construction (M–4A) (Rev. CMP Reg. 6) (2 documents) ... 2001, 2002
Procedure for use of ratings in acquisition of metalworking machines (Rev. CMP Reg. 6, Dir. 5) ... 2001
Procedure to be followed by water well drillers and prime contractors in applying for authorized construction schedules for water wells (Rev. CMP Reg. 6, Dir. 4) ... 1999
Construction under the controlled materials plan; procedure for obtaining small quantities of materials for use in construction projects (CMP Reg. 6, Dir. 1) ... 2018
Maintenance, repair and operating supplies for export (M–79) ... 1996
Residential construction (M–100) ... 2012

Price Stabilization, Office of
Notices:
Ceiling prices at retail:
Adam Hat Stores, Inc ... 2033
Adam Wuest, Inc ... 2031
Bauxbaum Co ... 2031
Beverly Vogue Co ... 2032
Dominion Electric Corp ... 2033
F. C. Huyck & Sons (Kenwood Mills) ... 2031
Gladding, McBean & Co ... 2036
Hansen Glove Corp ... 2034
Herbert Ritts, Inc ... 2036
Jacoby-Bender, Inc ... 2035
M. I. Naken, Co ... 2035
Platt Luggage, Inc ... 2034
Red Wing Potteries, Inc ... 2030
Samuel Kirk & Son, Inc ... 2036
So-Lo Works, Inc ... 2032
Sparks-Withington Co ... 2031
Toy Tinkers, Inc ... 2034
United States Rubber Co ... 2035
Van Raalte Co. Inc ... 2032
West Bend Aluminum Co ... 2034
Western Garment Co ... 2036
Winer Mfg. Co. Inc ... 2030
Ceiling prices at retail and wholesale:
Dormeyer Corp ... 2032
E. Ingraham Co ... 2033
DeCoppet & Doremus; prices for brokerage services rendered ... 2030
Directors of District Offices, Region II; redelegation of authority to act ... 2030
Rules and regulations:
Ceiling prices for certain processed vegetables of the 1951 pack:
Eastern Shore area and Virginia canned tomato adjustment (CPR 55, SR 10) ... 199
Modification of raw material adjustment for tomatoes canned in Baltimore, Md. (CPR 55, SR 9) ... 199

CONTENTS—Continued

Production and Marketing Administration Page

Proposed rule making:
- Butter, U. S. Standards for grades; extension of time 2018
- Milk handling, marketing area:
  - Chicago, Ill 2018
  - Sioux Falls-Mitchell, S. Dak 2020

Rules and regulations:
- Lemons grown in California and Arizona; limitation of shipments 1989
- Milk handling:
  - Cedar Rapids-Iowa City, Iowa, Marketing Area 1987
  - Quad Cities Marketing Area 1987

Rent Stabilization, Office of

Rules and regulations:
- Procedures for adjustments, administrative review and interpretations; review by local advisory board 2018

Securities and Exchange Commission

Notices:
- Hearings, etc.:
  - Ohio Power Co 2030
  - Oklahoma Gas and Electric Co 2029
  - Northern Natural Gas Co 2029

Proposed rule making:
- Solicitations of proxies 2021

Wage and Hour Division

Proposed rule making:
- Women's Apparel Division of the Apparel Industry; employment of learners 2021

Rules and regulations:
- Employment of apprentices; procedure for employment of an apprentice at subminimum wages 1995

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 Page

Chapter IV:
- Part 664 1987

Title 7

Chapter I:
- Part 58 (proposed) 2018

Chapter IX:
- Part 931 1987
- Part 941 (proposed) 2018
- Part 944 1987
- Part 953 1989
- Part 956 (proposed) 2020

Title 14

Chapter II:
- Part 601 1989
- Part 608 1990

Title 15

Chapter III:
- Part 302 (proposed) 2020
- Part 372 1990
- Part 373 1990
- Part 399 1992

Title 17

Chapter II:
- Part 240 (proposed) 2021

CODIFICATION GUIDE—Con.

Title 29 Page

Chapter V:
- Part 521 1995
- Part 522 (proposed) 2021

Title 32A

Chapter III (OPS):
- CPR 55, SR 9 1995
- CPR 55, SR 10 1996

Chapter VI (NPA):
- CMP Reg. 6 2002
- CMP Reg. 6, Dir. 1 2018
- CMP Reg. 6, Dir. 4 1999
- CMP Reg. 6, Dir. 5 2001
- M–4A 2001
- M–79 1996
- M–100 2012

Chapter XXI (ORS):
- RPR 2 2018

puted as follows: Compute the simple average of (a) the simple average as published by the Department of Agriculture, of the prices determined per pound of the cheese known as "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, during February 1952, plus 2.94 cents, and (b) the simple average, as published by the Department of Agriculture, of the prices per pound of the cheese known as "Cheddars" for primary markets in Wisconsin during February 1952, plus 1.74 cents.

4. In the event the Department of Agriculture, during the month of March 1952, does not publish a price for the cheese known as "Twins" on the Chicago market, an equivalent or comparable price shall be computed as follows: Compute the simple average of (a) the simple average, as published by the Department of Agriculture, of the prices determined per pound of the cheese known as "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, during March 1952, plus 2.94 cents and (b) the simple average, as published by the Department of Agriculture, of the price per pound of the cheese known as "Cheddars" for primary markets in Wisconsin during March 1952, plus 1.74 cents.

5. Notice of proposed rule making, public procedure thereon and 30 days prior notice of the effective date hereof are impracticable, unnecessary and contrary to the public interest in that § 931.22 (j) (1) of Order No. 31, regulating the handling of milk in the Cedar Rapids-Iowa City marketing area, and § 944.22 (j) (1) of Order No. 44, as amended, regulating the handling of milk in the Quad Cities marketing area require the market administrator to announce the Class I price for the March 1952 delivery period and the Class II price for the February 1952 delivery period on or before the 5th day of March 1952, and such determination does not require of persons affected substantial or effective preparation prior to the effective date hereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 4th day of March 1952, to become effective immediately.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2688; Filed, Mar. 6, 1952; 8:51 a. m.]

[Lemon Reg. 424, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based become available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.531 (Lemon Regulation 424, 17 F. R. 1850) are hereby amended to read as follows:

(ii) District 2: 290 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of March 1952.

S. R. SMITH,
Director, Fruit and Vegetable Branch Production and Marketing Administration.

[F R. Doc. 52-2710; Filed, Mar. 6, 1952; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 68]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

TEMPORARY CONTROL AREA EXTENSIONS

The control area extensions appearing hereinafter are adopted to meet the re-

quirements of the Department of Defense for use in connection with military operation "Longhorn" to be conducted in the vicinity of Waco, Tex. These control area extensions have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force through the Air Coordinating Committee, Airspace Subcommittee, and are made effective during the period indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1294 is added to read:

§ 601.1294 *Control area extension (Shreveport, La.).* All that area within 5 miles either side of a direct line extending from the Shreveport, La., radio range station via the Palestine, Tex., non-directional radio beacon; the Marlin, Tex., non-directional radio beacon to the Temple, Tex., non-directional radio beacon.

2. Section 601.1295 is added to read:

§ 601.1295 *Control area extension (Bryan, Tex.).* All that area within 5 miles either side of a direct line extending from the Belton, Tex., non-directional radio beacon via the Bryan, Tex., radio range station to the Palestine, Tex., non-directional radio beacon.

3. Section 601.1296 is added to read:

§ 601.1296 *Control area extension (Columbia, S. C.).* All that area within 5 miles either side of a direct line extending from the intersection of the southwest course of the Shaw AFB, Sumter, S. C., radio range and the southeast course of the Columbia, S. C., radio range to the Aiken, S. C., non-directional radio beacon. From the intersection of the west course of the Augusta, Ga., radio range and a line bearing 55° True from the Macon, Ga., radio range station via the Macon, Ga., radio range station; the Columbus, Ga., ILS outer marker to the intersection of the northwest course of the Lawson AFB, Columbus, Ga., radio range and the east course of the Maxwell AFB, Montgomery, Ala., radio range, excluding the portion which overlaps danger areas.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall be effective from 0001 c. s. t., March 10, 1952, to 2400 c. s. t., April 15, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-2635; Filed, Mar. 6, 1952; 8:45 a. m.]

[Amdt. 16]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.51 *Fort Hood, Texas (Exercise Longhorn)*, temporary areas are added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
FORT HOOD (EXERCISE LONGHORN) (Austin and Dallas Charts).	Area A: A circle with a radius of 40 miles centered at the town of Adamsville, Tex., at lat. 31°18′00″ N, long. 98°10′00″ W, and excluding those portions of the circle that overlap control areas, civil airways, and the Camp Hood and Gray AFB danger areas, and extending 5 miles either side of a centerline along lat. 31°10′30″ N from the W edge of the circle to long. 99°15′00″ W, and extending 5 miles either side of a centerline along lat. 31°40′30″ N from the E edge of the circle to Amber Civil Airway No. 4.	Surface to 10,000 feet msl.	Continuous, Mar. 10, 1952, through Apr. 15, 1952.	Joint Operations Center, North Fort Hood, Tex.
	Area BC: A corridor 5 miles either side of a centerline extending from lat. 31°10′30″ N, long. 99°15′00″W, along lat. 31°10′30″ N, to the E edge of Red Civil Airway No. 38.	Surface to 4,000 feet msl.	do	Do.
	Area D: Beginning at a point on the W edge of the control area at Waco, Tex., at lat. 31°36′00″ N, long. 97°22′40″ W; NW along the W edge of Amber Civil Airway No. 4 to lat. 31°50′00″ N, long. 97°35′00″ W; NW to lat. 32°15′00″ N, long. 97°57′30″ W; due W to long. 99°15′00″ W; due S to lat. 30°30′00″ N; due E to the Austin, Tex., control area extension at long. 98°06′10″ W; northerly and easterly around this control area to the control area along Amber Civil Airway No. 4 at lat. 30°41′00″ N, long. 97°41′20″ W; northeasterly along the W edge of this control area to lat. 31°36′00″ N, long. 97°22′40″ W, point of beginning, excluding that portion which overlaps "Area A", and those portions which overlap the Camp Hood and Gray AFB danger areas.	2,500 feet msl. to 10,000 ft. msl.	do	Do.

(Sec: 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 10, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-2636; Filed, Mar. 6, 1952; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 95 [1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATING LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 372.3 *How to file an application for export license,* paragraph (d) *Data supplementing the license application* is amended in the following particulars:

Subparagraph (1) is amended to read as follows:

(1) *Statement from ultimate consignee.* Except where import certificates are submitted under the provisions of § 373.34 of this subchapter, the applicant must attach to his license application to export any commodity to a Group R destination a true copy of a statement or order signed by the ultimate consignee named in his application, setting forth the following facts with respect to each commodity. Statements from the ultimate consignee by wire or cable may be accepted even though not signed manually.

(i) The ultimate destination of the commodity or commodities described in the application.

(ii) The end-use of such commodity or commodities, which must be a detailed description of the specific use to which the commodity or commodities will be put in the country of ultimate destination. If the ultimate consignee intends to resell, such statement must disclose whether resale will be in such country of ultimate destination to a person or persons who will consume or otherwise use the commodity or commodities in that country.

[1] This amendment was published in Current Export Bulletin No. 659, dated February 21, 1952.

(iii) A description of the export transaction sufficient to identify it as the same transaction described in the application.

(iv) That the ultimate consignee will promptly send a supplemental statement to the United States exporter of any change of facts or intentions set forth in his statement which occur after the statement is made.

This part of the amendment shall become effective as of April 7, 1952.

2. Part 373, Licensing Policies and Related Special Provisions, is amended by adding thereto a new § 373.34 to read as follows:

§ 373.34 *Confirmation of country of ultimate destination and verification of actual delivery*—(a) *Scope*—(1) *General.* The provisions of this section shall apply to shipments for which a validated license is required covering the following commodities proposed for export or exported to the following countries:

(i) *Commodities.* The commodities and Schedule B numbers subject to the provisions of this section are those commodities on the Positive List of Commodities (§ 399.1 of this subchapter) that are identified by the letter "A" in the column headed "Commodity Lists."

(ii) *Countries.* Belgium, Denmark, France, Italy, Luxembourg, Norway, Portugal, United Kingdom, Western Germany, Netherlands.

(2) *Exemptions.* The provisions of this section shall not apply to any shipments or applications for export licenses covering any shipments to be made under project licenses, nor to applications for licenses to export commodities where the value shown on the license is less than $500, or to applications for licenses to export commodities to a foreign government or government agency as ultimate consignee and user.

(b) *Definitions.* As used in this section, the terms "import certificate" and "delivery verification" refer to documents issued by governments of countries listed in paragraph (a) of this section to importers in such countries and are the equivalent documents to the United States Declaration of Destination, Form IT–826, and Landing Certificate, Customs Form 3227, respectively (see § 368.1 of this subchapter).

(c) *Submission of import certificates.* (1) The applicant must attach to his license application, covering proposed exportations described in paragraph (a) of this section, the original copy of the import certificate, issued or certified by the government of the importing country, to the ultimate consignee and covering commodities described by the export license application.

(2) Where the import certificate covers commodities for which more than one export license application must be submitted, the original copy of the import certificate shall be attached to the first such application and a true copy of the import certificate shall be attached to each subsequent application to which it is equally applicable. Any application to which a true copy of the import certificate is attached shall contain a reference (OIT case number, if known, or applicant's reference number) to all other applications submitted at any time against the same import certificate.

NOTE: 1. *Purchase order.* The import certificate may cover more than one purchase order and one purchase order may involve several commodities; however, the import certificate shall relate only to purchase orders placed by a single importer (who shall be the ultimate consignee) located in a single foreign country, with a single United States exporter.

2. *Applicant's responsibility for full disclosure.* In submitting import certificates from the ultimate consignee, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the import certificate. In accordance with the provisions of § 381.1 of this subchapter, the applicant also shall, by means of supplementary statements from the ultimate consignee, notify the Department of Commerce of any change that is brought to his notice by the ultimate consignee subsequent to the date the import certificate is issued or certified by the government of the country of ultimate destination.

3. *Import certificates as a factor in licensing.* The Department of Commerce reserves the right in all respects to determine to what extent any licenses shall be issued covering commodities for which foreign governments have issued import certificates. The Department of Commerce will not seek or undertake to give consideration to recommendations from foreign governments as to the United States exporters whose license applications should be approved. Import certificates will be used by the Office of International Trade as only one of the considerations upon which licensing action will be based, since quotas, end uses, etc., must remain important factors in export licensing.

(d) *Submission of delivery verifications.* When notified to do so by the Office of International Trade, persons issued licenses covering shipments within the scope of this section shall, within a reasonable time after clearance of last exportation made under the license: (1) Obtain from the ultimate consignee a verification of delivery which has been issued to the ultimate consignee by his government, covering the commodities described on the particular export license, or so much thereof (in the case complete shipment against the license will not be made) as the licensee will have shipped; and (2) send the original copy of the delivery verification to the Office of International Trade. If a delivery verification is required with respect to commodities covered by a license and the licensee makes partial shipments against the license, the licensee shall obtain a delivery verification for each partial shipment and retain them in his files until all delivery verifications respecting shipments against the license have been received by him, and then send the original copy of all such delivery verifications to the Office of International Trade in one parcel.

NOTE: 1. *Delivery verifications.* It will be the policy of the Office of International Trade to require delivery verifications on a selective basis where import certificates are required. In the event a delivery verification must be submitted, the licensee will be so notified when the export license is issued.

2. *Translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Where the commodity description is in a foreign language, the document must be accompanied by an accurate English translation of the commodity description. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation. (See § 372.9 of this subchapter.)

(e) *Effective dates.* Whenever the scope of this section is extended by adding additional commodities or countries to those described in paragraph (a) of this section, such changes shall become effective 45 days from the time such new commodities or countries are added.

(f) *Relationship to ultimate consignee statements.* The requirement for submission of consignee statements specified in § 372.3 (d) of this subchapter shall not be applicable wherever import certificates are submitted pursuant to the requirements of this section.

(g) *Requests for exception.* (1) Any license applicant affected by the provisions of paragraph (c) of this section may file a request for exception upon the ground that this procedure is inapplicable to the transaction, i. e., the shipment will not be imported for consumption into the named country of destination. Each request shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the Office of International Trade, Department of Commerce, Washington 25, D. C. The letter request must, among other things, state the nature and duration of the relationship between the applicant and the ultimate consignee shown on the license application, a statement as to the country or countries in which the commodities will be used, and the reasons why this regulation is inapplicable in connection with the particular transaction. The applicant must attach to his letter request, or have on file in the Office of International Trade, a statement from the consignee and purchaser in accordance with § 372.3 (d) of this subchapter. No request will be considered or granted unless such statement is submitted or is on file in the Office of International Trade.

(2) Where the letter request relates to more than one license application, whether submitted at the same time or at a later date, the original letter request shall be attached to one application and a true copy of the request shall be attached to each additional application to which it is equally applicable. Any application to which the true copy of the request is attached shall contain a reference (OIT case number, if known, or applicant's reference number) to the application to which the original letter request was attached.

NOTE: (1) In general, requests for exceptions set forth in paragraph (g) of this section will be granted only where the commodities in the particular export transaction covered by the license application are exported to distributors or other foreign importers for resale and are not entered for consumption into the customs territory of the country of destination shown on the license. Requests for exception will be considered, however, where there is no dealership arrangement between the U. S. exporter and his consignee, or where the transaction described in the license application is one for which a single consignee (and purchaser) statement is submitted to the Office of International Trade. In all cases, the letter request for exception shall contain the pertinent facts in detail, as set forth in paragraph (g) of this section.

(2) The Office of International Trade can give no asurance that an export license will be issued for any exportation where an exception to this section is requested. It must be recognized that delay will usually be present in processing such applications, although the Office of International Trade will process the applications as quickly as possible.

This part of the amendment shall become effective as of April 7, 1952.

(Sec. 3, 63 Stat. 7; Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1943 Supp.; Pub. Law 33, 82d Cong.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-2492; Filed, Mar. 6, 1952; 8:53 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 73 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

SECTION 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

A column entitled "Commodity Lists A—Import Certif." is added to the Positive List to the right of the column entitled "Validated License Required." In this new column a letter "A" is set forth opposite the entries listed below for the purpose of indicating that they are subject to confirmation of country of ultimate destination and verification of actual delivery as provided in § 373.34 of this subchapter (see Amendment 95).[2] Where only certain entries on the Positive List under a single Schedule B number are subject to this confirmation and vertification procedure, those entries are specifically listed below; where all entries on the Positive List under a single Schedule B number are subject to this confirmation and vertification procedure, the entries are not specifically listed below, but only the Schedule B number related thereto.

Dept. of Commerce Schedule B No.	Commodity List A—Import Certif.
200903	
200904	
200905	
200998	Synthetic rubbers, n. e. c. (specify by name) formerly 200907 and 200998).
206000	
206430	
206490	
206530	
206570	
208920	High-pressure rotary drilling hose (formerly 208900).
209800	Masterbatch.
300600	
460110	
481500	
482700	
501100	
501200	
501350	
501390	
501400	
501610	
501620	
501640	
501700	
501900	
502700	
503000	
503100	
503300	
503400	
503510	
503520	
503800	
503910	
503920	
503940	
503990	
504005	
504030	
504050	
504090	
504095	
504100	
504710	
504720	
504800	
505900	
523110	
529300	
540905	
540910	
540940	
541120	
541140	
545110	
547300	
547400	
548050	
548098	
551000	
571410	
571500	
573600	
573700	
595050	
595090	
596098	Crude sulfur, of less than 85 percent sulfur content; and sulfur ores (formerly 571400).
599005	
599010	
599098	Diamond bearings.
601010	
601040	
601050	
601070	
601090	
601150	
601170	
601702	
601704	
601708	
601810	Semi-finished material for seamless pipe and tubing, alloy steel, except stainless (formerly 601706 and 601800).
601810	Semi-finished material for seamless pipe and tubing, stainless steel (formerly 601706 and 601800).
601910	Wire rods, alloy steel, except stainless (formerly 602900).
601910	Wire rods, stainless steel (formerly 602900).
601950	Skelp, alloy steel, except stainless (formerly 603200).
601950	Skelp, stainless steel (formerly 603200).
602050	
602090	
602500	
602610	
602630	
602650	Alloy steel (formerly 602600).
602670	Alloy steel (formerly 602600).
603135	
603145	
603540	
603560	
603570	
603580	
603595	
603710	Other cold-rolled carbon steel, gilding metal clad.
603750	
603790	
603810	Other hot-rolled carbon steel, gilding metal clad.
603850	
603890	
604010	
604020	
604110	
604150	
604170	
604530	
604580	
605110	
605210	
605230	
605300	
606010	
606110	
606130	
606210	
606230	
606240	
606260	
606270	
606280	
607430	
607500	
607710	Pipe and tubing, alloy steel, except stainless, n. e. c. (formerly 607705 and 620998).
608130	
608150	
608210	Alloy steel, except stainless (formerly 609109).
608210	Stainless steel (formerly 609109).
610491	
610492	
610495	
610518	
610528	
610538	
615450	
617000	
617901	
617903	
617905	
618265	
618951	
618957	
618959	
618961	
618963	
618964	
618967	
618971	
618975	
619011	
619012	
619021	
619022	
619031	Iron and steel, electric (formerly 608800).
619033	
619034	Phosphor copper brazing rods and wires (formerly 669198).
619038	
619039	Copper (formerly 642500).
619039	Tungsten, including tungsten carbide (formerly 663900).
619039	Other welding rods and wires (formerly 630600, 651200, 654998, and 658998).
619061	Other uninsulated iron and steel wire rope and cord (formerly 608710).
619065	Other iron and steel wire strand (formerly 608750).
619110	
619120	
619130	
619152	
619153	
619155	
619157	
619230	Aluminum (formerly 630400).
619250	Copper or copper-base alloy foil and leaf (formerly 643998).
619250	Other foil and leaf, except gold and sliver (specify type of metal).
622050	
622085	
622087	
622095	
622096	
622098	
630070	
630301	
630310	
630320	
630340	
630610	
630650	
640100	
641200	
641300	
642200	
642300	
642400	
642510	
642900	
644000	
644100	
644900	
645000	Beryllium copper plates, sheets, and strips (specify copper content) (formerly 664905).
645000	Phosphor copper plates, sheets, and flat or coiled strip; and cupro-nickel strip (specify copper content) (formerly 669198).
645000	Brass, bronze and nickel silver, or German silver, plates, sheets, and strips, except brass and bronze blanks and circles (formerly 645000 and 661000).
645000	Other copper-base alloy plates, sheets, and strips (formerly 664998).

[1] This amendment was published in Current Export Bulletin No. 659, dated February 21, 1952.

[2] See F. R. Doc. 52-2492, *supra.*

Dept. of Commerce Schedule B No.	Commodity List A—Import Certif.
645300	
645700	
647913	
647950	
650406	
650500	
650750	
651519	
654501	
654503	
654507	
654508	
654509	
664510	
664512	
664514	
664526	
664529	
664530	
664533	
664535	
664541	
664547	
664549	
664550	
664551	
664553	
664554	
664561	
664563	
664571	
664573	
664581	
664583	
664584	
664585	
664589	
664596	
664597	
664598	Strontium.
664998	Calcium metal.
664998	Germanium metal.
664998	Strontium metal.
664998	Other rare metals, n. e. c.
664998	Other metals and alloys in primary forms, n. e. c.
692205	
692990	
700000	
700100	
700150	
700610	
700805	
700807	
701012	
701022	
701032	
701105	
703620	Magnetometers (formerly 919098).
703620	Other electrical quantity indicating instruments, nonrecording, n. e. c., except battery testers, battery testing voltmeters, cell testers, and instruments of laboratory standards (specify by name).
703825	Spectrum analyzers, for laboratory use (formerly 919098).
703825	Other electrical testing instruments, n. e. c., except instruments of laboratory standards (specify by name) (formerly 703820).
703850	Other parts, n. e. c., specially fabricated for integrating meters, except watt-hour, electrical quantity indicating and recording instruments, and electrical testing instruments, except laboratory standard (specify by name) (formerly 703820 and 709998).
704300	
704810	
704820	
704850	
705500	
705560	
706590	
707415	
707425	
707435	
707505	
707507	
707550	
707617	Radio receiver sets, communications-type, except airborne and shiphorne (formerly 707720).
707625	
707805	
707810	
707812	
707905	
707910	
707915	Inductors (including transformers, coils and chokes), for radio transmitter sets, and transmitter-receiver sets (formerly 707628).
708100	
708410	Other radar signaling and detection apparatus, 500 megacycles and over, and specially fabricated parts, n. e. c. (specify by name) (formerly 708400).
709903	
709907	Other electronic tubes, n. e. c., commercial and industrial (formerly 709905).
709909	
709998	Arc welding set parts.
709998	Butt welding set parts.
709998	Coefficient resistors, negative temperature.
709998	Electronic amplifiers for use in experimental laboratories (report audio-amplifying in 708800).
709998	Welding machine contacts.
709998	Welding set brushes (report carbon or graphite brushes in 547400).
709998	Welding set hoods.
711310	
711410	
711510	
711900	Parts, n. e. c., specially fabricated for steam turbines, 300 horsepower and over (formerly 712900).
713300	
713920	
714220	
714260	
714340	
714360	
714660	
714710	
714720	
714740	
714760	
714910	Outboard motors, over 50 horsepower; and other watercraft engines, over 100 horsepower (formerly 714210 and 714250).
714910	Other kerosene engines, over 10 horsepower including tractor engines (formerly 714410).
715900	Marine engine accessories, and parts (specify Diesel or gasoline).
715900	Other engine accessories and parts, except tractor engine parts (report tractor engine parts in 709030, 709220, 788901, and 788905).
720147	
720160	Dredging machines, used and rebuilt (formerly 720500).
720210	Parts, accessories and attachments, n. e. c., specially fabricated for power excavators and dredging machines included on the Positive List under Schedule B Nos. 720112 through 720160 for which validated license is required to R and O country destinations (specify by name) (formerly 720200).
722020	Soil compacters, pneumatic-tired, 10 tons and over net vehicle weight (formerly 722000).
722022	Parts and accessories, n. e. e., specially fabricated for scrapers; graders; and pneumatic-tired soil compacters, 10 tons and over net vehicle weight (formerly 722890).
722024	
722025	
730750	Electrostatic separators having a voltage of more than 1,000 volts across the air gap (formerly 733105).
730810	Specially fabricated parts for separators, electrostatic and electromagnetic types described under Schedule B No. 730750 (formerly 733990).
730840	
730870	
730875	
730880	
730890	
730900	
731000	
732000	
733950	
740005	
740205	
740212	
740305	
740308	
740315	
740325	
740390	
740409	
740604	
740607	
740700	
740800	
741100	
742000	
742100	
742300	
742600	
742700	
743500	
743900	
744000	
744100	
744205	
744303	
744305	
744306	
744308	Automatic oscillating race radial grinders; cam grinders; contour profile grinders; jig grinders; and spline grinders.
744313	
744315	
744316	
744319	Contour band-sawing and/or filing machines
744319	Shaving machines (except gear)
744340	
744371	
744381	
744383	
744410	
744450	
744700	
744800	
744850	Automatic continuous electrolytic tinning units and specifically fabricated parts (formerly 775098).
745 50	
745060	
745298	Machinery, and parts, for continuous casting of semi-finished steel.
745503	
745509	
745805	Machines for flame hardening.
745990	
746010	
750800	
750850	
761250	
761600	
761950	
763030	
763050	
763060	Other rubber processing, rubber-working, and rubber products manufacturing machines, n. e. c., and specially fabricated parts, n. e. e. (specify by name) (formerly 763000).
764650	
764710	
765750	
766010	
766030	
766050	
766970	Gauges for measuring pressures in excess of 100 atmospheres (gauge pressures of 1,470 pounds per square inch or 103 kilograms per square centimeter) (formerly 774098).
766970	Parts specially fabricated for gauges for measuring pressures in excess of 100 atmospheres (gauge pressures of 1,470 pounds per square inch or 103 kilograms per square centimeter) (formerly 774098).
766970	Impulse registers or counters (over 20 counts per second), and specially fabricated parts (formerly 919098).
766970	Optical pyrometers (formerly 919098).
766970	Radiation pyrometers (formerly 919098).
766970	Thermocouples manufactured from platinum or platinum alloys (formerly 919098).
766990	Diamond penetrators (formerly 774020).
766990	Parts specially fabricated for diamond penetrators (formerly 775098).
766990	Leak-detecting instruments, for laboratory use; and specially fabricated parts (formerly 919098).
766990	Leak-detecting instruments, for industrial use (formerly 774020).
766990	Metal hardness testers adapted to or incorporating diamond penetrators (indenters-brales) (formerly 774020).
766990	Parts and accessories specially fabricated for metal hardness testers which incorporate or are adapted to the incorporation of diamond penetrators (indenters-brales) (formerly 775098).
766995	
769100	Alloy steel ball bearings, and specially fabricated parts, except balls.
769200	Alloy steel roller bearings, and specially fabricated parts, except rollers.
769310	Alloy steel balls for bearings.
769315	Alloy steel rollers for bearings.
769320	Water-lubricated bearings, rubber (formerly 209990).
770400	
770500	
770610	
770615	
770625	
770700	
770710	
770720	
770775	
770790	
770820	
770840	
770850	
770870	
770900	The entry beginning: "Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over * * *."
770910	The entry beginning: "Turbine pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over * * *."

Dept. of Commerce Schedule B No.	Commodity List A—Import Certif.
770920	The entry beginning: "Rotary pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over * * *."
770930	The entry beginning: "Diaphragm pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over * * *."
770940	The entry beginning: "Reciprocating steam pumps (delivering liquids separately on in combination with solids and/or gases) with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over * * *."
770950	The entry beginning: "Other reciprocating power pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over * * *."
770980	The entry beginning: "Pumps, n. e. c. (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over * * *."
770990	Parts for pumps included on the Positive List under Schedule B Nos. 770900 through 770980 for which validated license is required to R or O country destinations (formerly 736990).
770990	Parts, n. e. c., specially fabricated for mechanical vacuum pumps and diffusion vacuum pumps included on the Positive List under Schedule B Nos. 770820 through 770870 for which validated license is required to R or O country destinations (formerly 775098).
771100	
771150	
771200	
774450	
774460	
774480	
774490	
775002	
775004	
775030	Glass-working lathes.
775030	Vacuum-tube (glass blank) making machinery. (Report other vacuum-tube manufacturing machinery in 775035).
775030	Optical curve generators (grinders, surfacers and polishers) and parts, capable of producing toric, cylinder, spherical surfaces on glass or other material without the use of mating surfaces or laps.
775030	Optical centering, edging and drilling machines, and parts, all types, when incorporating diamonds.
775035	
775043	
775046	
775049	
775055	Acid concentrating equipment, and specially fabricated parts, n. e. c. (formerly 775050).
775055	Ammonia oxidation equipment (formerly 775050).
775055	Destructive distillation equipment and specially fabricated parts, n. e. c. (formerly 775050).
775055	Equipment especially designed for the extraction of natural sulfur (formerly 775050).
775055	Equipment especially designed for the production of gaseous and liquid chlorine (formerly 775050).
775055	After-treating equipment for filament rayon cake (formerly 775050).
775055	Steeping presses (formerly 775050).
775055	Xanthation units (flotation churns) (formerly 775050).
775055	Equipment for the production or refining of hydrocarbons other than petroleum by processes involving alkylation, thermal or catalytic cracking, isomerization, and hydroforming methods (formerly 775050).
775055	Fractionating, rectifying and depblegmation columns, and specially fabricated parts, n. e. o. (formerly 775050).
775055	Gas- (including air) liquefying equipment and specially fabricated equipment for handling liquefied gases (formerly 775050).
775055	Hydrogen-producing equipment (water gas, electrolytic, gas-cracking, or gas-extraction processes) (formerly 775050).
775055	Hydrogenation equipment designed to operate under pressure of over 50 pounds per square inch (formerly 775050).
775055	Methanol oxidation equipment (formerly 775050).
775055	High vacuum freeze-drying equipment, and specially fabricated parts, n. e. c. (formerly 775050).
775055	Nitrators (formerly 775050).
775055	Penicillin and streptomycin production equipment (formerly 775050).
775055	Pyrites roasters (formerly 775050).
775055	Sulfur burners (formerly 775050).
775055	Piping specially fabricated for chemical and pharmaceutical processing and manufacturing machines, and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A" (formerly 775050).
775055	Vacuum stills (report operating vacuum in millimeters mercury pressure absolute) (formerly 775050).
775055	Other chemical and pharmaceutical processing and manufacturing machines, and specially fabricated parts, n. e. c. (formerly 775050).
775080	
775100	
775150	Pressure top equipment for blast furnaces (formerly 775098).
775330	Processing vessels, non-agitated, n. e. c., for laboratory use, operating at pressures over 500 pounds per square inch (formerly 919098).
775330	Pressure vessels and vacuum vessels, for industrial use (formerly 775098).
775330	Distillation equipment made of copper, and designed for gauge pressures of less than 50 pounds per square inch or vacuums less than 50 mm. of mercury absolute (formerly 775098).
775330	Other processing vessels, non-agitated, n. e. c., for industrial use, operating at pressures over 200 per square inch, and specially fabricated parts, n. e. c. (formerly 761250, 762500, 775050, and 775098).
775360	Centrifugal counter-current solvent extractors, and specially fabricated parts, n. e. c. (formerly 761950, 775050, and 775098).
775360	Electrostatic precipitators, for blowing and ventilating machinery, and specially fabricated parts, n. e. c. formerly 761100).
775360	Electrostatic precipitators, except for blowing and ventilating machinery, and specially fabricated parts, n. e. c. (formerly 709998, 762500, and 775050).
775360	Electrostatic separators having a voltage of more than 1,000 volts across the air gap; and specially fabricated parts, n. e. c. (formerly 775098).
775360	High vacuum freeze-drying equipment, and specially fabricated parts, n. e. c. (formerly 775098).
775008	Piping specially fabricated for industrial manufacturing and service-industries machines, n. e. c., and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A."
787460	
787540	
787560	
787593	50 under 95 drawbar horsepower.
787597	
787700	60 and over belt horsepower.
787795	60 and over belt horsepower.
787890	60 and over belt horsepower.
788901	
788905	
790013	
790017	
790023	
790027	
790033	Commercial, front and rear axle drive, or multiple rear axle drive.
790037	Military, front and rear axle drive, or multiple rear axle drive.
790043	Commercial, front and rear axle drive, or multiple rear axle drive.
790047	Military, front and rear axle drive, or multiple rear axle drive.
790053	Commercial, front and rear axle drive, or multiple rear axle drive.
790057	Military, front and rear axle drive, or multiple rear axle drive.
790063	Commercial, front and rear axle drive, or multiple rear axle drive.
790067	Military, front and rear axle drive, or multiple rear axle drive.
790083	Commercial, front and rear axle drive, or multiple rear axle drive.
790087	Military, front and rear axle drive, or multiple rear axle drive.
790093	Commercial, front and rear axle drive, or multiple rear axle drive.
790097	Military, front and rear axle drive, or multiple rear axle drive.
790553	Commercial, front and rear axle drive, or multiple rear axle drive.
790557	Military, front and rear axle drive, or multiple rear axle drive.
790563	Commercial, front and rear axle drive, or multiple rear axle drive.
790567	Military, front and rear axle drive, or multiple rear axle drive.
790603	Commercial, all diesel and all gasoline, powered with front and rear axle drive, or multiple rear axle drive.
790607	Military, front and rear axle drive, or multiple rear axle drive.
790763	
790767	
790773	
790777	
791103	Commercial front and rear axle drive, or multiple rear axle drive (formerly 790013–790473).
791107	Military, front and rear axle drive, or multiple rear axle drive (formerly 799630).
791137	Special-purpose commercial vehicles, n. e. c. (now) front and rear axle drive or multiple rear axle drive (formerly 790750).
791140	Special-purpose military vehicles, n. e. c. (new), front and rear axle drive or multiple rear axle drive, except armored vehicles (formerly 799630).
791153	Used commercial special-purpose vehicles n. e. c. front and rear axle drive, or multiple rear axle drive (formerly 791100).
791167	Used military special-purpose vehicles, n. e. c., front and rear axle drive, or multiple rear axle drive, except armored vehicles (formerly 799530).
791210	
791240	
791960	Landing mats, aircraft.
795155	
795170	Boat propellers, brass or bronze, of 12-inch diameter and over, and blades for such propellers (formerly 799993).
795170	Boat propellers, metal, except brass or bronze, for watercraft 18 feet in length and over, and blades for such propellers (formerly 799998).
796102	
796104	
796106	
796108	
796109	
796111	
796112	
796114	
796117	
796136	
796142	
796148	Used and rebuilt mine, industrial, and other freight cars, except self-propelled (formerly 796600 and 796750).
796154	
796172	
796182	
801100	
802300	
802550	
802570	
802585	
802590	Aminophenol, para type only.
802590	Chlorohenzenes.
802590	Dichlorostyrene.
802590	Dinitrotoluene solids and oils.
802590	Ethyl henzene.
802590	Para phenylendediamine.
802590	Phenyl naphthylamine.
802590	Picric acid (formerly 802490).
802590	Styrene.
802810	
802850	
806930	
813583	
820590	
825910	Polytetrafluoroethylene (Teflon).
825910	Polytrifluorochloroethylene (Kel-F).
825910	Polyethylene (specify whether virgin or scrap)
825910	Polyacrylic.
825950	Polytetrafluoroethylene (Teflon).
825950	Polytrifluorochloroethylene (Kel-F).
825950	Polyethylene (specify whether virgin or scrap)
825950	Polyacrylic.
826050	Polytetrafluoroethylene (Teflon) (formerly 826000).
826050	Polytrifluorochloroethylene (Kel-F) (formerly 826000).
826050	Polyethylene (specify whether virgin or scrap (formerly 826000).
826050	Polyacrylic (formerly 826000).
826150	
826200	
826350	
826505	
826550	
828890	
829810	
829850	
829910	
829920	

Dept. of Commerce Schedule B No.	Commodity List A—Import Certif.
829930	
829970	Sodium bismutbate.
829984	
829990	Cadmium plating salts.
829990	The entry beginning: "Additives, motor oil * * *."
829990	Polytrifluorochlorocthylene (Kel-F) grease, oil, or wax.
829990	Silicone grease compounds (compounds of organosilicone material) of the following types only: Silicone high-vacuum greases; and stopcock greases, both high-vacuum and regular.
829990	The entry beginning: "Licenses are required * * *."
830100	
830930	
830960	
830980	Catalyst phosphoric acid.
830980	Tungstic acid and anhydride.
830980	Vanadic acid.
830980	Vanadic anhydride.
831100	
831590	Furfuryl alcohol (furyl carbinol) (formerly 831500).
831590	Pentaerythrite (pentaerytbritol) (formerly 831500).
831590	Tetrahydrofurfuryl alcohol (formerly 831500).
831590	Glycols, n. e. c. (formerly 831500).
831600	Acetone.
832500	
832990	Amine acetates.
832990	Ethyl cellulose.
832990	Ethylene glycol monoetbyl etber (including cellosolve).
832990	Furfural.
832990	Glycol compounds.
832990	Hexamethylenetetramine
832990	Methyl isobutyl ketone (hexone).
833900	Aluminum chloride, anhydrous.
834400	Cadmium bromide and bromate.
834400	Ethylene dibromide.
835900	Potassium nitrate.
835900	Potassium permanganate.
835900	Potassium persulfato
835900	Potassium tetroxide.
836900	
837990	Sodium peroxide.
837990	Sodium persulfate.
838400	
838500	Ammonium molybdate.
838500	Ammonium persulfate.
838500	Guanidine nitrate.
838500	Hydrazine, hydrazine bydrate, and hydrazine salts.
839100	Trichloromonofluoromethane (Freon 11); and dichlorodifluorometbane (Freon 12).
839100	Other cblorofluorometbanes (Freons).
839730	
839750	Cadmium acetate (formerly 832990).
839750	Other cadmium salts of organic compounds (formerly 839900).
839750	Cobalt tallate (formerly 832990).
839750	Other cobalt salts of organic compounds (formerly 839900).
839750	Nickel acctate (formerly 839900).
839750	Strontium oxalate (formerly 839900).
839900	Barium nitrate.
839900	Cadmium salts and compounds.
839900	Calcium molybdate.
839900	Calcium permanganate.
839900	Lead thiocyanate.
839900	Mercury (mercuric) fulminate.
839900	Molybdenum salts and compounds, n. e. c.
839900	Nickel compounds.
839900	Phosphorous, except red.
839900	Strontium compounds.
839900	Tantalum compounds.
839900	Thallium bromo iodide.
839900	Titanium tetrachloride.
839900	Tungsten chlorides, oxides, salts, and all compounds.
839900	Vanadium compounds.
839900	Zirconium oxides in all forms.
839900	Zirconium silicates.
839900	Other zirconium compounds.
842310	
842350	
842900	Barium chromate.
842900	Cadmium pigments.
842900	Cobalt-containing pigments.
843600	Cobalt-containing paint and varnish driers.
843800	
850700	
850800	
860400	
860700	
914950	Metallographs (formerly 919098).
914950	Metallurgical microscopes and parts; electron microscopes and parts.
915000	
915610	
915740	
916050	
919010	Meteorological sounding balloons (formerly 919098).
919060	
919068	
919070	Densitometers (formerly 919098).
919070	Electrometers, and specially fabricated parts, except student typo (formerly 919098).
919070	Electronic computers (formerly 919098).
919070	Spectrographs; mono-chromators; and specially fabricated parts (formerly 919098).
919080	Parts specially fabricated for analytical balances, including parts for semi-micro balances, micro-chemical balances, assay balances, quartz fiber micro-balances, and electronic balances (formerly 919098).
919080	pH meters, noncontinuous (formerly 919098).
947450	
947550	
948169	
948250	
981590	

This amendment shall become effective as of April 7, 1952.

(Sec. 3, 63 Stat. 7, Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.; Pub. Law 33, 82d Cong.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-2666; Filed, Mar. 6, 1952; 8:53 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 521—EMPLOYMENT OF APPRENTICES

PROCEDURE FOR EMPLOYMENT OF AN APPRENTICE AT SUBMINIMUM WAGES

Pursuant to authority under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214), § 521.5 is hereby amended by deleting from the second paragraph thereof that part of the second sentence beginning with paragraph "(c)" and ending with the colon preceding the proviso, and by inserting in lieu thereof the following language: "(c) send two true copies of the apprenticeship agreement, with evidence of registration, to the appropriate Regional Office of the Wage and Hour Division, United States Department of Labor:"

(Sec. 14, 52 Stat. 1068; 29 U. S. C. 214)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 3d day of March 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator.
Wage and Hour Division.

[F. R. Doc. 52-2639; Filed, Mar. 6, 1952; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 55, Supplementary Regulation 9]

CPR 55—CEILING PRICES FOR CERTAIN PROCESSED VEGETABLES OF THE 1951 PACK

SR 9—MODIFICATION OF RAW MATERIAL ADJUSTMENT FOR TOMATOES CANNED IN BALTIMORE, MD.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 9 to Ceiling Price Regulation 55 is hereby issued.

STATEMENT OF CONSIDERATIONS

Processors of canned tomatoes with factories in Baltimore, Maryland, have represented to the Office of Price Stabilization that they should be allowed an adjustment in their 1948 raw material costs as computed under CPR 55 similar to that which was allowed to processors in the Eastern Shore area of Maryland, Delaware and part of Virginia under SR 1 to CPR 55. Baltimore processors bought substantial quantities of tomatoes in the Eastern Shore area in 1948 and have continued to do so. This supplementary regulation allows processors in the City of Baltimore, Maryland, to deduct $3.75 per ton from their 1948 weighted average raw material cost before computing the raw material adjustment.

The data submitted show that prices paid for tomatoes by processors located in Baltimore in 1948 were out of line with other areas but not to the same extent as prices paid by Eastern Shore area processors. By allowing processors in the City of Baltimore to decrease their 1948 weighted average raw material cost by $3.75 per ton, ceiling prices for canned tomatoes will be increased by approximately 5.2¢ per dozen, No. 2 cans standard tomatoes. This adjustment will bring raw material costs and ceiling prices for tomatoes canned in Baltimore substantially into line with the historical relationship which existed between raw material costs and prices of tomatoes canned in the Eastern Shore area and in the Baltimore area.

In the formulation of this supplementary regulation, there has been consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. In the judgment of the Director, the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Decrease in 1948 raw material cost.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies section 2 (c) (1) of Ceiling Price Regulation 55 by allowing processors of canned tomatoes whose factories are located in the City of Baltimore, Maryland, to decrease their 1948 raw material cost in making the required raw material adjustment.

SEC. 2. *Decrease in 1948 raw material cost.* If you are a processor whose factory or factories are located in the City of Baltimore, Maryland, you may decrease your 1948 weighted average raw material cost for tomatoes by $3.75 per ton before computing the required raw material adjustment under section 2 (c) of Ceiling Price Regulation 55.

All other provisions of Ceiling Price Regulation 55 are unaffected by this supplementary regulation.

Effective date. This supplementary regulation to Ceiling Price Regulation 55 is effective March 11, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 6, 1952.

[F. R. Doc. 52-2790; Filed, Mar. 6, 1952; 11:54 a. m.]

[Ceiling Price Regulation 55, Supplementary Regulation 10]

CPR 55—CEILING PRICES FOR CERTAIN PROCESSED VEGETABLES OF THE 1951 PACK

SR 10—EASTERN SHORE AREA AND VIRGINIA CANNED TOMATO ADJUSTMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 10 to Ceiling Price Regulation 55 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation provides a low-end ceiling price adjustment of $1.48 a dozen for No. 2 can standard tomatoes canned in the states of Delaware and Virginia and in those counties in Maryland east of Chesapeake Bay and the Susquehanna River. Corresponding low-end ceiling prices are named for the No. 303, No. 2½ and No. 10 cans of standard tomatoes.

The need for some type of price relief for tomato processors, primarily those located in Virginia, was brought to the attention of the Office of Price Stabilization by a petition from the processors of tomatoes in the Tidewater area of Virgina requesting that they be given the same raw material adjustment which was given to canned tomato processors in Accomack and Northampton counties of Virginia, the Eastern Shore of Maryland and Delaware under Supplementary Regulation 1 to Ceiling Price Regulation 55.

An examination of available data shows that ceiling prices for tomatoes processed in the Tidewater area of Virginia are out of line with the ceiling prices for tomatoes canned in the Eastern Shore area compared with the normal selling price relationship during 1948. The purpose of this adjustment is to restore the 1948 price relationship between the two areas. It is also shown that despite the raw material adjustment allowed tomato processors in Accomack and Northampton counties of Virginia and the Eastern Shore area of Maryland and Delaware some processors in that area still have ceiling prices lower than $1.48 a dozen for No. 2 cans standard tomatoes. Accordingly, the low-end adjustment provisions of this supplementary regulation have been made applicable to all processors in Virginia, Delaware and the Eastern Shore area of Maryland as they normally sell in the same market. The effect of this adjustment will be to raise the average price of Virginia canned standard tomatoes by 2 cents a dozen for the No. 2 can and to reduce the abnormally wide spread between the lowest and the highest prices of canners in that area. The adjustment will have no effect on the general level of prices in the Eastern Shore area since only a few processors in that area have ceiling prices lower than $1.48.

The Director of Price Stabilization has consulted with the representatives of the industry before issuing this supplementary regulation and has given consideration to their recommendations. In the judgment of the Director the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjusted ceiling prices for canned tomatoes processed in Eastern Shore area and Virginia.
3. Sales under Ceiling Price Regulation 55.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies ceiling prices for canned tomatoes as established under Ceiling Price Regulation 55 by allowing processors of canned tomatoes whose factory or factories are located in Delaware, Virginia and those counties in Maryland east of Chesapeake Bay and the Susquehanna River to increase their ceiling prices established under that regulation to the specific dollars-and-cents amounts named in section 2 of this supplementary regulation.

SEC. 2. *Adjusted ceiling prices for canned tomatoes processed in Eastern Shore area and Virginia.* If you are a processor of canned tomatoes whose factory or factories are located in Delaware, Virginia or those counties in Maryland east of Chesapeake Bay and the Susquehanna River and your ceiling price per dozen containers for an item of canned tomatoes as established under CPR 55 without reference to this supplementary regulation is below the following appropriate amount, you may increase it to such amount.

ADJUSTED CEILING PRICE FOR CANNED TOMATOES

[Per dozen containers]

Container size and grade:	Price
No. 303 cans standard grade	$1.33
No. 2 cans standard grade	1.48
No. 2½ cans standard grade	2.20
No. 10 cans standard grade	7.50

SEC. 3. *Sales under Ceiling Price Regulation 55.* Processors of canned tomatoes covered by this supplementary regulation may continue to sell items of canned tomatoes at or below the ceiling prices calculated under CPR 55 without reference to the provisions of this supplementary regulation.

All provisions of Ceiling Price Regulation 55 not inconsistent with this supplementary regulation remain in full force and effect.

Effective date: This supplementary regulation shall become effective on March 11, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 6, 1952.

[F. R. Doc. 52-2791; Filed, Mar. 6, 1952; 11:54 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-79, as Amended March 6, 1952]

M-79—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES FOR EXPORT

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, because the order as amended affects many exporters in a wide variety of industries, it has been impracticable to consult with representatives of all affected trades and industries.

This amended order revises NPA Order M-79, as amended November 19, 1951, by making the following changes therein:

1. The exception of replacement parts for machine tools is deleted from section 2 (a), thereby bringing such replacement parts under the order.

2. The list of items in section 2 (b) is revised. Removed from the order are industrial belting and industrial hose. It is made clear that power-driven as well as hand-operated hand tools are included and likewise that grinding wheels are included. Added to the order are pole line, transmission, and distribution hardware, and electrical porcelain.

3. Section 3 (a) is amended to exclude from the order those items listed in Appendix A of Direction 3 to NPA Reg. 2 as well as in List A of NPA Reg. 2

4. A new section 3 (h) is added to exclude from the order all items made wholly of rubber, leather, or textiles.

5. A new paragraph (d) is added to section 4 to allow manufacturers of machine tool replacement parts the option of using the last half of 1951 instead of the year 1950 as the basis of computing their MRO export quotas. The former paragraphs (d) and (e) of section 4 are redesignated as paragraphs (e) and (f), respectively, and the redesignated paragraph (f) is amended to prevent change of any election made under the section without prior written approval of OIT.

6. Section 5 is amended to make clear that a manufacturer must make a new calculation of his MRO export quota and must file a new report with OIT whenever, as the result of a change in the coverage of either this order or those NPA regulations or orders mentioned in section 3, there is a corresponding change in the MRO items entering into his quota. Section 5 is further amended to reflect the base period option given to manufacturers of machine tool replacement parts.

7. A new paragraph (b) is added to section 6 to explain how quotas are recalculated in case of amendment changing the coverage of either this order or those NPA regulations or orders mentioned in section 3.

8. A new section 16 is added providing that manufacturers may be brought under the order, on their written application, even though they would otherwise be excluded by section 4 because their 1950 MRO sales for export were under $10,000. The former sections 16 and 17 are accordingly redesignated sections 17 and 18, respectively.

The foregoing statement of changes made by this amendment is explanatory only and is not a part of the amendment or of the order. The order, as amended herein, reads as follows:

Sec.

1. What this order does.
2. Items subject to this order.
3. Items excluded from this order.
4. Manufacturers' MRO export quotas.
5. Manufacturers' reports to OIT.
6. Availability of MRO for export.
7. Priorities assistance for nonmanufacturing exporters.
8. Manufacturers' quotas not to be exceeded.
9. Rating of MRO export orders by manufacturers.
10. Limitations on use of rating.
11. Status of orders rated DO–97.
12. Exports requiring validated licenses.
13. Relation to other NPA orders and regulations.
14. Records and reports.
15. Applications for adjustment or exception.
16. Applications for inclusion under this order.
17. Communications.
18. Violations.

AUTHORITY: Sections 1 to 18 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* This order sets up a procedure to meet essential foreign requirements for maintenance, repair, and operating supplies of specified types and in limited quantities. It provides quarterly MRO export quotas for manufacturers and explains how they and other exporters may draw on these quotas. It also makes provision whereby manufacturers may apply the DO–MRO rating to export orders and whereby nonmanufacturing exporters may secure the right to apply such rating to export orders.

SEC. 2. *Items subject to this order.* The only items to which this order applies, and the only items included in "MRO" as that term is used in this order, are the following:

(a) Replacement parts for machinery or equipment which is employed in other than personal or household uses; and

(b) Those items (whether for replacement or not) listed below which are to be employed in other than personal or household uses:

Hand tools, whether hand-operated or power-driven, including appliances such as grease guns, jacks, pumps, and the like.
Chucks (all types), die heads, grinding wheels, and cutting tools (all types, including drills, taps, reamers, and the like), designed for use with machine tools.
Electrodes and anodes.
Welding rods.
Rope, chain, and cable.
Sizing.
Laboratory supplies, instruments, and equipment, with an export sales price f. a. s. not exceeding $1,000 for any one item.
Pole line, transmission, and distribution hardware, and electrical porcelain (dry process and wet process).

SEC. 3. *Items excluded from this order.* The following items are specifically excluded from the operation of this order:

(a) Materials included in List A of NPA Reg. 2, or in Appendix A of Direction 3 to NPA Reg. 2, as they may be amended or supplemented from time to time;

(b) Materials included in Schedule I of CMP Regulation No. 5, as such schedule may be amended or supplemented from time to time;

(c) Controlled materials as defined in section 2 (c) of CMP Regulation No. 1, as such regulation may be amended or supplemented from time to time;

(d) Farm equipment;

(e) Parts and accessories for aircraft or for ground equipment for servicing aircraft, and any component of either;

(f) Repair and replacement parts for construction machinery included in List A of NPA Order M–43, as such list may be amended or supplemented from time to time;

(g) Parts, assemblies of parts, and accessories, for automotive vehicles, including all passenger carriers, trucks (on- or off-the-highway), truck trailers, and motorized fire equipment; and

(h) Items made wholly of rubber, leather, textiles, or any combination of such materials.

SEC. 4. *Manufacturers' MRO export quotas.* Every manufacturer who, in the calendar year 1950 or in his fiscal year described in paragraph (b) of this section, delivered for export (i. e., exported directly or through others or delivered to others for export), to any country other than Canada and those countries in Subgroup A, as defined in the export control regulations issued by the Office of International Trade, a quantity of those items of his own manufacture which are subject to this order and had an aggregate export sales value in excess of $10,000, is hereby assigned, and is hereby directed to compute and establish (subject to revision in accordance with section 5 of this order), a quarterly MRO export quota as follows:

(a) Unless he otherwise elects, in accordance with the subsequent paragraphs of this section, each such manufacturer's standard quarterly MRO export quota is 30 percent of the aggregate export sales value of all such MRO items delivered by him for export in the calendar year 1950.

(b) Any manufacturer who operated on a fiscal year basis prior to March 1, 1951, may elect to compute his quarterly MRO export quota on the basis of his last fiscal year ending prior to that date instead of on a calendar year basis.

(c) Any manufacturer may elect to figure his quota on a seasonal basis. If he so elects, his quarterly MRO export quota for any quarter is 120 percent of the aggregate export sales value of all MRO items which he delivered for export in the corresponding quarter of the year 1950 (or of his fiscal year).

(d) Any manufacturer of replacement parts for machine tools may, instead of computing his quarterly MRO export quota under paragraphs (a), (b), or (c) of this section, elect to compute such quota as 50 percent of the aggregate export sales value of all MRO items (as specified in section 2 of this order) delivered by him for export in the last 6 months of the calendar year 1951.

(e) A manufacturer may elect to figure export sales value on either an f. a. s. or on a c. i. f. basis, but he must figure all items on the same basis.

(f) A manufacturer who makes any election under this section may not thereafter change his election without prior written approval of the Office of International Trade.

SEC. 5. *Manufacturers' reports to OIT.* On or before September 1, 1951, or within 30 days after this order is amended so as first to bring him under it, or within 30 days after this order or any other NPA regulation or order mentioned in section 3 is amended or otherwise modified so as to change the MRO items thereafter to be included in computing his MRO export quota, each manufacturer for whom a quarterly MRO export quota is established by section 4 of this order shall prepare and submit to the Office of International Trade a signed report in duplicate, on Form IT–833, showing the export sales value of all MRO items of his own manufacture which he delivered in his base year (1950 calendar or fiscal, or, in the case of a machine tool part manufacturer so electing under section 4 (d) of this order, the last 6 months of the calendar year 1951) for export (i. e., directly or to or through others) to countries other than Canada and Subgroup A countries as defined in the export control regulations issued by the Office of International Trade. The report must be broken down

into categories as specified on the form and must state whether the manufacturer is reporting on an f. a. s. or on a c. i. f. basis. In computing his 1950 deliveries for export (or, in the case of a machine tool part manufacturer so electing under section 4 (d) of this order, his deliveries for export in the last 6 months of the calendar year 1951) pursuant to section 4 of this order, and in preparing his report pursuant to this section, the manufacturer must not (to the best of his information and belief) include any items delivered for use abroad for personal or household purposes or, insofar as replacement parts are concerned, any items delivered for use abroad for other than replacement purposes. Where precise knowledge as to foreign end use is lacking, estimates may be made, but in such cases the manufacturer must include in his report a statement showing what estimates he has made, what were his total sales for export of the category in question, and the basis upon which his estimates are made. The Office of International Trade, if it finds that any such estimates are unreasonable or that such report is erroneous in any respect, may reduce the manufacturer's quarterly MRO export quota as may be appropriate, and the manufacturer, upon being notified of any such reduction, shall adjust his quota accordingly.

SEC. 6. *Availability of MRO for export.* (a) Each manufacturer for whom a quarterly MRO export quota is established by section 4 of this order shall make available for export (as required) during each calendar quarter, the full amount of such quota, out of his production of such MRO items. The method by which he does this (e. g., whether by making direct export sales, by selling through one or more designated export sales representatives, by selling to nonmanufacturing exporters, or by combining two or more of these methods), is left to his own choice but subject to existing contracts. It is anticipated, however, that his customary pattern of distribution will be followed insofar as practicable. No such manufacturer need accept orders for delivery of MRO items for export in any 1 month aggregating more then 40 percent of his MRO export quota for that quarter.

(b) In cases where a manufacturer is required to establish or recalculate his quarterly MRO export quota, as the result of amendment or other modification of this order or one of the NPA regulations or orders mentioned in section 3 of this order, he must make available for export during the then current calendar quarter and also during each subsequent calendar quarter the amount of his quota as so established or recalculated. In other words, where he has already accepted export orders calling for delivery in any such calendar quarter of items included in the quota thus newly established or recalculated, he must deduct the amount of such orders from his newly established or recalculated quota for that calendar quarter, the difference being the amount of his quota remaining available for that calendar quarter.

SEC. 7. *Priorities assistance for nonmanufacturing exporters.* Any nonmanufacturing exporters who, having obtained an order from a foreign customer for an MRO item which is demonstrably needed for other than personal or household purposes, finds that he is unable without a rating to secure such item from sources available to him may apply to the Office of International Trade for priorities assistance. In proper cases such exporter will be assigned the right to apply the DO–MRO rating to obtain such item from his appropriate source of supply. In the event that such a right is granted, the rating shall be applied by the exporter by placing on his order to his supplier, or on a separate paper attached to the order or clearly identifying it, the symbol "DO–MRO," together with the words:

Certified under NPA Order M–79

This certification shall be signed as provided in NPA Reg. 2 and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to use the rating under the provisions of this order to obtain the materials ordered. The person upon whom such a rated order is served, or to whom the rating is extended, must accept the order, unless he is a manufacturer whose applicable MRO export quota has already been exhausted through acceptance of export orders calling for delivery in the applicable period or unless he is entitled to reject the order for other proper grounds as provided in NPA Reg. 2.

SEC. 8. *Manufacturers' quotas not to be exceeded.* A manufacturer for whom an MRO export quota is established by section 4 of this order must charge against such quota, in the dollar amount of their export sales value, all MRO items of his own manufacture (which are chargeable against his quota) for which he accepts export orders for shipment to countries other than Canada and Subgroup A countries, as defined in the export control regulations issued by the Office of International Trade. He must charge all such items regardless of whether he rates the orders pursuant to section 9 of this order or whether they come to him as orders rated under section 7 of this order. He may not accept orders for delivery in any quarter (for items chargeable against his quota) having an aggregate export sales value in excess of his quota for that quarter. Charges are in all cases to be made against quotas for the quarter in which delivery is to be made by the manufacturer.

SEC. 9. *Rating of MRO export orders by manufacturers.* Any manufacturer who has filed his report as required by section 5 of this order may apply the DO–MRO rating to any MRO export order which he accepts, regardless of whether it comes to him directly from the foreign customer or from a person in this country. Any rating so applied shall have the same status and effect as a rating carried by a rated MRO export order placed with the manufacturer by a nonmanufacturing exporter. An order bearing the rating DO–MRO shall constitute a rated order with an allotment symbol for the purpose of all NPA regulations and orders.

SEC. 10. *Limitations on use of rating.* The rating DO–MRO may not be applied or extended by any person to obtain any of the materials described in section 3 of this order. No manufacturer may extend the DO–MRO rating to obtain any Class A or Class B product (as those products are defined in CMP Regulation No. 1) or any production material for the manufacture of any Class A or Class B product. Such products and materials must be obtained in accordance with CMP Regulations Nos. 1 and 3, as such regulations may be amended or supplemented from time to time. The DO–MRO rating may be extended by a manufacturer, however, to obtain other products and materials as provided in NPA Reg. 2. In extending the rating, the manufacturer must place on his order the words:

Certified under NPA Order M–79

This certification shall be signed as provided in NPA Reg. 2 and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to use the rating under the provisions of this order to obtain the materials ordered.

SEC. 11. *Status of orders rated DO–97.* Any order rated DO–97 under Direction 2 to NPA Reg. 4, calling for delivery in the third quarter of 1951, is hereby converted into a DO–MRO rated order. Any such DO–97 rated order calling for delivery after the third quarter of 1951, must be converted into a DO–MRO rated order on or before September 1, 1951, by action of the person placing the order, or it will become an unrated order. Any MRO order rated DO–97 or DO–MRO under Direction 2 to NPA Reg. 4, calling for delivery after August 1, 1951, must be charged against the manufacturer's MRO export quota for the quarter in which delivery is ordered, regardless of whether converted or not.

SEC. 12. *Exports requiring validated licenses.* The authority granted by this order to apply the DO–MRO rating to any item requiring a validated license for its export does not imply assurance that such a license will be issued.

SEC. 13. *Relation to other NPA orders and regulations.* The provisions of all other NPA regulations and orders which are not in conflict with this order remain in full force and effect. Nothing in this order shall be construed as applicable to any material under allocation or as relieving any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of NPA or with any order of any other competent authority.

SEC. 14. *Records and reports.* (a) Every manufacturer and every nonmanufacturing exporter subject to this order shall make and preserve at his regular place of business for at least 2 years accurate and complete records showing, with respect to each manufacturer, what his MRO export quotas are, how he computed them, their factual justification, what revisions or adjustments he has made in them and for what reasons,

any elections made as to use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised and, with respect to each manufacturer and each nonmanufacturing exporter, all receipts, deliveries, and inventories of MRO items for export with or without rating, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This requirement does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall maintain such further records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 15. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be submitted in writing, in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Applications for inclusion under this order.* Any manufacturer excluded from this order by reason of the fact that his deliveries for export as specified in section 4 of this order were not in excess of $10,000 in 1950 (calendar or fiscal) may nevertheless, upon his request submitted in writing in triplicate, be granted the privilege of operating under the order.

SEC. 17. *Communications.* All communications concerning this order shall be addressed to the Office of International Trade, Washington 25, D. C., Ref: M–79.

SEC. 18. *Violations.* Any person who wilfully violates any provision of this order or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect March 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–2760; Filed, Mar. 6, 1952; 10:38 a. m.]

[Revised CMP Regulation No. 6, Direction 4, as amended March 6, 1952]

REVISED CMP REG. 6—CONSTRUCTION

DIR. 4—PROCEDURE TO BE FOLLOWED BY WATER WELL DRILLERS AND PRIME CONTRACTORS IN APPLYING FOR AUTHORIZED CONSTRUCTION SCHEDULES FOR WATER WELLS

This amendment of Direction 4 issued under Revised CMP Regulation No. 6, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of the amendment of this Direction 4, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects a large number of water well drillers engaged in a wide variety of operations.

This amendment affects Direction 4 of Revised CMP Regulation No. 6, by deleting reference therein to NPA Order M–4A and Direction 1 of CMP Regulation No. 6 which are contained in section 1; paragraphs (e) and (f) of section 2; paragraph (b) of section 3; paragraphs (a), (b), and (d) of section 4; and in paragraph (c) of section 8, and by substituting therefor appropriate references to Revised CMP Regulation No. 6. It also deletes the references to sections 13 and 14 of CMP Regulation No. 6 contained in paragraph (b) of section 5, and substitutes therefor the appropriate sections of Revised CMP Regulation No. 6.

As amended, Direction 4 of Revised CMP Regulation No. 6 now reads as follows:

Sec.
1. What this direction does.
2. Definitions.
3. Applications by water well drillers for authorized construction schedules for water wells.
4. Applications by prime contractors for authorized construction schedules for water wells.
5. Applicability of other regulations, directions, and orders.
6. Records and reports.
7. Request for adjustment or exception.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071. Sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this direction does.* This direction modifies the procedures established under Revised CMP Regulation No. 6 for applying for authorized construction schedules and allotments of controlled materials for construction under the Controlled Materials Plan in the case of persons engaged in the business of drilling water wells. It prescribes that each such person shall submit an application for each calendar quarter on Form CMP–4C, specifying in such application his total requirements of carbon steel and copper and copper-base alloys for all water well drilling projects where the requirements of controlled materials do not exceed 6 tons of carbon steel and 200 pounds of copper and copper-base alloys, per project, per calendar quarter. It prohibits the designation of such persons as prime contractors for the purpose of applying for authorized construction schedules and related allotments of controlled materials for any water well construction project the requirements of which do not exceed the foregoing specified quantities of controlled materials. It prohibits such persons from using the self-authorization procedure prescribed in Article IV of Revised CMP Regulation No. 6. This direction also specifies the governmental agencies with which water well drillers and prime contractors are to submit their applications on Form CMP–4C for authorized construction schedules and related allotments of controlled materials for the construction of water wells.

SEC. 2. *Definitions.* As used in this direction:

(a) "Water well driller" means any person who is engaged in the business of construction or drilling of water wells.

(b) "Water well" means any well, regardless of method of construction, the primary purpose of which is to produce water.

(c) "Controlled materials" means steel, copper, and alumium, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, as the same may be amended from time to time.

(d) "Prime contractor" means any person who receives an authorized construction schedule and an allotment of controlled material from a claimant agency or an industry division and who is the person who is to be the owner of the construction, or the person designated by such owner to act as prime contractor for him.

(e) "Project" has the meaning as given in section 2 of Revised CMP Regulation No. 6.

(f) "Construction" has the meaning as given in section 2 of Revised CMP Regulation No. 6.

(g) "Water well construction projects on a farm or farmstead" means any farm water well construction project, whether the well or wells involved are located on the farm or off the farm, in which 50 percent or more of the water produced by such well or wells is used on the farm.

(h) "NPA" means the National Production Authority.

SEC. 3. *Applications by water well drillers for authorized construction schedules for water wells.* (a) Beginning with the second calendar quarter of 1952, and for each calendar quarter thereafter, each water well driller shall submit an application to NPA on Form CMP–4C for an authorized construction schedule and related allotment of carbon steel and copper and copper-base alloy controlled materials needed by him for the construction of all of his anticipated water well construction projects in instances where the requirements for the construction of each of such projects will not exceed 6 tons of carbon steel and 200 pounds of copper and copper-base alloys per project, per calendar quarter. He shall submit such application to NPA not later than 45 days before the commencement of each calendar quarter.

(b) Beginning with the second calendar quarter of 1952, and for each calendar quarter thereafter, no water well driller may use the self-authorization procedures prescribed in Article IV of Revised CMP Regulation No. 6, either on his own behalf or on behalf of any other person.

(c) Beginning with the second calendar quarter of 1952, and for each calendar quarter thereafter, no water well driller may be designated as a prime contractor for the purpose of submitting an application for an authorized construction schedule in the owner's behalf for any water well construction project the requirements of which do not exceed 6 tons of carbon steel and 200 pounds of copper and copper-base alloys for any one calendar quarter. The water well driller may not obtain an authorized construction schedule and related allotment of controlled materials for such project in any manner other than that prescribed by paragraph (a) of this section.

SEC. 4. *Applications by prime contractors for authorized construction schedules for water wells.* (a) None of the provisions of this direction shall be construed as prohibiting a prime contractor, as distinguished from a water well driller, from applying for authorized construction schedules and related allotments of controlled materials for any water well construction project the requirements of which exceed the small quantities of controlled materials for which he may self-authorize pursuant to the provisions of Article IV of Revised CMP Regulation No. 6, as the same may be amended from time to time; nor shall any of the provisions of this direction be construed as restricting in any way the right of a prime contractor, as distinguished from a water well driller, to self-authorize the construction of water wells the requirements of which do not exceed the small quantities of controlled materials for which he may individually and separately self-authorize, pursuant to the provisions of Article IV of Revised CMP Regulation No. 6, as the same may be amended from time to time. A water well driller, if duly designated by the owner to act as a prime contractor on behalf of the owner, may apply for an authorized construction schedule and related allotment of controlled materials for any water well construction project where the requirements therefor exceed 6 tons of carbon steel and 200 pounds of copper and copper-base alloys for any one calendar quarter.

(b) Notwithstanding the designation to the contrary contained in Table IV of Revised CMP Regulation No. 6, as the same may be amended from time to time, in any instance where a prime contractor, as distinguished from a water well driller, applies for an authorized construction schedule for a water well construction project on a farm or farmstead, as defined in paragraph (g) of section 2 of this direction, he shall submit his application on Form CMP–4C to the county Production and Marketing Administration Committee of the United States Department of Agriculture in the county in which the well is to be located. In the case of all other water well construction projects, he shall submit such application to the appropriate governmental agency designated in Table IV of Revised CMP Regulation No. 6, as the same may be amended from time to time.

(c) Where a prime contractor wishes to apply for an authorized construction schedule for water well construction and a related allotment of controlled materials therefor, he shall submit an application on Form CMP–4C for each individual water well construction project and shall comply in all other respects with the provisions of Revised CMP Regulation No. 6 and the instructions contained in and accompanying Form CMP–4C, as the same may be modified from time to time. Where, however, a water well construction project is part of another category of construction for which separate application for an authorized construction schedule must be submitted, the prime contractor then shall include in such separate application the requirements of controlled materials for the water well to be constructed as part of such other category of construction and shall not submit an application for an authorized construction schedule solely for the water well.

(d) In those instances where the prime contractor computes the small quantities of controlled materials for which the self-authorization procedures prescribed by Article IV of Revised CMP Regulation No. 6 may be available, he shall, with respect to water wells to be constructed as part of another category of construction, include in his computation the requirements of controlled materials for such water wells.

SEC. 5. *Applicability of other regulations, directions, and orders.* (a) Nothing in this direction shall be construed to relieve any person from the obligation of complying with such limitations as may be contained in any applicable regulation, order, or other direction of NPA, except as such regulation, order, or other direction may be specifically modified by this direction.

(b) The attention of water well drillers and prime contractors, who apply for authorized construction schedules and related allotments of controlled materials for the construction of water wells in accordance with the provisions of this direction, is particularly directed to the provisions of section 17 of Revised CMP Regulation No. 6, as the same may be amended from time to time, with respect to restrictions on the use of allotments and materials and on the placing of authorized controlled material orders, and to the provisions of section 18 of Revised CMP Regulation No. 6, as the same may be amended from time to time, with respect to the return of unused allotments.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this direction shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this direction. This direction does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this direction shall be made available for inspection and audit by duly authorized representatives of NPA, at the usual place of business where maintained.

(c) Each water well driller who applies for an authorized construction schedule and related allotment of controlled materials pursuant to the provisions of this direction shall submit a report in quadruplicate on Form CMP–65, in accordance with the instructions accompanying the form. He shall submit such report simultaneously with the first application for an authorized construction schedule and related allotment of controlled materials submitted by him in accordance with the provisions of this direction. He need not submit such report more than once in the absence of a specific request for resubmission by NPA.

(d) Persons subject to this direction shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 7. *Request for adjustment or exception.* Any person affected by any provision of this direction may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this direction, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts,

the nature of the relief sought, and the justification therefor.

SEC. 8. *Communications.* (a) All communications by water well drillers concerning this direction shall be addressed to the National Production Authority, Washington 25, D. C., Ref: Revised CMP Regulation No. 6, Direction 4.

(b) All communications by prime contractors concerning a water well construction project on a farm or farmstead shall be addressed to the county Production and Marketing Administration Committee of the United States Department of Agriculture in the county in which such water well is to be located, Ref: Revised CMP Regulation No. 6, Direction 4.

(c) All communications by prime contractors concerning a water well construction project other than one on a farm or farmstead shall be addressed to the appropriate governmental agency designated in Table IV of Revised CMP Regulation No. 6, as the same may be amended from time to time, Ref: Revised CMP Regulation No. 6, Direction 4.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this direction, or any order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this direction is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amended direction shall take effect March 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-2758; Filed, Mar. 6, 1952; 10:38 a. m.]

[Revised CMP Regulation No. 6, Direction 5 of March 6, 1952]

REVISED CMP REG. 6—CONSTRUCTION

DIR. 5—PROCEDURE FOR USE OF RATINGS IN ACQUISITION OF METALWORKING MACHINES

This direction to Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this direction does.
2. Definition.
3. Use of DO-U4 ratings restricted.
4. Future and pending applications for ratings for metalworking machines.
5. Revalidation of DO-U4 rating where allotments of controlled materials have been made.
6. Revalidation of DO-U4 ratings where no allotment of controlled materials was made.
7. No increase in rating authority.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this direction does.* This direction modifies the authority granted in Revised CMP Regulation No. 6 for the use of ratings to acquire production machinery and production equipment insofar as it relates to the use of ratings for the acquisition of metalworking machines by persons who have received or have applied for authorized construction schedules from NPA.

SEC. 2. *Definition.* "Metalworking machine," as used in this direction, means any item of plant equipment as defined in section 2 (a) and listed on Exhibit A of NPA Order M-41, as the same may be amended from time to time.

SEC. 3. *Use of DO-U4 ratings restricted.* Notwithstanding the provisions of Revised CMP Regulation No. 6, on and after March 6, 1952, no person shall apply a DO-U4 rating to a delivery order for a metalworking machine. No DO-U4 rating which has been applied to a purchase order for a metalworking machine prior to March 6, 1952, shall be valid for the delivery of such metalworking machine on or after April 15, 1952, unless the same has been revalidated and converted into a Z3 rating as hereinafter provided.

SEC. 4. *Future and pending applications for ratings for metalworking machines.* On and after March 6, 1952, a person who applies to NPA for an authorized construction schedule and a related allotment on Form CMP-4C, and who requires a DO rating for a metalworking machine necessary in connection with the operation of the project permitted by such authorized construction schedule, shall file with his original CMP-4C application an application for such a rating on Form NPAF-138a. If a person has applied to NPA for an authorized construction schedule and in connection therewith a rating for a metalworking machine prior to March 6, 1952, and such application is still pending on March 6, 1952, he shall immediately file with NPA an application for such a rating on Forms NPAF-138 and NPAF-138a, identifying such application with the related Form CMP-4C. If the application for a rating for a metalworking machine is granted by NPA, the rating symbol Z3 shall be assigned.

SEC. 5. *Revalidation of DO-U4 rating where allotments of controlled materials have been made.* A person who, on or before March 6, 1952, has received an authorized construction schedule and a related allotment of controlled materials, and who has applied or has been authorized to apply a DO-U4 rating in connection therewith on a purchase order for a metalworking machine, may convert the DO-U4 rating into a DO-Z3 rating by furnishing to the supplier the following certification, clearly identifying such certification with the purchase order to which it applies:

> The undersigned certifies that he is entitled, pursuant to Direction 5 to Revised CMP Regulation No. 6, to convert the rating DO-U4 to DO-Z3 for the metalworking machines covered by the purchase order herein identified.

Such certification shall be signed as provided in NPA Reg. 2. A purchase order covered by the above certification shall be deemed a valid rated order with rating symbol Z3, and shall retain the position on the order board of the supplier of the metalworking machine which it occupied pursuant to the original application of the DO-U4 rating.

SEC. 6. *Revalidation of DO-U4 rating where no allotment of controlled materials was made.* A person who, on or before March 6, 1952, has received an authorized construction schedule but who in connection therewith did not receive a related allotment of controlled materials, and who has applied or has been authorized to apply a DO-U4 rating in connection therewith on a purchase order for a metalworking machine, must apply to NPA if he desires to revalidate any such rating. Such application shall be made by filing with NPA Forms NPAF-138 and NPAF-138a, identifying such application with the related CMP-4C. If NPA grants such application, such person shall certify to the supplier in the form set forth in the preceding section of this direction. A purchase order covered by such certification shall be deemed a valid rated order with rating symbol Z3, and shall retain the position on the order board of the supplier of the metalworking machine which it occupied pursuant to the original application of the DO-U4 rating.

SEC. 7. *No increase in rating authority.* The provisions of this direction providing for the use of DO-Z3 ratings shall not be construed to authorize an increase in the dollar amount of rating authority for production equipment and machinery granted in connection with an authorized construction schedule.

This direction shall take effect March 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-2759; Filed, Mar. 6, 1952; 10:38 a. m.]

[NPA Order M-4A, Revocation]

M-4A—CONSTRUCTION

NPA Order M-4A as amended August 20, 1951 (16 F. R. 8361), is hereby revoked. This revocation does not affect any liabilities for violation of NPA Order

M–4A as amended from time to time, or for violations of any adjustments, exceptions, directives, or other actions under it of the National Production Authority, or of a claimant agency named in NPA Delegation 14.

Construction is now subject to the provisions of Revised CMP Regulation No. 6, and NPA Order M–100 (residential construction).

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect March 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–2762; Filed, Mar. 6, 1952; 10:38 a. m.]

[Revised CMP Regulation 6 of Mar. 6, 1952]

REVISED CMP REG. 6—CONSTRUCTION

This revised regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this revised regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

ARTICLE I—EXPLANATORY PROVISIONS

Sec.
1. What this regulation does.
2. Definitions.

ARTICLE II—COMMENCEMENT OR CONTINUANCE OF CONSTRUCTION

3. Categories of construction specified in Table I of this regulation.
4. All other categories of construction.

ARTICLE III—CONSTRUCTION UNDER THE CONTROLLED MATERIALS PLAN (CMP)

5. Claimant agencies.
6. Applications for authorized construction or production schedules and allotments.
7. Authorization of construction and production schedules.
8. How allotments are made.
9. Authorization of DO ratings.
10. Allotment numbers (controlled material orders).
11. Designation of DO orders.
12. Certification of orders.
13. Use of allotments.
14. Cancellation or reduction of allotments.
15. Prohibition of transfer of allotments.
16. Alternative procedure for simultaneous allotments.
17. Restrictions on placing authorized controlled material orders, and on use of allotments and materials.
18. Adjustments for changes in requirements.
19. Placing of orders.

ARTICLE IV—SMALL CONSTRUCTION PROJECTS

20. Self-authorization for small construction projects.
21. Who may self-authorize.
22. Self-authorization; allotment numbers.
23. DO ratings.

ARTICLE V—CONSERVATION

24. Limitations on the use of controlled materials.

ARTICLE VI—USE OF FOREIGN AND USED STEEL IN CONSTRUCTION

Sec.
25. Definitions.
26. Use of foreign and used steel.
27. Hardship.

ARTICLE VII—GENERAL PROVISIONS

28. Exemptions.
29. Prohibited deliveries.
30. Scope of this regulation.
31. Communications.
32. Records and reports.
33. Applications for adjustment or exception.
34. Violations.

Table
I—Recreational, entertainment and amusement construction.
II—Categories of construction and quantities of controlled materials for which purchase orders may be self-authorized.
III—Controlled materials.
IV—Jurisdiction of claimant agencies.
V—Items of metal-working machinery.

AUTHORITY: Sections 1 to 34 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

ARTICLE I—EXPLANATORY PROVISIONS

SECTION 1. *What this regulation does.* This regulation, as revised, supersedes CMP Regulation No. 6 as amended August 3, 1951; Direction 1 to CMP Regulation No. 6 as amended August 22, 1951; and NPA Order M–4A as amended August 20, 1951.

(a) Article I of this regulation contains definitions of terms used in this regulation.

(b) Article II of this regulation explains the rules limiting the right to commence or continue construction.

(c) Article III of this regulation explains:

(1) How to obtain an authorized construction schedule; and

(2) How to obtain an allotment of controlled materials for construction.

(d) Article IV of this regulation explains the self-authorization procedure for obtaining controlled materials, which may be used in connection with small construction jobs.

(e) Article V of this regulation explains the rules limiting the use of controlled materials in construction.

(f) Article VI of this regulation explains the procedure to be followed to use foreign or used steel in construction.

(g) Article VII of this regulation sets forth the general provisions applicable to construction.

NOTE: Certain exemptions from the provisions of this regulation are specified in section 28.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "NPA" means the National Production Authority.

(c) "Allotment" means an authorization of the amount of controlled materials which a claimant agency may receive or allot during a specified period, or an authorization by a claimant agency or other person of the amount of controlled materials which may be received or allotted by an owner, contractor, subcontractor, or a person manufacturing Class A products.

(d) "Authorized construction schedule" means a construction schedule specifically approved by a claimant agency with respect to an owner, or specifically approved by an owner or a contractor with respect to a prime contractor or a subcontractor.

(e) "Authorized controlled material order" means any order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in this regulation, or any such order which is placed pursuant to the self-authorization procedures specified in Article IV of this regulation, or which is specifically designated to be such an order by any regulation or order of NPA.

(f) "Authorized production schedule" means any production schedule specifically approved by a claimant agency or other person specifically mentioned in section 7 of this regulation, with respect to a producer of Class A products.

(g) "Class A product" means any product which is not a Class B product (as defined in paragraph (h) of this section), and which contains any controlled material fabricated or assembled beyond the forms and shapes specified in Table III of this regulation, other than any controlled material which may be contained in Class B products incorporated in it.

(h) "Class B product" means any product designated as such in the "Official CMP Class B Product List" issued by NPA, as the same may be modified from time to time, and which contains any controlled material other than any controlled material which may be contained in other Class B products incorporated in it.

(i) "Commence construction" means to incorporate into a building, structure, or project, a substantial quantity of materials which are to be an integral and permanent part of such building, structure, or project (for example, the pouring or placing of footings or other foundations). Fabrication, production, or processing of prefabricated buildings, building equipment, or personal property to be installed does not constitute commencement of construction.

(j) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure, or project, but it does not include maintenance and repair.

(k) "Contractor" means the person who does the actual construction of any building, structure, or project. A person who performs such work by virtue of an agreement directly with the owner

is a prime contractor. A person who does such work as the result of an agreement with a prime contractor or a subcontractor is a subcontractor.

(l) "Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in Table III of this regulation, whether new, remelted, rerolled, or redrawn, including used and second quality materials, shearings, and material sorted or salvaged from scrap which are sold for other than remelting, rerolling, or redrawing purposes.

(m) (1) "Industrial plant, factory, or facility" means a building, structure, or project designed or intended for use in the production, manufacture, assembly, or processing of products or articles, and the following types of buildings, structures, or projects when an integral part of any such operation: generating plant, railroad siding, loading platform, storage warehouse, or repair shop, provided such buildings, structures, or projects are designed and intended for, and maintained and operated in connection with, such operations, and are located on the industrial site. The term specifically includes, but is not limited to: facilities for food and fibre processing, mining, extractive, forestry, logging, or lumber operations; warehouses used or to be used by a public carrier for the storage of goods in its custody as such carrier, or used or to be used by the public for the storage of goods incident to their concentration for shipment in volume, or while in transit or awaiting transshipment, or incident to their distribution following shipment; grain elevators; feed mills; printing and publishing establishments; facilities for radio and television broadcasting, including community antennae receiving systems.

(2) The term "industrial plant, factory, or facility" does not include the following: commercial buildings, such as wholesale and retail establishments for the storage, distribution, display, or sale of products or articles; administration buildings for any enterprise (without regard to location); office buildings; lofts, warehouses other than those specified in subparagraph (1); garages; service stations; gasoline filling stations; buildings, structures, or projects designed for furnishing services to those who may be either producers or consumers, other than those specified in subparagraph (1); fishing, agricultural, or dairy operations (excluding the processing of fish, food, and dairy products); farms; highways, roads, and bridges and similar construction; buildings, structures, or projects designed or intended for use in connection with transportation operations, including railroad switch tracks or spurs, bridges, transportation, or passenger or freight carrier terminals (other than those warehouses specified in subparagraph (1)); piers or wharves used in the transshipment of persons or property; water and sewage systems; and public utility systems. These listings are illustrative and not all inclusive.

(n) "Owner" means the person who owns the building, structure, or project being constructed, or who will own it upon its completion. If a claimant agency will have title to a completed project, then the person under a direct contract with that claimant agency covering construction of that particular project shall also be considered the owner for the purposes of this regulation.

(o) "Project" means a construction plan contemplated for execution, irrespective of the time when it is to be carried into effect in full or in part, involving all or portions of a single building or structure, or involving two or more buildings or structures, or portions thereof, which are physically contiguous, or are parts of an integrated design or plan, so that each is an element of a single operation. In addition, a project also means a type of construction which is not a building or structure, but which requires a construction operation for its completion, such as a freight yard or a golf course. A project shall not be subdivided for the purpose of coming within the self-authorization provisions of this regulation.

(p) "Residential structure" means any structure in which at least 50 percent of the floor space (excluding floor space devoted to stairways, halls, and other common space) is used or designed for dwelling purposes for other than transient occupancy. "Residential structure" does not include such buildings or structures as hotels, motels, or tourist camps primarily used for transient occupancy.

(q) "Steel, copper, and aluminum" means steel, copper, and aluminum in the forms and shapes indicated in Table III of this regulation.

(r) "Structural shapes" means those rolled flanged steel sections having at least one dimension of their cross-section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flanged sections. (This means that any standard rolled section, from a 3 x 2½ inch angle, 3 inch "I" beam, or 3 inch channel up, are structural shapes.) Wide flanged sections are steel beams or columns having parallel face flanges rolled on a universal structural mill or Grey mill, in sizes ranging in depth from 4 to 36 inches.

ARTICLE II—COMMENCEMENT OR CONTINUANCE OF CONSTRUCTION

NOTE: See section 28 of this regulation for exemptions from this Article II.

SEC. 3. *Categories of construction specified in Table I of this regulation.* (a) (1) After March 5, 1952, no person shall commence the construction of any building, structure, or project of a type specified in Table I of this regulation (recreational, entertainment, or amusement construction) without receiving an adjustment or exception under section 33 of this regulation, unless the total quantity of controlled material to be installed on the site after March 5, 1952, for completion of such construction, including material for the manufacture of Class A products which are to be used in the construction project, does not exceed the following quantities:

Carbon steel including structural shapes (but not including wide-flange beam sections or columns)—2 tons.

Wide-flange beam sections or columns—none.

Alloy steel and stainless steel—none.

Copper and copper base alloys—200 pounds, or aluminum—100 pounds (as provided in section 24 of this regulation).

(2) After March 5, 1952, no person shall continue the construction of a building, structure, or project of a type specified in Table I of this regulation (recreational, entertainment, or amusement construction) which was properly commenced prior to March 6, 1952, without receiving an adjustment or exception under section 33 of this regulation, unless the total quantity of controlled material installed and to be installed on the site after September 30, 1951, for completion of such construction, including material for the manufacture of Class A products which are to be used in the construction project, does not exceed the following quantities:

Carbon steel (including all types of structural shapes)—2 tons.

Alloy steel and stainless steel—none.

Copper and copper base alloys—200 pounds, or aluminum—100 pounds (as provided in section 24 of this regulation).

(b) The self-authorization procedures specified in Article IV of this regulation do not apply to construction of any category of construction specified in Table I of this regulation.

(c) Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission is exempt from the provisions of this section.

SEC. 4. *All other categories of construction.* (a) Except as otherwise specified in this section, after September 30, 1951, no person shall commence or continue the construction of any building, structure, or project, construction of which is subject to this regulation, including but not limited to housing on military reservations and all military housing on or off military bases and reservations under P. L. 211, 81st Congress (Wherry Act) (see section 28 for list of exemptions), other than a category of construction specified in Table I of this regulation (recreational, entertainment, or amusement construction) without receiving an authorized construction schedule and related allotment (as provided for in Article III of this regulation) unless, for completion of the construction, he will not require delivery after September 30, 1951, of any quantity of controlled material, including material for the manufacture of Class A products which are to be used in the construction project, in excess of the quantity for which he is permitted to self-authorize his purchase orders (as provided for in Article IV of this regulation), and he will not require authorization to use a DO rating to procure delivery of any item described in section 23 (b) of this regulation, and he will not require authorization to use a DO rating to procure delivery of building equipment, building materials (other than controlled materials), production equipment, and production machinery, in dollar amounts exceeding those specified in section 23 of this regulation.

(b) If the construction project is a "small construction project" (see section 20 of this regulation), construction may be commenced or continued under

the self-authorization procedure specified in Article IV of this regulation, without receiving authorization pursuant to section 7 of this regulation.

(c) If the construction project was properly commenced prior to March 6, 1952, it may be continued without authorization if, for completion, the owner will not require delivery after September 30, 1951, per project, per calendar quarter, of more than the following quantities of controlled materials, including materials for the manufacture of Class A products which are to be used in the construction project: In industrial construction, 25 tons of carbon and alloy steel, including all types of structural shapes (not to include more than 2½ tons of alloy steel and no stainless steel), 2,000 pounds of copper and copper-base alloys, 1,000 pounds of aluminum; in all other construction except residential construction and recreational, entertainment, and amusement construction (see Table I of this regulation), 5 tons of carbon steel not to include more than 2 tons of structural shapes (but no wide flange beam sections or columns), copper and copper-base alloys—200 pounds, or aluminum—100 pounds (as provided in section 24 of this regulation), and no alloy steel or stainless steel. If delivery of more than these quantities is required, construction cannot be continued unless an authorized construction schedule and related allotment is made for the project.

(d) Except where otherwise provided by NPA, no person who has received an authorized construction schedule (whether pursuant to section 7 or of Article IV of this regulation) shall acquire controlled materials to fulfill such schedule except by use of the related allotment, or by charging the related allotment with the quantity of material acquired.

(e) See also Article VI of this regulation for the right to commence or continue construction when the owner uses foreign or used steel.

ARTICLE III—CONSTRUCTION UNDER THE CONTROLLED MATERIALS PLAN (CMP)

SEC. 5. *Claimant agencies.* (a) NPA has granted to a number of Government agencies and NPA divisions the authority to process applications filed under this regulation. These agencies and NPA divisions are the claimant agencies. The categories of construction over which each claimant agency has jurisdiction are set forth (for convenience) in Table IV of this regulation (Jurisdiction of Claimant Agencies).

(b) Any application filed pursuant to this regulation shall be filed with the claimant agency having jurisdiction over the particular category of construction. (For example, an application covering a steel plant should be filed with the NPA Industrial Expansion Division; an application covering a shopping center should be filed with NPA Construction Controls Division; and an application covering a fruit-canning factory should be filed with the Department of Agriculture.)

SEC. 6. *Applications for authorized construction or production schedules and allotments.* (a) To apply for an authorized construction schedule and allotment, Form CMP–4C or such other form as may be prescribed in the orders listed in section 28 of this regulation (for example, re electric utility construction, Form DEPA–9) shall be submitted. The application shall be made by the owner of the construction project, or his duly authorized agent. If the application is made by an agent, the agent shall submit written proof of his authority.

(b) The application shall state the actual controlled material requirements of the owner for that particular construction project. In computing such requirements:

(1) The owner shall include the controlled material requirements of all contractors, and producers of Class A products, who are to provide materials, equipment, or services for that construction project.

(2) To the extent required by CMP Regulation No. 2, inventories of controlled materials shall be taken into account.

(3) In determining his inventory, a person shall include all items of controlled material in his possession and all such items held for his account by another person, but not items of controlled material held by him for the account of another person.

NOTE: The inventory of the owner does not include items in the possession of his contractors or of any other persons, unless his contractors or such other persons are actually holding such items for the account of the owner and have earmarked them to the owner's account.

(c) Upon the request of the appropriate claimant agency, or upon the request of the owner or the person for whom the contractor or producer is to provide materials, equipment, or services for a construction project, any contractor, or producer of Class A products, who is to furnish such materials, equipment, or services shall furnish a statement of his actual controlled material requirements to the agency or person making the request.

(d) (1) If at any time the owner learns that the actual requirements of controlled materials for a construction project have been overstated, he shall report such fact at once to the claimant agency where his application is filed.

(2) Any contractor, or producer of Class A products, who has overstated his actual requirements of controlled materials for a construction project shall report such fact at once to the person to whom he originally stated his requirements.

(e) Upon the request of a person for whom he is producing Class A products for use in construction, the person who is producing such Class A products shall furnish the information called for in Form CMP–4A to the person making the request. The producer of Class A products shall receive an authorized production schedule and allotment under this regulation. All the provisions of CMP Regulation No. 1 and the directions to and amendments of that regulation are applicable to producers of Class A products.

(f) If any person receives any statement of requirements of controlled materials for a construction project which he knows or has reason to believe is substantially in excess of the actual requirements, he shall withhold any allotment based thereon in a quantity sufficient to correct such excess, and shall report all facts immediately to the appropriate claimant agency (see Table IV).

SEC. 7. *Authorization of construction and production schedules.* (a) A construction schedule for the owner of a construction project may be authorized by the appropriate claimant agency designated in Table IV of this regulation which has jurisdiction over the particular category of construction.

(b) An owner who has received an authorized construction schedule shall, pursuant thereto, authorize a construction schedule for his contractors; and each contractor who has received an authorized construction schedule shall, pursuant thereto, authorize construction schedules for his subcontractors. Likewise, each subcontractor who has received an authorized construction schedule shall, pursuant thereto, authorize construction schedules for his subcontractors.

(c) (1) An owner or a contractor who has received an authorized construction schedule shall authorize a production schedule pursuant thereto for each person who is to produce a Class A product for him for use in the construction project. Likewise, each person who has received an authorized production schedule under this regulation shall, pursuant thereto, authorize a production schedule for each person who is to produce a Class A product for him.

(2) Any person having several authorized construction schedules bearing the same allotment number, or several production schedules authorized under this regulation bearing the same allotment number, may authorize, pursuant thereto, a single production schedule for a person who is to produce Class A products for him.

(d) Except as may be otherwise specifically provided by a claimant agency, no person shall authorize a construction schedule or a production schedule pursuant to this regulation unless at the same time he makes an allotment of controlled materials as provided in section 8 of this regulation; and no person shall make an allotment of controlled materials pursuant to this regulation unless at the same time he authorizes a related construction schedule or a related production schedule as provided in this section.

SEC. 8. *How allotments are made.* (a) Each claimant agency mentioned in Table IV of this regulation will receive an allotment of controlled materials from the Defense Production Administration for construction programs under its jurisdiction.

(b) When a claimant agency or other person authorizes a construction schedule or production schedule pursuant to section 7 of this regulation, it or he shall make an allotment of controlled mate-

rials so that such schedule can be fulfilled, unless an exception is granted pursuant to section 7 (d) of this regulation.

(1) The allotment by the claimant agency shall be made to the owner of the construction project.

(2) The owner shall make allotments to his prime contractors.

(3) Each prime contractor shall make allotments to his subcontractors, or to any person who is to produce Class A products for him for use in the construction project.

(4) Each subcontractor, or person who is to produce Class A products for him for the construction project, shall make allotments to his subcontractor, or to persons who are to produce Class A products for him.

(c) The allotment shall specify the types and quantities of controlled materials needed for delivery in specified calendar quarters to complete the related authorized construction schedule or the related authorized production schedule.

(d) Except where a further breakdown is made by the Defense Production Administration, or by NPA, allotments shall be made in each case in specified quantities of:

(1) Carbon steel (including wrought iron);

(2) Alloy steel (not including stainless steel);

(3) Stainless steel;

(4) Copper and copper-base alloy brass mill products;

(5) Copper wire mill products;

(6) Copper and copper-base alloy foundry products and powder; and

(7) Aluminum.

(e) Each allotment of controlled materials shall be identified by an allotment number. (See section 10 of this regulation.)

(f) Within such limits as may be specified by the Defense Production Administration, a claimant agency may make an advance allotment to the owner of a construction project.

(g) An advance allotment may be made in the same manner as specified in paragraph (b) of this section.

(h) The right to make an allotment provided for in paragraphs (b) and (g) of this section is subject to the restriction that no person shall make any allotment before he first shall have received his own allotment.

SEC. 9. *Authorization of DO ratings.* (a) In order that a construction or production schedule authorized under section 7 of this regulation may be fulfilled, the claimant agency or other person authorizing such schedule shall authorize the use of a DO rating on purchase orders. The DO rating shall only be used on purchase orders for the following purposes:

(1) To acquire building equipment and building materials other than controlled materials in the minimum practicable amounts required, and on a date or dates no earlier than required, to fulfill such schedule; or

(2) Except as provided in paragraph (b) hereof, to acquire production machinery and production equipment for operation of the completed construction project covered by the authorized construction schedule to which such DO rating relates, in the minimum practicable amounts required, and on a date or dates not earlier than required.

(3) To replace in inventory products and materials (other than controlled materials) used to fulfill authorized construction schedules. Action taken under this subparagraph (3) is not an element of hardship, if an application for adjustment or exception is made under section 33 of this regulation.

(b) A DO rating authorized pursuant to this section shall not be used to acquire any item of new metalworking machines as specified in Table V of this regulation, unless its use for that purpose has been specifically approved. A person who requires a DO rating to procure any item of such metalworking machines shall comply with the procedures specified in Direction 5 to this regulation.

(c) The authority to use a DO rating pursuant to a construction schedule or a production schedule authorized pursuant to this regulation, shall not authorize the use of such rating on purchase orders for appliances such as cooking stoves or refrigerators, office machinery (including, but not limited to, business machines), office equipment, office furniture, any other type of furniture, or construction machinery (as defined in NPA Order M-43) which is to be used in the construction of the building, structure, or project for which the schedule has been authorized. This limitation in this paragraph (c) shall not apply to construction by or for the account of the Department of Defense or the Atomic Energy Commission.

SEC. 10. *Allotment numbers (controlled material orders).* (a) Allotments shall be identified by an allotment number consisting of a claimant agency letter symbol and one digit designating the authorized construction program of such claimant agency.

(b) Authorized controlled material orders shall show the related allotment number and the calendar quarter for which the allotment is valid. For example, a purchase order for controlled materials placed pursuant to an allotment identified by allotment number U-4 which is valid for the second quarter of 1952 shall be designated as follows: U-4-2Q52. The date or dates on which delivery is required must also be specified on such purchase order.

(c) An authorized controlled material order shall be certified in the manner prescribed in section 12 of this regulation.

SEC. 11. *Designation of DO orders.* (a) Purchase orders for products and materials other than controlled materials required for completion of an authorized construction or production schedule shall show the DO rating and the related allotment number, for example, DO-U-4. The date or dates on which delivery is required must also be specified on such purchase order.

(b) The purchase order shall be certified in the manner prescribed in section 12 of this regulation.

SEC. 12. *Certification of orders.* (a) This section sets forth the procedure to be used by an owner or contractor for certifying either an authorized controlled material order, or a purchase order with a DO rating, authorized under any section of this regulation.

(b) Such a controlled material order, or DO rated order shall contain a certification in the following form:

Certified under Revised CMP Regulation No. 6

(c) The certification must be signed by the person placing the order, or by a responsible individual who is duly authorized by such person to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written authorization must be kept.

(d) When such order is placed by telegram, the allotment number and/or the rating identification and the certification must be set out in full in the telegram. It will be sufficient if the file copy of the telegram is signed in the manner required for certification by paragraphs (b) and (c) of this section.

(e) On such orders requiring shipment within 7 days, the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with: The person making the statement for the buyer must be a person duly authorized to make the certification. Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification.

(f) The person who places an authorized controlled material order, or a DO rated order as provided for in section 9 or 23 of this regulation, the individual whose signature is used, and the individual who approves the use of the signature, will each be considered making a representation to the claimant agency having jurisdiction over the particular category of construction and also to NPA that the statements contained in the certification are true to the best of his knowledge and belief. The person receiving the certification shall be entitled to rely on it as a representation of the buyer of the truth thereof, unless he knows or has reason to believe that it is false.

(g) In addition to the representation referred to in paragraph (f) of this section, the certification of an authorized controlled material order or a DO rated order shall constitute a representation that, subject to the criminal penalties provided for in applicable United States statutes:

(1) the purchaser has received an allotment of controlled material author-

izing him, in accordance with the provisions of this regulation to place such order, and that the amount ordered is within the related allotment received by him, after he has deducted from such allotment all allotments made by him to any other person and all orders for controlled material placed by him and accepted by suppliers pursuant to the same allotment; or (2) the purchaser is authorized to place a DO rated order for the items covered by the order, in the amount for which the order is placed.

SEC. 13. *Use of allotments.* (a) Each person who receives an allotment of controlled materials may use only such portion of the allotment which he requires to obtain quantities of controlled materials as is needed for his own authorized construction schedule. He may allot the balance of such allotment to the contractors, subcontractors, or persons who are to produce Class A products for him for such construction, to cover their respective requirements of controlled materials for their related construction schedules or production schedules.

(b) No person shall make any allotment of controlled materials in any quantity in excess of the quantity thereof which may remain after he has deducted from the allotment which he has received, the total quantity of controlled material for which he has placed orders and for which he has already made allotments to others. Further, no person shall make any allotment of controlled materials to any other person in excess of the quantity required by such other person, to fulfill the related construction or production schedule authorized for the person to whom such allotment is made. However, in determining the quantity so required, quantities required by subcontractors or by persons who are to make Class A products for him for the construction project may be taken into consideration.

(c) Allotments shall be made on such forms as may be prescribed. Allotments may be made by telegraphing or telephoning the information required by the prescribed form, if such information is confirmed on the prescribed form within 15 days thereafter.

SEC. 14. *Cancellation or reduction of allotments.* (a) A person who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made.

(b) A person who has received an allotment may cancel or reduce the same by making an appropriate notation thereon and notifying the person from whom he received it.

(c) In either case, if an allotment received by a person is cancelled, he must cancel all allotments which he has made, and cancel all authorized controlled material orders which he has placed on the basis of the allotment; and, if an allotment received by a person is reduced, he must cancel or reduce allotments which he has made or cancel or reduce authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as so reduced. If and to the extent that cancellation or reduction of an allotment is impracticable because of shipments already made pursuant to such allotment, he may use or dispose of the controlled materials or the Class A products which he gets with such allotment in the manner provided in section 17 of this regulation.

SEC. 15. *Prohibition of transfer of allotments.* No person except a claimant agency shall transfer any allotment (as distinct from making an allotment, see section 8 of this regulation).

SEC. 16. *Alternative procedure for simultaneous allotments.* A person who has received an authorized construction schedule and a related allotment of controlled materials, and who, in connection with such construction project, has several contractors or several persons producing Class A products for him which are to be used in the construction project, who are in different degrees of remoteness, may, at his option, authorize individual construction and/or production schedules and may, out of the quantities of controlled materials allotted to him for such project make direct allotments to all such persons of all degrees of remoteness. The person who is to make the allotment under this alternative procedure may request each such person of all degrees of remoteness, to furnish him directly with information regarding such person's requirements of controlled materials, and each such person shall comply with such request. If this procedure is followed, each such person shall include in the information he furnishes to the person requesting the same only his own requirements for controlled materials and not those of his suppliers. In no event shall a person who uses this alternative procedure make an allotment of more controlled materials than he has received. All the provisions of this regulation regarding authorized construction schedules, authorized production schedules, and allotments, shall apply to the alternative procedure for simultaneous allotments, except as specifically provided in this section.

SEC. 17. *Restrictions on placing authorized controlled material orders, and on use of allotments and materials.* (a) No person shall request that delivery of any controlled material be made in a greater amount or on an earlier date than required to fulfill his authorized construction schedule or his authorized production schedule.

(b) No person shall request that delivery of any controlled material be made which would result in his having in inventory controlled materials in excess of the limitations prescribed in CMP Regulation No. 2, or provided in any other regulation or order of NPA.

(c) Without regard to the provisions of paragraphs (a) and (b) of this section, if the quantity of any controlled material required is less than the minimum mill quantity specified in CMP Regulation No. 1, and if such less than minimum mill quantity cannot be procured from a distributor, the person placing the order may accept delivery of the full minimum shown in CMP Regulation No. 1 (see paragraph (f) of this section).

(d) No person shall use an allotment, or any controlled material or Class A product obtained pursuant to an allotment, for any purpose except: (1) to fulfill the related authorized construction or production schedule; (2) to fulfill any of his other authorized construction or production schedules which bear the same allotment number, but, in such event, not to use for any single schedule more than the quantity actually allotted therefor; or (3) to replace in inventory controlled materials or Class A products used to fulfill any of such authorized construction schedules, subject to the provisions of CMP Regulation No. 2, or any other applicable regulation or order of NPA. (Action taken under (3) is not an element of hardship, if an application for adjustment or exception is made under section 33 of this regulation.) Where an allotment made for one schedule is used in filling another schedule as provided in this paragraph, no charge need be made against the allotment account of the second schedule, but an appropriate record must be made of the allotment accounts or otherwise, describing the circumstances.

(e) If a person's needs for a controlled material or Class A products are reduced before he has ordered or received delivery of them, he must immediately return the allotment as explained in section 14 of this regulation unless he uses the allotment for the purposes permitted in paragraph (d) of this section. If he has already placed authorized controlled material orders or purchase orders for Class A products, he must cancel them. If cancellation of such orders is impracticable because of shipments already made, he may accept delivery of the controlled materials and Class A products, in which case his use of them is covered by paragraphs (f) and (g) of this section.

(f) If it develops, after a person has received delivery of controlled materials or Class A products, that he cannot use them for a purpose permitted under paragraph (d) of this section, he shall not use or dispose of them except as provided below: (1) He may hold the controlled materials or Class A products in his inventory for use in connection with future authorized construction schedules; (2) he may sell or otherwise transfer title to such controlled materials to his original supplier of such controlled materials; (3) he may sell or otherwise transfer title of such controlled materials to a person who places an authorized controlled material order with him, in which event he (the seller) shall not extend the allotment number identifying such order; or (4) he shall request authorization from the appropriate claimant agency as to any other use or disposition of such controlled materials or Class A products.

(g) If, before using or disposing of controlled materials or Class A products in a way permitted by this section, the person to whom they were delivered receives instructions from NPA as to disposition or use of them, he must comply with such instructions. Also, he must comply with any instructions he receives from a claimant agency with respect to

his use of controlled materials or Class A products which he obtained by use of an allotment from that claimant agency, in any construction program of the same claimant agency, or with respect to their sale to any other person for use in a program of the same claimant agency, subject always to whatever rights he may have to reimbursement.

(h) Each person shall maintain separate records of inventories of controlled materials or Class A products which he obtained by use of his allotments, for each individual construction schedule (see section 32 of this regulation), but he need not segregate the physical inventories.

SEC. 18. *Adjustments for changes in requirements.* (a) If a person's requirements for controlled materials or Class A products needed to fulfill an authorized construction or production schedule are increased after he receives his allotment, he may apply for an additional allotment to the person who made the allotment for that schedule.

(b) If a person finds that he has been allotted substantially more controlled materials than he needs, he must return the excess. As of the first of each month, each person must check up on his anticipated requirements for the quarter and determine whether he has been allotted a greater quantity than he anticipates he needs. If he has any excess allotted he must return such excess by the tenth of the month. He need not take a physical inventory for this purpose, but must merely check up on the effect of known changes in his requirements or errors which he has discovered in his statement of requirements.

(c) The return of an unneeded allotment must be made to the person from whom the allotment was received on such form as may be prescribed. If it is impracticable to obtain the prescribed form, the return may be made by letter setting forth the facts.

(d) In those cases where it is impracticable for a person to return an allotment to the person from whom he received it, he may make the return directly to the appropriate claimant agency.

SEC. 19. *Placing of orders.* (a) A purchase order shall be deemed an authorized controlled material order only if it contains an allotment number and the calendar quarter for which the allotment is valid, as provided in sections 10 and 22 of this regulation and if it is certified as provided in section 12 of this regulation, or if it is specifically designated as an authorized controlled material order by any regulation or order of NPA.

(b) Unless otherwise specifically provided, a person who has received an allotment may place an authorized controlled material order with any person. However, if an allotment made under section 8 of this regulation designates the source from which the controlled materials shall be obtained, then a person who receives an allotment pursuant to such grant shall use that allotment only to obtain controlled materials from the designated source.

(c) An authorized controlled material order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer within the lead time specified in CMP Regulation No. 1, or at such later time as the controlled materials producer may find practicable to accept the same. No controlled material producer shall discriminate between customers in rejecting or accepting orders placed after such lead time.

(d) No person shall place an authorized controlled material order unless the amount of controlled material ordered is within the related allotment received by him, after deducting all allotments made by him and all orders for controlled material placed by him pursuant to the same allotment, or unless he is expressly authorized to place such an order by any applicable regulation or order of NPA.

(e) A controlled materials producer shall make shipment on each authorized controlled material order as close to the requested delivery date as is practicable. He may make shipment during the 15 days prior to the requested delivery month, but not before then, provided such shipment does not interfere with shipment on other authorized controlled material orders, and provided production to meet such shipment would not violate any production directive. If a producer, after accepting an order, finds that, due to contingencies which he could not reasonably have forseen, he is obliged to postpone the shipment date, he must promptly advise his customer of the approximate date when shipment can be scheduled, and keep his customer advised of any changes in that date. Shipment of any such carry-over order must be scheduled and made in preference to any order originally scheduled for such later date. When the new date for shipment on a carry-over order, originally scheduled for delivery in any calendar quarter, falls within a later quarter than that indicated on the original order, the producer must make shipment on the basis of the original order even if that order shows that the allotment was valid for a quarter earlier than the one in which shipment is actually made, and the customer is not required to charge his allotment for the quarter during which shipment on such carry-over order is actually made.

ARTICLE IV—SMALL CONSTRUCTION PROJECTS

NOTE: See section 28 of this regulation for exemptions from this Article IV.

SEC. 20. *Self-authorization for small construction projects.* (a) A "small construction project" is one (1) which the owner can complete without requiring authorization to use a DO rating to procure delivery of any item described in section 23 (b) of this regulation, and without requiring authorization to use a DO rating to procure delivery of building equipment, building materials (other than controlled materials), production equipment and production machinery, in dollar amounts exceeding those specified in section 23 of this regulation, and (2) which the owner can complete without receiving delivery after September 30, 1951, of controlled materials, including controlled materials for the manufacture of Class A products which are to be used in the construction project, in excess of the appropriate quantities specified in Table II of this regulation for the particular category of construction; or (3) which the owner can complete without receiving delivery after September 30, 1951, of any controlled materials.

(b) Materials required for completion of a "small construction project" may be obtained by self-authorizing purchase orders for controlled materials, or by self authorizing a DO rating in the manner provided in sections 21, 22, and 23 of this regulation. The owner shall not file an application for an authorized construction schedule.

(c) This Article IV does not apply to construction by or for the account of the Department of Defense or the Atomic Energy Commission.

(d) See also Article VI of this regulation for the right to self-authorize orders where the owner uses foreign or used steel.

SEC. 21. *Who may self-authorize.* (a) The owner of a "small construction project" may self-authorize his purchase orders for controlled materials, including controlled materials for the manufacture of Class A products which are to be used in the construction project, if, in order to complete such construction, he will not require delivery after September 30, 1951, of quantities of controlled materials greater than those specified in Table II of this regulation for the appropriate category of construction, and if he will not require authorization to use a DO rating to procure delivery of any item described in section 23 (b) of this regulation, and if he will not require authorization to use a DO rating to procure delivery of building equipment, building materials (other than controlled materials), production equipment, and production machinery, in dollar amounts exceeding those specified in section 23 of this regulation.

(b) The owner of a construction project which may be continued pursuant to section 4 (c) of this regulation may self-authorize his purchase orders for controlled materials, including controlled materials for the manufacture of Class A products which are to be used in the construction project if, in order to complete such construction, he will not require delivery after September 30, 1951, of quantities of controlled materials greater than those specified in section 4 (c) of this regulation.

SEC. 22. *Self-authorization: allotment numbers.* (a) An owner who may self-authorize purchase orders pursuant to sections 21 and 23 of this regulation is authorized to use the following allotment numbers on his purchase orders:

U-6 for an industrial plant, factory, or facility.

U-8 for all other categories of construction other than those categories listed in Table I of this regulation, and those categories exempt from this article as specified in section 28 of this regulation.

(b) A purchase order for controlled materials bearing the appropriate allotment number and certified in the manner described in section 12 of this regu-

lation shall constitute an authorized controlled material order.

(c) A "small construction project," or a project covered by section 4 (c) of this regulation, erected with controlled materials which are obtained either by the self-authorization procedure, or with materials properly contained in the owner's inventory (see CMP Regulation No. 2) prior to October 1, 1951, shall be considered to be constructed pursuant to an authorized construction schedule for the purpose of all CMP regulations.

SEC. 23. *DO Ratings.* (a) The owner of a "small construction project," or a project covered by section 4 (c) of this regulation, is authorized to use the rating DO (with the appropriate allotment number specified in section 22 of this regulation) on his purchase orders calling for delivery after September 30, 1951, of building materials other than controlled materials and building equipment which are required for such construction, and for production machinery and production equipment which are necessary for the operation of the completed construction project.

(b) The authority to use the DO rating granted by paragraph (a) of this section, shall not be deemed to authorize the use of such rating on purchase orders for:

(1) Metalworking machines (as specified in Table V of this regulation).

(2) Construction equipment and construction machinery (as defined in NPA Order M-43).

(3) Appliances such as cooking stoves and refrigerators, office machinery (including but not limited to business machines), office equipment, office furniture, and any other type of furniture.

(c) Further, a DO rating authorized pursuant to this section may not be used for any entire single construction project in dollar amounts in excess of the following:

Category of construction	Building equipment and building materials (other than controlled materials)	Production equipment and production machinery
Industrial plant, factory, or facility	$100,000	$200,000
All other "small construction projects"	15,000	5,000

(d) Purchase orders bearing DO ratings, authorized under paragraph (a) of this section, shall be certified under section 12 of this regulation.

ARTICLE V—CONSERVATION

NOTE: See section 28 of this regulation for exemptions from this Article V.

SEC. 24. *Limitations on the use of controlled materials.* No person shall use in, or in connection with, the construction of any building, structure, or project:

(a) Any copper or aluminum controlled material (as defined in Table III of this regulation) for decorative or ornamental purposes; or

(b) Any aluminum controlled material, except:

(1) In industrial construction, or in construction of facilities subject to NPA Order M-50; or

(2) In any construction covered by this Article V (see section 28 for exemptions), aluminum to be used only as a conductor of electric current may be substituted for copper, at the ratio of 1 pound of aluminum for each 2 pounds of copper.

(c) Any copper controlled material which is to be fabricated on the site of the construction for any of the following purposes:

Cement flooring and composition flooring (except that (crude arsenical) copper precipitate may be used for flooring in hospital operating and anesthesia rooms, for places where explosives are handled or stored, and for places where explosive vapors may be present).
Cornices.
Downspouts and accessories thereto.
Facias.
Gutters and accessories thereto.
I. P. S. waste nipples.
Leaders and accessories thereto.
Linoleum stripping.
Marquees.
Metal siding.
Moldings for joining cabinet sinks.
Roofing.
Store fronts.
Terrazzo strips.

ARTICLE VI—USE OF FOREIGN AND USED STEEL IN CONSTRUCTION

NOTE: See section 28 of this regulation for exemptions from this Article VI.

SEC. 25. *Definitions.* (a) When used in this Article VI:

(1) The term "foreign steel" means steel in the forms and shapes specified in Table III of this regulation, produced outside of, and imported from outside, the United States, its territories and possessions, and the Dominion of Canada, and which can be so identified.

(2) The term "used steel" means steel in the forms and shapes specified in Table III of this regulation, which has been utilized in production or construction.

(b) This Article VI is not applicable to categories of construction specified in Table I of this regulation (recreational, entertainment, or amusement construction).

SEC. 26. *Use of foreign and used steel.* (a) If the owner of a construction project has received an authorized construction schedule and related allotment under sections 7 and 8 of this regulation, he may use foreign or used steel in his construction project in addition to the quantity of steel controlled material for which he has received an allotment, provided he will not require delivery of a greater quantity of copper or aluminum controlled material than the quantity for which he has received an allotment.

(b) If the owner of a construction project has not received an authorized construction schedule and related allotment under sections 7 and 8 of this regulation, he may nevertheless commence or continue construction, and he may use foreign and used steel in his construction project, in addition to the quantity of steel specified in Table II of this regulation for the particular category of construction, provided that:

(1) He will not require delivery, for completion of the construction project, of a greater quantity of copper and aluminum controlled material, including material required for the manufacture of Class A products to be used in the construction project, than is specified in Table II of this regulation for the particular category of construction; and

(2) He will not require authorization to use or apply a DO rating for any items specified in section 23 (b) of this regulation; and he will not require authorization to use or apply a DO rating to procure delivery of building equipment or building materials (other than controlled materials), production equipment and production machinery in dollar amounts exceeding those specified in section 23 of this regulation.

(c) If construction is commenced or continued pursuant to paragraph (b) of this section, the owner shall comply with the self-authorization rules and procedures specified in Article IV of this regulation.

SEC. 27. *Hardship.* No action taken by any person, as a result of the permission to use foreign or used steel under section 26 of this regulation, shall be considered as creating a condition of hardship if any application is made under section 33 of this regulation for an adjustment or exception to any provision of this regulation, or of any other regulation or order of NPA.

ARTICLE VII—GENERAL PROVISIONS

SEC. 28. *Exemptions.* (a) The following categories of construction are not subject to the provisions of Articles II and IV of this regulation:

(1) Construction of facilities for the generation, transmission, and distribution of electric power by electric utilities, which is subject to NPA Order M-59.

(2) Construction of facilities for the production, processing, refining, and distribution of petroleum and gas, which is subject to NPA Order M-46B.

(3) Operating construction in connection with communication facilities, which is subject to NPA Order M-77.

(b) Insofar as the provisions of Direction 4 to Revised CMP Regulation No. 6 are inconsistent with this regulation that direction will supersede this regulation with respect to the construction of water wells.

(c) Residential construction, which is subject to NPA Order M-100, is not subject to the provisions of Articles II, IV, V, and VI of this regulation.

(d) Housing on military reservations and all military housing constructed under Public Law 211, 81st Congress (Wherry Act), whether on or off military bases and reservations, and federally owned housing on federally owned property under the control of the Atomic Energy Commission, are not subject to Article IV of this regulation.

SEC. 29. *Prohibited deliveries.* No person shall accept an order for, or sell, deliver, or cause to be delivered, any material, equipment, or supplies which he knows, or has reason to believe, will

be used in violation of the provisions of this regulation.

SEC. 30. *Scope of this regulation.* This regulation shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States. However, where construction is being performed by contract with the Department of Defense outside the confines of the area just described, and it is necessary to get materials from the United States or its territories to complete the project, DO ratings and allotments of controlled materials may be issued in accordance with the provisions of this regulation.

SEC. 31. *Communications.* All communications concerning this regulation shall be addressed to the claimant agency having jurisdiction over the particular category of construction, as specified in Table IV of this regulation.

SEC. 32. *Records and reports.* (a) Each person making or receiving any allotment of controlled materials shall maintain at his regular place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among his contractors and among persons producing Class A products for him. Such records shall be kept separately by allotment numbers, and shall include separate entries under each number of each person or claimant agency from whom allotments are received under such number, except as otherwise specifically provided in this regulation.

(b) Each person shall retain for at least 3 years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to accept delivery of controlled materials or Class A products, segregated and available for inspection by representatives of NPA, or claimant agencies authorized by NPA, or filed in such manner that they can be readily segregated and made available for such inspection.

(c) The provisions of this regulation do not require any particular accounting method, provided the records maintained supply the information specified by this regulation and furnish an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(d) Persons subject to this regulation shall maintain such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942.

SEC. 33. *Applications for adjustment or exception.* (a) Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) To apply for an adjustment or exception from section 3 of this regulation, both Form NPAF–24A and Form CMP–4C shall be filed. The forms shall be filed with the National Production Authority, Washington 25, D. C., except in the following instances:

(1) An application for an adjustment or exception to permit the commencement or continuance of construction of a building, structure, or project of the type specified in Table I of this regulation (recreational, entertainment, and amusement construction), which is required as part of an integrated hospital program of the Veterans' Administration, shall be filed with the Veterans' Administration, Washington 25, D. C.

(2) An application for an adjustment or exception to permit the commencement or continuance of construction of a building structure or project of the type specified in Table I of this regulation (recreational, entertainment, and amusement construction), which is required as part of an integrated hospital program of the Federal Security Agency, shall be filed with the Federal Security Agency, Washington 25, D. C.

(3) An application for an adjustment or exception to permit the commencement or continuance of construction of a gymnasium which is to be part of a school plant, and is to be used primarily for instructional purposes in physical education and training, and is not to be a free-standing building, shall be filed with the Federal Security Agency, Washington 25, D. C. (The Federal Security Agency shall not authorize the commencement or continuance of construction of any school gymnasium if it provides for permanent spectator seating.)

(c) In determining whether an adjustment or exception should be granted under paragraph (b) of this section, the agency processing the application will consider whether the applicant has properly contained in his inventory, as provided for in CMP Regulation No. 2, controlled materials in a quantity sufficient to complete the proposed building, structure, or project.

(d) Each request for an adjustment or exception from the provisions of section 24 of this regulation shall be made by filing Form NPAF–24A.

(e) Except as provided in paragraph (b) of this section, each request shall be filed with the claimant agency having jurisdiction over the particular category of construction, as specified in Table IV of this regulation.

SEC. 34. *Violations.* (a) Any person who wilfully violates any provision of this regulation or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact, or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of receiving further deliveries of products or materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

(b) The omission from this regulation of certain provisions formerly in NPA Order M–4A, CMP Regulation No. 6, or in Direction 1 to CMP Regulation No. 6, does not affect any liabilities for violation of that order, regulation, or direction, as amended from time to time, or for violation of any adjustments, exceptions, directions, directives, or other actions taken under them, nor deprive any person of any right received thereunder.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

This revised regulation shall take effect March 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

TABLE I—RECREATIONAL, ENTERTAINMENT, AND AMUSEMENT CONSTRUCTION

All buildings, structures or projects to be used for, or in connection with, any recreational, amusement, or entertainment purpose, whether public or private, including, but not limited to:

Amphitheater.
Amusement arcade.
Amusement device built into place on the site, such as a roller coaster, merry-go-round, or similar device or kind. (This shall not include demountable or portable equipment.)
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand.
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bathhouse.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure, or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.

Exposition or exhibition building or structure for recreational, amusement, or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework, or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium.
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot-machine establishment.
Stadium.
Swimming pool.
Theater, any kind (including drive-in theater).
Yacht basin or marine railway primarily for the use of pleasure craft.

TABLE II—CATEGORIES OF CONSTRUCTION AND QUANTITIES OF CONTROLLED MATERIALS FOR WHICH PURCHASE ORDERS MAY BE SELF-AUTHORIZED

1. *Construction of industrial plants, factories, or facilities:*

NOTE: These quantities are per project, per quarter.

25 tons of carbon steel and alloy steel, including all types of structural shapes (not to include more than 2½ tons of alloy steel and no stainless steel).
2,000 pounds of copper and copper-base alloys.
1,000 pounds of aluminum.

2. *Construction and maintenance of all rural and urban highways, etc., under the jurisdiction of the Bureau of Public Roads (see Table IV of this regulation):*

NOTE: These quantities are per project, and not per quarter.

25 tons of carbon steel (not to include more than 2 tons of all types of structural shapes).
200 pounds of copper and copper-base alloys.
No aluminum, stainless steel, or alloy steel.

3. *Categories of construction specified in Table I of this regulation (recreational, entertainment, and amusement construction), and housing on military reservations and all military housing under P.L. 211, 81st Congress (Wherry Act), and federally owned housing on federally owned property under the control of the Atomic Energy Commission:*

No self-authorization is permitted.

4. *All other construction (see section 28 of this regulation for exemptions from this regulation):*

NOTE: These quantities are per project, per quarter.

5 tons of carbon steel (not to include more than 2 tons of structural shapes but no wide-flange beam sections or columns).
200 pounds of copper and copper-base alloys or 100 pounds of aluminum.*
No alloy steel, or stainless steel.

*The owner may self-authorize for aluminum but only to be used as a conductor of electric current, and if he does, he must reduce his copper requirements, using the ratio, 1 pound of aluminum to 2 pounds of copper.

TABLE III—CONTROLLED MATERIALS

("Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in this schedule, whether new, remelted, rerolled, or redrawn, including used and second-quality materials, shearings, and material sorted or salvaged from scrap which are sold for other than remelting, rerolling, or redrawing purposes.)

CARBON STEEL (INCLUDING WROUGHT IRON) [1]

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled projectile and shell quality.[2]
Bar, hot-rolled, other (including light shapes).
Bar, reinforcing (straight lengths—as rolled).
Bar, cold-finished.
(b) Sheet, strip (uncoated and coated).
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Sheet, all other coated.
Sheet, enameling.
Roofing, galvanized, corrugated, V-crimped channel drains.
Ridge roll, valley and flashing.
Siding, corrugated and brick.
Strip, hot-rolled.
Strip, cold-rolled.
Strip, galvanized.
Electrical sheet and strip.
Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.
(c) Plate.[3]
(d) Structural shapes,[4] piling.
(e) Pipe, tubing.
Includes:
Standard pipe (including type of couplings furnished by mill).[5]
Oil country goods (casings, tubular goods, type of couplings furnished by mill).
Line pipe (including type of couplings furnished by mill).
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.
(f) Wire, wire products.
Includes:
Wire—drawn.
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted.
Spikes and brads—steel wire, galvanized, and cement-coated.
Staples, bright and galvanized (farm and poultry).
Wire rope and strand.
Welded wire mesh and woven wire netting.
Barbed and twisted wire.
Wire fence, woven and welded (farm and poultry).
Bale ties.
Coiled automatic baler wire.
(g) Tool steel (including die blocks and tool steel forgings).
(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, shell quality for body stock only.[6]
Billets, shell quality for component parts.
Blooms, slabs, other billets, tube rounds, sheet bars.
Skelp.
Wire rod.
Rails.
Joint bars (track).
Tie plates (track).
Track spikes.
Wheels, rolled or forged (railroad).
Axles (railroad).
(i) Castings (not including cast iron).

ALLOY STEEL [7] (EXCEPT STAINLESS STEEL)

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled projectile and shell quality.
Bar, hot-rolled, other (including light shapes).
Bar, cold-finished.
(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.

[1] For the purpose of this table "carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) all grades of electrical sheet and strip; (2) low-alloy, high-strength steels; and (3) clad and coated carbon steels not included with alloy steels, e. g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels. "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose.

[2] Includes projectile body stock, sizes under 8 inches and component parts, all sizes.

[3] Carbon plates not only include the following minimum size-specifications, but also floor plates of any thickness:
0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 6 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 6 inches wide.

[4] "Structural shapes" means those rolled flanged sections having at least one dimension of their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide-flanged sections.

[5] Standard pipe includes the following:
Ammonia pipe.
Bedstead tubing.
Driven well pipe.
Drive pipe.
Dry kiln pipe.
Dry pipe for locomotives.
English gas and steam pipe.
Furniture pipe.
Ice machine pipe.
Mechanical service pipe.
Nipple pipe.
Pipe for piling.
Pipe for plating and enameling.
Pump pipe.
Signal pipe.
Standard pipe coupling stock.
Structural pipe.
Turbine pump pipe.
Water main pipe.
Water well casing.
Water well reamed and drifted pipe.

[6] Includes only projectile body stock, sizes 3 inches and larger, rounds, and round-cornered squares.

[7] For purposes of this schedule "alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheets and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

Strip, hot-rolled.
Strip, cold-rolled.

(c) Plate.[8]
Includes:
Rolled armor.
Other.

(d) Structural shapes.

(e) Pipe, tubing.
Includes:
Oil-country goods.
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.

(f) Wire.

(g) Tool steel (including die blocks and tool steel forgings).

(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, projectile and shell quality.
Blooms, slabs, other billets, tube rounds, sheet bars.
Wire rods.
Rails.
Wheels, rolled or forged (railroad).
Axles (railroad).

(i) Castings.

STAINLESS STEEL [9]

(a) Seamless tubing.

(b) Other mill forms and products (not including forgings).

Includes:
Bar, bar shapes (including light shapes).
Includes:
Bar, hot-rolled (including light shapes).
Bar, cold-finished.
Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Strip, hot-rolled.
Strip, cold-rolled.
Plate.[10]
Structural shapes.
Tubing (except seamless).
Wire, drawn.
Ingots, blooms, billets, tube rounds, sheet bars, wire rods.

(c) Castings.[11]

COPPER ANN COPPER-BASE ALLOY BRASS MILL PRONUCTS [12]

Copper (unalloyed):
(a) Bar, rod, shapes, wire (except electrical wire).
(b) Sheet, strip, plate, rolls.
(c) Pipe, tubing (seamless).

Copper-base alloy: [13]
(d) Bar, rod, wire, shapes.
(e) Sheet, strip, plate, rolls.
(f) Pipe, tubing (seamless).

COPPER WIRE MILL PRONUCTS

All copper wire and cable for electrical conduction including but not limited to:
Bare and tinned.
Weatherproof.
Magnet wire.
Insulated building wire.
Paper and lead power cable.
Paper and lead telephone cable.
Asbestos cable.
Portable and flexible cord and cable.
Communication wire and cable.
Shipboard cable.
Automotive and aircraft wire and cable.
Insulated power cable.
Signal and control cable.
Coaxial cable.

Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.

COPPER ANN COPPER-BASE ALLOY FOUNNRY PRONUCTS AND POWNER

Includes:
Copper, brass, and bronze castings.[14]
Copper, brass, and bronze powder.

ALUMINUM

Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate, foil.
Powder (atomized or flake, including paste).
Pig or ingot, granular or shot.

[8] Alloy steel plates include the following size specifications:
0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 12 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 12 inches wide.

[9] "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements. However, stainless steel containing less than 1 percent nickel is not a controlled material.

[10] Stainless steel plates include the following size specifications: 3/16 inch (0.1875) or thicker, over 10 inches wide.

[11] "Stainless steel castings" means any steel casting which is heat- corrosion- or abrasion-resistant, containing 8 percent or more of chromium with or without nickel, molybdenum, or other alloying elements.

[12] Includes anodes—rolled or forged.

[13] "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67-38.

[14] Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner and/or outer diameter before delivery to a customer). Castings include anodes cast in a foundry or by an ingot maker.

TABLE IV.—JURISDICTION OF CLAIMANT AGENCIES

Category of construction*	Agency	Address where communications shall be filed
All school, museum and library construction; hospital and health facility housing; college and educational institutional housing; all hospital and health facility construction other than the Veterans' Administration and military hospitals; all other health and sanitation programs including refuse disposal systems and free standing incinerators (but not water supply and sewer construction programs), and excluding such types of construction which are federally owned on federally owned property under the control of the Atomic Energy Commission, and such types of construction on military reservations.	Federal Security Agency	Schools, museums, and libraries: Office of Education, Federal Security Agency, Washington 25, D. C. Ref: Revised CMP Regulation No. 6. Hospitals and health projects: Public Health Service, Federal Security Agency, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
The hospital program of the Veterans' Administration	Veterans' Administration	Assistant Administrator for Construction, Supply and Real Estate, Veterans' Administration, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Farm housing; facilities for production of food including on-farm and off-farm construction; wholesale food distribution and handling; canning, freezing or otherwise processing or preparing food for marketing and distribution; tobacco auction warehouses; public cold storage food lockers and storage facilities owned or operated in whole or in major part as an integral part of such handling, processing, and wholesaling. (With respect to food having industrial uses, facilities for the specified purposes are included only to the point where responsibility for such food ceases to be exercised by Production and Marketing Administration under the agreement between Production and Marketing Administration and NPA (16 F. R. 3410), as from time to time amended.)	Department of Agriculture	State offices, Production and Marketing Administration, Department of Agriculture. Ref: Revised CMP Regulation No. 6. Re on-farm construction, County offices, Production and Marketing Administration, Department of Agriculture. Ref: Revised CMP Regulation No. 6.
Facilities for departmental programs of the Department of the Interior; facilities for the production, preparation and processing of solid fuels; facilities for the production and processing of fishery products.	Department of the Interior	Department of the Interior, Washington 25, D. C. Ref: Revised CMP Regulation No. 6. Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C. Ref: Revised CMP Regulation No. 6. Defense Fisheries Administration, Department of the Interior, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.

*If a water well, office building, or other facility is an integral part of a facility, jurisdiction of which is herein delegated to a specific claimant agency, jurisdiction over the water well, office building, or other facility shall be with the claimant agency having jurisdiction over the facility of which it is an integral part. (For example, communications about a water well to be constructed on a farm or to serve a farmstead shall be filed with the Department of Agriculture: communications about an administration building to be used exclusively by an industrial enterprise, and which is to be located on the factory or industrial site, shall be filed with the claimant agency having jurisdiction over such industrial construction.) However, the fact that jurisdiction over such water well, office building, or other facility is as herein described does not change the classification of the water well, office building, or other facility being constructed; and in determining the right to self-authorize orders for such construction, the definition in section 2 (m) of Revised CMP Regulation No. 6 shall be controlling.

The jurisdiction over residential construction of the claimant agencies specified in this table does not include jurisdiction over any commercial or other facilities intended, or which might be construed, as supplemental to residential construction. (For example, jurisdiction over a shopping center proposed to service a residential development is with the National Production Authority, and not with the claimant agencies for housing named in this table.)

TABLE IV.—JURISDICTION OF CLAIMANT AGENCIES—Continued

Category of construction*	Agency	Address where communications shall be filed
Facilities for the production, processing, refining, and distribution of petroleum and gas; and facilities for the production, processing, and distribution of the products listed in Appendix A of NPA Delegation No. 9 (but not filling stations).	Department of the Interior	Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment, repair shops, bridges, tunnels, toll road facilities, and appurtenant installations, publicly owned parking facilities incident to a highway or street, regardless of financing, but not garages, filling stations, restaurants, or other commercial facilities; air navigation facilities, civil airports; shipyards.	Department of Commerce	Bureau of Public Roads, District Engineer, field offices (through State Highway Department). Ref: Revised CMP Regulation No. 6. Civil Aeronautics Administration, Attention: W-30, Washington 25, D. C. Ref: Revised CMP Regulation No. 6. Maritime Administration, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Facilities for domestic transportation, storage, and port facilities, as defined in E. O. 10161, as amended.	Defense Transport Administration	Defense Transport Administration, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
All construction by, or for the account of the Atomic Energy Commission; industrial construction sponsored by the Atomic Energy Commission; federally owned housing on federally owned property under the control of the Atomic Energy Commission.	Atomic Energy Commission	Appropriate operations offices of the Atomic Energy Commission. Ref: Revised CMP Regulation No. 6.
Construction by or for the account of the Department of Defense, Navy construction, Army construction, Air Force construction, including but not limited to projects of an industrial nature financed by the military departments; housing on military reservations, and all military housing under Public Law 211, 81st Congress (Wherry Act), whether on or off military bases and reservations; military command construction; and construction for the National Advisory Committee for Aeronautics.	Department of Defense	Department of the Navy, Bureau of Yards and Docks, B-620, Washington 25, D. C. Army, Air Force, and Associated Agencies of the Department of Defense: Local representative of the military department or associated agency concerned, see Department of Defense Instruction Sheet CMP-4C-3.
Federal buildings and facilities, except as otherwise specifically designated on this Table, including buildings and facilities constructed by private interests and capital, where a predominant portion of the premises is designed and intended to be used under lease for extended periods by Federal Government Agencies.	General Services Administration	Controlled Materials Division, General Services Administration, Room G-125, GSA Building, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Civil works Corps of Engineers projects; the Panama Canal Company; Domiciliary Building, Old Soldiers' Home (except projects having electric power generating facilities not specifically exempted by the Administrator of the Defense Electric Power Administration).	Department of the Army	Department of the Army, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
All public and private housing not specifically covered above in this table, including housing under Public Law 211, 81st Congress (Wherry Act) for the Atomic Energy Commission.	Housing and Home Finance Agency	Public multiunit housing: Public Housing Administration field offices. Ref: Revised CMP Regulation No. 6. Private multiunit housing: Federal Housing Administration field offices; 1- through 4-family housing: Defense Liaison Staff, Office of the Administrator, HHFA, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Facilities for the production and processing of metals and minerals (except solid fuels, oil and gas).	Defense Materials Procurement Administration.	Defense Materials Procurement Administration, Mining Requirements Division, GSA Building, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Buildings, structures, or projects which are to be used exclusively for civil defense purposes, except such structures which are federally owned on Federal property under the control of the Atomic Energy Commission.	Federal Civil Defense Administration.	Federal Civil Defense Administration, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Operation construction in connection with communications facilities, but not including air navigation facilities.	National Production Authority. See NPA Order M-77.	Communications Equipment Division, National Production Authority, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Facilities for ground and surface water supply, transmission, pumping, treatment, storage, and distribution for domestic and industrial use; domestic and industrial liquid wastes (storage, collection, transmission, pumping, treatment, and disposal). Excluded are the facilities and works and their operations for navigation, flood control, storm sewers, drainage of flood areas, reclamation projects, hydroelectric generation of power, fish and wild life, domestic and irrigation water on farms and farmsteads.	National Production Authority. See Dir. 4 to Revised CMP Reg. No. 6 re water wells.	Water Resources Division, National Production Authority, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Industrial construction not listed above in this table	National Production Authority	Industrial Expansion Division, National Production Authority, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
All other construction not specifically listed above in this table (including all categories of construction in Table I except as provided in section 33 of this regulation).	National Production Authority	Construction Controls Division, National Production Authority, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.

TABLE V—ITEMS OF METALWORKING MACHINES, CONSTRUCTION EQUIPMENT, AND CONSTRUCTION MACHINERY

METALWORKING MACHINES

Ammunition machinery.
Balancing machines.
Beading machines.
Boring machines.
Brakes.
Broaching machines.
Buffing machines.
Centering machines.
Chamfering machines.
Cut-off machines.
Die-sinking machines.
Drilling machines.
Duplicating machines.
Extruding machines.
Filing machines.
Forging machines.
Forging rolls.
Gear-cutting machines.
Gear-finishing machines.
Grinding machines.
Hammers.
Headers.
Key-seating machines.
Lapping machines.
Lathes.
Levelers.
Marking machines.
Measuring and testing machines.
Milling machines.
Nibbling machines.
Oil-grooving machines.
Pipe flanging-expanding machines.
Planers.
Polishing and buffing machines.
Presses.
Profiling machines.
Punching machines.
Reaming machines.
Rifle and gun working machines.
Riveting machines.
Rolling machines.
Sawing machines.
Screw and bar machines.
Shapers.
Swagers.
Tapping machines.
Threading machines.
Upsetters.
Shearing machines.
Slotters.

[F. R. Doc. 52-2757; Filed, Mar. 6, 1952; 10:38 a. m.]

[NPA Order M-100 of March 6, 1952]

M-100—RESIDENTIAL CONSTRUCTION

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.

1. What this order does.
2. Definitions.
3. Limitations on construction or alteration of residential structures commenced after March 5, 1952.
4. Limitations on continuance of construction and alteration of residential structures which were commenced prior to March 6, 1952.
5. Limitations on use of controlled materials for certain purposes in residential construction.
6. Self-authorization for 1- through 4-family residential structures.
7. Self-authorization; allotment symbol.
8. DO ratings.
9. Certification of orders.
10. Use of foreign steel and used steel in residential construction.
11. Exemptions.
12. Prohibited deliveries.
13. Scope of this order.
14. Applicability of other regulations.
15. Records and reports.

Sec.
16. Request for adjustment or exception.
17. Communications.
18. Violations.

AUTHORITY: Sections 1 to 18 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, August 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* (a) This order sets forth the limitations on the commencement or continuance of residential construction and alteration and the restrictions on the use of controlled materials for certain purposes in residential construction. It also describes the limitations on the quantity of controlled materials which may be used in the construction or alteration of 1- through 4-family houses and explains the self-authorization procedure for obtaining controlled materials for use in the construction or alteration of such houses. The procedure for obtaining controlled materials and authorization for residential construction or alteration through the filing of a CMP–4C application is described in Revised CMP Regulation No. 6. This order makes provision for the following:

(1) The construction or alteration of multiunit residential structures may not be commenced unless authorization has been obtained in accordance with the provisions of Revised CMP Regulation No. 6.

(2) The construction or alteration of 1- through 4-family residential structures (except temporary structures) may be commenced without any further authorization if the construction or alteration will use only the types and not in excess of the quantities of controlled materials specified in the tables of this order.

(3) The construction or alteration of temporary 1- through 4-family residential structures may not be commenced unless authorization has been obtained under Revised CMP Regulation No. 6.

(4) The construction or alteration of seasonal 1- through 4-family residential structures may be commenced without any further authorization if the construction or alteration will use only the types and not in excess of the quantities of controlled materials specified in the tables of this order.

(5) Copper and aluminum controlled materials may not be used for certain purposes in any type of residential structure.

(6) Under certain conditions, foreign steel and used steel may be used in multiunit residential structures and in 1- through 4-family residential structures, in addition to the quantity of steel controlled material which has been allotted or otherwise authorized for such construction.

(7) The self-authorization procedure may not be used to obtain controlled materials for the construction or alteration of temporary 1- through 4-family residential structures.

(8) The self-authorization procedure may not be used to obtain controlled materials for the construction or alteration of seasonal 1- through 4-family residential structures.

(b) This order is supplemental to the provisions of Revised CMP Regulation No. 6, except as such provisions are modified by this order. This order supersedes Direction 1 to CMP Regulation No. 6, as amended, and NPA Order M–4A, as amended, with respect to residential construction.

SEC. 2. *Definitions.* (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "NPA" means the National Production Authority.

(c) "Residential structure" means any building or structure in which at least 50 percent of the floor space (excluding floor space devoted to stairways, halls, and other common space) is used or designed for dwelling purposes for other than transient occupancy. "Residential structure" does not include such buildings or structures as hotels, motels, or tourist camps, primarily used for transient occupancy.

(d) "Multiunit residential structure or project" means any residential structure or project such as an elevator-type apartment house, a dormitory, or a walk-up housing development, which includes more than four dwelling units in any single structure, whether or not such dwelling units are self-contained. A dwelling unit includes a room or group of rooms in a rooming or boarding house, or dormitory, used as individual living quarters by a single person or a group of persons. Houses connected by common walls, with individual heating and utility units and connections, and commonly known as "row" houses, are not considered multiunit residential structures. Separate buildings, even though they contain four or less dwelling units, which have common utility or heating systems constitute a multiunit residential project within the meaning of this order, if the total number of dwelling units in all such buildings is more than four. Separate buildings or construction on the residential site where used to service a multiunit residential structure or project, such as a heating or incinerator plant, a garage for use of tenants only, or electric utility, water, gas, or oil lines or pipes which are or will be the property of the owner, are part of the multiunit residential structure or project.

(e) "1- through 4-family residential structure" means any residential structure which includes at least one but not more than four dwelling units. Separate buildings or construction on the residential site where used to service 1- through 4-family residential structures, such as private garages, tool sheds, and greenhouses, and electric utility, water, gas, or oil lines or pipes which are or will be the property of the owner, are part of the 1- through 4-family residential structure.

(f) "Construction" means the erection of any building, structure, or project, or an addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure, or project, but it does not include maintenance and repair.

(g) "Commence construction" means to incorporate into a building, structure, or project, a substantial quantity of materials which are to be an integral part of such building, structure, or project (for example, the pouring or placing of footings or other foundations). Fabrication, production, or processing of prefabricated buildings, building equipment, or personal property to be installed does not constitute commencement of construction.

(h) "Completion of construction" means the stage of construction at which, and the date on which the residential structure is first suitable for occupancy for dwelling purposes and all planned utility and service connections have been made.

(i) "Alteration" means the renovation, remodeling, or replacement of or structural change in a residential structure or a part thereof, or the improvement of any residential structure by replacing parts or materials which are in sound working condition with parts or materials of a new or different kind, quality, or design. "Alteration" does not include maintenance and repair. "Maintenance" means the minimum upkeep necessary to continue any residential structure or part thereof in sound habitable condition. "Repair" means, with respect to any person, the restoration of a residential structure, or part thereof, to sound habitable condition when it has been rendered unsafe or unfit for residential use by wear and tear, damage, or the like.

(j) "Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in Table III of Revised CMP Regulation No. 6, whether new, remelted, rerolled, or redrawn, including used and second-quality materials, shearings, and material sorted or salvaged from scrap which are sold for other than remelting, rerolling, or redrawing purposes.

(k) "Class A product" means any product which is not a Class B product (as defined in paragraph (l) of this section) and which contains any controlled material, fabricated or assembled beyond the forms and shapes specified in Table III of Revised CMP Regulation No. 6, other than any controlled material which may be contained in Class B products incorporated in it.

(l) "Class B product" means any product designated as such in the "Official CMP Class B Product List" issued by NPA, as the same may be modified from time to time, and which contains any controlled material other than any controlled material which may be contained in other Class B products incorporated in it.

(m) "Authorized construction schedule" means a construction schedule specifically approved by a claimant agency with respect to an owner, or specifically approved by an owner or a contractor with respect to a general contractor or a subcontractor.

(n) "Allotment" means an authorization of the amount of controlled materials which a claimant agency may receive or allot during a specified period, or an authorization by a claimant agency or other person of the amount of controlled materials which may be received or allotted to an owner, contractor, subcontractor, or a person manufacturing Class A products for use in a particular construction project.

(o) "Owner" means the person who owns the residential building, structure, or project being constructed, or who will own it upon its completion. If a claimant agency will have title to a complete project, then the person under a direct contract with that claimant agency covering construction of that particular project shall also be considered the owner for the purposes of this order.

(p) "Claimant agency" means the appropriate Government agencies listed in section 17 of this order.

(q) "Authorized controlled material order" means any delivery order for controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in Revised CMP Regulation No. 6 or which is specifically designated as such by section 7 of this order or by any other regulation or order of NPA.

(r) "Structural shapes" means those rolled flanged steel sections having at least one dimension of their cross-section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flanged sections. (This means that any standard rolled section, from a 3 x 2½ inch angle, 3 inch "I" beam, or 3 inch channel up, are structural shapes.) Wide flanged sections are steel beams or columns having parallel face flanges rolled on a universal structural mill or Grey mill, in sizes ranging in depth from 4 to 36 inches.

SEC. 3. *Limitations on construction or alteration of residential structures commenced after March 5, 1952*—(a) *Multiunit residential structures or projects.* No person shall commence the construction, including the alteration, addition, or extension, of a multiunit residential structure or project unless he has received an authorized construction schedule for such construction in accordance with the provisions of Revised CMP Regulation No. 6. Further, no person shall use in or in connection with the construction, including the alteration, addition, or extension, of a multiunit residential structure or project, controlled materials, including materials for the manufacture of Class A products which are to be used in such construction, of a different type or in a greater quantity than has been allotted or otherwise specifically authorized for such construction. To secure an authorized construction schedule or an allotment of controlled materials for the construction of a multiunit residential structure or project, the owner must file an application on Form CMP-4C, as provided in Revised CMP Regulation No. 6, with the appropriate claimant agency as designated in section 17 of this order.

(b) *1- through 4-family residential structures (other than temporary or seasonal residential structures).* (1) Unless an adjustment or exception to this provision is granted pursuant to an application filed under section 16 of this order, no person shall commence the construction of a 1- through 4-family residential structure which will use controlled materials, including materials for the manufacture of Class A products which are to be used in such construction, of a different type or in a greater quantity than is specified in Schedule I of this order for the type of construction indicated therein.

(2) Unless an adjustment or exception to this provision is granted pursuant to an application filed under section 16 of this order, no person shall commence the alteration of or the construction of an addition or extension to an existing 1- through 4-family residential structure which will use controlled materials, including materials for the manufacture of Class A products which are to be used in such construction, of a different type or in a greater quantity than is specified in Schedule I of this order for alterations, additions, or extensions, except as provided in subparagraphs (4) and (5) of this paragraph.

(3) Unless an adjustment or exception to this provision is granted pursuant to an application filed under section 16 of this order, no person shall commence the alteration of or the construction of an addition or extension to any 1- through 4-family residential structure completed after March 5, 1952, within a period of 1 year after the completion of construction of such residential structure.

(4) The alteration, addition, or extension of an existing 1- through 4-family residential structure which will result in the provision of additional dwelling units in such structure shall constitute commencement of construction of a 1- through 4-family residential structure under subparagraph (1) of this paragraph, with respect to each such additional dwelling unit.

(5) The alteration of an existing 1- through 4-family residential structure through the initial installation of plumbing, or electrical wiring, may be commenced if such alteration will not use controlled materials, including materials for the manufacture of Class A products which are to be used in such alteration, of a different type or in a greater quantity than is specified in Schedule I of this order for such alteration.

(c) *Temporary residential structures.* No person shall commence the construction, including the alteration, addition, or extension, of a temporary 1- through 4-family residential structure unless such construction has been specifically authorized after the filing of an application on Form CMP-4C as provided in Revised CMP Regulation No. 6, with the appropriate claimant agency as designated in section 17 of this order. For the purposes of this section, a "temporary" residential structure shall include a residential structure which is to be used for dwelling purposes for a limited period, such as housing for use of construction workers for the duration of the construction project. (This section does not apply to the production of trailers.)

(d) *Seasonal residential structures.* Unless an adjustment or exception to this provision is granted pursuant to an application filed under section 16 of this order, no person shall commence the construction, including the alteration, addition, or extension, of a 1- through 4-family residential structure which is to be used or is designed for seasonal or other than year-round occupancy, which will use controlled materials, including materials for the manufacture of Class A products which are to be used in such construction, of a different type or in a greater quantity than is specified in Schedule I of this order for the type of construction indicated therein. (But see section 6 (f) of this order for prohibition against use of self-authorization procedure to obtain controlled materials.)

(e) *Structures for transient dwelling purposes.* Buildings and structures which are to be used or are designed primarily for dwelling purposes for transient occupancy such as hotels, motels, and tourist camps, are not "residential structures" within the meaning of this order. All such construction is subject to the provisions of Revised CMP Regulation No. 6. (See section 2 (c) of this order.)

SEC. 4. *Limitations on continuance of construction and alteration of residential structures which were commenced prior to March 6, 1952*—(a) *Multiunit residential structures or projects.* No person shall continue the construction, including the alteration, addition, or extension, of a multiunit residential structure or project if he will require the delivery after September 30, 1951, of any controlled materials, including materials for the manufacture of Class A products which are to be used in such construction, unless he has received an authorized construction schedule for such construction in accordance with the provisions of Revised CMP Regulation No. 6. Further, no person shall use in or in connection with the construction, including the alteration, addition, or extension, of a multiunit residential structure or project, controlled materials, including materials for the manufacture of Class A products which are to be used in such construction, which have been delivered after September 30, 1951, of a different type or in a greater quantity than has been allotted or otherwise authorized for such construction.

(b) *1- through 4-family residential structures.* (1) No person shall continue the construction of a 1- through 4-family residential structure (including temporary and seasonal residential structures), if he will require the delivery after September 30, 1951, of controlled materials, including materials for the manufacture of Class A products which are to be used in such construction, of

a different type or in a greater quantity than is specified in Schedule II of this order, for the type of construction indicated therein, unless such materials have been allotted or otherwise authorized for such construction.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, no person shall continue the alteration of or the construction of an addition or extension to an existing 1- through 4-family residential structure (including temporary and seasonal residential structures), if he will require the delivery after September 30, 1951, of controlled materials, including materials for the manufacture of Class A products which are to be used in such alteration, addition, or extension, of a different type or in a greater quantity than is specified in Schedule II of this order for alterations, additions, or extensions, unless such materials have been allotted or otherwise authorized for such alteration, addition, or extension.

(3) The continuance of an alteration, addition, or extension, of an existing 1- through 4-family residential structure which will result in the provision of additional dwelling units in such structure shall constitute continuance of construction of a 1- through 4-family residential structure under subparagraph (1) of this paragraph, with respect to the total number of additional dwelling units in such residential structure.

(4) The alteration of an existing 1- through 4-family residential structure through the initial installation of plumbing, or electrical wiring, may be continued, if commenced prior to March 6, 1952, if such alteration will not use controlled materials, including materials for the manufacture of Class A products which are to be used in such alteration, of a different type or in a greater quantity than is specified in Schedule II of this order for such alteration.

SEC. 5. *Limitations on use of controlled materials for certain purposes in residential construction.* (a) No person shall use in or in connection with the construction, including the alteration, addition, or extension, of any residential structure, whether started before or after the effective date of this order, any aluminum controlled material (other than Class B products), for any purpose other than the conduction of electricity unless he has received a specific allotment and authorization therefor. (As set forth in Schedules I and II of this order, if aluminum is used in place of copper for the conduction of electricity, the allowable quantity of copper is reduced.)

(b) No person shall use in or in connection with the construction, including the alteration, addition, or extension, of any residential structure, whether started before or after the effective date of this order, any copper controlled material (other than Class B products) which is to be fabricated on the site of the construction for any of the following general or specific purposes:

Any decorative or ornamental purposes.
Cement flooring and composition flooring.
Cornices.
Downspouts and accessories thereto.
Facias.
Gutters and accessories thereto.
I. P. S. waste nipples.
Leaders and accessories thereto.
Linoleum stripping.
Marquees.
Metal siding.
Moldings for joining cabinet sinks.
Roofing.
Store fronts.
Terrazzo strips.

SEC. 6. *Self-authorization for 1- through 4-family residential structures*—(a) *Commencement of construction.* An owner who desires to commence after March 5, 1952, the construction of a 1- through 4-family residential structure (other than temporary or seasonal residential structures) may self-authorize purchase orders for controlled materials, including materials for the manufacture of Class A products which are to be used in the construction (but not alteration. or addition, or extension) of such residential structure, of the types and in the quantities specified in Schedule I of this order, for the type of construction indicated therein.

(b) *Continuance of construction.* An owner who desires to continue the construction of a 1- through 4-family residential structure (including temporary and seasonal residential structures) which was properly commenced prior to March 6, 1952, may self-authorize purchase orders for controlled materials, including materials for the manufacture of Class A products which are to be used in the construction (but not alteration, addition, or extension) of such residential structure, of the types and in the quantities specified in Schedule II of this order, for the type of construction indicated therein (after deducting therefrom the quantity of controlled materials already obtained by self-authorization for such construction.)

(c) *Commencement of alterations, additions, or extensions.* (1) An owner who desires to commence after March 5, 1952, the alteration of or the construction of an addition or extension to an existing 1- through 4-family residential structure (other than temporary or seasonal residential structures) may self-authorize purchase orders for controlled materials, including materials for the manufacture of Class A products which are to be used in such alteration, addition, or extension, of the types and in the quantities specified in Schedule I of this order, for alterations, additions, or extensions.

(2) The self-authorization procedure may not be used to obtain controlled materials for use in the alteration of or the construction of an addition or extension to any 1- through 4-family residential structure, completed after March 5, 1952, within a period of 1 year after the completion of construction of such residential structure.

(3) An owner who desires to commence after March 5, 1952, the alteration of or the construction of an addition or extension to an existing 1- through 4-family residential structure (other than temporary or seasonal residential structures) which will result in the provision of additional dwelling units in such structure, may self-authorize purchase orders for controlled materials, including materials for the manufacture of Class A products which are to be used in such alteration, addition, or extension, of the types and in the quantities specified for construction in Schedule I of this order for the type of construction indicated therein, with respect to each such additional dwelling unit.

(4) An owner who desires to commence after March 5, 1952, the alteration of an existing 1- through 4-family residential structure (other than temporary or seasonal residential structures) through the initial installation of plumbing, or electrical wiring, may self-authorize purchase orders for controlled materials, including materials for the manufacture of Class A products which are to be used in such alteration, of the types and in the quantities specified in Schedule I of this order for such alteration.

(d) *Continuance of alterations, additions, or extensions.* An owner who desires to continue the alteration of or the construction of an addition or extension to an existing 1- through 4-family residential structure (including temporary and seasonal residential structures) which was commenced prior to March 6, 1952, may self-authorize purchase orders for controlled materials, including materials for the manufacture of Class A products which are to be used in such alteration, addition, or extension, of the types and in the quantities specified in Schedule II of this order for alterations, additions, or extensions (after deducting therefrom the quantity of controlled materials already obtained by self-authorization for such alteration, extension, or addition).

(e) *Temporary residential structures.* Except as provided in paragraphs (b) and (d) of this section, the self-authorization procedure may not be used to obtain controlled materials for use in the construction, including alteration, addition, or extension, of a temporary 1- through 4-family residential structure.

(f) *Seasonal residential structures.* Except as provided in paragraphs (b) and (d) of this section, the self-authorization procedure may not be used to obtain controlled materials for use in the construction, including alteration, addition, or extension, of a 1- through 4-family residential structure which is to be used or is designed for seasonal or other than year-round occupancy, unless an adjustment or exception is granted under section 16 of this order.

SEC. 7. *Self-authorization; allotment symbol.* (a) In self-authorizing purchase orders in accordance with section 6 of this order, an owner of a 1- through 4-family residential structure is authorized to use the allotment symbol "U–7" on his purchase orders.

(b) A purchase order for controlled materials which bears the allotment symbol "U–7" and which is certified under section 9 of this order, shall constitute an authorized controlled material order for the purpose of all NPA regulations and orders.

(c) A 1- through 4-family residential structure which is constructed with controlled materials obtained under the self-authorization procedure, shall be considered to be constructed pursuant to an authorized construction schedule for the purpose of all CMP regulations.

SEC. 8. *DO ratings.* An owner who is commencing or continuing the construction, alteration, addition, or extension, of a 1- through 4-family residential structure pursuant to the provisions of this order is authorized to use the rating DO (with allotment symbol "U–7") on his purchase orders of building equipment and building materials other than controlled materials, which are required for such construction. The authorization to use a DO rating herein granted does not authorize the use of such rating on purchase orders for appliances such as cooking ranges or refrigerators, production machinery and equipment, metalworking machinery, construction equipment and machinery, office machinery (including but not limited to business machines), office equipment, office furniture, and all other furniture. (This restriction does not apply to construction by or for the account of the Atomic Energy Commission.) Purchase orders bearing DO ratings authorized under this paragraph shall be certified under section 9 of this order.

SEC. 9. *Certification of orders.* (a) A controlled material order, or a purchase order bearing a DO rating, which is authorized by an owner or a contractor under any section of this order, shall contain a certification in the following form:

Certified under NPA Order M–100

(b) The certification must be signed by the person placing the order, or by a responsible individual who is duly authorized by such person to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written authorization must be kept.

(c) When such order is placed by telegram, the allotment symbol and/or the rating identification and the certification must be set out in full in the telegram. It will be sufficient if the file copy of the telegram is signed in the manner required for certification by paragraph (a) of this section.

(d) On such orders requiring shipment within 7 days, the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with: The person making the statement for the buyer must be a person duly authorized to make the certification. Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification.

(e) The person who places an authorized controlled material order, or a DO rated order as provided for in section 8 of this order, the individual whose signature is used, and the individual who approves the use of the signature, will each be considered making a representation to the claimant agency having jurisdiction over the particular category of construction and also to NPA that the statements contained in the certification are true to the best of his knowledge and belief. The person receiving the certification shall be entitled to rely on it as a representation of the buyer of the truth thereof, unless he knows or has reason to believe that it is false.

(f) In addition to the representation referred to in paragraph (e) of this section, the certification of an authorized controlled material order or a DO rated order shall constitute a representation that, subject to the criminal penalties provided for in applicable United States statutes: (1) the purchaser is authorized under the provisions of NPA Order M–100 to place such purchase order, and that the amount of controlled materials ordered is within the amount of his authorization under NPA Order M–100, after he has deducted from such amount all orders for controlled materials placed by him and accepted by suppliers pursuant to such authorization, and all orders for controlled materials which he has authorized any other person to place pursuant to the same authorization; or (2) the purchaser is authorized to place a DO rated order for the items covered by the order, in the amount for which the order is placed.

SEC. 10. *Use of foreign steel and used steel in residential construction.* (a) When used in this section:

(1) The term "foreign steel" means steel in the forms and shapes specified in Table III of Revised CMP Regulation No. 6, produced outside of, and imported from outside, the United States, its territories and possessions, and the Dominion of Canada, and which can be so identified.

(2) The term "used steel" means steel in the forms and shapes specified in Table III of Revised CMP Regulation No. 6, which has been utilized in production or construction.

(b) Notwithstanding any other provision of this order, foreign steel and used steel may be used in residential construction, as follows:

(1) Any person who commences or continues the construction, including the alteration, addition, or extension, of a multiunit residential structure pursuant to an authorized construction schedule, may use in such construction, without further authorization, any foreign steel or used steel in addition to the quantity of steel controlled material which has been specifically allotted or otherwise authorized for such construction schedule, provided he will not use a greater quantity of copper or aluminum controlled material than has been specifically allotted or otherwise authorized for such construction schedule.

(2) Any person who commences or continues the construction, including the alteration, addition, or extension, of a 1- through 4-family residential structure in accordance with the provisions of sections 3 and 4 of this order, may use in such construction, without further authorization, any foreign steel or used steel in addition to the quantity of steel controlled material which is authorized under sections 3 and 4 of this order for such construction, provided he will not use a greater quantity of copper or aluminum controlled material than is authorized for such construction by sections 3 and 4 of this order.

(3) No action taken by any person, as a result of the permission to use foreign steel or used steel under this section, shall be considered as creating a condition of hardship with respect to any application which may be made under section 16 of this order for an adjustment or exception to any provision of this order, or of Revised CMP Regulation No. 6 or of any other regulation or order of NPA.

SEC. 11. *Exemptions.* (a) The construction of residential facilities for the production, processing, refining, and distribution of petroleum and gas, which is subject to NPA Order M–46B, is subject to the applicable provisions of Revised CMP Regulation No. 6 and is exempt from the provisions of this order.

(b) The construction of military housing, and all housing constructed under Pub. Law 211, 81st Cong. (Wherry Act) whether on or off military bases and reservations, is subject to the provisions of Revised CMP Regulation No. 6 and is exempt from the provisions of this order.

SEC. 12. *Prohibited deliveries.* No person shall accept an order for, or sell, deliver, or cause to be delivered, any material which he knows, or has reason to believe, will be used in violation of the provisions of this order.

SEC. 13. *Scope of this order.* This order shall apply to the construction of residential structures in the 48 States, in the District of Columbia, and in the territories and insular possessions of the United States.

SEC. 14. *Applicability of other regulations.* (a) Except as otherwise provided herein, the provisions of Revised CMP Regulation No. 6, shall be applicable to the construction of all residential structures.

(b) The omission from this order of certain provisions which were in NPA Order M–4A, or in Direction 1 to CMP Regulation No. 6, relating to residential construction, does not affect any liabilities for violation of that order or direction, as amended from time to time, or

for violation of any adjustments, exceptions, directions, directives, or other actions taken under them, or deprive any person of any rights thereunder.

SEC. 15. *Records and reports.* (a) Each person making or receiving any allotment of controlled materials shall maintain at his regular place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among his contractors and among persons producing Class A products for him. Such records shall be kept separately by allotment numbers, and shall include separate entries under each number of each person or claimant agency from whom allotments are received under such number, except as otherwise specifically provided in this order.

(b) Each person shall retain for at least 3 years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to accept delivery of controlled materials or Class A products, segregated and available for inspection by representatives of NPA, or claimant agencies authorized by NPA, or filed in such manner that they can be readily segregated and made available for such inspection.

(c) The provisions of this order do not require any particular accounting method, provided the records maintained supply the information specified by this regulation and furnish an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(d) Persons subject to this order shall maintain such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 16 *Request for adjustment or exception.* (a) Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

(b) Each request for an adjustment or exception from the provisions of section 5 of this order shall be made by filing Form NPAF–24A. Each request for an adjustment or exception from any other provision of this order shall be accompanied by a detailed statement of all relevant information in support of the request. Where a request for an adjustment or exception from the provisions of section 5 or any other provisions of this order involves the approval of an authorized construction schedule or an allotment of controlled materials, the applicant shall also file Form CMP–4C.

(c) Each request for an adjustment or exception shall be filed with the claimant agency having jurisdiction over the particular category of residential construction, as indicated in the following section.

SEC. 17. *Communications.* All communications concerning this order shall be addressed to the claimant agency having jurisdiction over the particular category of residential construction, as follows:

Category of construction	Agency	Address where communications shall be filed
Farmstead housing	Department of Agriculture	County Production and Marketing Administration Committees, Department of Agriculture, for the county in which the project is located.
Federally owned housing on federally owned property under control of Atomic Energy Commission.	Atomic Energy Commission	Appropriate operations office of the Atomic Energy Commission.
College and educational institutional housing.	Federal Security Agency	Office of Education, Federal Security Agency, Washington 25, D. C.
Hospital and health facility housing	Federal Security Agency	Public Health Service, Federal Security Agency, Washington 25, D. C.
All other public and private housing	Housing and Home Finance Agency.	Public multiunit structures: Public Housing Administration Field Offices. Private multiunit structures: Federal Housing Administration Field Offices. 1- through 4-family structures: Defense Liaison Staff, Office of the Administrator, HHFA, Washington 25, D. C.

SEC. 18. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect March 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I OF NPA ORDER M-100

Types and quantities of controlled materials which may be obtained under the self-authorization procedure and which are the only types and the maximum quantities which may be used in 1- through 4-family residential structures, the construction, alteration, addition, or extension, of which is commenced after Mar. 5, 1952.

Type of construction, alteration, addition, or extension	Carbon steel (excluding structural shapes)	Structural shapes, alloy and stainless steel	Copper and copper-base alloys	Aluminum
	Pounds	*Pounds*	*Pounds*	*Pounds*
Construction of residential structures using steel pipe water distribution system, per dwelling unit.	Not more than 2,300 pounds per dwelling unit.	None	Not more than 35 pounds per dwelling unit.	Aluminum may be used for conduction of electricity in place of copper on basis of 1 pound of aluminum for each 2 pounds of copper allowed in the preceding column. In such event the allowable quantity of copper is reduced accordingly.
Construction of residential structures using copper pipe water distribution system, per dwelling unit.	Not more than 1,950 pounds per dwelling unit.	None	Not more than 135 pounds per dwelling unit.	
Construction of residential structures using steel pipe for interior water supply pipes where local building code requires Type B or K copper tubing for underground water service connections, per dwelling unit.	Not more than 2,135 pounds per dwelling unit.	None	Not more than 80 pounds per dwelling unit.	
Construction of residential structures using copper pipe water distribution system where local building code requires Type B or K copper tubing for underground water service connections, per dwelling unit.	Not more than 1,950 pounds per dwelling unit.	None	Not more than 145 pounds per dwelling unit.	
Construction of residential structures using electrical energy heating systems.	In addition to the amounts of controlled materials allowed above, not more than 15 pounds of copper per dwelling unit.			
Alteration, addition, or extension of existing residential structures, per dwelling unit.	Not more than 50 percent of the amounts of controlled materials allowed above for the appropriate type of construction, per dwelling unit.			
Alteration by initial installation of electrical wiring.	In addition to the amounts of controlled materials allowed for alterations generally, not more than 17½ pounds of copper per dwelling unit.			
Alteration by initial installation of plumbing with steel pipe water distribution system.	In addition to the amounts of controlled materials allowed for alterations generally, not more than 250 pounds of steel per dwelling unit.			
Alteration by initial installation of plumbing with copper pipe water distribution system.	In addition to the amounts of controlled materials allowed for alterations generally, not more than 125 pounds of steel and 50 pounds of copper per dwelling unit.			

SCHEDULE II OF NPA ORDER M-100

Types and quantities of controlled materials which may be obtained under the self-authorization procedure for use in 1- through 4-family residential structures, the construction, alteration, addition, or extension, of which was commenced prior to March 6, 1952.

NOTE: This table is not applicable to construction commenced after March 5, 1952.

Type of construction, alteration, addition, or extension	Carbon steel (excluding structural shapes)	Structural shapes, alloy and stainless steel	Copper and copper-base alloys	Aluminum
	Pounds	*Pounds*	*Pounds*	*Pounds*
Construction of residential structures using steel pipe water distribution system, per dwelling unit.	Not more than 2,300 pounds per dwelling unit.	None	Not more than 35 pounds per dwelling unit.	Aluminum may be used for conduction of electricity in place of copper on basis of 1 pound of aluminum for each 2 pounds of copper allowed in the preceding column. In such event, the allowable quantity of copper is reduced accordingly.
Construction of residential structures using copper pipe water distribution system, per dwelling unit.	Not more than 1,950 pounds per dwelling unit.	None	Not more than 160 pounds per dwelling unit.	
Alteration, addition, or extension of existing residential structures, per dwelling unit.	Not more than 50 percent of the amounts of controlled materials allowed above for the appropriate type of construction, per dwelling unit.			
Alteration by initial installation of electrical wiring.	In addition to the amounts of controlled materials allowed for alterations generally, not more than 17½ pounds of copper per dwelling unit.			
Alteration by initial installation of plumbing with steel pipe water distribution system.	In addition to the amounts of controlled materials allowed for alterations generally, not more than 250 pounds of steel per dwelling unit.			
Alteration by initial installation of plumbing with copper pipe water distribution system.	In addition to the amounts of controlled materials allowed for alterations generally, not more than 125 pounds of steel and 50 pounds of copper per dwelling unit.			

[F. R. Doc. 52-2756; Filed, Mar. 6, 1952; 10:37 a. m.]

[CMP Regulation No. 6, Direction 1, Revocation]

CMP REG. NO. 6—CONSTRUCTION

DIR. 1—PROCEDURE FOR OBTAINING SMALL QUANTITIES OF MATERIALS FOR USE IN CONSTRUCTION PROJECTS

Direction 1 to CMP Regulation No. 6 as amended August 22, 1951 (16 F. R. 8549), is hereby revoked. This revocation does not affect any liabilities for violation of Direction 1 to CMP Regulation No. 6 as amended from time to time, or for violations of any adjustments, exceptions, directions, or other actions under it of the National Production Authority, or of a claimant agency named in NPA Delegation 14.

The provisions of this direction are now contained in Revised CMP Regulation No. 6, and NPA Order M-100 (residential construction).

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect March 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-2761; Filed, Mar. 6, 1952; 10:38 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Procedural Regulation 2, Amdt. 1]

RPR 2—PROCEDURES FOR ADJUSTMENTS, ADMINISTRATIVE REVIEW AND INTERPRETATIONS

REVIEW BY LOCAL ADVISORY BOARD

Effective March 7, 1952, Rent Procedural Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 4th day of March 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

A new section 13 is added reading as follows:

SEC. 13. *Review by Local Advisory Board.* During the pendency of any proceeding before the Area Rent Director the landlord or the tenant may, pursuant to the procedures of the local rent advisory board, request a review of the proceeding. Any recommendation of the board based upon such a review shall be placed in effect by the Area Rent Director if it is in accordance with the act and regulations.

[F. R. Doc. 52-2686; Filed, Mar. 6, 1952; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 58]

U. S. STANDARDS FOR GRADES OF BUTTER

EXTENSION OF TIME

Notice is hereby given of the extension until May 8, 1952 of the period of time within which written data, views, and arguments should be submitted by interested parties for consideration prior to the issuance of United States Standards for Grades of Butter.

The proposed standards are set forth in the notice (F. R. Doc. 52-1571; 17 F. R. 1224) which was published in the FEDERAL REGISTER on February 8, 1952.

Done at Washintgon, D. C., this 5th day of March 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-2740; Filed, Mar. 6, 1952; 9:49 a. m.]

[7 CFR Part 941]

[Docket No. AO 101-A13]

HANDLING OF MILK IN CHICAGO, ILL., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel LaSalle, Madison and LaSalle Streets, Chicago, Illinois, beginning 10:00 a. m., c. s. t., on March 11, 1952.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Chicago, Illinois, marketing area and to the proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area set forth herein below, or modifications thereof. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed by the Pure Milk Association:

Proposal No. 1: Amend § 941.51 (a) to read:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 3-month period and divide the result by 3;

Proposal No. 2: Amend § 941.51 (b) to read:

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 3-month period and subtract therefrom (1) the amount of Class

I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (2) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 3-month period and divide the result by 3;

Proposal No. 3: Amend § 941.51 (d) to read:

(d) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 3-month period appearing in the following schedule: *Provided*, That the percent determined for the period of July through December shall not be lower than June, and the percent determined for May and June shall not be higher than April:

3 months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
September through November	82.1	January.
October through December	80.2	February.
November through January	75.1	March.
December through February	69.3	April.
January through March	65.6	May.
February through April	63.9	June.
March through May	61.6	July.
April through June	60.2	August.
May through July	62.3	September.
June through August	68.6	October.
July through September	76.2	November.
August through October	80.7	December.

Proposal No. 4: Amend § 941.52 (a) (1) to read:

(1) The price for Grade A Class I milk, except as set forth in subparagraph (3) of this paragraph shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.50; July through December, $1.30; all others, $0.90: *Provided*, That for each percent that the current supply-demand ratio is greater or less than the applicable percentage contained in the schedule in § 941.51 (d), the Class II price differential shall be increased or decreased, respectively, by the following amounts for the delivery periods indicated: May and June, $0.02; July through December, $0.04; all others, $0.03: *And provided further*, That any downward adjustment made pursuant to the above proviso in this subparagraph shall be limited to no change for May and June; $0.40 for the delivery periods of July through December, and $0.20 for all other delivery periods.

Proposal No. 5: Amend § 941.52 (a) (3) to read:

(3) Grade A or Grade B Class I milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of September, October, November, December and January shall be classified separately and its price shall be $0.70 higher than the prices otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph.

Proposal No. 6: Amend § 941.52 (b) (1) to read:

(1) The price for Grade A Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.30; July through December, $0.70; all other months, $0.50: *Provided*, That such amount for the delivery period shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the first proviso of paragraph (a) (1) of this section, but in no event shall the Class II price differential computed pursuant to this subparagraph be less than $0.40 for the delivery periods of July through December or less than $0.30 for all other delivery periods.

Proposal No. 7: Amend § 941.52 (b) (3) to read:

(3) Grade A or Grade B Class II milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of September, October, November, December, and January shall be classified separately and its price shall be $0.70 higher than the price otherwise computed pursuant to subparagraphs (1) and (2) of this paragraph.

The following amendments have been proposed by the Chicago Milk Producers Council:

Proposal No. 8: Amend § 941.50 to read as follows and delete present § 941.51:

§ 941.50 *Basic formula price.* The basic formula price to be used in computing the prices for Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III and Class IV milk as computed by the market administrator pursuant to paragraphs (c) and (d) of § 941.51 for the delivery period next preceding.

Proposal No. 9: Amend § 941.52 to read:

§ 941.52 *Class prices.* Subject to the appropriate location adjustment credits, as set forth in § 941.53, each handler, at the time and in the manner set forth in § 941.80, shall pay per hundredweight of milk purchased or received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this section:

(a) *Class I milk.* The price for Grade A Class I milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, $0.70; August, September, October, and November, $1.20; all others, $1.00.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, $0.50; August, September, October, and November, $0.80; all others, $0.70.

The following amendments have been proposed by the Associated Milk Dealers, Inc.:

Proposal No. 10: Amend § 941.52 (a) (1) to provide a bracket schedule for Class I price as follows:

TABLE OF CLASS I MILK PRICES

Computed value		Class I price
From—	To—	
$3.976	$4.096	$4.036
4.096	4.216	4.156
4.216	4.336	4.276
4.336	4.456	4.396
4.456	4.576	4.516
4.576	4.696	4.636
4.696	4.816	4.756
4.816	4.936	4.876
4.936	5.056	4.996
5.056	5.176	5.116
5.176	5.296	5.236
5.296	5.416	5.356
5.416	5.536	5.476
5.536	5.656	5.596

Proposal No. 11: Amend § 941.52 (b) (1) to provide bracketing schedules for the Class II prices in accordance with the following tables:

TABLE OF CLASS II MILK PPICES JULY THROUGH NOVEMBER

Computed value		Class II price
From—	To—	
$3.626	$3.766	$3.696
3.766	3.906	3.836
3.906	4.046	3.976
4.046	4.186	4.116
4.186	4.326	4.256
4.326	4.466	4.396
4.466	4.606	4.536
4.606	4.746	4.676
4.746	4.886	4.816
4.886	5.026	4.956
5.026	5.168	5.096
5.166	5.306	5.236
5.306	5.446	5.376
5.446	5.586	5.516

TABLE OF CLASS II MILK PPICES DECEMBER THROUGH APRIL

Computed value		Class II price
From—	To—	
$3.306	$3.446	$3.376
3.446	3.586	3.516
3.586	3.726	3.656
3.726	3.866	3.796
3.866	4.068	3.936
4.006	4.146	4.076
4.146	4.286	4.216
4.286	4.426	4.356
4.426	4.566	4.496
4.566	4.706	4.636
4.706	4.846	4.766
4.846	4.986	4.916
4.986	5.126	5.056
5.126	5.266	5.196

TABLE OF CLASS II MILK PRICES MAY THROUGH JUNE

Computed value		Class II price
From—	To—	
$3.406	$3.546	$3.476
3.546	3.686	3.616
3.686	3.826	3.756
3.826	3.966	3.896
3.966	4.106	4.036
4.106	4.246	4.176
4.246	4.386	4.316
4.386	4.526	4.456
4.526	4.666	4.596
4.666	4.806	4.736
4.806	4.946	4.876
4.946	5.086	5.016
5.086	5.226	5.156
5.226	5.366	5.296

The following amendments have been proposed by the Pure Milk Products Cooperative:

Proposal No. 12: Amend § 941.52 (a) and (b), relating to the fixed differentials for Class I and Class II milk (Grade A and Grade B) over the basic formula price by adding 60 cents more to such differentials for all months.

Proposal No. 13: Amend § 941.51 and the other applicable provisions of the order, relating to the supply-demand adjustment factor.

The following amendment has been proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 14: Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the said order as amended, may be procured from the Market Administrator, 73 West Monroe Street, Chicago 3, Illinois, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 5, 1952.

ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-2713; Filed, Mar. 6, 1952; 8:59 a. m.]

[7 CFR Part 956]

[Docket No. AO-235 RO1]

HANDLING OF MILK IN SIOUX FALLS-MITCHELL, SOUTH DAKOTA, MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the hearing held in Sioux Falls, South Dakota, on August 27-30, 1951, on a proposed marketing agreement and a proposed order regulating the handling of milk in the Sioux Falls-Mitchell South Dakota, marketing area.

The purpose of the reopened hearing is to afford interested parties opportunity to introduce additional evidence with respect to the proposed marketing agreement and order and more particularly with respect to the findings and conclusions contained in the recommended decision of the Assistant Administrator, Production and Marketing Administration, issued December 26, 1951 (17 F. R. 34). The recommended findings and conclusions have not been approved by the Secretary of Agriculture.

The reopened hearing will be held in the Auditorium, City Hall, Ninth and Dakota Streets, Sioux Falls, South Dakota, on March 24, 1952, beginning at 10:00 a. m., c. s. t.

Copies of this notice of hearing may be procured from Wayne McPherren, Market Administrator, 302 Aquila Court, Omaha 2, Nebraska, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 4, 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2689; Filed, Mar. 6, 1952; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Office of Business Economics

[15 CFR Part 302]

ANNUAL REPORTING OF REVENUES FOR CARRYING IMPORTS TO, AND EXPENDITURES IN THE UNITED STATES OF SHIPPING AND AIR TRANSPORT OPERATORS OF FOREIGN NATIONALITY

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) insofar as said act may be applicable herein, notice is hereby given of the proposed issuance of the following regulation. In accordance with subsection (b) of the said section 4, interested persons may submit to the Director of the Office of Business Economics, Room 3858, Commerce Department, Washington 25, D. C., written data, views or arguments relative to this proposed regulation. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

Pursuant to Executive Order 10033 of February 8, 1949 (14 F. R. 561), the National Advisory Council on International Monetary and Financial Problems has determined that the information required under the proposed regulation is essential in order that the United States Government may compile current statistics on the balance of payments for the use of the United States Government and to be submitted to the International Monetary Fund in accordance with their requests submitted under section 8 of the Bretton Woods Agreements Act (59 Stat. 515, 22 U. S. C. 286f).

In accordance with sections 2 (b) and 2 (c) of Executive Order 10033, the Director of the Bureau of the Budget has designated the Commerce Department as the Federal executive agency to collect balance of payments data and the Secretary of Commerce has assigned this responsibility to the Office of Business Economics, Department of Commerce.

§ 302.1 *Who must report.* (a) A report is required from or on behalf of every individual or organization incorporated, licensed or otherwise granted permission in countries other than the United States to operate vessels or aircraft if engaged in carrying goods or passengers to or from the United States. Agents or operating agents must respond where acting for foreign operators, unless the operator has his own office in the United States to which the agent is accountable or unless the operator elects to report directly from his home office.

(b) The foreign operator, for purposes of this regulation, means the owner, managing or operating owner, chartered owner, or subchartered owner who enters into and carries out any form of transportation contract with the shippers of merchandise or with passengers.

(c) If foreign-owned vessels or aircraft are chartered to other foreign operators, the owner should report his expenses in the United States, if any, and the operator should report the freight or charter revenue earned from the shippers of merchandise and his expenses in the United States.

(d) If foreign-owned vessels or aircraft are chartered to a United States operator, the owner should report his expenses in the United States, if any.

(e) Reports submitted by agents should include all disbursements accounted for directly by them to the foreign company at its foreign office; if subagents report through a principal agent in the same or another location, the principal agent should file a consolidated report on behalf of the foreign company.

§ 302.2 *Forms to be used.* Vessel operators shall report on Form BE-29. Aircraft operators shall report on Form BE-36.

§ 302.3 *Information to be furnished.* The information required for balance-of-payments purposes consists of the earnings of foreign operators from the carriage of imports into the United States and their total expenses incurred in the United States on both passenger and freight operations, including overhead. Voluntary replies to questions 5, 6, 7, and 8 on Form BE-29 (vessel operators) regarding earnings on exports and movements in accounts due to or payable from home offices of foreign branches in the United States are requested but are not required by law.

§ 302.4 *Time and place of filing reports.* Reports shall be filed annually on or before March 31 of each year to cover operations of the preceding calendar year, except that a report covering operations for 1951 shall be filed on or before April 30, 1952. Reports shall be filed with the Department of Commerce, Office of Business Economics, Balance of Payments Division, Washington 25, D. C.[1]

Dated: March 3, 1952.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-2653; Filed, Mar. 6, 1952; 8:47 a. m.]

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[1] Tentative forms and instructions are on file with the National Archives and Record Service.

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS IN WOMEN'S APPAREL DIVISION OF APPAREL INDUSTRY

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the Administrator has heretofore issued regulations (§§ 522.160 to 522.166), providing for the employment of learners in the women's apparel division of the apparel industry at wages lower than the minimum wage applicable under section 6 of the act.

Notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), that under the authority provided in section 14 of the Fair Labor Standards Act of 1938, as amended, the Administrator of the Wage and Hour Division, United States Department of Labor proposes to amend the learner regulations for the women's apparel division of the apparel industry by increasing the minimum learner wage rates for all learner occupations for which a 480 hour learning period is authorized, as follows: From 60 cents per hour to 65 cents per hour for the first 320 hours of the learning period, and from 65 cents per hour to 70 cents per hour for the remaining 160 hours; and by increasing the minimum learner wage rates for experienced workers retraining in all learner occupations for which a 480 hour learning period is authorized, from 60 cents per hour to 65 cents per hour for the first 160 hours, and from 65 cents per hour to 70 cents per hour for the remaining 160 hours.

This proposal is made as the result of a careful reexamination of the regulations in the light of recent changes in wage levels, and administrative experience in the operation of the regulations; and after consultation with interested parties in the industry.

Prior to final adoption of this proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. within 15 days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 4th day of March 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-2679; Filed, Mar. 6, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

SOLICITATIONS OF PROXIES

PROPOSED RULE MAKING

The Securities and Exchange Commission has received a number of requests for an extension of time for submitting comments and suggestion with respect to the proposed amendments to the proxy rules published January 31, 1952, in Securities Exchange Act Release No. 4668. These are set forth at 17 F. R. 1153 (February 6, 1952). Accordingly, the Commission has extended to April 30, 1952, the period within which such comments and suggestions may be submitted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FERRUARY 26, 1951.

[F. R. Doc. 52-2648; Filed, Mar. 6, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

MARIA CICCIOLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Ciccioli, Milan, Italy; Claim No. 41535; $213.35 in the Treasury of the United States.

Executed at Washington, D. C., on February 29, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-2680; Filed, Mar. 6, 1952; 8:50 a. m.]

ZELMIRA CICCIOLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Zelmira Ciccioli, Lodi, Italy; Claim No. 41534; $213.34 in the Treasury of the United States.

Executed at Washington, D. C., on February 29, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-2681; Filed, Mar. 6, 1952; 8:50 a. m.]

SERAFINA POZZO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Serafina Pozzo, Turin, Italy; Claim No. 41300; $2,106.59 in the Treasury of the United States.

Executed at Washington, D. C., on February 29, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-2682; Filed, Mar. 6, 1952; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[54700]

MICHIGAN

NOTICE OF FILING OF PLAT OF SURVEY

FEBRUARY 29, 1952.

Notice is given that the plat of original survey of the following described lands, accepted August 1, 1950, will be officially filed in the Bureau of Land Management effective at 10:00 a. m. on the 35th day after the date of this notice:

MICHIGAN MERIDIAN, MICHIGAN

T. 34 N., R. 26 W.,
Sec. 3, lots 8 and 9 (islands in Hayward Lake).

The area described aggregates 6.72 acres.

This plat represents the survey of two islands in Hayward Lake which were not included in the original survey of the township which is represented on the plat approved December 20, 1848. Available information indicates that the lands are fairly level with a stony clay loam

soil and rises to about 8 feet above the water.

No application for these lots may be allowed under the homestead, small tract, or any other nonmineral public land laws unless the land has been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to Regional Administrator, Region VI, Bureau of Land Management, Washington 25, D. C.

H. S. PRICE,
Regional Administrator, Region VI.

[F. R. Doc. 52–2638; Filed, Mar. 6, 1952; 8:45 a. m.]

[54700]

MICHIGAN

NOTICE OF FILING OF PLAT OF SURVEY

FEBRUARY 29, 1952.

Notice is given that the plat of original survey of the following described lands, accepted August 1, 1950, will be officially filed in the Bureau of Land Management effective at 10:00 a. m. on the 35th day after the date of this notice:

MICHIGAN MERIDIAN, MICHIGAN

T. 44 N., R. 19 W.,
Sec. 11, lots 7, 8, 9, and 10 (islands in Fish Lake).

The area described aggregates 7.17 acres.

These islands are situated in Fish Lake and available information indicates that the land extends to an elevation of about 25 feet above the water level having a grass rim with young mixed timber on the upland.

The above-mentioned township was withdrawn and made a part of the Hiawatha National Forest by proclamation of January 16, 1931.

Anyone having a valid settlement or right to these lands initiated prior to the date of the withdrawal of the land should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Regional Administrator, Region VI, Bureau of Land Management, Washington 25, D. C.

H. S. PRICE,
Regional Administrator, Region VI.

[F. R. Doc. 52–2637; Filed, Mar. 6, 1952; 8:45 a. m.]

Office of the Secretary

[Order No. 2341, Amdt. 4]

SOUTHEASTERN POWER ADMINISTRATION

DELEGATION OF AUTHORITY WITH RESPECT TO ADVERTISING

FEBRUARY 20, 1952.

Section 1 of Order No. 2341, as amended, is further amended by adding the following:

(m) Southeastern Power Administration:
Administrator,
Chief, Division of Administration.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52–2667; Filed, Mar. 6, 1952; 8:49 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 2]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON MEDIUM AND HEAVY GUN TANKS AND ALLIED COMBAT VEHICLES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on Medium and Heavy Gun Tanks and Allied Combat Vehicles in accordance with the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Medium and Heavy Gun Tanks & Allied Combat Vehicles," dated July 17, 1951, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

The voluntary plan provides for the formation and operation of this Medium and Heavy Gun Tanks and Allied Combat Vehicles Integration Committee and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This voluntary plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of an Integration Committee on Medium and Heavy Gun Tanks and Allied Combat Vehicles in accordance with the voluntary plan, as revised, entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Medium and Heavy Gun Tank & Allied Combat Vehicles," dated 17 July 1951, a copy of which is herewith enclosed.

In my opinion, your participation in the activities of this Committee will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan, as revised, and find it to be in the public interest as contributing to the national defense. You will become a participant upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given only upon such acceptance, provided that the activities of the Integration Committee on Medium and Heavy Gun Tanks and Allied Combat Vehicles and your participation therein are within the limits set forth in the voluntary plan, as revised.

In the event that you accept this request will you kindly send a copy of your acceptance to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G–4, United States Army, Pentagon Building, Washington 25, D. C.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

American Locomotive Co., Schenectady, N. Y.

Chrysler Corp., 341 Massachusetts Ave., Detroit, Mich.

Detroit Arsenal, Centerline, Mich.

Fisher Body Division, General Motors Corp., Detroit, Mich.

Ford Motor Co., 3000 Schaefer Road, Dearborn, Mich.

Pacific Car & Foundry, Benton, Wash.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61.)

Dated: March 5, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52–2763; Filed, Mar. 6, 1952; 10:39 a. m.]

[D. P. A. Request No. 7]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON LIGHT AND MEDIUM TACTICAL TRUCKS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on Light and Medium Tactical Trucks in accordance with the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Light and Medium Tactical Trucks," dated October 3, 1951, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

The voluntary plan provides for the formation and operation of this Light and Medium Tactical Trucks Integration Committee and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This voluntary plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of the Light and Medium Tactical Trucks Integration Committee in accordance with the revised Voluntary Plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Light and Medium Tactical Trucks," dated October 3, 1951, a copy of which is herewith enclosed.

In my opinion, your participation in the activities of this Committee will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the revised Voluntary Plan and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Light and Medium Tactical Trucks Integration Committee and your participation therein are within the limits set forth in the revised Voluntary Plan.

In the event that you accept this request will you kindly send two copies of your acceptance to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G–4, United States Army, Pentagon Building, Washington 25, D. C.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Willys-Overland Motors, Inc., Toledo, Ohio.

Studebaker Corp., South Bend, Ind.

Chrysler Corp., Detroit, Mich.

Reo Motors, Inc., Lansing, Mich.

General Motors Corp., General Motors Bldg., Detroit, Mich.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan 3, 1951, 16 F. R. 61)

Dated: March 5, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52–2765; Filed, Mar. 6, 1952; 10:39 a. m.]

[D. P. A. Request No. 40]

REQUEST TO PARTICIPATE IN VOLUNTARY AGREEMENT ENTITLED "VOLUNTARY AGREEMENT RELATING TO THE SUPPLY OF HEATING OIL TO THE EAST COAST"

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in a voluntary agreement entitled "Voluntary Agreement Relating to the Supply of Heating Oil to the East Coast" was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

The voluntary agreement provides for certain action to be taken by these companies to alleviate the shortage of heating oil, including kerosene, in the New England and North Atlantic States which now threatens to affect adversely the defense mobilization program. This voluntary agreement has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in a Voluntary Agreement entitled "Voluntary Agreement Relating to the Supply of Heating Oil to the East Coast," a copy of which is enclosed.

In my opinion, your participation will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the Voluntary Agreement and find it to be in the public interest as contributing to the national defense. You will become a participant therein by advising me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that your participation therein is within the limits set forth in the approved Voluntary Agreement.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

The Atlantic Refining Co., 260 South Broad St., Philadelphia, Pa.

Cities Service Oil Co., 60 Wall Tower, New York, N. Y.

Esso Standard Oil Co., 15 West Fifty-first St., New York, N. Y.

Gulf Oil Corp., Gulf Bldg., Pittsburgh, Pa.

Hess, Inc., State and Arthur Kill Road, Perth Amboy, N. J.

The American Oil Co., 122 East Forty-second St., New York, N. Y.

Shell Oil Co., 50 West Fiftieth St., New York, N. Y.

Sinclair Refining Co., 600 Fifth Ave., New York, N. Y.

Socony-Vacuum Oil Co., Inc., 26 Broadway, New York, N. Y.
Sun Oil Co., 1608 Walnut St., Philadelphia, Pa.
The California Oil Co., P. O. Box 2, Barber, N. J.
The Texas Co., 135 East Forty-second St., New York, N. Y.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: March 5, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-2764; Filed, Mar. 6, 1952; 10:39 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6352]

SOUTHERN UTAH POWER CO.

NOTICE OF ORDER AUTHORIZING RENEWAL OF SHORT TERM NOTE

MARCH 3, 1952.

Notice is hereby given that on February 29, 1952, the Federal Power Commission issued its order entered February 28, 1952, supplementing order (16 F. R. 4360), authorizing renewal of short term note in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2654; Filed, Mar. 6, 1952; 8:47 a. m.]

[Docket No. E-6402]

CENTRAL ARIZONA LIGHT AND POWER CO. AND ARIZONA EDISON CO., INC.

NOTICE OF ORDER AUTHORIZING DISPOSITION AND MERGER OF FACILITIES

MARCH 3, 1952.

Notice is hereby given that on February 29, 1952, the Federal Power Commission issued its order entered February 28, 1952, authorizing and approving disposition and merger of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2655; Filed, Mar. 6, 1952; 8:48 a. m.]

[Docket No. E-6403]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

MARCH 3, 1952.

Notice is hereby given that on February 28, 1952, the Federal Power Commission issued its order entered February 26, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2656; Filed, Mar. 6, 1952; 8:48 a. m.]

[Docket No. E-6410]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

MARCH 3, 1952.

Notice is hereby given that on February 29, 1952, the Federal Power Commission issued its order entered February 28, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2657; Filed, Mar. 6, 1952; 8:48 a. m.]

[Docket Nos. G-889, G-1272, G-1517]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF ORDER ACCEPTING RATE SCHEDULES FOR FILING

MARCH 3, 1952

Notice is hereby given that on February 28, 1952, the Federal Power Commission issued its order entered February 27, 1952, accepting rate schedules for filing, effective as of February 29, 1952, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2658; Filed, Mar. 6, 1952; 8:48 a. m.]

[Docket Nos. G-1824, G-1843, G-1862]

NEW YORK STATE NATURAL GAS CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

MARCH 3, 1952.

In the matters of New York State Natural Gas Corporation, Docket No. G-1824; United Gas Pipe Line Company, Docket No. G-1843; The Ohio Fuel Gas Company, Docket No. G-1862.

Notice is hereby given that on February 27, 1952, the Federal Power Commission issued its orders entered February 26, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2659; Filed, Mar. 6, 1952; 8:48 a. m.]

[Docket No. G-1865]

MISSISSIPPI VALLEY GAS CO. AND MISSISSIPPI POWER AND LIGHT CO.

ORDER FIXING DATE OF HEARING

MARCH 3, 1952.

On December 26, 1951, Mississippi Valley Gas Company (Mississippi Valley), a Mississippi corporation, having its principal place of business at Jackson, Mississippi, and Mississippi Power and Light Company (Mississippi Power), a Florida corporation, having its principal place of business at Jackson, Mississippi, filed a joint application, which was supplemented on February 12 and February 29, 1952, requesting that the Commission issue a certificate of public convenience and necessity authorizing the acquisition and operation by Mississippi Valley of the natural-gas transmission facilities of Mississippi Power, and requesting that the Commission take such action as it shall deem appropriate with respect to the transfer and sale of such facilities by Mississippi Power to Mississippi Valley and of the proposed operations by the latter of facilities subject to the jurisdiction of the Commission. Said application, as supplemented, is on file with the Commission and open to public inspection.

In the supplement filed February 12, 1952, Applicants state that Mississippi Power has in progress a very large electric power construction program, and that its financing plans have anticipated the use of the proceeds from the sale of the gas properties in order to meet the costs of electric facilities to be constructed during 1952. In this connection, Applicants have also in said supplement indicated a need for an early decision on their application.

Applicants have requested that their application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure for noncontested proceedings. This proceeding is a proper one for disposition under the aforementioned rule, no request to be heard, protest, or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 16, 1952 (17 F. R. 485).

The Commission finds: It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on March 11, 1952, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the said rules of practice and procedure.

Date of issuance: March 4, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2663; Filed, Mar. 6, 1952; 8:49 a. m.]

[Docket Nos. G-1886, G-1887]

CENTRAL ARIZONA LIGHT AND POWER CO. AND ARIZONA EDISON CO., INC.

NOTICE OF FINDINGS AND ORDER

MARCH 3, 1952.

Notice is hereby given that on February 29, 1952, the Federal Power Commission issued its order entered February 28, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-2660; Filed, Mar. 6, 1952; 8:48 a. m.]

[Docket No. G-1895]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 3, 1952.

Take notice that on February 19, 1952, El Paso Natural Gas Company (Applicant) a Delaware corporation of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of approximately 2.1 miles of 10¾-inch pipe line and a metering station on Applicant's Tucson-Phoenix pipe line near Phoenix, Arizona. Applicant proposes by these facilities to sell and deliver natural gas to Central Arizona Light and Power Company for resale to the Salt River Valley Water User's Association's Kyrene power plant.

The cost of these facilities is estimated to be $46,000 for which will be paid from general funds of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 C. F. R. 1.8 or 1.10) on or before the 21st day of March 1952. The Application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-2662; Filed, Mar. 6, 1952; 8:49 a. m.]

[Docket No. IT-5026]

SERVICIOS ELECTRICOS DE PIEDRAS NEGRAS, S. A., AND CENTRAL POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO

MARCH 3, 1952.

Notice is hereby given that on February 26, 1952, the Federal Power Commission issued its order entered February 20, 1952, in the above-entitled matter, authorizing transmission of electric energy to Mexico, and superseding previous authorization granted by order issued June 2, 1949 (14 F. R. 3167).

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-2640; Filed, Mar. 6, 1952; 8:46 a.m.]

[Docket No. IT-5656]

COMPANIA ELECTRICA MATAMOROS, S. A. AND CENTRAL POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO

MARCH 3, 1952.

Notice is hereby given that on February 21, 1952, the Federal Power Commission issued its order entered February 20, 1952, in the above-entitled matter, authorizing transmission of electric energy to Mexico, and superseding previous authorizations granted by orders issued June 2, 1950 (15 F. R. 3658) and June 6, 1951 (16 F. R. 5592).

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-2641; Filed, Mar. 6, 1952; 8:46 a. m.]

[Docket Nos. IT-6015, IT-6022]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF ORDER DETERMINING EMERGENCY AND GRANTING EXEMPTION FOR USE OF INTERCONNECTIONS

MARCH 3, 1952.

Notice is hereby given that on February 29, 1952, the Federal Power Commission issued its order entered February 26, 1952, amending orders (12 F. R. 454; 14 F. R. 3295; 15 F. R. 5619) determining emergency and granting exemption for use of interconnections in the above-entitled matters.

[SEAL] LEON M. FUQUAY,

[F. R. Doc. 52-2661; Filed, Mar. 6, 1952; 8:48 a. m.]

[Docket No. IT-6083]

LA JUNTA FEDERAL DE MEJORAS MATERIALES AND CENTRAL POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO

MARCH 3, 1952.

Notice is hereby given that on February 21, 1952, the Federal Power Commission issued its order entered February 20, 1952, in the above-entitled matter, authorizing transmission of electric energy to Mexico, and superseding previous authorization granted by order issued September 20, 1950 (15 F. R. 6555), except insofar as that order relates to the substitution of La Junta as the holder of the Presidential Permit.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-2642; Filed, Mar. 6, 1952; 8:46 a. m.]

[Project No. 1856]

UNION CARBIDE AND CARBON CORP.

NOTICE OF ORDER TO SHOW CAUSE

MARCH 3, 1952.

Notice is hereby given that on February 26, 1952, the Federal Power Commission issued its order to show cause, entered February 20, 1952, in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-2643; Filed, Mar. 6, 1952; 8:46 a. m.]

[Project No. 2009]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF ORDER EXTENDING TIME FOR FILING EXHIBITS

MARCH 3, 1952.

Notice is hereby given that on February 26, 1952, the Federal Power Commission issued its order entered February 20, 1952, extending time for filing exhibits in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-2644; Filed, Mar. 6, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26859]

PULPBOARD AND FIBREBOARD FROM AUSTELL, GA., TO POINTS IN OFFICIAL (INCLUDING ILLINOIS) TERRITORY

APPLICATION FOR RELIEF

MARCH 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1201.

Commodities involved: Pulpboard and fibreboard, carloads.

From: Austell, Ga.

To: Points in official (including Illinois) territory.

Grounds for relief: Circuitous routes, to maintain grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1201, Supp. 55.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed

within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2668; Filed, Mar. 6, 1952; 8:49 a. m.]

[4th Sec. Application 26860]

PAPER BOXES FROM JASPER, FLA., TO OFFICIAL (INCLUDING ILLINOIS) TERRITORY

APPLICATION FOR RELIEF

MARCH 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1201.

Commodities involved: Boxes, fibreboard, pulpboard or strawboard, carloads.

From: Jasper, Fla.

To: Points in official (including Illinois) territory.

Grounds for relief: C. A. Spaninger's tariff I. C. C. No. 1201, Supp. 55.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2669; Filed, Mar. 6, 1952; 8:49 a. m.]

[4th Sec. Application 26861]

BILLETS FROM POINTS IN NEW YORK, TO MOUNT VERNON AND PORT CHESTER, N. Y.

APPLICATION FOR RELIEF

MARCH 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for The Delaware, Lackawanna and Western Railroad Company and other carriers.

Commodities involved: Billets, iron and steel, and related articles, carloads.

From: Buffalo, Lockport, Niagara Falls, and Suspension Bridge, N. Y., and adjacent points in New York.

To: Mount Vernon and Port Chester, N. Y.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: Erie RR. tariff I. C. C. No. 20555, Supp. 29; DL&W RR tariff I. C. C. No. 24234, Supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2670; Filed, Mar. 6, 1952; 8:49 a. m.]

[4th Sec. Application 26862]

GRAIN FROM TEXAS TO ARKANSAS, KANSAS, AND MISSOURI

APPLICATION FOR RELIEF

MARCH 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3831.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Texas.

To: Points in Arkansas, Kansas, and Missouri.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3831, Supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2671; Filed, Mar. 6, 1952; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 1]

PLACEMENT OF PROCUREMENT IN THE DETROIT, MICHIGAN, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Detroit area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Detroit area in the placement of Government contracts in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 4, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE DETROIT, MICHIGAN, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Detroit area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Detroit area, and by the Department of Defense, the Defense Production Administration, the National Production Authority, and the Department of Labor relative to facilities in the Detroit area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Detroit area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Detroit area suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of Government contracts at reasonable prices in the Detroit area provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Detroit area and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Detroit area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4 provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Detroit area;

5. That section 8 of the Defense Manpower Policy No. 4 providing for the application of the Policy to an entire industry, is not applicable.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Detroit area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2696; Filed, Mar. 6, 1952; 8:52 a. m.]

[Defense Manpower Policy No. 4, Notification 2]

PLACEMENT OF PROCUREMENT IN THE PROVIDENCE, RHODE ISLAND, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Providence area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Providence area, with the exception of the textile and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 4, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE PROVIDENCE, RHODE ISLAND, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Providence area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Providence area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Providence area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Providence area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Providence area suitable facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of Government contracts at reasonable prices in the Providence area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Providence area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Providence area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Providence area;

5. That the application of Defense Manpower Policy No. 4 in the Providence area may have, in the judgment of the Committee, a major effect upon the operation of the entire textile and shoe industries and that, therefore, these industries should not be included in the application of the Policy in the Providence area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Providence area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2697; Filed, Mar. 6, 1952; 8:52 a. m.]

[Defense Manpower Policy No. 4, Notification 3]

PLACEMENT OF PROCUREMENT IN THE WILKES-BARRE, PENNSYLVANIA, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Wilkes-Barre area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Wilkes-Barre area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile and apparel industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notifi-

cation on April 4, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE WILKES-BARRE, PENNSYLVANIA, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Wilkes-Barre area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Wilkes-Barre area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Wilkes-Barre area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Wilkes-Barre area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Wilkes-Barre area suitable facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of Government contracts at reasonable prices in the Wilkes-Barre area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Wilkes-Barre area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Wilkes-Barre area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Wilkes-Barre area;

5. That the application of Defense Manpower Policy No. 4 in the Wilkes-Barre area may have, in the judgment of the Committee, a major effect upon the operation of the entire textile and apparel industries and that, therefore, these industries should not be included in the application of the Policy in the Wilkes-Barre area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile and apparel industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Wilkes-Barre area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2698; Filed, Mar. 6, 1952; 8:52 a. m.]

[Defense Manpower Policy No. 4, Notification 4]

PLACEMENT OF PROCUREMENT IN THE SCRANTON, PENNSYLVANIA, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Scranton area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Scranton area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile and apparel industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 4, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE SCRANTON, PENNSYLVANIA, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Scranton area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Scranton area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Scranton area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Scranton area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Scranton area suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of Government contracts at reasonable prices in the Scranton area: *Provided,* That a substantial portion of the work involved in the execution of the contracts will be performed in the Scranton area: *Provided further,* That contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Scranton area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Scranton area;

5. That the application of Defense Manpower Policy No. 4 in the Scranton area may have, in the judgment of the Committee, a major effect upon the operation of the entire textile and apparel industries and that, therefore, these industries should not be included in the application of the Policy in the Scranton area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile and apparel industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Scranton area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2699; Filed, Mar. 6, 1952; 8:52 a. m.]

[CDHA 41; Docket No. 330]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MARCH 6, 1952.

Upon a review of the construction of new defense plants and installations,

and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Bedford, Massachusetts Area. (The area consists of the Towns of Bedford, Billerica, Burlington, Carlisle, Concord, Lexington and Lincoln and the Cities of Waltham and Woburn in Middlesex County, all in Massachusetts.)

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2766; Filed, Mar. 6, 1952; 10:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2790]

OKLAHOMA GAS AND ELECTRIC CO.

NOTICE OF FILING FOR PERMISSION TO ISSUE AND SELL FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

MARCH 3, 1952.

Notice is hereby given that an application has been filed by Oklahoma Gas and Electric Company ("Oklahoma"), a public utility subsidiary of Standard Gas and Electric Company, a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company. Applicant has designated section 6 (b) of the act and Rules U-23, U-24, and U-50, promulgated thereunder, as applicable to the proposed transactions which are summarized as follows:

Oklahoma proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of First Mortgage __ Percent Bonds, Series due March 1, 1982. The interest rate and the price to the company for the bonds will be determined by the competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 precent of the principal amount. The company requests that the ten-day period required by Rule U-50 to elapse between the time of inviting bids and the entering into of an agreement with respect to the issuance and sale of the bonds be shortened to six days. The proceeds of the sale of the bonds will be used to retire $2,500,000 of short term bank loans, which were made to finance temporarily part of the company's construction program, and the balance will be used to finance, in part, the remainder of the construction expenditures for the year 1952.

The bonds will be issued under the provisions of the company's existing Indenture, dated February 1, 1945, to The First National Bank and Trust Company of Oklahoma City, as Trustee, as supplemented by Supplemental Trust Indentures, dated December 1, 1948, June 1, 1949, and May 1, 1950, and to be further supplemented by a new Supplemental Trust Indenture to be dated March 1, 1952.

The Corporation Commission of Oklahoma and the Arkansas Public Service Commission have authorized the proposed issuance and sale of the bonds. Applicant requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than March 17, 1952, at 12:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission 425 Second Street NW., Washington 25, D. C. At any time after March 17, 1952, at 12:30 p. m., said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-2645; Filed, Mar. 6, 1952; 8:46 a. m.]

[File No. 70-2803]

NORTHERN NATURAL GAS CO.

NOTICE OF PROPOSED RENEWAL OF LINE OF CREDIT WITH EIGHT COMMERCIAL BANKS

MARCH 3, 1952.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by Northern Natural Gas Company ("Northern"), a registered holding company. Applicant has designated sections 6 and 7 of the act as applicable to the proposed transactions, which are summarized as follows:

Northern proposes to renew a line of credit, which it now has in the amount of $42,000,000 with eight commercial banks, for a period of 9 months from the present expiration date thereof, namely, March 22, 1952. This line of credit was established originally pursuant to authorizations granted by orders of this Commission, dated April 26, 1951, and September 25, 1951 (Holding Company Act Release Nos. 10517 and 10789) and the exemptive provisions of section 6 (b) of the act. Northern pursuant to this line of credit has issued from time to time and sold to the banks an aggregate of $42,000,000 principal amount of its promissory notes bearing interest at the "prime rate" in effect at the date of sale of each of said notes and maturing March 22, 1952.

The proposed extension of bank credit is to expire on December 22, 1952, and may be canceled or reduced by Northern at any time prior to that date. The borrowing pursuant to this line of credit will be evidenced by notes which will mature on or before 90 days from date of issuance and which may be renewed for periods of 90 days as required until the expiration of the credit. These notes which may be prepaid without premium or penalty will bear interest at the "prime rate" in effect at the time each note is issued, except that the rate shall not be lower than 2¾ percent per year or higher than 3¼ percent a year. The filing states that the present "prime rate" is 3 percent. Interest payments are to be made at the time each note matures.

It is represented in the filing that these notes will be replaced by permanent financing, which will also provide additional funds for construction, in the form of common stock and debentures, provided favorable market conditions then prevail, as soon as the amount of authorized construction has been finally determined and certain pending rate matters have been concluded. It is also represented that the definitive nature and amount of this permanent financing will depend upon, among other things, the outcome of pending applications for increasing system capacity and the rate proceedings.

Notice is further given that any interested person may, not later than March 17, 1952, at 12:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by such application proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-2646; Filed, Mar. 6, 1952; 8:47 a. m.]

[File No. 70-2808]

OHIO POWER CO.

NOTICE OF FILING REGARDING PROPOSED CHARTER AMENDMENTS

MARCH 3, 1952.

Notice is hereby given that The Ohio Power Company ("Ohio"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 and 7 thereof and Rule U-62 of the rules and regulations promulgated thereunder as applicable to the following transactions:

Ohio proposes to amend its Articles of Incorporation so as to modify the present provisions limiting the amount of unsecured debt that may be issued without the consent of stockholders to 10 percent of the sum of secured debt, capital stock and surplus, and so as to limit the present preemptive rights of preferred stockholders in connection with any issuance of additional preferred stock.

The proposed provision modifying the present unsecured debt provisions would allow Ohio to issue unsecured debt in a total amount not exceeding 20 percent, of which short-term unsecured debt could not exceed 10 percent of the sum of secured debt, capital stock and surplus. Under this provision, long-term unsecured debt would be debt having an initial maturity of 10 years or more, except that such debt would be regarded as short-term unsecured debt wherever and to the extent that any part of it matured within less than 5 years.

The proposed amendments are designed to afford Ohio greater flexibility in the raising of capital to finance its construction program which is estimated to require the expenditure of approximately $110,000,000 for the years 1952 through 1954. The proposed deletion of the existing preemptive rights of the preferred stockholders is designed to facilitate any future sale of preferred stock by eliminating the stand-by period required to allow for the exercise of preemptive rights.

Notice is further given than any interested person may, not later than March 24, 1952 at 5:30 p. .m, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file with this Commission for a full statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-2647; Filed, Mar. 6, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region II, Redelegation of Authority 16, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION II

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to delegation of authority No. 38 Amendment 1 (17 F. R. 1784), this redelegation of authority is hereby issued.

Redelegation of Authority No. 16 is amended to include a new paragraph 2 to read as follows:

2. Authority to act under section 12 of CPR 101, as amended. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and the Newark and Trenton, New Jersey, District Offices of Price Stabilization to act under section 12 of CPR 101, as amended.

This redelegation of authority is effective March 5, 1952.

JAMES G. LYONS,
Director of Regional Office No. II.

MARCH 4, 1952.

[F. R. Doc. 52-2683; Filed, Mar. 4, 1952; 3:50 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 211, Amdt. 2]

RED WING POTTERIES, INC.

CEILING PRICES AT RETAIL

Statement of consideration. Special Order 211 under section 43, Ceiling Price Regulation 7 established retail ceiling prices for earthenware, vases and bowls manufactured by The Red Wing Potteries, Inc. and having the brand name "Red Wing."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with these already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated December 29, 1951 and January 8, 1952.

In addition the manufacturer has applied to the Office of Price Stabilization for an amendment to the special order which would exclude certain western States from the coverage of the special order. The applicant points out that the original application for a special order omitted to state that a percentage of the applicant's sales were made in the western states and that the articles covered by the special order were not sold at uniform retail prices in these states, due to the higher cost of transportation to the western states. The exclusion of a limited area from the operation of a special order conforms with the provisions of section 43, Ceiling Price Regulation 7.

Amendatory provisions. Special Order 211 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 19, 1951," insert the words "as supplemented and amended by its applications dated December 29, 1951 and January 8, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in The Red Wing Potteries, Inc., supplemental applications dated December 29, 1951 and January 8, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 1, 1952.

3. Delete paragraph 8 of the special order and substitute therefor the following:

8. The provisions of this special order are applicable to the District of Columbia and the United States with the exception of the following States: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming and that part of Colorado, New Mexico and Texas that is west of a straight line extending from Cheyenne, Wyoming to Presidio, Texas and the Mexican Border.

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2612; Filed, Mar. 3, 1952; 4:16 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 235, Amdt. 1]

WINER MFG. CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 235 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for all-weather jackets for men, boys, and juniors manufactured by Winer Manufacturing Co., Inc., and having the brand name "Stratjac."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 3, 1952.

This amendment also adds the brand name "Sunlife" to the Special Order.

Amendatory provisions. Special Order 235 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated July 6, 1951," insert the words "as supplemented and amended by its application dated January 3, 1952."

2. Insert following paragraph 1 now appearing in the Special Order the following:

The prices listed in the manufacturer's supplemental application dated January 3, 1952 shall become effective on receipt of a copy of the notice for such article, but in no event later than April 1, 1952.

3. In paragraph 1, after the word "Stratjac" add the words "and Sunlife."

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2613; Filed, Mar. 3, 1952; 4:17 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 254, Amdt. 2]

F. C. HUYCK & SONS (KENWOOD MILLS)

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 254 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for woven woolen bed blankets, manufactured by F. C. Huyck & Sons (Kenwood Mills), and having the brand names "Kenwood Famous," "Kenwood Reverie", "Kenwood Sundown," "Kenwood Remembrance" and "Kenwood Petite."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 1, 1952.

This amendment also adds the brand name "Kenwood You're An Angel" to the brand names of woven woolen bed blankets listed in the special order.

Amendatory provisions. Special Order 254 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "August 23, 1951", the following date "February 1, 1952".

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 1, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

3. In paragraph 1, delete the word "and", which precedes the words "Kenwood Petite".

4. In paragraph 1, after the words "Kenwood Petite", add the words "and, Kenwood You're An Angel".

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2614; Filed, Mar. 3, 1952; 4:17 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 280, Amdt. 1]

SPARKS-WITHINGTON CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 280 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for radios, and television manufactured by The Sparks-Withington Company and having the brand name "Sparton".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated October 26, 1951 and November 1, 1951.

Amendatory provisions. Special Order 280 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated July 17, 1951," insert the words "as supplemented and amended by its applications dated October 26, 1951 and November 1, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated October 26, 1951 and November 1, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 25, 1952.

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2615; Filed, Mar. 3, 1952; 4:17 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 283, Amdt. 2]

ADAM WUEST, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 283 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for mattresses and box springs manufactured by Adam Wuest, Inc., and having the brand names "Serta Foam," "Serta Perfect Sleeper Supreme," "Serta Perfect Sleeper Imperial," "Serta Perfect Sleeper DeLuxe," "Serta Perfect Sleeper Sertapedic," "Serta Perfect Sleeper," "Serta Restal Knight," "Serta Sertarest," "Fairyland," "Serta Tiny Sleeper."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated October 18, 1951 and January 28, 1952.

This amendment also adds the brand name "Slumber-Ease" to the brand names of mattresses and box springs listed in the special order.

Amendatory provisions. Special Order 283 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated March 9, 1951," insert the words "as supplemented and amended by its applications dated October 16, 1951 and October 18, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated October 18, 1951 and January 28, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 13, 1952.

3. In paragraph 1, add to the brand names listed the brand name "Slumber-Ease."

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2616; Filed, Mar. 3, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 300, Amdt. 3]

BUXBAUM CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 300 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for rubber mats, carpetreds, link mats and kitchen floor mats manufactured by The Buxbaum Company and having the brand name "Akro."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 11, 1952.

Amendatory provisions. Special Order 300 under section 43 of Ceiling Price

Regulation 7, is amended in the following respects:

1. In paragraph 1 insert after the date "October 8, 1951", the following date "January 11, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 11, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 25, 1952.

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2617; Filed, Mar. 3, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 317, Amdt. 3]

BEVERLY VOGUE CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 317 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for lingerie, girdles, pantie girdles and garter belts manufactured by Beverly Vogue Company and having the brand name "Beverly Vogue California".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 10, 1952.

Amendatory provisions. Special Order 317 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "August 17, 1951", the following dates "December 28, 1951 and January 10, 1952".

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 10, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 29, 1952.

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2618; Filed, Mar. 3, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 332, Amdt. 1]

DORMEYER CORP.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 332, under section 43, Ceiling Price Regulation 7, established retail and wholesale ceiling prices for electric food-mixers, deep fat fryer, toaster and blender, manufactured by Dormeyer Corporation, and having the brand names "Food Fixer," "Meal Maker," "Fri-Well," "Toastmaker," and "Drink Blender."

This amendment establishes new retail and wholesale ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail and wholesale ceiling prices are established by incorporating into the special order the amended applications dated May 28, 1951 and October 1, 1951.

Amendatory provisions. Special Order 332, under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "April 6, 1951," the following dates "May 28, 1951," and "October 1, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated May 28, 1951 and October 1, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 1, 1952.

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2619; Filed, Mar. 3, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 414, Amdt. 3]

VAN RAALTE COMPANY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 414 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for women's nylon hosiery, underwear, and gloves manufactured by Van Raalte Company, Inc., and having the brand name "Van Raalte".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 29, 1952.

Amendatory provisions. Special Order 414 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2 insert after the date "December 27, 1951" the following date "January 29, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated January 29, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2620; Filed, Mar. 3, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 444, Amdt. 1]

SO-LO WORKS, INC., D/B/A SO-LO MARX RUBBER CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 444 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for women's and children's rubber footwear, manufactured by So-Lo Works, Inc., D/B/A So-Lo Marx Rubber Co., and having the brand names "Marxie-Totes" and "Overshoe-Totes".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated October 16, 1951.

This amendment also adds men's rubber footwear and a new brand name "Blizzer Boot-Totes" and "Toe-Totes" to the special order.

Amendatory provisions. Special Order 444 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated July 5, 1951", insert the words "as supplemented and amended by its application dated October 16, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturers' supplemental application dated October 16, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 21, 1952.

3. In paragraph 1, preceding the word "women's" insert the word "men's".

4. In paragraph 1, delete the word "and" which precedes the word "Over-

shoe-Totes" and substitute therefor a comma.

5. In paragraph 1 following the word "Overshoe-Totes" add the wards "Blizzer Boot-Totes" and "Toe-Totes".

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2621; Filed, Mar. 3, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 473, Amdt. 3]

DOMINION ELECTRIC CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 473 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for electrical appliances: toasters, flat irons, waffle irons, table cookers, sandwich toasters, heaters, corn poppers, table stoves, table ranges, hair dryers, coffee maker, percolator, deep fryer and fans manufactured by Dominion Electric Corporation and having the brand name "Dominion."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 27, 1951.

Amendatory provisions. Special Order 473 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "October 15, 1951," the following date "December 27, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated December 27, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2622; Filed, Mar. 3, 1952; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 475, Amdt. 1]

E. INGRAHAM CO.

CEILING PRICES AT WHOLESALE AND RETAIL

Statement of considerations. Special Order 475 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for clocks and watches, manufactured by the E. Ingraham Company, and having the brand name "Sentinel Line."

Special Order 475 established ceiling prices at retail for these same items but did not establish ceiling prices at wholesale. Such wholesale ceiling prices were requested by The E. Ingraham Company in its application dated April 23, 1951 and may be established under Section 43 of Ceiling Price Regulation 7.

This amendment also establishes new wholesale and retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The wholesale and retail ceiling prices are established by incorporating into the special order the amended application dated January 24, 1952.

Amendatory provisions. Special Order 475, under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. Delete paragraph 1 of the special order and substitute therefor the following:

1. *Ceiling Prices.* The ceiling prices for sales at wholesale and retail of clocks and watches sold through wholesalers and retailers and having the brand name "Sentinel Line" shall be the proposed wholesale and retail ceiling prices listed by The E. Ingraham Company, 392 No. Main St., Bristol, Conn., hereinafter referred to as the "applicant" in its application dated April 23, 1951, as supplemented and amended by its application dated January 24, 1952 and filed with the Office of Price Stabilization, Washington, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

The prices listed in the manufacturer's supplemental application dated January 24, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 3, 1952.

2. In subparagraph (a) (4) delete all after the sentence, "The notice shall be in substantially the following form," and substitute therefor the following:

(Column 1)	(Column 2)	(Column 3)
Item (style or lot number or other description)	Wholesaler's ceiling price for articles listed in column 1	Retailer's ceiling price for articles listed in column 1
----------	$----------	$----------

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2623; Filed, Mar. 3, 1952; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43; Special Order 521, Amdt. 2]

ADAM HAT STORES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 521 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and boy's fur felt hats, panama and straw hats, novelty cloth hats, and caps manufactured by Adam Hat Stores, Inc., and having the brand names "Adam Royal," "Adam Majestic," "Adam Executive," "Adam Premier," "Adam Deluxe," "Adam Imperial," "Adam 15," "Adam Golden Eagle," "Adam Excellent Quality," Adam Capital Quality," "Adam Aristocrat Quality," "Adam Regent Quality," "Adam Fairway," "Adam Hi-Doodle" "Adam Roadster," "Adam Club House," "Adam Sun Mate," "Adam Tee-Off," "Adam Cordo-Weve," "Adam Mashie," "Adam Day-Glo," "Adam BBC-225," Adam C-50," "Adam C-125," "Adam C-150," "Adam C-200/201," "Adam C-203/205," "Adam Alligator," "Adam Leisure Play," and "Adam Aquashed."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 2, 1951.

This amendment also adds the brand name "Adam Standard" to the brand names listed in the special order.

Amendatory provisions. Special Order 521 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application," insert the words "dated May 24, 1951, as supplemented and amended by your supplier's applications dated October 5, 1951, and November 2, 1951."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated November 2, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

3. In paragraph 1, delete the word "and" which precedes the words "Adam Aquashed" and substitute therefor a comma.

4. In paragraph 1 following the words "Adam Aquashed" add the words "Adam Standard."

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2624; Filed, Mar. 3, 1952; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 572, Amdt. 3]

HANSEN GLOVE CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 572 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's, women's and children's gloves and mittens manufactured by Hansen Glove Corporation and having the brand name "Hansen Gloves."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 5, 1951.

Amendatory provisions. Special Order 572 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated July 24, 1951," insert the words "as supplemented and amended by its applications dated August 24, 1951, September 6, 1951, September 7, 1951 and December 5, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated December 5, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2625; Filed, Mar. 3, 1952; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 583, Amdt. 1]

WEST BEND ALUMINUM CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 583 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for percolators manufactured by West Bend Aluminum Co., and having the brand name "West Bend Flavo-matic Percolator."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated October 5, 1951.

This amendment also adds corn poppers, bean pots, coffee makers, tea kettles, hot and cold servers, lazy susans, salad bowl with fork and spoon, baby bottle sterilizers, serving humidors, serving ovens, ovenettes and electric ovenettes with insets and mixing bowls having the brand name "West Bend" to the coverage of the special order.

Amendatory provisions. Special Order 583 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated July 20, 1951," insert the words "as supplemented and amended by its application dated October 5, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated October 5, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

3. In paragraph 1 following the word "percolators" add the words "corn poppers, bean pots, coffee makers, tea kettles, hot and cold servers, lazy susans, salad bowl with fork and spoon, baby bottle sterilizers, serving humidors, serving ovens, ovenettes, and electric ovenettes with insets and mixing bowls."

4. In paragraph 1, following the words "West Bend Flavo-matic Percolator" add the words "West Bend."

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2626; Filed, Mar. 3, 1952; 4:21 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 615, Amdt. 1]

PLATT LUGGAGE INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 615 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and women's luggage manufactured by Platt Luggage Inc., and having the brand names "Guardsman," "Stowaway," and "Airess".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established b incorporating into the special order th amended application dated January 3 1952.

Amendatory provisions. Special O der 615 under section 43 of Ceiling Pri Regulation 7 is amended in the followin respects:

1. In paragraph 2, after the wor "the retail prices listed in your supplier application" insert the words "dat June 29, 1951, as supplemented a amended by your supplier's applicati dated January 30, 1952."

2. Insert following paragraph 2 no appearing in the special order t following:

The prices listed in your supplier supplemental application dated Janua 30, 1952 shall become effective on r ceipt of a copy of the notice for su articles, but in no event later th March 27, 1952.

Effective date. This amendment sh become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2627; Filed, Mar. 3, 19 4:21 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 690, Amdt. 1]

TOY TINKERS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Spec Order 690 under section 43, Ceiling Pr Regulation 7, established retail ceili prices for toys manufactured by The T Tinkers, Inc., and having the bra name "Tinkertoys".

This amendment establishes new tail ceiling prices for certain of the a plicant's branded articles. It appe that the ceiling prices requested are line with those already granted and a no higher than the level of ceiling pri under Ceiling Price Regulation 7. T retail ceiling prices are established by corporating into the special order amended applications dated October 1951, October 30, 1951, November 5, 19 and January 9, 1952.

Amendatory provisions. Special der 690 under section 43 of Ceiling Pr Regulation 7 is amended in the follo ing respects:

1. In paragraph 2, after the words " retail prices listed in your suppliers plication filed with the Office of P Stabilization" insert the words "da July 19, 1951, as supplemented a amended by your supplier's applicati dated October 26, 1951, October 30, 19 November 5, 1951, and January 9, 195

2. Insert following paragraph 2 n appearing in the special order the f lowing:

The prices listed in your suppli supplemental applications dated Octo 26, 1951, October 30, 1951, Novembe 1951, and January 9, 1952, shall beco effective on receipt of a copy of the tice for such articles, but in no ev later than March 31, 1952.

3. Delete paragraph 7 and substitute therefor the following:

7. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) Notices to be given by purchasers for resale (other than retailers). (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2628; Filed, Mar. 3, 1952; 4:21 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 693, Amdt. 1]

UNITED STATES RUBBER CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 693 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for foam rubber mattresses and matching box springs manufactured by United States Rubber Company and having the brand name "U. S. Koylon".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 1, 1952.

Amendatory provisions. Special Order 693 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application" insert the words "dated September 6, 1951, as supplemented and amended by your supplier's application dated February 1, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated February 1, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2629; Filed, Mar. 3, 1952; 4:21 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 735, Amdt. 1]

M. I. NAKEN CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 735 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for silverware chests manufactured by M. I. Naken Co. and having the brand name "Naken."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated December 5, 1951, January 15, 1952, February 13, 1952, and February 19, 1952.

Amendatory provisions. Special Order 735 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application" insert the words "dated September 21, 1951, as supplemented and amended by your supplier's applications dated December 5, 1951, January 15, 1952, February 13, 1952, and February 19, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental applications dated December 5, 1951, January 15, 1952, February 13, 1952 and February 19, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 1, 1952.

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2630; Filed, Mar. 3, 1952; 4:22 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 759, Amdt. 1]

JACOBY-BENDER, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 759 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for watch bracelets and identification bands manufactured by Jacoby-Bender, Inc., and having the brand name "J-B".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 24, 1951.

Amendatory provisions. Special Order 759 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated September 25, 1951," insert the words "as supplemented and amended by its application dated December 24, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated December 24, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

Effective date. This amendment shall become effective March 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 3, 1952.

[F. R. Doc. 52-2631; Filed, Mar. 3, 1952; 4:22 p. m.]

[Ceiling Price Regulation 34, Section 20 (c), Amdt. 1 to Special Order 2]

DECOPPET & DOREMUS

PRICES FOR BROKERAGE SERVICES RENDERED

Statement of consideration. The ceiling prices for odd lot brokerage services supplied to the firm of DeCoppet & Doremus, 63 Wall Street, New York 5, N. Y. by its brokers were adjusted by Special Order 2, which was effective on December 19, 1951.

Prior to that time, on October 9, 1951, Mr. Robert F. DeCoppet became an odd lot broker for such firm in the same category as those individuals listed in Special Order 2. At the time of issuance of Special Order 2, it was intended to include all odd lot brokers then supplying odd lot brokerage services to such firm of DeCoppett & Doremus. The name of Robert F. DeCoppet was inadvertently omitted from that list.

Special Provisions. For reasons set forth in the above Statement of Considerations, as well as the Statement of Considerations which accompanied Special Order 2, and pursuant to section 20 (c) of Ceiling Price Regulation 34, Special Order 2 is amended by adding the name of Mr. Robert F. DeCoppet to the list of brokers, for the supply of odd lot brokerage services, contained in paragraph (1) of Special Order 2.

All provisions of Special Order 2, except as amended herein, shall remain in full force and effect with respect to all persons affected thereby.

Effective Date. This Amendment shall become effective March 5, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 4, 1952.

[F. R. Doc. 52-2685; Filed, Mar. 4, 1952; 3:50 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 529, Amdt. 1]

HERBERT RITTS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 529 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for rattan furniture, slip covers, cushions (airfoam and kapok) and bamboo draperies manufactured by Herbert Ritts, Inc. and having the brand name "Tropitan."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 8, 1952.

Amendatory provisions. Special Order 529 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your suppliers application" insert the words "dated April 26, 1951, as supplemented and amended by your supplier's application dated January 8, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated January 8, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

Effective date. This amendment shall become effective February 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FERBUARY 29, 1952.

[F. R. Doc. 52-2509; Filed, Feb. 29, 1952; 10:56 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 587, Amdt. 2]

SAMUEL KIRK & SON, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 587 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for sterling flatware, sterling heavyweight flatware, and sterling holloware manufactured by Samuel Kirk & Son, Inc., and having the brand name "Kirk Sterling."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 12, 1952.

Amendatory provisions. Special Order 587 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your suppliers application filed with the Office of Price Stabilization" insert the words "dated April 24, 1951, as supplemented and amended by your supplier's applications dated June 5, 1951, August 30, 1951 and February 12, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated February 12, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 31, 1952.

Effective date. This amendment shall become effective February 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2510; Filed, Feb. 29, 1952; 10:56 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 718, Amdt. 1]

WESTERN GARMENT CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 718 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for women's coats manufactured by Western Garment Co., and having the brand names "Jean Harper" and "Parfay".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 29, 1951.

Amendatory provisions. Special Order 718 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application" insert the words "dated July 9, 1951, as supplemented and amended by your supplier's application dated November 29, 1951".

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated November 29, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

Effective date. This amendment shall become effective February 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

FEBRUARY 29, 1952.

[F. R. Doc. 52-2511; Filed, Feb. 29, 1952; 10:56 a. m.]

[Ceiling Price Regulation 9, S. R. 3, Special Order 6]

GLADDING, MCBEAN & CO.

CEILING PRICES AT RETAIL

Statement of considerations. This order establishes uniform retail ceiling

prices for the sale of earthenware and china manufactured by the Gladding, McBean & Co., under the trade names "Franciscan Ware" and "Franciscan Fine China", in the territories of Alaska and Hawaii, on the basis of an application filed by Gladding, McBean & Co. under SR 3 to CPR 9. This supplementary regulation gives a manufacturer the right to apply for uniform retail ceiling prices for the sale in a territory or possession of an article or articles manufactured by him whenever it appears that the article or articles were sold at retail in that territory or possession at a substantially uniform price for the period immediately prior to January 26, 1951, and the Director of Price Stabilization has established a uniform retail ceiling price for sales of the article in the continental United States, and the ceiling prices proposed are no higher than the level of ceiling prices otherwise established under CPR 9.

By Delegation of Authority 7, Revised, the authority to establish uniform ceiling prices under this supplementary regulation has been vested in the Director of Region XIV.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to SR 3 to CPR 9, this special order is hereby issued.

1. The ceiling prices for the sale by any retailer in the Territory of Alaska or the Territory of Hawaii of earthenware and china manufactured by Gladding, McBean & Co., 227 North Front Street, Columbus 15, Ohio, bearing the brand names "Franciscan Ware" and "Franciscan Fine China" are the retail prices listed in the application of Gladding, McBean & Co., dated October 17, 1951, filed with Region XIV of the Office of Price Stabilization. A list of such ceiling prices will be filed by the Region XIV office of the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of a receipt of a copy of this special order, with notice of prices annexed, but in no event later than April 1, 1952 no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than ceiling prices.

2. The applicant must annex a copy of this price list to a copy of this order and, within 15 days of the effective date of this order, supply 10 copies of the list and order to the Director of the Region XIV office of the Office of Price Stabilization and 1 copy to each retailer to whom the applicant had delivered an article covered by this order within the two-month period immediately preceding the issuing of this regulation. A copy of this special order and the attached list shall be sent to all other purchasers for sale at retail on or before the first delivery date after the effective date of this special order of any article covered by this regulation. In addition, the applicant must furnish the Director of Region XIV of the Office of Price Stabilization, Washington 25, D. C., a list of all retailers to whom this order and price list are sent within five days of mailing the orders. The list attached to this order, which must be furnished to sellers of the articles covered by this order, must be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____ {unit. dozen. etc.}	Terms {net. percent EOM. etc.} $_____

3. On and after March 15, 1952, the applicant must furnish each purchaser for resale to whom, within two months immediately prior to the effective date, he had delivered any article covered by this special order, with a sign 8 inches wide and 10 inches high, a price book, and a supply of tags and stickers. The sign must contain the following legend:

The retail ceiling prices for Gladding, McBean & Co., earthenware and vitrified china have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this Gladding, McBean & Co., price book have been approved by OPS under Supplementary Regulation 3 to Ceiling Price Regulation 9.

The tags and stickers must be in the following form:

Gladding, McBean & Co.
OPS—CPR 9 SR 3
Ceiling Price $_____

4. On and after April 1, 1952, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. In addition, the retailer must affix to each article covered by the order and which is offered for sale on open display (except in show windows or decorative displays) a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

5. Until such time as a retailer has received the signs and price book referred to in paragraph 3 above, he must comply with the posting and tagging requirements of CPR 9.

6. The applicant must file within 45 days of the expiration of the first six-month period following the effective date of this order and within 45 days of the expiration of each successive six-month period with the Director of Region XIV of the Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this regulation which he has delivered in that six-month period.

7. This Special Order No. 6 supersedes an order under CPR 9, SR 3, which was issued and effective November 29, 1951.

8. This special order, or any provision thereof, may be revoked, suspended, or amended by the Director of Region XIV of the Office of Price Stabilization at any time.

Effective date. This special order shall become effective on March 5, 1952.

EDWIN S. VILLMORE,
Acting Regional Director.

MARCH 4, 1952.

[F. R. Doc. 52-2684; Filed, Mar. 4, 1952; 8:50 p. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 48

Washington, Saturday, March 8, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp 1, Winter Cover Crop Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP WINTER COVER CROP SEED LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 16 F. R. 5309 containing the specific requirements for the 1951-crop winter cover crop seed price support program are hereby amended as follows:

1. Section 601.1112 (a) (2) (i) is amended to permit the use of 50 pound net capacity bags in the delivery of crimson clover seed to C. C. C., and reads as follows:

§ 601.1112 *Delivery of seed to CCC*—(a) *Cleaning, fumigation and bagging.* * * *

(2) Crimson clover:

Type	*Net capacity (pounds)*
(i) Osnaburg which can be probed (seamless or double seam):	
36-inch 2.35 yard or heavier	50 or 100
40-inch 2.11 yard or heavier	50 or 100

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421)

Issued this 4th day of March 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-2709; Filed, Mar. 7, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1026 (Peanuts-51)-1, Amdt. 2]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1951 CROP OF PEANUTS

Basis and purpose. In certain areas of the peanut-producing States, farmers customarily save a portion of their peanut production for planting the crop to be produced during the following year. Some farmers have their own machinery for shelling seed peanuts; however, most farmers carry their seed peanuts to a person regularly engaged in the business of shelling peanuts for planting purposes. It is an established practice for the sheller to retain the shriveled, damaged, split and broken peanut kernels which are unsuitable for seed or for edible use as a part of the charge for the shelling service. The purpose of this amendment is to provide that the marketing penalty specified in section 359 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1359), shall not be applicable to such peanut kernels if they are obtained in the process of shelling that quantity of farmers stock peanuts for a producer which the county committee determines is reasonable for seed purposes on the producer's farm for the 1952 crop.

Farmers in the southernmost areas of the United States will begin the planting of their 1952 crop of peanuts within the next few weeks and farmers in other peanut-producing areas of the nation are completing their plans for the production of peanuts in 1952. In order that peanut farmers who are affected by this amendment may make the necessary arrangements to have their peanuts shelled for use as seed for the production of their 1952 crop, it is essential that the amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C.

(Continued on p. 2041)

CONTENTS

Agriculture Department Page

See Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of

Notices:
Vesting orders, etc.:
Boehm, Gerhard (2 documents) 2078, 2081
Dierkes, Bernard 2080
Hamburger & Co's Bankierskantoor N. V 2080
Hashimoto, Kisaku, et al 2078
Kettenburg, Anna 2079
Schmidt, John 2081
Schmitter, Joseph, et al 2080
Von Negenborn, Gisella 2079
Von Witzleben-Wilkens, Mrs. I. Th 2081

Commerce Department

See International Trade, Office of; National Production Authority.

Commodity Credit Corporation

Peanuts; intention to formulate and issue regulations governing the distribution of proceeds received by the Corporation from the sale of excess Valencia type peanuts for cleaning and shelling (*see* Production and Marketing Administration).

Notices:
Sales of certain commodities at fixed prices; March domestic and export price list 2074

Rules and regulations:
1951-crop winter cover crop seed loan and purchase agreement program; miscellaneous amendments 2039

Court of Military Appeals

Rules and regulations:
Rules of practice and procedure; revision 2046

Customs Bureau

Notices:
Coal, coke and briquets; taxable status imported from certain countries 2073

Defense Department

See Court of Military Appeals.

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CONTENTS—Continued

Defense Materials Procurement Agency — Page
Notices:
Secretary of Agriculture; delegation of authority to purchase and make commitments to purchase Kenaf and Sansevieria — 2074

Defense Mobilization, Office of
Notices:
Finding and determination of critical defense housing areas — 2077
Textile industry; hearing before Surplus Manpower Commission — 2076

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Power Commission
Notices:
Connecticut River Power Co.; hearing — 2075

Federal Trade Commission
Rules and regulations:
Carpel Frosted Foods, Inc., et al.; cease and desist order — 2044

Foreign and Domestic Commerce Bureau — Page
See International Trade, Office of.

Immigration and Naturalization Service
Rules and regulations:
Immigration bonds; collection of bonds — 2044

Interior Department
See Land Management, Bureau of; Territories, Office of.

Internal Revenue Bureau
Rules and regulations:
Collection of income tax at source on wages; additional withholding — 2045

International Trade, Office of
Rules and regulations:
Licensing policies and related special provisions — 2043
Positive list of commodities and related matters — 2044
Priority ratings and supply assistance assigned by OIT — 2043

Interstate Commerce Commission
Notices:
Applications for relief:
Aldehyde, propyl, from Brownsville and Bishop, Tex — 2076
Grain from Illinois to Louisiana and Texas — 2075
Hay from Kansas and Oklahoma to the south — 2076
Motor-rail; class and commodity rates between points in western and eastern territories — 2076
Wallboard from El Paso and Presidio, Tex., to Illinois and Missouri — 2075

Justice Department
See Alien Property, Office of; Immigration and Naturalization Service.

Labor Department
See Public Contracts Division; Wage and Hour Division.

Land Management, Bureau of
Notices:
Arizona; restoration order, restoring to homestead entry lands within the Tonto National Forest released from reclamation withdrawals — 2073
Minnesota; filing of plat of survey — 2073
Rules and regulations:
Nevada; revoking in part land order — 2060
New Mexico; revocation of executive orders withdrawing public lands for classification — 2061

National Production Authority
Rules and regulations:
Metalworking machines, certain used and imported; reporting of inventory (M–101) — 2059
Zinc (M–9) — 2057
Scrap; toll agreements (M–37, Revocation) — 2059
Use (M–15, Revocation) — 2059

Price Stabilization, Office of — Page
Notices:
Regional Director, Region II; delegation of authority to accept, disapprove or modify ceiling prices — 2074
Rules and regulations:
Copper scrap and copper alloy scrap; miscellaneous amendments (CPR 46) — 2051
Lamb, yearling, and mutton products sold at wholesale; ceiling prices; miscellaneous amendments (CPR 92) — 2053
Services; window washing and building janitorial services in the New York area (CPR 34, SR 13) — 2049

Production and Marketing Administration
Proposed rule making:
Milk handling, marketing areas:
Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Mass. (2 documents) — 2063
Omaha-Council Bluffs marketing area — 2066
Peanuts; intention to formulate and issue regulations governing the distribution of proceeds received by Commodity Credit Corporation from the sale of excess Valencia type peanuts for cleaning and shelling — 2062
Rules and regulations:
Grapefruit grown in Arizona, in Imperial County, Calif., and in that part of Riverside County, Calif., situated south and east of the San Gorgonio Pass; limitation of shipments — 2042
Limitation of shipments in California and Arizona:
Lemons — 2041
Oranges — 2043
Peanuts; marketing quota regulations for 1951 crop — 2039

Public Contracts Division
Proposed rule making:
General regulations — 2069

Renegotiation Board
Notices:
Regional Boards; delegation of authority with respect to certain functions, powers and duties — 2077
Rules and regulations:
Procedure for renegotiation; cancellation of assignment — 2045

Securities and Exchange Commission
Notices:
Hearings, etc.:
Central Power and Light Co — 2077
Gulf Power Co — 2078
Ohio Edison Co — 2077

Territories, Office of
Rules and regulations:
Virgin Islands public works — 2062

Treasury Department
See Customs Bureau; Internal Revenue Bureau.

CONTENTS—Continued

Wage and Hour Division Page

Proposed rule making:
Puerto Rico; subminimum wage rates for messengers in Cable and Radiotelephone Division of the Communications, Utilities and Miscellaneous Transportation Industries 2072

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page

Chapter II (Executive orders):
5909 (revoked by PLO 810) 2061
7723 (revoked by PLO 810) 2061
9526 (see PLO 809) 2060

Title 6

Chapter IV:
Part 601 2039

Title 7

Chapter VII:
Part 729 2039
Proposed rules 2062
Chapter IX:
Part 904 (proposed) (2 documents) 2063
Part 934 (proposed) (2 documents) 2063
Part 935 (proposed) 2066
Part 947 (proposed) 2 documents) 2063
Part 953 2041
Part 955 2042
Part 966 2043
Part 996 (proposed) (2 documents) 2063
Part 999 (proposed) (2 documents) 2063

Title 8

Chapter I:
Part 169 2044

Title 15

Chapter III:
Part 373 2043
Part 398 2043
Part 399 2044

Title 16

Chapter I:
Part 3 2044

Title 26

Chapter I:
Part 405 2045

Title 29

Chapter V:
Part 523 (proposed) 2072

Title 32

Chapter XIV:
Part 1422 2045
Chapter XVIII:
Part 1800 2046

Title 32A

Chapter III (OPS):
CPR 34, SR 13 2049
CPR 46 2051
CPR 92 2053
Chapter VI (NPA):
M-9 2057
M-15 2059
M-37 2059
M-101 2059

CODIFICATION GUIDE—Con.

Title 41 Page

Chapter II:
Part 201 (proposed) 2069

Title 43

Chapter I:
Appendix (Public land orders):
6 (revoked in part by PLO 809) 2060
809 2060
810 2061

Title 44

Chapter VIII:
Part 801 2062

1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing this document with the Director, Division of the Federal Register.

The marketing quota regulations for the 1951 crop of peanuts (16 F. R. 5672) are amended by adding the following section:

§ 729.270 *Peanuts shelled for seed.* Notwithstanding the provisions of §§ 729.240 to 729.269, inclusive, the marketing penalty shall not be applicable to the shriveled, damaged, split and broken peanut kernels which are obtained in the process of shelling farmers' stock peanuts of the 1951 crop for use by the producer as seed in 1952 if the county committee determines that the quantity of peanuts shelled by the producer is in line with the seed requirements on his farm in 1952.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 359; 7 U. S. C. 1301, 1359)

Done at Washington, D. C., this 4th day of March 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2708; Filed, Mar. 7, 1952; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreement and Orders), Department of Agriculture

[Lemon Reg. 425]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.532 *Lemon Regulation 425*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 5, 1952, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 9, 1952, and ending at 12:01 a. m., P. s. t., March 16, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 320 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 6th day of March 1952.

M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Mar. 2, 1952]

District No. 2

[12:01 a. m. Mar. 9, 1952, to 12:01 a. m. Mar. 23, 1952]

Handler	*Prorate base (percent)*
Total	100.000
American Fruit Growers, Inc., Corona	.495
American Fruit Growers, Inc., Fullerton	.934
American Fruit Growers, Inc., Upland	.539
Eadington Fruit Co	.490
Hazeltine Packing Co	1.223
Ventura Coastal Lemon Co	2.349
Ventura Pacific Co	1.513
Glendora Lemon Growers Association	2.834
La Verne Lemon Association	1.031
La Habra Citrus Association	1.321
Yorba Linda Citrus Association, The	.714
Escondido Lemon Association	5.175
Alta Loma Heights Citrus Association	1.138
Etiwanda Citrus Fruit Association	.721
Mountain View Fruit Association	.311
Old Baldy Citrus Association	1.239
San Dimas Lemon Association	1.772
Upland Lemon Growers Association	5.682
Central Lemon Association	1.147
Irvine Citrus Association	1.415
Placentia Mutual Orange Association	2.443
Corona Citrus Association	.506
Corona Foothill Lemon Co	3.431
Jameson Co	1.315
Arlington Heights Citrus Co	1.821
College Heights Orange & Lemon Association	2.758
Chula Vista Citrus Association, The	1.133
Escondido Co-operative Citrus Association	.436
Fallbrook Citrus Association	2.626
Lemon Grove Citrus Association	.746
Carpinteria Lemon Association	2.061
Carpinteria Mutual Citrus Association	2.420
Goleta Lemon Association	3.112
Johnston Fruit Co	3.126
North Whittier Heights, Citrus Association	1.035
San Fernando Heights, Lemon Association	3.370
Sierra Madre-Lamanda Citrus Association	1.394
Briggs Lemon Association	.866
Culbertson Lemon Association	1.095
Fillmore Lemon Association	1.115
Oxnard Citrus Association	3.804
Rancho Sespe	.416
Santa Clara Lemon Association	2.186
Santa Paula Citrus Fruit Association	2.434
Saticoy Lemon Association	2.234
Seaboard Lemon Association	3.004
Somis Lemon Association	2.678
Ventura Citrus Association	.498
Ventura County Citrus Association	.510
Limoneira Co	1.680
Teague-McKevett Association	.572
East Whittier Citrus Association	.855
Leffingwell Rancho Lemon Association	.608
Murphy Ranch Co	1.151
Chula Vista Mutual Lemon Association	.836
Index Mutual Association	.625
La Verne Cooperative Citrus Association	3.515

PRORATE BASE SCHEDULE—Continued

District No. 2—Continued

Handler	*Prorate base (percent)*
Orange Belt Fruit Distributors	0.906
Ventura Co. Orange & Lemon Association	1.919
Whittier Mutual Orange & Lemon Association	.022
Evans Bros. Packing Co	.007
Huarte, Joseph D	.079
Latimer, Harold	.053
MacDonald Fruit Co	.038
Paramount Citrus Association, Inc.	.508
Torn Ranch	.000

[F. R. Doc. 52-2809; Filed, Mar. 7, 1952; 9:02 a. m.]

[Grapefruit Reg. 83]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.344 *Grapefruit Regulation 83*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 9, 1952. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 21, 1951, and will so continue until March 9, 1952; the recommendation and supporting information for continued regulation subsequent to March 8, 1952, was promptly submitted to the Department after an open meeting of the Administrative Committee on February 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., March 9, 1952, and ending at 12:01 a. m., P. s. t., April 20, 1952, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, unless such grapefruit grade at least U. S. No. 2: *Provided,* That, with respect to each lot of such grapefruit, a tolerance of 10 percent shall be allowed, in addition to the tolerances specified for such U. S. No. 2 grade, for grapefruit which are not "fairy well formed," or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3$^{6}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3$^{3}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than 3$^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{13}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3$^{3}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{10}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well formed" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of March 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-2711; Filed, Mar. 7, 1952; 8:47 a. m.]

[Orange Reg. 413, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.); and this amendment relieves restrictions on the handling of oranges.

Order, as amended. The provisions in paragraph (b) (1) and (b) (2) of § 966.559 (Orange Regulation 413, 17 F. R. 1851) are hereby amended to read as follows:

(1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., March 2, 1952, and ending at 12:01 a. m., P. s. t., March 9, 1952, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate Districts Nos. 1, 2, 3 and 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, 3 and 4: Unlimited movement.

(2) The size requirements in Orange Regulations 406 (7 CFR 966.552; 17 F. R. 385) and 412 (7 CFR 966.558; 17 F. R. 1648) are hereby terminated.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 7th day of March 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-2831; Filed, Mar. 7, 1952; 11:25 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 96 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Part 373 is amended by adding thereto a new section (§ 373.35) to read as follows:

§ 373.35 *Special provisions for plumbers' brass goods.* Applications for licenses to export plumbers' brass goods (copper-base alloy plumbing fixtures and fittings and specially fabricated parts), Schedule B No. 618857 (formerly Schedule B Nos. 645600, 646900, and 669198), must state, in pounds, the total amount of such commodities manufactured in foreign countries and imported into the United States. If all of such commodities were manufactured in the United States, that fact shall be stated specifically on the application.

2. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

§ 373.51 *Supplement No. 1:*

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES [1]

SECOND AND THIRD QUARTERS, 1952

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Second quarter 1952	Third quarter 1952
	Hides and skins, raw, except furs [2]		
020104	Cattle hides, wet	The first month of the current calendar quarter.	The first month of the current calendar quarter.
020602	Calf skins, dry		
020604	Calf skins, wet (include slunk skins)		
020702	Kip skins, dry		
020704	Kip skins, wet		
025098	Buffalo hides		
	Coal and related fuels		
500100	Coal, anthracite	On or before the 20th of the month preceding month export will be made.	On or before the 20th of the month preceding month export will be made.
500200	Coal, bituminous, sub-bituminous, and lignite		
500400	Coke (except petroleum coke)		
	Metals and manufactures [3]		
618857	Copper-base alloy (including brass and bronze) plumbing fixtures and fittings (including pipe valves with working pressure not exceeding 125 p. s. i. W.O.G. ratings), and specially fabricated parts, n. e. c. (specify by name).	Mar. 1–Mar. 15, 1952.	
	Controlled materials: [4 5]		
	Commodities with processing code STEE	Dec. 1–Dec. 15, 1951	Feb. 15–Feb. 29, 1952.
	Commodities with processing code TNPL:		
	Specification production plate	Dec. 5–Dec. 20, 1951	Mar. 24–Apr. 21, 1952.
	Secondary tinplate products	Mar. 1–Mar. 31, 1952	
	Commodities with processing code NONF	Dec. 15–Dec. 31, 1951	Feb. 15–Feb. 29, 1952.
	Commodities other than controlled materials:		
	All commodities with processing code NONF under the following headings:		
	Aluminum and manufactures	Feb. 1–Feb. 15, 1952	
	Copper and manufactures		
	Brass and bronze manufactures		
	Lead, nickel, tin, zinc and manufactures		
651517	Babbitt metal	Feb. 1–Feb. 15, 1952	
664514	Cadmium metal, alloys, dross, flue dust, residues, and scrap (including metallic shapes).		

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.3 (a) of this chapter).

[2] Applications for licenses covering these commodities submitted in accordance with the provisions of § 373.6 may be submitted at any time.

[3] The submission dates for these commodities are also applicable to project license applications (see §§ 374.2 (f) of this chapter and 374.3 (d) of this chapter), but are not applicable to petroleum project licenses (see § 398.8 (d) of this chapter).

[4] See § 398.5 (e) of this chapter for list of controlled materials.

[5] See § 398.5 (d) of this chapter for exception to these dates under certain conditions.

3. Section 398.5 *CMP: Export allocations and procedures,* paragraph (b) *Export quotas and allotment symbols for controlled materials* is amended in the following particulars:

a. A new subparagraph (4) *Requests for conversion of allotments—CMP Class A products* is added thereto to read as follows:

(4) *Requests for conversion of allotments—CMP Class A products.* If a licensee holding a validated license and NPA Form CMP–10 is unable to place his order for CMP Class A products during the quarter specified by the Office of International Trade (on Form CMP–10 or other appropriate document), and a conversion of that right or allocation to a subsequent quarter is desired, the exporter or the manufacturer shall return the validated Form CMP–10 or other appropriate document to the Office of In-

[1] This amendment was published in Current Export Bulletin No. 660, dated February 28, 1952.

ternational Trade, accompanied by a letter stating why a conversion is necessary. If the request is granted, a new validated NPA Form CMP–10 will be issued.

b. Subparagraph (4) *Requests for conversion of CMP allotments* is renumbered subparagraph (5) *Requests for conversion of allotments—CMP (controlled) materials,* and subparagraphs (5) *Controlled materials used as MRO,* (6) *Right to apply procurement allotment numbers and symbols for certain steel mill products* and (7) *CMP Class B products* are respectively renumbered subparagraphs (6), (7), and (8).

This amendment shall become effective as of February 28, 1952.

(Sec. 3, 63 Stat. 7; Pub. Law 33, 82d Cong., 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–2702; Filed, Mar. 7, 1952; 8:46 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 74 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodity is changed from an R to RO commodity:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
596012	Cryolite, natural and artificial	Lb.	MINL	[1] 10	RO

[1] The GLV dollar value limits is reduced from $100 to $10.

This amendment shall become effective as of 12:01 a. m., March 1, 1952.

Shipments of any commodities removed from general license to Country Group O destinations as a result of changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 1, 1952, may be exported under the previous general license provisions up to and including March 29, 1952. Any such shipment not laden aboard the exporting carrier on or before March 29, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7, Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–2701; Filed, Mar. 7, 1952; 8:46 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 169—IMMIGRATION BONDS

COLLECTION OF BONDS

FEBRUARY 20, 1952.

Paragraph (b) of § 169.3, *Violation of conditions; cancellation; appeal,* of Chapter I, Title 8 of the Code of Federal Regulations, is hereby revoked and paragraph (c) of that section is designated paragraph (b).

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675, 8 U. S. C. 102, 222, 458)

ARGYLE R. MACKEY,
Commissioner,
Immigration and Naturalization.

Approved: February 29, 1952.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 52–2700; Filed, Mar. 7, 1952; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5482]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CARPEL FROSTED FOODS, INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended: Payment or acceptance of commission, brokerage or other compensation under 2 (c):* § 3.810 *Buyers' corporate or other agent: Payment for services or facilities for processing or sale under 2 (d):* § 3.825 *Allowances for services or facilities.* I. In connection with the sale of food products, or other merchandise, in commerce, and on the part of respondent Carpel Frosted Foods, Inc., and its officers, and on the part of respondents Harry L. and Albert J. Carpel, individually and as officers thereof, and on the part of their representatives, etc. (1) paying or granting, directly or indirectly, to District Grocery Stores, Inc., or to its members, or to any other buyer, or to any agent, representative, or other intermediary acting for or in behalf of or subject to the direct or indirect control of any such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, on sales for such buyer's own account; or, (2) paying or contracting to pay anything of value to, or for the benefit of, any purchaser for advertising or promotional services or facilities furnished by, or contracted to be furnished by, such purchaser in connection with the processing, handling, sale or offering for sale of any of said respondents' products unless such payment or consideration is available to all other competing purchasers on proportionally equal terms; and, II, in connection with the purchase of food products, or other merchandise in commerce, and on the part of respondent District Grocery Stores, Inc., and its officers, etc., receiving or accepting from Carpel Frosted Foods, Inc., or any other seller, directly or indirectly, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase made by District Grocery Stores, Inc., for resale by it to its members, or upon any purchase made by any such member from Carpel Frosted Foods, Inc., or any other seller; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Carpel Frosted Foods, Inc., et al., Docket 5482, December 13, 1951]

In the Matter of Carpel Frosted Foods, Inc., a Corporation; Harry L. Carpel, Albert J. Carpel, Nathan Gumenick, and John L. Brawner, Individuals; and District Grocery Stores, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answers of the respondents, testimony and other evidence in support of and in opposition to the allegations of the Commission taken before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner and exceptions filed thereto, and briefs and oral argument of counsel; and the Commission having disposed of said exceptions to the recommended decision of the trial examiner by separate order and having made its findings as to the facts [1] and its conclusion [1] that respondents Carpel Frosted Foods, Inc., a corporation, Harry L. Carpel, Albert J. Carpel, and District Grocery Stores, Inc., have violated the provisions of subsection (c) of section 2 of the act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act), and that the respondents Carpel Frosted Foods, Inc., a corporation, Harry L. Carpel, and Albert J. Carpel have violated subsection (d) of section 2 of said Clayton Act as amended by the Robinson-Patman Act:

[1] This amendment was published in Current Export Bulletin No. 660, dated February 28, 1952.

[1] Filed as part of the original document.

I. *It is ordered,* That the respondent Carpel Frosted Foods, Inc., a corporation, and its officers, and the respondents Harry L. Carpel and Albert J. Carpel, individually and as officers of said corporation, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale of food products, or other merchandise, in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

1. Paying or granting, directly or indirectly, to District Grocery Stores, Inc., or to its members, or to any other buyer, or to any agent, representative, or other intermediary acting for or in behalf of or subject to the direct or indirect control of any such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, on sales for such buyer's own account.

2. Paying or contracting to pay anything of value to, or for the benefit of, any purchaser for advertising or promotional services or facilities furnished by, or contracted to be furnished by, such purchaser in connection with the processing, handling, sale or offering for sale of any of said respondents' products unless such payment or consideration is available to all other competing purchasers on proportionally equal terms.

II. *It is further ordered,* That respondent District Grocery Stores, Inc., and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of food products, or other merchandise, in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting from Carpel Frosted Foods, Inc., or any other seller, directly or indirectly, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase made by District Grocery Stores, Inc., for resale by it to its members, or upon any purchase made by any such member from Carpel Frosted Foods, Inc., or any other seller.

III. *It is further ordered,* That the complaint herein be, and the same hereby is, dismissed as to Nathan Gumenick and John F. Brawner (named in the complaint as John L. Brawner).

IV. *It is further ordered,* That each of the respondents herein, except those as to whom the complaint is dismissed, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: December 13, 1951.

NOTE: Commissioner Mason dissented in his opinion.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-2690; Filed, Mar. 7, 1952; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[Regulations 116; T. D. 5887]

PART 405—COLLECTION OF INCOME TAX AT SOURCE ON WAGES

ADDITIONAL WITHHOLDING

On January 3, 1952, notice of proposed rule making amending Regulations 116, relating to collection of income tax at source on wages (26 CFR Part 405), to conform to section 203 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 86). After consideration of all relevant matter presented by interested persons regarding the proposed amendments, Regulations 116 are hereby amended by inserting immediately after § 405.212 the following:

SEC. 203. ADDITIONAL WITHHOLDING OF TAX ON WAGES UPON AGREEMENT BY EMPLOYER AND EMPLOYEE (TITLE II, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 1622 (relating to income tax collected at source on wages) is hereby amended by adding at the end thereof the following new subsection:

(k) *Additional withholding.* The Secretary is authorized by regulations to provide, under such conditions and to such extent as he deems proper, for withholding in addition to that otherwise required under this section in cases in which the employer and the employee agree (in such form as the Secretary may by regulations prescribe) to such additional withholding. Such additional withholding shall for all purposes be considered tax required to be deducted and withheld under this subchapter.

SEC. 204. EFFECTIVE DATE (TITLE II, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this title shall be applicable only with respect to wages paid on or after November 1, 1951.

§ 405.213 *Additional withholding.* In addition to the tax required to be deducted and withheld in accordance with the provisions of section 1622, the employer and employee may agree, with respect to wages paid on or after November 1, 1951, that an additional amount shall be withheld from the employee's wages. The agreement shall be in writing and shall be in such form as the employer may prescribe. The agreement shall be effective for such period as the employer and employee mutually agree upon; however, unless the agreement provides for an earlier termination, either the employer or the employee, by furnishing a written notice to the other, may terminate the agreement effective with respect to the first payment of wages made on or after the first "status determination date" (January 1 and July 1 of each year) which occurs at least 30 days after the date on which such notice is furnished.

The amount deducted and withheld pursuant to an agreement between the employer and employee shall be considered as tax required to be deducted and withheld under section 1622. All provisions of law and regulations applicable with respect to the tax required to be deducted and withheld under section 1622 shall be applicable with respect to any amount deducted and withheld pursuant to the agreement.

The amount deducted and withheld pursuant to an agreement between the employer and employee, together with the tax required to be deducted and withheld under section 1622, shall be reported on Form W-2 and on Form 941 as Federal income tax withheld from wages.

(53 Stat. 188; 26 U. S. C. 1609. Interprets or applies sec. 203, Pub. Law 183, 82d Cong.)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: March 7, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-2832; Filed, Mar. 7, 1952; 11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter A—Military Renegotiation Board Regulations Under the Renegotiation Act of 1948

PART 1422—PROCEDURE FOR RENEGOTIATION

This part is amended by deleting § 1422.233 in its entirety and inserting in lieu thereof the following:

§ 1422.233 *Cancellation of assignment.*

§ 1422.233-1 *Class A cases.* The Board will cancel an assignment in a Class A case whenever it appears that the contractor has not realized excessive profits for the fiscal year in question. Ordinarily, the Board will cancel an assignment only after the Regional Board to which the assignment has been made has advised the Board that in its opinion the contractor has not realized excessive profits and that the assignment should be canceled.

§ 1422.233-2 *Class B cases.* The Regional Board to which a Class B case is assigned may cancel such assignment whenever it appears that the contractor has not realized excessive profits for the fiscal year in question.

§ 1422.233-3 *Effect of cancellation.* After an assignment has been canceled, no further action will be taken by the Board or the Regional Board, as the case may be, with respect to the fiscal year in question in the absence of a subsequent indication that there is a possibility that the contractor has realized excessive profits for such fiscal year.

(Sec. 109, Pub. Law 9, 82d Cong.)

Dated: March 5, 1952.

JOHN T. KOEHLER,
Chairman,
the Renegotiation Board.

[F. R. Doc. 52-2752; Filed, Mar. 7, 1952; 8:51 a. m.]

Chapter XVIII—United States Court of Military Appeals

PART 1800—RULES OF PRACTICE AND PROCEDURE

REVISION

The rules of practice and procedure of the United States Court of Military Appeals prescribed pursuant to authority contained in Article 67 of the Uniform Code of Military Justice, act of May 5, 1950 (64 Stat. 128), to which Code reference should be made for all Articles cited herein, and which apeared at 16 F. R. 7279, 10159, are hereby revised to read as follows:

GENERAL

Sec.
1800.1 Name.
1800.2 Seal.
1800.3 Jurisdiction.
1800.4 Scope of review.
1800.5 Quorum.
1800.6 Process.
1800.7 Parties.

CLERK'S OFFICE

1800.8 Clerk.
1800.9 Docket.

ADMISSIONS

1800.10 Professional requirements.
1800.11 Application form.
1800.12 Certificate.
1800.13 Oath.
1800.14 Motions.

APPEARANCE AND ASSIGNMENT OF COUNSEL

1800.15 Entry of appearance by counsel.
1800.16 Assignment of counsel.

APPEALS

1800.17 Methods of appeal.
1800.18 Form of Petition for Grant of Review.
1800.19 Form of Certificate for Review.
1800.20 Form of Assignment of Errors or petition.
1800.21 Reply to Petition for Grant of Review.

TIME REQUIREMENTS FOR FILING APPEALS, PLEADINGS, OR OTHER PAPERS

1800.22 Petition for Grant of Review.
1800.23 Certificate for Review.
1800.24 Assignment of Errors or petition.
1800.25 Pleadings or other papers.
1800.26 Computation of time.
1800.27 Enlargement.
1800.28 Motions.
1800.29 Additional time when service is by mail.
1800.30 Continuances and interlocutory matters.

PROVISIONS APPLICABLE TO PLEADINGS OR OTHER PAPERS FILED

1800.31 Filing.
1800.32 Copies.
1800.33 Style.
1800.34 Record references.
1800.35 Signature.
1800.36 Service.

BRIEFS

1800.37 Form of brief.
1800.38 Brief in support of Petition for Grant of Review.
1800.39 Brief in support of Certificate for Review.
1800.40 Brief in support of Assignment of Errors or petition.
1800.41 Brief in support of petitions granted.

HEARINGS

Sec.
1800.42 Petition for Grant of Review.
1800.43 Motions.
1800.44 Oral argument.
1800.45 Notice of hearing.

PETITION FOR REHEARING OR MODIFICATION

1800.46 Time requirement on filing.
1800.47 Contents.
1800.48 Oral argument.

PETITION FOR NEW TRIAL

1800.49 Filing.
1800.50 Notice of reference.
1800.51 Proceedings.
1800.52 Additional investigation.
1800.53 Briefs; answer.
1800.54 Oral argument.

MANDATES

1800.55 Issuance.
1800.56 Petition denied.

OPINIONS

1800.57 Filing.
1800.58 Reproduction and distribution.

AUTHORITY: §§ 1800.1 to 1800.58 issued under Art. 67, Pub. Law 506, 81st Cong.

GENERAL

§ 1800.1 *Name.* The Court adopts "United States Court of Military Appeals" as the title of the Court.

§ 1800.2 *Seal.* The seal of the Court is of the following description:

In front of a silver sword, point up, a gold and silver balance supporting a pair of silver scales, encircled by an open wreath of oak leaves, green with gold acorns; all on a grey blue background and within a dark blue band edged in gold and inscribed "United States Court of Military Appeals" in gold letters. (E. O. 10295, September 28, 1951, 16 F. R. 10011)

§ 1800.3 *Jurisdiction.* The Court will review the record in the following cases:

(a) *General or flag officers; death sentences.* All cases in which the sentence, as affirmed by a board of review, affects a general or flag officer, or extends to death;

(b) *Certified by The Judge Advocate General.* All cases reviewed by a board of review which The Judge Advocate General forwards by Certificate for Review to this Court; and,

(c) *Petitioned by the accused.* All cases reviewed by a board of review in which, upon petition of the accused and on good cause shown, the Court has granted a review, except those reviewed under Article 69.

§ 1800.4 *Scope of review.* The Court will act only with respect to the findings and sentence as approved by the convening or reviewing authority, and as affirmed or as set aside as incorrect in law by a board of review. In those cases which The Judge Advocate General forwards to the Court by Certificate for Review, action need be taken only with respect to the issues raised by him. In a case reviewed upon petition of the accused, action need be taken only with respect to issues specified by the Court in the grant of review. The Court may, in any case, however, review other matters of law which materially affect the rights of the parties. The points raised in the Court will involve only errors in law.

§ 1800.5 *Quorum.* Two of the judges shall constitute a quorum. The concurrence of two judges shall be required for the rendition of a final decision or the allowance or denial of a Petition for Grant of Review. In the absence of a quorum, any judge may make all necessary orders relating to any matter pending before the Court relative to the filing of papers or preparatory to a hearing or decision thereon. If, at any time, a quorum is not present on any day appointed for holding a hearing, any judge present may adjourn the Court from time to time, or, if no judge is present, the Clerk may adjourn Court from day to day.

§ 1800.6 *Process.* All process of the Court, except mandates, shall be in the name of the President of the United States, and shall contain the given names as well as the surname of the parties.

§ 1800.7 *Parties.* The accused will be deemed to be the appellant in all cases except those in which The Judge Advocate General has certified a decision of a board of review in which a finding of guilty is set aside. In such cases, the United States shall be deemed the appellant.

CLERK'S OFFICE

§ 1800.8 *Clerk*—(a) *Location of office.* The Clerk of the Court shall keep the office at the seat of the National Government, Washington, D. C.

(b) *Restriction on incumbent.* He shall not practice as attorney or counsellor in any court while he continues in office.

(c) *Oath of office.* Before he enters on the execution of his office, he shall take an oath in the form prescribed by 28 U. S. C. 951, which reads:

I, ----------, having been appointed ----------, do solemnly swear (or affirm) that I will truly and faithfully enter and record all orders, decrees, judgments, and proceedings of such Court, and will faithfully and impartially discharge all other duties of my office according to the best of my abilities and understanding. So help me God.

(d) *Custodian of records.* He shall not permit an original record, pleading, or other paper relative to a case to be taken from the Courtroom or from the office without an order from a Judge of the Court.

(e) *Hours.* The office of the Clerk will be open from 9 a. m. to 4 p. m. every week-day except holidays and Saturdays. On Saturdays, the office of the Clerk will be open from 9 a. m. to 12 noon.

§ 1800.9 *Docket*—(a) *Maintenance of docket.* The Clerk shall maintain in his office a docket, in which shall be entered the receipt of all pleadings or other papers filed, and any action by the Court relative to a case. Entries in the docket shall be noted chronologically on the page or pages assigned to the case, showing briefly the date, the nature of each pleading or other paper filed, and the substance of any action by the Court.

(b) *Docket number.* Upon receipt of either the Petition for Grant of Review,

the Certificate for Review, or the Assignment of Errors or petition, the case shall be assigned a docket number. All pleadings or other papers subsequently filed in the case shall bear this number.

(c) *Notice of docketing.* The Clerk shall promptly notify The Judge Advocate General of the service concerned, and the accused or his appellate counsel, of the receipt and docketing of the case, including the docket number assigned.

ADMISSIONS

§ 1800.10 *Professional requirements.* It shall be requisite to the admission of a person to practice in the Court that he be a member of the bar of a Federal court or of the highest court of a State.

§ 1800.11 *Application form.* In order to appear before the Court, an application shall be filed with the Clerk on a form supplied by him, which form shall be available upon request.

§ 1800.12 *Certificate.* In addition, the applicant shall file a certificate from the presiding judge or clerk of the proper court that the applicant is a member of the bar and that his private and professional character appear to be good or, in lieu thereof, a certificate by The Judge Advocate General containing substantially the same information.

§ 1800.13 *Oath.* Upon being admitted, each applicant shall take in open court the following oath or affirmation, viz:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; and, that I will demean myself, as an attorney and counsellor of this Court, uprightly, and according to law.

§ 1800.14 *Motions.* Admissions will be granted upon motion of the Court or upon oral motion by a person admitted to practice before the Court, on any day the Court holds a regular session.

APPEARANCE AND ASSIGNMENT OF COUNSEL

§ 1800.15 *Entry of appearance by counsel*—(a) *In writing.* Civilian and military appellate counsel shall file an entry of appearance in writing before participating in a case.

(b) *Filing of pleading or other paper.* The filing of any pleading or other paper relative to a case will constitute such an entry of appearance.

§ 1800.16 *Assignment of counsel.* Whenever a record of trial is forwarded by The Judge Advocate General for review, he shall immediately designate appellate Government counsel, and shall immediately designate appellate defense counsel, unless he has been notified that the accused desires to be represented before the Court by civilian counsel.

APPEALS

§ 1800.17 *Methods of appeal.* Cases shall be appealed to the Court by one of the following methods:

(a) *Cases under Article 67 (b) (3).* All cases under Article 67 (b) (3) shall be appealed by a Petition for Grant of Review, and such petition shall be substantially in the form provided in § 1800.18.

(b) *Cases under Article 67 (b) (2).* All cases under Article 67 (b) (2) shall be forwarded by The Judge Advocate General by a Certificate for Review, and such certificate shall be substantially in the form provided in § 1800.19.

(c) *Cases under Article 67 (b) (1).* All cases under Article 67 (b) (1) shall be forwarded by The Judge Advocate General accompanied by a petition of the accused or an Assignment of Errors urged by appellate counsel for the accused substantially in the form provided in § 1800.20.

§ 1800.18 *Form of Petition for Grant of Review.* The Petition for Grant of Review under Article 67 (b) (3) shall be substantially in the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

PETITION FOR GRANT OF REVIEW

Board of Review No. _____
Docket No. _____

UNITED STATES, APPELLEE

v.

_____

APPELLANT

To the Honorable, the Judges of the United States Court of Military Appeals:

1. The accused having been found guilty of a violation of the Uniform Code of Military Justice, Article _____, and having been sentenced to _____ on _____ at _____ by _____, and said sentence having been approved by the convening authority and affirmed by a Board of Review on _____, hereby petitions the United States Court of Military Appeals for a grant of review of the decision of the Board of Review, pursuant to the provisions of the Uniform Code of Military Justice, Article 67 (b) (3).

2. Insert either (A) or (B), whichever is applicable:

(A) (*If accused desires counsel appointed by The Judge Advocate General.*)

"The accused requests appellate defense counsel be designated by The Judge Advocate General to represent him in processing this Petition for Grant of Review, and during the review, if the same be granted by the United States Court of Military Appeals."

(B) (*If accused desires to retain other counsel.*)

"The accused requests appellate defense counsel be designated by The Judge Advocate General to represent him, in association with his privately-retained counsel, named below, to the extent such privately-retained counsel may desire. Name and address of privately retained counsel _____."

3. The accused contends that the Board of Review erred in its consideration of the case on the following questions of law: (Here set forth separately and particularly each error assigned upon which accused relies, including such points and authorities as may be desired.)

4. The accused was notified of the decision of the Board of Review on _____.

_____
(Accused) or (Appellate Counsel for accused)

_____
(Address)

Received a copy of the foregoing Petition for Grant of Review this _____ day of _____.

_____
For The Judge Advocate General

§ 1800.19 *Form of Certificate for Review.* The Certificate for Review under Article 67 (b) (2) shall be substantially in the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

CERTIFICATE FOR REVIEW

Board of Review No. _____
Docket No. _____

UNITED STATES, (APPELLEE) (APPELLANT)

v.

_____

(APPELLANT) (APPELLEE)

To the Honorable, the Judges of the United States Court of Military Appeals:

1. Pursuant to the Uniform Code of Military Justice, Article 67 (b) (2), the record of trial, and the decision of the Board of Review, United States _____, in the above-entitled case, are forwarded for review.

2. The accused was found guilty of a violation of the Uniform Code of Military Justice, Article _____, was sentenced to _____ _____, on _____, at _____ by _____. The sentence was approved by the convening authority and affirmed by a Board of Review on _____.

3. It is requested that action be taken with respect to the following issues:

_____
(The Judge Advocate General)

Received a copy of the foregoing Certificate for Review this _____ day of _____, 19____.

_____
(Appellate Government Counsel)

_____
(Address)

_____
(Appellate Defense Counsel)

_____
(Address)

§ 1800.20 *Form of Assignment of Errors or petition.* The Assignment of Errors or petition under Article 67 (b) (1) shall be substantially in the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

(ASSIGNMENT OF ERRORS) OR (PETITION)

Board of Review No. _____
Docket No. _____

UNITED STATES, APPELLEE

v.

_____

Appellant

To the Honorable, the Judges of the United States Court of Military Appeals:

1. The accused having been found guilty of a violation of the Uniform Code of Military Justice, Article _____, and having been sentenced to _____ on _____ at _____ by _____ and said sentence having been approved by the convening authority and affirmed by a Board of Review on _____, hereby (presents an Assignment of Errors directed to) or (petitions from) the decision of the Board of Review, pursuant to the provisions of the Uniform Code of Military Justice, Article 67 (b) (1).

2. It is contended that the Board of Review erred in its consideration of the case on the following questions of law: (Here set forth separately and particularly each error assigned upon which accused relies, including such points and authorities as may be desired).

3. The accused was notified of the decision of the Board of Review on _____.

_____
(Appellate counsel for accused) or (Accused)

_____
(Address)

Received a copy of the foregoing (Assignment of Errors) or (Petition) this ------ day of ----------.

For The Judge Advocate General

§ 1800.21 *Reply to Petition for Grant of Review* — (a) *Time requirement.* Within 15 days after the filing of a Petition for Grant of Review by an accused under Article 67 (b) (3), appellate Government counsel shall file a reply to the original petition stating his views with respect to the merits of the errors of law raised in the petition and why he believes the petition should not be granted.

(b) *Form.* This reply shall be similar in form to the petition, and brief of the accused, should one be filed, except that if the appellate Government counsel disagrees with the statement of facts, or desires to supplement it with additional facts, he shall start his reply with new information.

TIME REQUIREMENTS FOR FILING APPEALS, PLEADINGS, OR OTHER PAPERS

§ 1800.22 *Petition for Grant of Review*—(a) *Time requirement.* The accused shall file a Petition for Grant of Review within 30 days after receipt of the decision of a board of review in cases appealed to the Court under Article 67 (b) (3).

(b) *Postmark; deposit in military channels.* A Petition for Grant of Review shall be deemed to have been filed upon the date postmarked on the envelope containing the petition, or upon the date when the petition is deposited in military channels for transmittal.

(c) *Forwarded through The Judge Advocate General.* A Petition for Grant of Review should be forwarded through The Judge Advocate General of the service concerned.

§ 1800.23 *Certificate for Review.* The Judge Advocate General shall file a Certificate for Review within 30 days after receipt of the decision of a board of review in cases forwarded to the Court under Article 67 (b) (2).

§ 1800.24 *Assignment of Errors or petition.* The accused or his appellate counsel shall file an Assignment of Errors or petition within 30 days after receipt of the decision of a board of review in cases forwarded to the Court under Article 67 (b) (1).

§ 1800.25 *Pleadings or other papers.* All pleadings or other papers relative to a case, transmitted by mail or other means for filing in the office of the Clerk, shall not be deemed to have been filed until received in his office. (For exception relative to the filing of a Petition for Grant of Review see § 1800.22.)

§ 1800.26 *Computation of time.* In computing any period of time prescribed or allowed by this part, by order of Court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday.

§ 1800.27 *Enlargement.* When by this part or by notice given thereunder, or by order of Court, an act is required or allowed to be done at or within a specified time, the Court for cause shown may at any time in its discretion:

(a) *Before expiration of period prescribed or extended.* With or without motion or notice, order the period extended if request therefor is made before the expiration of the period as originally prescribed or as extended by previous order, or

(b) *After expiration of specified period.* Upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect, but the time for filing a Petition for Grant of Review as prescribed in Article 67 (c) and § 1800.22 will not be extended.

§ 1800.28 *Motions.* All motions, unless made during the course of a hearing, shall state with particularity the relief sought and the grounds therefor. Any opposition to a motion shall be filed within 5 days after receipt of service of the motion on the moving party.

§ 1800.29 *Additional time when service is by mail.* Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice, pleading, or other paper relative to a case upon him when such service is made upon him by mail, 3 days shall be added to the prescribed period if the party upon whom the service is made is within the continental limits of the United States, and 15 days shall be added thereto if the party is located outside those limits.

§ 1800.30 *Continuances and interlocutory matters.* The Court may extend any times prescribed by this part, may grant continuances and postponements from time to time, and may take such other action the Court considers necessary for a full, fair and expeditious disposition of a case.

PROVISIONS APPLICABLE TO PLEADINGS OR OTHER PAPERS FILED

§ 1800.31 *Filing.* All pleadings or other papers relative to a case shall be filed in the office of the Clerk.

§ 1800.32 *Copies.* An original and four legible copies of all pleadings or other papers relative to a case shall be filed.

§ 1800.33 *Style.* All pleadings or other papers relative to a case shall be printed or typewritten.

(a) *If printed.* They shall be in such form and size that they can be conveniently bound together.

(b) *If typewritten.* They shall be double-spaced on legal cap white paper securely fastened at the top.

§ 1800.34 *Record references.* All record references shall show page numbers and any exhibit designations.

§ 1800.35 *Signature.* All pleadings or other papers relative to a case shall be signed and shall show the name and address of the person signing, together with his military rank, if any, and the capacity in which he signs the paper. Such signature shall constitute a certificate that the statements made therein are true and correct to the best of the knowledge, information, and belief of the person signing the pleading or paper, and that the pleading or paper is filed in good faith and not for the purpose of unnecessary delay.

§ 1800.36 *Service*—(a) *In general.* Prior to the filing of any pleading or other paper relative to a case in the office of the Clerk, service of a copy of the same shall be made on the opposing party. In the case of a Certificate for Review, service of a copy thereof shall be made on appellate Government counsel and the accused or his appellate counsel.

(b) *By mail.* Any pleading or other paper filed relative to a case may be served on opposing party by mail. When service by mail is used a certificate shall be included in the original pleading or other paper filed substantially in the following form:

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to counsel for the ----------- on the ------ day of ---------- 19-----.

(Name)

(Address)

Counsel for ----------.

BRIEFS

§ 1800.37 *Form of brief.* All briefs shall be in substantially the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

BRIEF ON BEHALF OF (ACCUSED) (UNITED STATES)

Board of Review No. -------
Docket No. ----------

UNITED STATES (APPELLANT) (APPELLEE)

v.

(APPELLEE) (APPELLANT)

INDEX OF BRIEF

(Omit if brief is less than 10 pages)

Statement of Facts

(Set forth a concise statement of the facts of the case material to the issues concerning which any error is assigned. Portions of the record and other matters of evidentiary nature shall not be included in this statement. Pertinent portions of the statement of facts in briefs of appellate counsel or the decision of the Board of Review may be utilized.)

Assignment of Errors

(Here set forth each error assigned in the Petition for Grant of Review, or each issue raised in the Certificate for Review, or each error assigned in the Assignment of Errors or petition, or each issue specified by the Court.)

Argument

(Discuss briefly the points of law presented, citing and quoting such authorities as are deemed pertinent.)

Conclusion

Insert (A), (B), or (C), whichever is applicable:

(A) "For the reasons stated the accused is entitled to a grant of review under the pro-

vision of the Uniform Code of Military Justice, Article 67 (b) (3)."

(B) "This brief is submitted under the provisions of the Uniform Code of Military Justice, Article 67 (b) (2)."

(C) "This brief is submitted under the provisions of the Uniform Code of Military Justice, Article 67 (b) (1)."

(Signature of Counsel)

(Address)

Received a copy of the foregoing brief this ------ day of ----------.

For The Judge Advocate General

§ 1800.38 *Brief in support of Petition for Grant of Review.* If desired, a brief may accompany a Petition for Grant of Review.

§ 1800.39 *Brief in support of Certificate for Review*—(a) *By appellant.* A brief shall be filed by appellant in support of a Certificate for Review within 20 days of the filing of such certificate.

(b) *By appellee.* Appellee's brief shall be filed within 20 days of the filing of appellant's brief. If appellant fails to file a brief, appellee may file his brief within 20 days after expiration of the time allowed for the filing of appellant's brief.

§ 1800.40 *Brief in support of Assignment of Errors or petition.* (a) *By appellant.* A brief shall be filed by appellant in support of an Assignment of Errors or petition within 30 days of the filing of such Assignment or petition.

(b) *By appellee.* Appellee's brief shall be filed within 20 days of filing of appellant's brief. If appellant fails to file a brief, appellee may file his brief within 20 days after expiration of the time allowed for the filing of appellant's brief.

§ 1800.41 *Brief in support of petition granted.* A brief in support of a petition granted shall be filed on issues raised by parties, or specified by the Court.

(a) *By appellant.* A brief shall be filed by appellant within 30 days of the entry of the order of the Court granting review.

(b) *By appellee.* Appellee's brief shall be filed within 20 days of filing of appellant's brief. If appellant fails to file a brief, appellee may file his brief within 20 days after expiration of the time allowed for the filing of appellant's brief.

HEARINGS

§ 1800.42 *Petition for Grant of Review.* Except when ordered by the Court, oral argument will not be permitted on a petition for Grant of Review.

§ 1800.43 *Motions.* Except when ordered by the Court, oral argument will not be permitted on motions.

§ 1800.44 *Oral argument.* Oral argument will be heard after briefs have been filed in accordance with §§ 1800.39, 1800.40, or 1800.41.

(a) *Presentation.* The appellant shall be entitled to open and close the argument; in the event both parties desire a review of a decision of a board of review, the accused shall be entitled to open and close.

(b) *Number of counsel.* Not more than two counsel for each side shall be heard in oral argument unless the Court otherwise orders.

(c) *Time.* Not more than forty-five minutes on each side shall be allowed for oral argument unless the time is extended by leave of Court.

(d) *Failure of counsel to appear.* If counsel fail to appear at the time set for oral argument the Court may consider the case as having been submitted without argument or, in its discretion, continue the case until a later date.

(e) *Failure of counsel for one party to appear.* If counsel for one party fails to appear the Court may hear oral argument from the counsel appearing or, in its discretion, continue the case until a later date.

(f) *Waiver of oral argument.* A case may be submitted on briefs without oral argument with permission of the Court.

§ 1800.45 *Notice of hearing.* The Clerk shall give at least 10 days' notice in writing of the time and place for any hearing.

PETITION FOR REHEARING OR MODIFICATION

§ 1800.46 *Time requirement on filing.* A petition for rehearing or modification shall be filed within 5 days from receipt of notice of entry of an order, decision, or opinion by the Court.

§ 1800.47 *Contents.* The petition for rehearing or modification shall state briefly and directly its grounds and be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay.

§ 1800.48 *Oral argument.* Except when ordered by the Court oral argument will not be permitted on a petition for rehearing or modification.

PETITION FOR NEW TRIAL

§ 1800.49 *Filing.* A petition for new trial shall be filed with The Judge Advocate General of the service concerned.

§ 1800.50 *Notice of reference.* Upon receipt from The Judge Advocate General of a petition for new trial in a case pending before the Court, the Clerk shall notify the accused or his counsel of such receipt.

§ 1800.51 *Proceedings.* The proceedings on a petition for new trial referred to the Court under the provisions of Article 73 will be in accordance with this part except as stated in §§ 1800.49 to 1800.54.

§ 1800.52 *Additional investigation.* The Court on considering a petition for new trial may refer the matter to a referee to make further investigation, to take evidence and to make such recommendations to the Court as he deems appropriate.

§ 1800.53 *Briefs; answer*—(a) *By petitioner.* Any brief in support of a petition for new trial shall be filed within 10 days after the docketing of the petition.

(b) *By Government counsel.* Any reply brief or answer to a petition for new trial shall be filed within 10 days of filing of petition or petitioner's brief.

§ 1800.54 *Oral argument.* Except when ordered by the Court oral argument will not be permitted on a petition for new trial.

MANDATES

§ 1800.55 *Issuance.* Mandates shall issue after the expiration of 10 days from the day the opinion of the Court is filed with the Clerk, unless a petition for rehearing or modification is filed or the time is shortened or enlarged by order of the Court.

§ 1800.56 *Petition denied.* No mandate shall issue upon the denial of a Petition for Grant of Review. Whenever a Petition for Grant of Review is denied, the Clerk shall enter an order to that effect and shall forthwith notify The Judge Advocate General of the service concerned and counsel of record.

OPINIONS

§ 1800.57 *Filing.* All opinions of the Court shall be filed with the Clerk for preservation.

§ 1800.58 *Reproduction and distribution.* The reproduction, printing, and distribution of all opinions shall be pursuant to the direction of and under the supervision of the Clerk.

These revised rules shall be effective March 1, 1952.

ROBERT E. QUINN,
Chief Judge.
GEORGE W. LATIMER,
Judge.
PAUL W. BROSMAN,
Judge.

[F. R. Doc. 52-2808; Filed, Mar. 6, 1952; 4:48 p. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Supplementary Regulation 13]

CPR 34—SERVICES

SR 13—WINDOW WASHING AND BUILDING JANITORIAL SERVICES IN THE NEW YORK AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 13 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation to Ceiling Price Regulation 34 authorizes an increase in ceiling prices for persons who supply window washing and building janitorial services in the City of New York and in the Counties of Westchester, Nassau and Suffolk, State of New York, to reflect the amount of direct labor wage increases occurring after January 25, 1951, if the Wage Stabilization Board has approved, or hereafter approves in respect to matters now pending before that Board, such direct labor wage increases plus 17 percent of such approved wage increases representing increases in fringe labor costs such as social security and unemployment and health insur-

ance taxes, vacation and holiday pay, workmen's compensation and public liability insurance premiums.

These services are performed by approximately 250 establishments, the majority of which have annual gross receipts of $30,000 or less. A group of the suppliers of such services presented data during the past few months in support of their requests for increases in their ceiling prices to relieve them from rising costs flowing from certain wage increases, heretofore granted, and other wage increases now pending. Their experience indicates that their direct labor costs for the rendering of these services range from 60 percent to 80 percent of sales price. It appears that these suppliers normally operate on a very small earnings margin and data so far available indicates that in general they do not have the financial capacity to absorb wage increases and continue the effective operation of their businesses. As a consequence, the increases in labor costs necessitate ceiling price increases if these suppliers are to be relieved from undue interference with continued operation. Since this wage increase situation affects similarly many suppliers of the services, an area-wide adjustment is authorized rather than the issuance of numerous individual orders of adjustment under section 20 (a) of Ceiling Price Regulation 34. The standards embodied in section 20 (a) have been taken into account and reasonably adapted to this area-wide group situation.

This supplementary regulation covers only wage increases already approved by or now pending before the Wage Stabilization Board.

This supplementary regulation permits a seller to adjust his ceiling prices as of December 1, 1951, or the effective date of Wage Stabilization Board approval, whichever is later. Discussions with respect to the need for an adjustment were begun by industry representatives long before December 1, 1951. Adjustable pricing pending final action was not authorized under section 21 of Ceiling Price Regulation 34 because it was contemplated that final action would be taken by December 1951. Due to circumstances not then foreseen, this was not possible. In this special situation, it is considered appropriate to allow adjustments as of December 1, 1951 where wage increases announced by the Wage Stabilization Board are effective as of that time.

The data on the basis of which this action is being taken are not sufficiently up-to-date or complete to be conclusive. Accordingly, a further study will be made by the Office of Price Stabilization on the basis of more recent data, and the adjustment authorized by this action will be modified if necessary as the result of such a study.

In the formulation of this supplementary regulation there was consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this supplementary regulation to Ceiling Price Regulation 34 are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Relationship to Ceiling Price Regulation 34.
3. Ceiling prices.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Supp. 2154. Interpret or apply Title IV, 64 Stat. 803, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Supp. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This supplementary regulation authorizes ceiling price increases for suppliers of window washing and building janitorial services in the Counties of New York, Kings, Queens, Bronx, Richmond, Westchester, Nassau and Suffolk, in the State of New York, hereinafter sometimes called the "New York area", based upon increases in labor costs occurring after January 25, 1951, as a result of wage increases approved by the Wage Stabilization Board and which were pending before that Board on or before March 12, 1952.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, except as changed by the provisions of this supplementary regulation, shall remain in effect with respect to suppliers of services covered by this supplementary regulation.

SEC. 3. *Ceiling prices.* If you supply window washing or building janitorial services under contracts (see definition of contracts in section 4) in the Counties of New York, Kings, Queens, Bronx, Richmond, Westchester, Nassau and Suffolk, in the State of New York, you may increase the ceiling prices of the services rendered pursuant to such contracts under the circumstances and to the extent permitted by paragraph (a) of this section.

(a) *Ceiling prices for services under contracts affected by direct labor wage increases paid after January 25, 1951 and either approved by or pending before the Wage Stabilization Board prior to March 12, 1952.* (1) If after January 25, 1951 you increase the wages you pay to your direct labor employees engaged in the performance of window washing or building janitorial services in the New York area by amounts permitted by general order of the Wage Stabilization Board or a specific order of the Wage Stabilization Board issued in respect to a matter pending before that Board on or before March 12, 1952, you may increase the ceiling prices for supplying those services in the New York area under each of your contracts as follows:

(i) For your direct labor employees who have received such direct labor wage increases, and who are paid on a monthly, semi-monthly, bi-weekly, weekly, or daily basis, for work performed each month on and after December 1, 1951 or the effective date of Wage Stabilization Board approval, whichever is later, the average dollar and cent amount for such direct labor wage increase, reasonably allocated to the particular service contract, plus an amount equal to 17 percent thereof; and for your direct labor employees who have received such direct labor wage increases, and who are paid on an hourly basis, for work performed on and after December 1, 1951 or the effective date of Wage Stabilization Board approval, whichever is later, the hourly wage dollar and cent increase plus an amount equal to 17 percent thereof multiplied by the number of hours worked by those direct labor employees each month and reasonably allocated to the particular services contract. Computations of averages and allocation of cost increases to particular services contracts shall conform to OPS Public Form No. 131.

(ii) You must file with the New York OPS District Office under this paragraph (a) within 180 days after March 12, 1952 a completed OPS Public Form No. 131. You may increase the ceiling prices under your contracts as permitted under section 3 (a) (1) (i) as soon as you file OPS Public Form No. 131 in accordance with this paragraph. You may supplement your filing from time to time within the 180 day period.

(b) You may charge and your customers may pay less than the ceiling prices permitted under this regulation.

(c) OPS may at any time disapprove or modify the ceiling prices established under paragraph (a) of this section to conform to the requirements of this supplementary regulation.

SEC. 4. *Definitions.* (a) When used in this supplementary regulation:

(1) "Building janitorial services" shall include cleaning, washing and waxing of floors; vacuum cleaning and shampooing carpets, rugs and hangings in buildings; low and high cleaning of furniture and fixtures; furniture polishing; wall and partition washing; interior and exterior metal polishing; washing blinds, shades and electrical fixtures; cleaning lavatories or rest rooms; and furnishing porters, matrons, elevator operators and similar types of operating personnel in all types of buildings. The term does not include pest control services, such as exterminating, fumigating or disinfecting services; any exterior cleaning other than metal polishing; or the performance of any construction or related services, such as alterations, painting, decorating or redecorating.

(2) "Window washing services" means the washing and cleaning of sash, casement and plate glass windows, glass partitions and glass doors.

(3) "Contracts" mean written contracts or memoranda, data or records evidencing arrangements to supply or that you have supplied to your purchasers for a stated sum window washing or building janitorial services in the New York area.

(4) "Direct labor" means the labor which is used physically to perform the window washing or building janitorial services in the New York area and does not include the performance of services in an executive, supervisory, general administrative or sales capacity. "Direct labor employees" means employees en-

gaged in such direct labor. "Direct labor wage increases" means the wage increases for such direct labor and does not include fringe direct labor costs as defined herein or any other labor costs.

(5) "Fringe direct labor costs" means direct labor costs other than wages and includes Federal social security taxes, Federal and New York State unemployment insurance taxes, New York State health insurance taxes, vacation and holiday pay, workmen's compensation and public liability insurance premiums, and supervisory pay of foremen to the extent they are not direct labor employees.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154.)

Effective date. This Supplementary Regulation 13 to Ceiling Price Regulation 34 shall become effective March 12, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2837; Filed, Mar. 7, 1952; 11:39 a. m.]

[Ceiling Price Regulation 46, Amdt. 2]

CPR 46—COPPER SCRAP AND COPPER ALLOY SCRAP

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 46, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 46 places dealer-to-dealer sales of copper scrap and copper alloy scrap, previously exempt from price control, under the provisions of this regulation. It also makes several changes designed to increase the flow of this material.

At the time of the issuance of Ceiling Price Regulation 46, it was felt that including dealer-to-dealer transactions would entail an unnecessary administrative burden. It was also believed that with the dealer's ultimate selling price fixed, permitting the dealers complete flexibility in transactions among themselves would not affect the ultimate cost to the consumer and would aid in the flow of this material. Due to the critical shortage in the supply of copper and copper alloy scrap, inflationary pressure has exerted itself on this uncontrolled phase of the industry. It has come to the attention of the Office of Price Stabilization that copper and copper alloy scrap has been sold at prices equal to or above the ceiling prices at which the dealer must resell this material. Since it is obvious that no dealer will continue to operate his business at a loss, the payment of such high prices has unfortunate results; either the material will subsequently be sold in violation of CPR 46, or it will be retained in inventory in anticipation of a possible increase in ceiling prices. One alternative is as harmful to stabilization and production as the other.

The ceiling prices set forth in the amendment for dealer-to-dealer transactions is the same as those set forth for other persons. In addition, a premium of 1.75 cents per pound is permitted to be paid in dealer-to-dealer transactions. This premium is established to encourage smaller dealers to dispose of their scrap instead of holding it until they have accumulated an amount which would entitle them to a quantity premium. When any such premium is paid, no other quantity or preparation premium may be charged. To obtain his normal resale margin, a dealer can purchase scrap in small quantities and resell this material in larger quantities for which he is entitled to a quantity premium. In the instances where a dealer does not have quite enough scrap to qualify for a quantity premium, he can purchase the amount necessary to qualify for the quantity premium by buying this from another dealer and pay a maximum premium of 1.75 cents per pound.

This amendment also establishes an alternative method of determining the ceiling price for certain grades of scrap, based on a flat price per pound of material rather than on an analysis of the material. It has been found that the requirement of the regulation that material be classified on the basis of analysis is too burdensome in the case of sales of small quantities since the cost of such an analysis might exceed the profit to be derived. Amendment 1 to CPR 46 recognized this fact in establishing a flat price per pound for quantities of less than 5,000 pounds of several grades of scrap. This amendment establishes a flat price per pound for small quantities of several additional grades of scrap, so that now small quantities of all the grades listed in the regulation can be sold on the basis of a flat price per pound. The flat prices set forth have been determined after consultation with industry representatives and are in line with the ceiling prices established on an analysis basis.

Although this regulation specifically lists a great many grades of copper and copper alloy scrap, it has been found that some persons may generate unique alloys of scrap which are not listed. To provide a method for pricing any unusual or special grades of such scrap, this amendment sets forth provisions whereby a seller of an unlisted grade of scrap may apply to the OPS for the establishment of a ceiling price.

This regulation as originally issued exempted sales and deliveries of copper alloy scrap in connection with the conversion of railroad scrap by a foundry. A railroad could trade in its scrap bearings to a buyer who had a foundry who would then allow or pay the railroad any price for its scrap, and then convert the scrap into new railroad bearings which would be resold to the railroad. This exemption permitted bearing sellers owning a foundry to pay a higher price for scrap railroad bearings than bearing sellers who did not own a foundry and placed them in an advantageous competitive position. This amendment exempts sales and deliveries of used railroad bearings made in connection with the purchase of new bearings, thus permitting sellers who do not have a foundry to sell their new bearings at a lower net price and in competition with their competitors.

Prior to this amendment, the regulations did not permit a preparation fee to be paid by a copper refiner or a brass or bronze ingot manufacturer; thus a corporation that only produced brass mill products could pay this preparation premium whereas a corporation that produced refined copper or brass or bronze ingots in addition to producing brass mill products could not purchase prepared scrap for their brass mill operations. This amendment permits a preparation fee to be paid for copper scrap under a National Production Authority authorization when the scrap is not used in the production of refined copper or brass or bronze ingot. The payment of these preparation premiums is to be determined on the basis of the product to be made from the scrap and is not dependent on the industrial classification of the purchaser. Persons producing the same product thus have an equal opportunity to purchase prepared copper and copper alloy scrap for the production of their product.

Several changes have been made by this amendment to correct errors and to clarify certain provisions. A new grade "conductivity bronze", which was inadvertently omitted from the regulation, has been added to Table A and Table C.

The grade designation "Aluminum bronze solids" has been changed to "Aluminum bronze solids and turnings" to correct an error made in the regulation as originally issued. The word "sound" has been deleted from the specifications of condenser tubes, since the value of condenser tubes as scrap does not depend upon their soundness. The word "sound" has been deleted from the specifications of muntz metal condenser tubes and the word "clean" inserted in the specifications since the value of this material as scrap does not depend on the tubes being sound but does require that they be clean. The impurity percentages to which deductions must be applied have been clarified to indicate clearly that no deduction shall be made unless the impurities exceed the percentages set forth in the specifications.

So far as is practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director, the provisions of the regulation comply with all the requirements with respect to the establisment of

ceiling prices set forth in the Defense Production Act of 1950, as amended.

In formulating this amendment the Director consulted with industry representatives, including trade association representatives, to the extent practicable under existing circumstances and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulatoin 46 is amended in the following respects:

1. Section 2 (a) and 2 (b) is amended to read as follows:

SEC. 2. *Transactions covered by this regulation.* (a) This regulation applies to sales and deliveries of copper scrap and copper alloy scrap by any person, including importers and exporters, except as set forth in paragraph (b) of this section.

(b) This regulation does not apply to sales and deliveries of copper scrap and copper alloy scrap in connection with the conversion of railroad scrap, or to sales and deliveries of used railroad bearings made in connection with the purchase of new railroad bearings.

2. Section 9 (a) is amended to read as follows:

(a) For each grade preceded by an asterisk, a deduction of not less than .25 cents per pound for each .10 percent or fraction thereof of the following impurities, singly or combined, in excess of the allowable percentage stated in the specifications: Antimony, alloyed iron, aluminum, silicon and manganese.

3. In Table A, in the column headed "Grade", the grade name "Aluminum bronze solids" is amended to read "Aluminum bronze solids and turnings."

4. In Table A, the following amendments are made in items appearing in the column headed "Price":

a. The following sentence is added to the statement of the price for the grade, "No. 2 copper borings": "In the case of shipments of less than 5,000 pounds, a flat price of 16 cents per pound of material may be charged."

b. The following sentence is added to the statement of the price for the grade, "Lead-covered copper wire and cable": "In the case of shipments of less than 5,000 pounds, a flat price of 11.25 cents per pound of material may be charged."

c. The following sentence is added to the statement of the price for the grade, "Insulated copper wire and cable": "In the case of shipments of less than 5,000 pounds, a flat price of 8.25 cents per pound of material may be charged."

d. The following sentence is added to the statement of the price for the grade, "Refinery Brass": "In case of shipments of less than 2,000 pounds, a flat price of 8.25 cents per pound of material may be charged."

e. The following sentence is added to the statement of the price for the grade, "Soft red brass borings (No. 1 composition borings)": "In the case of shipments of less than 5,000 pounds, a flat price of 15.25 cents per pound of material may be charged."

f. The following sentence is added to the statement of the price for the grade, "Mixed brass borings and solids": "In the case of shipments of less than 2,000 pounds, a flat price of 12.75 cents per pound may be charged."

g. The following sentence is added to the statement of the price for the grade, "Aluminum bronze solids and turnings": "In the case of shipments of less than 5,000 pounds, a flat price of 11.25 cents per pound of material may be charged."

5. Table A is amended by adding the following grade of copper scrap after the grade "Refinery brass" listed in Group I:

Grade	Specifications	Price (cents per pound of scrap unless otherwise indicated)
Conductivity bronze.	Consists of wire and cable having a copper content of not less than 98 percent, balance tin, cadmium and silicon. Must be free of burnt wire, and brazed, soldered, plated and printed material. Includes trolley wire.	19.25

6. In Table A, Group II, in the specification of admiralty condenser tubes, the word "sound" is deleted.

7. In Table A, Group II, in the specification of muntz metal condenser tubes, delete the word "sound" and insert the word "clean" in its place.

8. In section 9, a new paragraph (d), is added immediately after Table A to read as follows:

(d) *Unlisted grades.* (1) The ceiling price for a kind or grade of copper or copper alloy scrap not listed in Table A is the price established by the OPS upon application by the seller. Any such application must be filed with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information: The name and address of the seller; a description of the kind and analysis of the scrap for which a ceiling price is to be established; a proposed ceiling price; and a statement of the reasons why the applicant believes such price to be in line with the ceiling prices for copper and copper alloy scrap otherwise established in this regulation.

(2) Any ceiling price established by OPS pursuant to this paragraph (d) will be in line with the ceiling price for copper and copper alloy scrap otherwise established in this section.

(3) After receipt of an application pursuant to this paragraph (d), OPS may approve or disapprove the proposed ceiling price or request additional information. Pending any such action, the proposed ceiling price may be charged provided that the seller agrees with the buyer to refund the amount, if any, by which the price charged exceeds the ceiling price established by OPS.

(4) If a seller of copper or copper alloy scrap is required to file an application by this paragraph (d) and fails to do so, OPS may issue an order establishing a ceiling price for him. The ceiling price set forth in such order will be in line with the ceiling price for copper and copper alloy scrap otherwise established in this regulation and will apply to all deliveries for which a ceiling price was not otherwise established in this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this paragraph (d) or of the various penalties for his failure to do so.

9. A new section 10a is added to read as follows:

SEC. 10a. *Premiums for dealer-to-dealer transactions.* In addition to the ceiling prices set forth in Table A, a maximum premium of 1.75 cents per pound may be charged or paid when a dealer sells any quantity of a kind or grade of copper or copper alloy scrap to another dealer. No quantity or preparation premium may be charged or paid for any such scrap for which a premium is charged in accordance with this section.

10. Section 11 is amended to read as follows:

SEC. 11. *Preparation premiums for sale of prepared scrap not used in the production of refined copper or brass or bronze ingots*—(a) *Ordinary preparation.* In addition to the applicable ceiling base price determined in accordance with sections 8 and 9 of this regulation, a preparation premium may be charged for copper and copper alloy scrap in accordance with the provisions of this paragraph, when the scrap is not to be used in the production of refined copper or brass or bronze ingots.

The premiums set forth in Tables C and D may be charged only for:

(1) Solids in crucible shapes or briquettes; and

(2) Borings which have been demagnetized and do not contain more than 0.25 percent free iron.

TABLE C

The premiums set forth herein apply to deliveries in any quantity:

Grade of scrap:	*Premium (cents per pound)*
No. 1 heavy copper and No. 1 copper wire	3.75
No. 2 copper wire and mixed heavy copper	3.50
No. 1 copper borings	2.50
High grade low lead bronze solids	3.25
High grade low lead bronze borings	2.50
High lead bronze solids	3.25
High lead bronze borings	2.50
Soft red brass solids	3.25
Soft red brass borings	2.50
Unlined standard red car boxes	2.50
Cocks, faucets and fittings	3.00
Heavy yellow brass solids	3.25
Yellow brass borings	2.50
Manganese bronze propellers	3.25
Manganese bronze solids	4.00
Aluminum bronze solids	4.00
Conductivity bronze	3.75

TABLE D

The premiums set forth herein apply only to deliveries of 40,000 pounds of more of one or more of the specific grades.

Grade of scrap:	Premium (cents per pound)
Brass pipe	2.75
Admiralty condenser tubes	2.75
Muntz metal condenser tubes	2.75
Old rolled brass	2.75
Plated rolled brass sheet, pipe, and reflectors	2.75

(b) *Special preparation.* Any consumer of copper scrap or copper alloy scrap who desires to purchase such scrap prepared to his specifications in a form not covered in paragraph (a) of this section and who has authorization from the National Production Authority shall apply to the Office of Price Stabilization, Washington 25, D. C., for the establishment of a preparation premium. No application may be made if the copper or copper alloy scrap is to be used in the production of refined copper or brass or bronze ingots.

Any such application shall set forth the following information: The name and address of the applicant; the nature of the applicant's business; the purpose for which the specially prepared material will be used; the name and address of the person or persons from whom the applicant will buy such material; the date and number of the authorization from the National Production Authority permitting the applicant to purchase copper scrap or copper alloy scrap; a statement of the specifications for the specially prepared material; a description of the manner in which such material will be prepared; if the applicant previously purchased similar material, the price last paid prior to the issuance of this regulation; and a proposed preparation premium.

The premium established by the Office of Price Stabilization shall be in line with the preparation premiums otherwise established in this regulation.

(c) *Export packing and preparation premium.* Any person other than an exporter who packs in bales, drums, or other containers, or prepares in briquettes, copper scrap or copper alloy scrap for export may charge a premium of 2.75 cents per pound in addition to the applicable ceiling base price determined in accordance with sections 8 and 9 of this regulation.

No quantity or preparation premium (except as provided in this paragraph) may be charged for copper scrap or copper alloy scrap sold to an exporter.

Effective date. This amendment to Ceiling Price Regulation 46 shall become effective March 12, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2839; Filed, Mar. 7, 1952; 11:39 a. m.]

[Ceiling Price Regulation 92, Amdt. 2]

CPR 92—CEILING PRICES OF LAMB, YEARLING, AND MUTTON PRODUCTS SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended (16 F. R. 11620), and Economic Stabilization Agency General Order 5, Revision (16 F. R. 11875), this Amendment 2 to Ceiling Price Regulation 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides for a number of clarifications and changes in Ceiling Price Regulation 92, Wholesale Lamb, Yearling, and Mutton. Specifically, the following changes are made:

1. A new requirement is added to the record keeping provisions requiring all invoices kept by sellers of the commodities covered by this regulation, to be numbered consecutively. This is designed to simplify the task of auditing these records for purposes of enforcement. It is not intended, of course, to require consecutive numbering of all sales in the order of occurrence. If you did not use a consecutive numbering system of identifying your invoices or equivalent records prior to November 8, 1951, but did use a systematic procedure of accounting for such records, you may continue to use such system.

Another change in the record keeping provisions permits the driver of a truck, on shipments of less than carload quantity, to carry on his person a copy of the record of the sale or transfer involved, in lieu of attaching such copy directly to a portion of the shipment. This will prevent such papers from becoming detached or lost and will simplify the clerical task involved in the case of multiple shipments carried on one truck.

2. A change has been made in that provision of the allocation section which requires production of records for a month in 1950. This amendment provides an opportunity for election of a substitute base month, where a sufficient showing is made that no 1950 records are available, for good cause. Of course, in view of Amendment 1 to CPR–92, the allocation section remains suspended until the beginning of the first accounting period after March 22, 1952.

3. A new section has been added, permitting sales of specialty lamb, yearling, or mutton products where it has been the historical practice of the producer to do so. Ceiling prices for such products (for which a definition has been added in section 50 of this regulation) are determined by the General Ceiling Price Regulation. Both producers and non-processing sellers at wholesale of such products, are required to file a report before making any sales pursuant to the new section. A corresponding change has been made in the section which prohibits the selling of other than the defined cuts, so as to exclude specialty products covered by the new section from this prohibition. The inclusion of a specialty products section was made at the request of the trade, to allow continuance of sales of specialty items already on the market and to permit utilization of existing special facilities for their production. At the same time, the limitations imposed by the section will prevent diversion of meat into these items.

4. A new section has been added, which provides an exemption of experimental cuts prepared for purposes of defense procurement. Producers who wish to engage in the preparation of experimental cuts to meet new defense procurement specifications, will now be able to apply for permission to engage in such experimental work and to sell the resulting product, sale of which would otherwise be prohibited by virtue of the provision respecting miscuts. This new section was added at the request of the Defense Department, to facilitate experimentation intended to improve methods of defense procurement.

5. In response to requests from industry two new primal cuts have been added to the cuts listed in Schedule I. They are shoulder and shank. Appendix 2 has also been amended to define these cuts. This amendment should enable sellers to move their supply of cuts derived from the foresaddle more readily than they have in the past and will help in the merchandizing of these cuts. This recognizes established commercial practice. Moreover, boneless, rolled, and tied shoulder, a fabricated cut, may now be sold to retailers. This change, too, was made at the request of the trade, to facilitate the merchandizing of cuts derived from the present seasonal run of heavy lambs.

6. This amendment also adds sales of fabricated lamb, yearling, or mutton cuts to retailers located in the territories and possessions of the United States, to the categories of sales covered by section 21 (d). Such sales were specifically exempted by CPR 92 from the general policy prohibiting sales of fabricated cuts to retailers, in order to permit freight economies on shipments to the territories and possessions. However, designation of an appropriate schedule under which such sales could be made had been inadvertently omitted.

7. Schedule V, Lamb, yearling, and mutton variety meats, is changed so as to provide the same price for such items obtained from animals freshly killed in Zone 2a, regardless of whether or not they are sold by the kosher trade. This restores the historical practice of pricing such products in this zone.

8. The provisions relating to zone differentials are amended so as to make clear the intent of this regulation that the lowest freight rate should always be used in determining the zone differential to be added to the base prices.

9. Provision has been made in the section on shipping container additions, to make allowance for corrugated boxes and for crates containing more than four pails. This recognizes the established

commercial practice and was done at the request of the trade.

10. Likewise, in response to industry requests the local kill addition in Zone 2a has been spread over the entire carcass, instead of being limited to the fore-quarter. This should enable sellers to move their supply of fore-quarters more readily than they have in the past. As a result of this redistribution, the reflected local kill addition on the fore-quarter has been reduced from $3.00 per cwt. to $2.00 per cwt., while $2.00 per cwt. may now be added for the hind-quarter. The net result is a small increase—in the amount of 50¢ per cwt.—in the fresh kill addition on the entire carcass, which is believed to reflect more closely the average industry expense incident to slaughter in Zone 2a.

11. A new section has been added to Article IV, to provide for the packer branch house addition. The footnote to Schedule I which heretofore performed this function has been eliminated. Moreover, the provisions of the packer branch house addition section have been clarified and corrected, so as to make it clear that this addition may not be taken on meat which was not physically within the branch house cooler prior to the sale. At the same time, the addition is limited to meat obtained by the branch house from slaughter plants located at least 75 miles distant. This limitation, while intended in the original regulation, had been inadvertently omitted. Finally, the section has been reworded to conform with CPR 101, Wholesale Veal.

12. Several clarifying changes have been made in the definitions section. Specifically, the definition of "combination distributor" and the "product" definition have been changed to conform with the other meat regulations; the definition of "packer branch house" has been modified so as to permit qualification of such branch houses which operated as selling establishments for the affiliated packing or slaughtering plant at any time prior to the effective date of CPR 101, Wholesale Veal (in order to provide for uniform dates under both regulations), or in which a substantial investment in plant or equipment was made by the affiliated packer or slaughterer prior to that date. The definition of "you" or "person" has been amended so as to make it clear that this term applies to each separate selling establishment subject to this regulation, rather than to the person of the seller. This should facilitate *bona fide* transfers of existing selling establishments, while effectively insuring exclusion of speculative new enterprises which would tend to diminish the available limited supply of meat. In addition, the definitions of "sausage", "slaughterer", "slaughtering facilities", and "slaughtering plants" have been clarified and corrected.

13. In addition, a number of minor changes have been made such as modifications of the definitions of certain cuts, which were made in order to meet the specific requirements of certain segments of the industry. Finally, this amendment makes certain other minor clerical corrections.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. In the judgment of the Director of Price Stabilization they also comply with all the applicable standards of the Defense Production Act of 1950, as amended. In formulating this amendment, the Director has consulted with representatives of industry, including trade association representatives, to the extent practicable under the circumstances and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 92 is amended in the following respects:

1. Section 9 (a) (2) is amended to read as follows:

(2) The names and addresses of the buyer or the recipient and the seller or the transferor, and the class of seller and the class of buyer, i. e., retailer (R),[1] purveyor of meals (PM), packer branch house (PBH), wholesaler (W), combination distributor (CD), hotel supply house (HSH), defense procurement agency (DPA), peddler truck seller (P), or ship supplier (SS).

The abbreviations indicated above must be used to designate the class of buyer and seller. If prior to November 8, 1951, you used abbreviations or symbols other than those indicated above, you may continue to use them. You may not, however, change your abbreviations or symbols unless you substitute therefor the symbols indicated above:

2. Section 9 (a) is further amended by adding a new paragraph at the end thereof to read as follows:

All sales invoices or equivalent records required by this section must be numbered consecutively. If, prior to November 8, 1951, you used for each selling establishment or group of selling establishments a systematic procedure of accounting for such records by means other than consecutive numbering, you may continue to use such system. You may not, however, change your system unless you substitute therefor a system of consecutive numbering.

3. Section 9 (b) (3) is amended to read as follows:

(3) Where the shipment made constitutes the entire content of a common carrier freight car or truck, a copy of the statement referred to in section 9 (a) shall be posted in the freight car or truck near or on the door. Where the shipment made constitutes only a part of the content of a common carrier freight car or truck, a copy shall be securely attached in a conspicuous place to one of the items included within the shipment, or in the case of shipment by truck, copies of the statements accompanying each shipment contained in the truck may be given to and carried by the driver who shall be authorized to display such copies to any enforcement officer on request. Where the shipment made is by vehicle other than a common carrier, the copy referred to shall be given to and carried by the driver and he shall be authorized to display it to any enforcement officer on request.

4. Section 11 (b) is amended to read as follows:

(b) *Selling other than defined cuts.* (1) Regardless of any contract, agreement, or other obligation, except for lamb, yearling, or mutton specialty products covered by section 15, you shall not sell or deliver and you shall not buy or receive in the regular course of trade or business any lamb, yearling, or mutton product or any part or portion thereof unless such product is listed in Appendices 2 through 6, inclusive.

(2) This regulation establishes a ceiling price for miscuts. The purpose of the provision establishing a ceiling price for miscuts is not to sanction the sale of such miscuts or to excuse violations of this section 11 (b), but simply to establish a ceiling price for the purpose of measuring damages under the provisions of the Defense Production Act of 1950, as amended. The sale of a miscut violates this section 11 (b) and the sale of a miscut at a price higher than that prescribed by this regulation also violates section 11 (a).

5. Section 12 (a) is amended to read as follows:

(a) If you are a slaughterer, packer branch house, or wholesaler, you must sell or offer to sell during any calendar month or regular monthly accounting period (commencing with the month of December 1951) not less than the same percentage (by weight) of all your lamb, yearling, or mutton products in the form of carcasses, foresaddles, or hindsaddles, which you sold or delivered during a base month in 1950. You may select any calendar month or regular monthly accounting period in 1950 as your base month. Once you have made your election, however, you cannot thereafter change it. If you are unable to obtain the required records for 1950, the Office of Price Stabilization may, for good cause shown, accept as a substitute base month the month or accounting period closest to 1950 for which you are able to produce such records. Paragraph (b) of this section shows you how to figure the percentage referred to in this paragraph.

6. Article I is amended by adding the following new section 15:

SEC. 15. *Ceiling prices for specialty lamb, yearling, and mutton products.* (a) If during 1950 you manufactured or processed, or if you are a distributor of, a specialty lamb, yearling, or mutton product, your ceiling price for that product is established by the General Ceiling Price Regulation. If you are a manufacturer or processor of such a product you must, however, file with the Office of Price Stabilization, Food and Restaurant Division, Washington 25, D. C., on or before April 7, 1952, OPS Public Form 130. If you are a distributor of specialty lamb, yearling, or mutton products which you do not manufacture or process, you must on or before April 7, 1952, file with the Office of Price Stabili-

[1] You need not show the designation (R) on sales to retailers if you are a slaughterer.

zation, Food and Restaurant Division, Washington 25, D. C., a statement showing:

(1) Your name;

(2) Your business address;

(3) The type or types of customers to whom you regularly and customarily sell your product;

(4) Your ceiling price for each specialty lamb, yearling, or mutton product to each type of customer under the General Ceiling Price Regulation;

(5) The cost to you of each specialty lamb, yearling, or mutton product which you sell.

If you fail to file the form or statement required by this section, you may not sell specialty lamb, yearling, or mutton products without permission in writing from the Director of Price Stabilization. After receipt of this form or statement, the Director of Price Stabilization may issue an order forbidding the manufacturer, processor and distributors thereof to sell this specialty lamb, yearling, or mutton product or may issue an order revising the ceiling prices of the manufacturer, processor and distributors of these products.

7. Article I is amended by adding the following new section 16:

SEC. 16. *Exemption of experimental cuts for defense procurement.* (a) If you desire to prepare and sell experimental cuts for defense procurement which differ from the cuts defined in Appendices 2 through 6 of this regulation, you may apply for written authorization, by filing a signed application with the Office of Price Stabilization, Food and Restaurant Division, Washington 25, D. C. This application must contain the following:

(1) The name and address of your selling establishment;

(2) A description of the experimental cuts, the approximate volume (by weight) of each experimental cut which you propose to produce, and the length of time to which the experimental work involved in the production of each such cut is to be limited;

(3) A statement that the data and other results obtained from the experimental work and the production of such cuts will be made available to the Office of Price Stabilization upon request;

(4) A certification by the Secretary of Defense or his authorized agent stating that the proposed experimental work is believed necessary and appropriate to improve present methods of procurement for the Department of Defense and that the plant or establishment to be authorized to engage in such experimental work is physically capable of conducting such work in an efficient manner.

(b) Upon receipt of this application, the Director of Price Stabilization may grant written authorization permitting you to engage in experimental work, on such experimental cuts as he may designate, in such amounts and for such periods of time as he may determine, subject to such reporting and record keeping requirements as may be appropriate, and to sell such experimental cuts pursuant to defense procurement contracts. The Director of Price Stabilization may at any time disapprove or modify the prices established by such contracts.

8. Section 20, Schedule I, is amended by adding the following new cuts:

LAMB

	Prime and Choice	Good	Utility	Cull
Shoulder	53.50	51.20	45.00	------
Shank	30.00	30.00	25.00	------

YEARLINGS

Shoulder	48.10	41.80	30.70	------
Shank	25.00	25.00	20.00	------

MUTTON

	Choice	Good	Utility	Cull
Shoulder	24.40	22.10	16.90	------
Shank	20.00	20.00	16.00	------

9. Section 20, Schedule I, Special Adjustments, Item 4, is amended to read as follows:

(4) If you are a hotel supply house you may add $1.50 per cwt. to the prices listed above, except on sales to purveyors of meals, for which you may add $6.00 per cwt. to the prices listed above. If you are a ship supplier you may add to the prices listed above $6.00 per cwt. on sales to ship operators.

10. Section 20, Schedule I, Special Adjustments, Item 6, is deleted in its entirety. In lieu thereof, refer to section 49 of this regulation.

11. Section 21 (a) is amended by deleting the last sentence prior to Schedule II (a), so that it now reads as follows:

(a) *Sales of fabricated lamb, yearling, and mutton cuts by a hotel supply house or ship supplier to purveyors of meals.* This paragraph applies to hotel supply houses and ship suppliers who sell fabricated lamb, yearling, or mutton cuts to purveyors of meals. If this section applies to you, you must not exceed the ceiling prices listed in Schedule II (a) of this section.

12. Section 21 (b) is amended by deleting the last sentence prior to Schedule II (b), so that it now reads as follows:

(b) *Sales of fabricated lamb, yearling, and mutton cuts by a combination distributor or peddler truck seller to purveyors of meals.* This paragraph applies to combination distributors and peddler truck sellers who sell fabricated lamb, yearling, or mutton cuts to purveyors of meals. If this section applies to you, you must not exceed the ceiling prices listed in Schedule II (b) of this section.

13. The heading of section 21 (d) is amended to read as follows:

(d) *Sales of fabricated lamb, yearling, or mutton cuts by packing or slaughtering plants, packer branch houses, hotel supply houses, combination distributors, or wholesalers to ship suppliers, hotel supply houses, combination distributors, peddler truck sellers, or to retailers located in the territories and possessions of the United States.*

14. Section 21 (d) is further amended by adding a footnote (1) to the item "Shoulders, boned, rolled, and tied" in Schedule II (d), to read as follows:

[1] You may sell this cut to retailers, notwithstanding any contrary provisions contained elsewhere in this regulation.

15. Section 24, *Lamb and mutton variety meats,* is amended by changing the heading of column (3) of Schedule V from "Kosher in Zone 2a" to "Freshly Killed in Zone 2a", and by adding the following immediately after Schedule V:

Special Adjustments Under Schedule V

1. On sales of lamb and mutton variety meats obtained from animals freshly killed in Zone 2a, by hotel supply houses, combination distributors, ship suppliers, and peddler truck sellers, you may add $5.00 per cwt. to the prices in column (3) above.

16. Section 40 is amended by substituting a colon for the period at the end of the first paragraph thereof and by adding the word "lowest" ahead of the words "fresh meat railroad carload freight rate" wherever they appear, so that section 40 reads as follows:

SEC. 40. *Addition 1—Zone differentials.* This section establishes differentials for various geographical zones as defined in Appendix I of this regulation. The following differentials apply:

(a) *Zone 1.* The amount to be added as a zone differential where the distribution point is located in Zone 1 is determined by multiplying by 75 percent (100 percent for fabricated cuts) the lowest fresh meat railroad carload freight rate from Denver, Colorado, to the distribution point, adjusted to the nearest 10¢ per cwt.

(b) *Zone 2, Zone 2a, Zone 2b.* The amount to be added as a zone differential where the distribution point is located in Zone 2, Zone 2a, or Zone 2b is determined by multiplying by 115 percent (125 percent for fabricated cuts) the lowest fresh meat railroad carload freight rate from Denver, Colorado to the distribution point, adjusted to the nearest 10¢ per cwt.

17. Section 44 is amended by adding the word "Per" ahead of the word "Hundred-weight" at the head of the schedule of wrapping additions so that Section 44 reads as follows:

SEC. 44. *Addition 5—Wrapping.* If any lamb or mutton carcass or wholesale cut is completely wrapped by one of the methods listed in this section, you may add to the price specified in Schedule I an amount equal to the actual cost to you of such wrapping but not more than the maximum amount specified below opposite the method of wrapping:

Wrapping:	*Per hundred-weight*
1. One Stockinette or one Krinkle Kraft paper	$0.20
2. Banana bag (or peach paper) and Stockinette	.30
3. Waxed Krinkle Kraft paper and Stockinette	.35

18. Section 45 is amended by adding the words "Per Hundred-weight" at the head of the list of shipping container additions, by changing the last three items on the list of shipping container

additions, and by changing the last sentence so that section 45 now reads as follows:

SEC. 45. *Addition 6—Packing in shipping containers.* For packing lamb, yearling, or mutton products in the following containers you may add to the prices specified in Schedules I, III, and V the amount specified below opposite the type of container used:

	Per hundred weight
5/15-pound wood, metal, or solid fibre containers, or pails	$1.80
16/35-pound wood, metal, or solid fibre containers	1.50
36/65-pound wood, wire-bound crates or solid fibre boxes	1.00
66-pound/up, wood, wire-bound crates, or solid fibre boxes	.80
Barrels or corrugated boxes	.70
Crate (containing four or more 5-pound pails)	.60
Crate (containing four or more 10-pound pails)	.50

No more than one container addition may be made for any sale of any one product, except in the case of crates, the allowance for which may be taken in addition to the allowance for pails.

19. Section 48 is amended to read as follows:

SEC. 48. *Addition 9—Lamb, yearling, and mutton products from lambs, yearlings, and sheep slaughtered in Zone 2a.* For any grade of lamb, yearling, or mutton carcass or any cuts derived from such carcass, obtained from lambs, yearlings, or sheep slaughtered in Zone 2a, you may add $2.00 per cwt.

20. Article IV is amended by adding a new section 49 to read as follows:

SEC. 49. *Addition 10—Packer branch house addition.* If you are a packer branch house, as defined in section 50 of this regulation, you may add $0.60 per cwt. to the prices listed in Schedule I on sales to retailers or purveyors of meals only. You may not take this addition, if the lamb, yearling, or mutton sold:

(a) was obtained from a slaughtering plant located within less than 75 miles from the branch house; and

(b) was not physically within the branch house cooler prior to the sale.

21. Section 50 is amended by changing the definition of "combination distributor" to read as follows:

"Combination distributor" means any establishment: (1) which is not affiliated with a packing or slaughtering plant, packer branch house, wholesaler, or other non-retail meat selling establishment; and which does not sell to ultimate consumers more than 50 percent of the total volume of weight of all meats, including sausage, variety meats, and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats, and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies; or

(2) which is affiliated with a packing or slaughtering plant, packer branch house, wholesaler, or other non-retail meat selling establishment to which it is not physically attached; and which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

22. Section 50 is further amended by adding a new sentence after the definition of "lamb, yearling, or mutton product", so that the definition, as amended, now reads as follows:

"Lamb, yearling, or mutton product" means meat graded as lamb, yearling mutton, or mutton under the provisions of Distribution Regulation 2 and in accordance with the "Official U. S. Standard for Grades of Lamb, Yearling Mutton, and Mutton Carcasses" of the United States Department of Agriculture, or any product produced in whole or in substantial part from lamb, yearling mutton, or mutton (or any combination of these), except sausage and canned meats. "Lamb, yearling, or mutton product" includes, but is not limited to, the products listed in Appendices 2 through 6 of this regulation.

23. Section 50 is further amended by changing the definition of "packer branch house" to read as follows:

"Packer branch house" means a selling establishment:

(1) Which is affiliated with a packing or slaughtering plant to which it is not physically attached; and

(2) Which operated as a selling establishment for the affiliated packing or slaughtering plant at any time prior to December 4, 1951, or in which a substantial investment in plant or equipment was made by the affiliated packer or slaughterer prior to December 4, 1951; and

(3) Which has not elected any other seller's addition under the provisions of section 6 of this regulation.

24. Section 50 is further amended by changing the definition of "sausage" to read as follows:

"Sausage" means chopped, ground, or comminuted meat seasoned with spices or condiments, to which salt, sodium nitrate, sodium nitrite, or extender may be added, and which has been smoked, cooked, dried, barbecued, or cured.

25. Section 50 is amended by changing the definition of "Slaughterer" to read as follows:

"Slaughterer" means a person who owns or is affiliated with a slaughtering plant or slaughtering facilities engaged in the slaughter of lambs, yearlings, or sheep or who has lambs, yearlings, or sheep slaughtered for him by another person.

26. Section 50 is further amended by changing the definition of "Slaughtering facilities" to read as follows:

"Slaughtering facilities" means any equipment designed or used for the commercial killing of lambs, yearlings, or sheep.

27. Section 50 is further amended by changing the definition of "Slaughtering plant" to read as follows:

"Slaughtering plant" means any place equipped or used for the commercial killing of lambs, yearlings, or sheep.

28. Section 50 is further amended by adding a definition of the term "Specialty lamb, yearling, or mutton product" to read as follows:

"Specialty lamb, yearling, or mutton product" means a lamb, yearling, or mutton product which:

(a) Differs substantially from any lamb, yearling, or mutton product for which a ceiling price is provided in Article II of this regulation; and

(b) Was sold in 1950 as a specialty product at a substantially higher price per pound than the most similar lamb, yearling, or mutton product for which a ceiling price is provided in Article II of this regulation; and

(c) Is contained in a distinctive wrapping or package bearing the name of the product, the weight of the cut, a list of the ingredients, the grade of the lamb, yearling, or mutton used, and the name of the processor; and

(d) Requires a substantial investment in special equipment used to process and wrap or package the product.

29. Section 50 is further amended by changing the definition of "you" or "person" to read as follows:

"You" or "person" indicates the person subject to this regulation, including any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of these and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing, but no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision or agency. For the purpose of this regulation, each separate plant or selling establishment shall be treated as a separate person.

30. Appendix 2 (a) (12) is amended by substituting the following new definition for "Breast":

"Breast" means the portion of the foresaddle remaining after the severance of the Hotel Rack as defined in Appendix 2 (a) (7) and the chuck as defined in Appendix 2 (a) (10), or that portion remaining after the severance of the Hotel Rack, the shoulder as defined in Appendix 2 (a) (11), and the shank as defined in Appendix 2 (a) (14).

31. Appendix 2 is further amended by adding the following new definition of "Shank" to be designated Appendix 2 (a) (14) and to read as follows:

"Shank" means that portion of the foresaddle obtained by separating the shank from the breast by a cut following the natural seam and leaving the entire lip or web muscle attached to the breast. The cut shall be made through the arm bone leaving the elbow joint and part of the arm bone on the shank. This cut shall be parallel to the

back bone and passing through a point at the forward end of the sternum or breast bone.

32. Appendix 3 (a) (11) and Appendix 3 (a) (12) are amended by changing the term "5-rib shoulder" to "4-rib shoulder" wherever it appears so that Appendices 3 (a) (11) and (12) read as follows:

11. "Shoulder, boned, rolled, and tied" means the 4-rib shoulder cut as described in Appendix 2 (a) (11) with all bones removed, rolled into a cylindrical shape and tied with at least four loops.

12. "Shoulder, regular stew, bone in" means small cubes of meat derived from the 4-rib shoulder, none of which is larger than two cubic inches in size.

33. The introductory paragraph of Appendix 4 (a) is amended to read as follows:

(a) "Boneless processing lamb and mutton" means the meat derived from lamb, yearling, or mutton carcasses (for the purpose of this definition yearling mutton is included in the term mutton) and is limited to the following:

34. Appendix 4 (a) (2) is amended to read as follows:

"Lean boneless mutton" means the boneless mutton meat derived from the boning of all or any part of the carcass. The pluck, all cords, sinews, neck straps, kidneys, and melts shall be removed. The trimmable fat shall not exceed 8 percent of the total weight of the meat.

35. Appendix 6 (a) is amended by substituting the following new definition for "Cheek meat":

"Cheek meat" means all the meat from the head obtained in accordance with the specifications of the Bureau of Animal Industry, USDA, or with good commercial practice.

36. Appendix 6 (a) is further amended by substituting the following new definition for "Tongues":

"Tongues" means tongues trimmed so as to leave the epiglottis on the tongue. The hinge bones are to be cut flush from the butt end of the tongue. Fat is to be trimmed from the base of the tongue.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective March 7, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2840; Filed, Mar. 7, 1952; 11:39 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-9 as amended March 7, 1952]

M-9 ZINC

This order as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

This amended order affects NPA Order M-9 as follows:

The definitions of "producer" and of "slab zinc" have been changed, and four new definitions formerly contained in NPA Orders M-15 and M-37 added. Five sections formerly contained in NPA Orders M-15 and M-37 have been added as sections 9, 10, 11, 12, and 13. Provision has been made for quarterly allocations, the title of the order has been changed, and there have been minor editorial changes. As so amended this order incorporates the provisions of NPA Orders M-15 and M-37, which are being revoked simultaneously herewith.

Sec.
1. What this order does.
2. Application of this order.
3. Definitions.
4. Allocation of slab zinc.
5. Exemptions.
6. Delivery of slab zinc.
7. Specific directives.
8. Assistance in placing orders.
9. Use of slab zinc.
10. Exemptions from use limitations.
11. Restrictions on toll agreements.
12. Production of zinc dust.
13. Inventories.
14. Records and reports.
15. Request for adjustment or exception.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* The purpose of this order is to provide for the distribution of the supply of slab zinc so as best to serve the interest of national defense and essential civilian production. It brings slab zinc under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation authorizations to be issued by NPA and places limits on the use of slab zinc in manufacture, processing, construction, or for operating supplies. Provision is thus made whereby the supply remaining after defense requirements are met may be equitably distributed through normal channels for essential civilian uses and with due regard for the needs of new and small business. It also explains the conditions under which reports are required from producers, importers, and consumers of and dealers in slab zinc; regulates the acceptance, delivery, and distribution (whether on purchase, toll agreement, or otherwise) of zinc scrap; and prohibits undue accumulations of slab zinc and zinc scrap.

SEC. 2. *Application of this order.* This order applies to all persons who produce, consume, trade in, import, or hold in inventory, slab zinc as defined in section 3 (d) of this order, or who use such slab zinc in manufacture, processing, construction, or for operating supplies, or who generate, deal in, or convert zinc scrap. The provisions of this order supersede other NPA regulations and orders to the extent that they are inconsistent with this order, but in all other respects such regulations and orders remain applicable to slab zinc and zinc scrap. In particular, NPA Reg. 2 continues to apply to slab zinc, but deliveries on DO rated orders may be made only in accordance with allocation authorizations issued by NPA, except as otherwise provided in this order. NPA may from time to time issue special directives as to deliveries of slab zinc and zinc scrap, and unless otherwise provided therein, such directives will prevail over the other provisions of this order.

SEC. 3. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "Producer" means any person who produces slab zinc and any person who has slab zinc produced for him under toll agreement.

(c) "Dealer" means any person who receives physical deliveries of slab zinc and sells or holds such slab zinc for resale without change in form. A person who produces any slab zinc or who has slab zinc produced for him under toll agreement is a producer as to such zinc and not a dealer.

(d) "Slab zinc" means any grade of zinc metal which has been produced by electrolytic, electrothermic, or fire-refining process, including zinc produced from scrap, dross, or other secondary material; cast in pigs, slabs, bars, anodes, or other shapes.

(e) "Zinc scrap" means all materials or products the principal content of which, by weight, is zinc, and which are the waste or byproduct of industrial fabrication or processes, or have been discarded on account of obsolescence, failure, or other reason, including but not limited to clippings, engravers' plates, skimmings, ashes, galvanizers' dross, castings, die-cast scrap, and die castings.

(f) "Scrap dealer" means any person regularly engaged in the business of buying and selling zinc scrap.

(g) "Manufacture" means to put into process, machine, incorporate into products, assemble, fabricate, or otherwise alter slab zinc by physical or chemical means.

(h) "Base period" means the 6-month period ending June 30, 1950.

(i) "NPA" means the National Production Authority.

SEC. 4. *Allocation of slab zinc.* (a) Commencing on August 1, 1951, and subject to the exemptions stated in section 5 of this order, no person shall accept delivery of slab zinc for any purpose in any month or in any calendar quarter except in accordance with the terms of

an allocation authorization issued to him for such month or such calendar quarter by NPA on Form NPAF–110. An allocation authorization will authorize the holder to accept delivery of slab zinc in a specified quantity and grade if shipped not later than the last day of the month or the calendar quarter for which the authorization is issued. Any order placed pursuant to an allocation authorization shall specify the serial number of the applicable authorization. This section shall apply with like effect to the acceptance of deliveries of slab zinc by any branch, division, or department of any business enterprise from any producing branch, division, or department of the same business enterprise.

(b) An application for an allocation authorization must be filed by the proposed purchaser on Form NPAF–110 not later than the fifteenth day of the month preceding the month or quarter in which delivery is sought. Applications on Form NPAF–110 shall be submitted to NPA unless the zinc requested is to be exported, in which case Form NPAF–110 should be submitted to the Office of International Trade together with the application for export license. All such applications must contain all information required by the form.

SEC. 5. *Exemptions.* The provisions of section 4 of this order shall not apply to any:

(a) Acceptance of slab zinc by the General Services Administration or the Defense Materials Procurement Administration for the stockpile of strategic materials;

(b) Acceptance of slab zinc directly from a foreign source for the sole purpose of resale without change in form; or

(c) Acceptance of slab zinc by any person (1) whose total receipts during the month in which acceptance occurs are, or by such acceptance would become, not in excess of 10 short tons, (2) who has not applied to NPA for allocation authorization for such month, or for the calendar quarter of which such month is a part, and (3) who furnishes to the supplier a certification signed as provided in section 8 of NPA Reg. 2 in substantially the following form:

Certified under the small-lot exemption provisions of NPA Order M–9.

Such certification constitutes a representation to the supplier and to NPA that the purchaser is authorized to accept delivery of the slab zinc pursuant to this paragraph, and that such slab zinc will be used in accordance with the provisions of section 9 of this order.

SEC. 6. *Delivery of slab zinc.* No person shall deliver slab zinc to any person if he knows or has reason to believe that the person requesting delivery is not permitted to receive it under this order or that it will be used in violation of this order or any other applicable regulation or order of NPA.

SEC. 7. *Specific directives.* NPA may issue directives as to the source, destination, specific grades, and quantities of slab zinc or zinc scrap to be delivered or acquired. NPA may also direct any producer to set aside a specific portion of his production of slab zinc for distribution according to directives issued by NPA.

SEC. 8. *Assistance in placing orders.* Any person who has received an allocation authorization for slab zinc and who, after exploring all domestic commercial sources, is unable to place an order for the material covered by the authorization, should apply to NPA, Ref: M–9, specifying the persons who refused to accept his order. NPA will arrrange to assist him in locating sources of supply.

SEC. 9. *Use of slab zinc.* Subject to the exemptions stated in section 10 of this order, or unless specifically directed by NPA, no person shall use in manufacture, processing, construction, or for operating supplies during the calendar quarter commencing January 1, 1952, and each calendar quarter thereafter, a total quantity by weight of Special High Grade Slab Zinc (slab zinc that is 99.99 percent pure or better) in excess of 70 percent of his average quarterly use of Special High Grade Slab Zinc during the base period, and a total quantity by weight of all other slab zinc in excess of 80 percent of his average quarterly use of such other slab zinc during the base period: *Provided, however,* That his use of either type of slab zinc in any 1 month shall not exceed 40 percent of the permitted quarterly use.

SEC. 10. *Exemptions from use limitations.* (a) The use of slab zinc to fill an order that is rated under the priority system established by NPA Reg. 2, or to meet any mandatory order of NPA, is permitted in addition to the use of slab zinc authorized by the provisions of section 9 of this order.

(b) Slab zinc acquired by a rated order or to meet a scheduled program of NPA may be used in addition to the quantity permitted by the provisions of section 9.

(c) The provisions of section 9 do not apply to persons who use less than 3,000 pounds of slab zinc during any calendar quarter.

(d) The provisions of section 9 do not apply to the use of slab zinc:

(1) To comply with safety regulations issued under governmental authority which require the use of zinc;

(2) In research laboratories where and to the extent that the physical or chemical material requirements make the use of any other material impracticable; or

(3) In electroplating where it replaces cadmium.

SEC. 11. *Restrictions on toll agreements.* (a) Except with the written approval of NPA, no person shall deliver or accept delivery of zinc scrap for converting, remelting, or other processing under any existing or future toll agreement or other arrangement by which title to the scrap remains vested in any person other than the processor, or pursuant to which unalloyed or alloyed zinc in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the scrap. Application for such approval may be made by the person delivering or owning the zinc scrap, or the person for whose benefit the conversion, remelting, or other processing will be effected. The provisions of this paragraph apply with equal effect to any agency or other relationship which results in an arrangement similar to that above described.

(b) No person shall sell or deliver any slab zinc to any person subject to either an express or implied condition of sale that the zinc scrap remaining after the use of the delivered zinc will be resold or returned to the person originally supplying such zinc.

(c) Persons requesting approval of toll agreements shall file with NPA a letter in triplicate setting forth: The names and addresses of the parties to any existing or proposed toll or conversion agreement; the kind, grade, and form of the scrap involved; the tonnage of the scrap and the estimated tonnage of the zinc products resulting; the estimated rate and dates of delivery of such zinc products; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such zinc products are to be used; and such other information as may seem pertinent and necessary.

SEC. 12. *Production of zinc dust.* Commencing on March 7, 1952, unless specifically authorized in writing by NPA, no person shall use any galvanizers' dross for any purpose other than the production of zinc dust.

SEC. 13. *Inventories.* (a) In addition to the provisions of NPA Reg. 1, relating to inventory control, it is considered that a more exact requirement applying to users of zinc is necessary. No person obtaining slab zinc for use in manufacture, processing, or construction, or for operating supplies, may receive or accept delivery of a quantity of slab zinc if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 30-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. NPA Reg. 1 will apply to zinc except as modified by this section.

(b) No scrap dealer shall accept delivery of any form of zinc scrap if his total inventory of such scrap (including inventory not physically located in the dealer's yard or plant) is, or by such receipt would become, in excess of his total deliveries of such scrap by weight during the first 6 months of 1950, divided by three.

SEC. 14. *Records and reports.* (a) Any producer of slab zinc who by the tenth day of any month has not received orders for the entire quantity of slab zinc scheduled for production by him in that month shall promptly report to NPA by telephone or telegram the quantity and grade of slab zinc available in that month, for which he has not received orders.

(b) Any person who uses, ships, or receives five short tons or more of slab zinc in any calendar month, or who has five short tons or more of slab zinc in his possession or under his control on

any day of any month shall fill out and return Bureau of Mines Form 6–1151–M, in the number of copies specified on the form, to the address specified on the form, on or before the fifteenth day of July 1951 with respect of such use, shipment, receipt, or possession during the month of June, and on or before the fifteenth day of each succeeding month with respect to such use, shipment, receipt, or possession during the next succeeding month.

(c) Commencing on July 20, 1951, any person who imports slab zinc for the sole purpose of resale without change in form shall advise NPA by letter in duplicate not less than 10 days before its expected arrival in the continental United States, of the quantity, grade, and country of origin of such slab zinc.

(d) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit and for filling out the reports required in paragraphs (a), (b), and (c) of this section. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(e) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(f) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 15. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* Except as otherwise specified, all communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M–9.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect March 7, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–2834; Filed, Mar. 7, 1952; 11:36 a. m.]

[NPA Order M–15, Revocation]

M–15—USE OF ZINC

NPA Order M–15 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–15, as originally issued, or as amended from time to time, nor deprive any person of any rights received or accrued under said order, as originally issued, or as amended from time to time, prior to the effective date of this revocation.

The use of zinc is now subject to NPA Order M–9.

This revocation is effective March 7, 1952.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–2833; Filed, Mar. 7, 1952; 11:36 a. m.]

[NPA Order M–37, Revocation]

M–37—ZINC SCRAP—TOLL AGREEMENTS

NPA Order M–37 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–37, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

Zinc scrap and zinc scrap toll agreements are now subject to NPA Order M–9.

This revocation is effective March 7, 1952.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–2835; Filed, Mar. 7, 1952; 11:36 a. m.]

[NPA Order M–101 of March 7, 1952]

M–101—CERTAIN USED AND IMPORTED METALWORKING MACHINES: REPORTING OF INVENTORY

This order is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by the Defense Production Act of 1950, as amended. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Inventory reports.
4. Seven-day freeze provision.
5. Request for adjustment or exception.
6. Records and reports.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* The purpose of this order is to obtain information as to the types of used and imported metalworking machines available for immediate use. This order provides for the filing of reports of inventories when specifically directed by NPA by dealers in imported metalworking machines, dealers in used metalworking machines, and rebuilders of used metalworking machines, so that NPA may have current information of the availability of such metalworking machines. The mechanism set up provides that a form be filled out for each item in the possession or control of a dealer or rebuilder. Thereafter information as to acquisitions shall be similarly filed with NPA. Copies of each form are to be kept by the dealer or rebuilder and, as an item is disposed of, the duplicate copy shall be filled in showing disposition of such item and forwarded to NPA. Thus, NPA will be enabled to have a running inventory of available imported and used metalworking machines. The order also permits NPA to require a dealer or rebuilder to withhold a metalworking machine from sale for a period of 7 days for the purpose of permitting a prospective purchaser, whose need for the metalworking machine is vital, to inspect such machine.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Metalworking machine" means any item of plant equipment which is listed in Exhibit A appearing at the end of this order and which has a sales price of $2,000 or more, and which is less than 25 years old.

(c) "Imported metalworking machine" means any new metalworking machine imported into the United States from a foreign country.

(d) "Used metalworking machine" means any metalworking machine which has been previously used, and includes rebuilt metalworking machines.

(e) "Dealer" means any person engaged in the business of buying and selling imported metalworking machines or used metalworking machines.

(f) "Rebuilder" means any person engaged in rebuilding metalworking machines for resale.

(g) "NPA" means the National Production Authority.

SEC. 3. *Inventory reports.* NPA may at any time specifically direct in writing a dealer or rebuilder to file with NPA a report of his entire inventory of used and imported metalworking machines in his possession or control as of the date of the making of such report. Such dealer or rebuilder shall comply with such direction within 15 days after the receipt thereof. Such report shall be compiled by filing Form NPAF–175 for each metalworking machine in the possession or control of such dealer or rebuilder. Whenever a dealer or rebuilder who has been directed by NPA to file a report acquires an additional metalworking machine, he shall file with NPA a report on such form within 3 days after the acquisition of such metalworking machine. Every dealer and every rebuilder who has been directed by NPA to file a report shall make a duplicate copy of such Form NPAF–175 to be kept by such dealer or rebuilder in his possession. Whenever any dealer or rebuilder who has been directed by NPA to file a report disposes of any used or imported metalworking machine by sale, lease, or other transfer, he shall fill in the information called for as to such disposition on the duplicate copy of said Form NPAF–175 retained by him and file with NPA such duplicate copy within 3 days after the date of disposition of such metalworking machine.

SEC. 4. *Seven-day freeze provision.* NPA may at any time specifically direct any dealer or rebuilder to withhold from sale a particular used or imported metalworking machine for a period of 7 days in order to permit a specific purchaser or purchasers to inspect such machine.

SEC. 5. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of NPA, at the usual place of business where maintained.

(c) The reports provided for in section 3 of this order shall be submitted to the National Production Authority, Washington 25, D. C., marked for the attention of the Metalworking Equipment Division.

(d) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–101.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect March 7, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

EXHIBIT A OF NPA ORDER M–101

Boring mills.
Precision boring machines.
Jig borers.
Broaching machines.
Radial drilling machines.
Horizontal and vertical drilling machines.
Gear-hobbing machines.
Bevel-gear-cutting machines.
Gear-grinding machines.
Universal grinding machines.
External cylindrical grinding machines.
Internal grinding machines.
Surface-grinding machines over 28 inches.
Thread-grinding machines.
Tool- and cutter-grinding machines.
Heavy duty engine lathes, 16 inches and up, gear head type only.
Turret lathes.
Lathes, boring and turning, axle, crankshaft, shell, cartridge case trimming, spinning, and relieving.
Automatic chucking and between-center lathes.
Automatic screw machines, bar type.
Milling machines.
Profiling, duplicating, and die-sinking machines.
Thread-milling machines.
Planers.
Shapers.
Honing and lapping machines.
Bending brakes.
Rotary bending and forming machines.
Plate shears.
Bar and angle shears.
Hammers, steam or air.
Hammers, mechanical.
Forging machines.
Balancing machines.
Inspection, testing, and measuring machines.
Gear-tooth-finishing machines.

[F. R. Doc. 52-2836; Filed, Mar. 7, 1952; 11:36 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 809]

NEVADA

REVOKING IN PART PUBLIC LAND ORDER NO. 6 OF JUNE 26, 1942

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 6 of June 26, 1942, as amended by Executive Order No. 9526 of February 28, 1945, is hereby revoked so far as it affects the following-described public lands:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 18 E.,
Sec. 24, N½ and SW¼;
Sec. 36, N½ and NE¼SE¼.
T. 20 N., R. 19 E.,
Sec. 4, S½SW¼, except the south 200 feet thereof.
T. 21 N., R. 19 E.,
Sec. 8, NW¼NE¼ and E½E½;
Sec. 10;
Sec. 11, SW¼NE¼, W½NW¼, NE¼SW¼, and W½SE¼;

Sec. 14, N½;
Sec. 16, N½ and SE¼;
Sec. 22, SW¼;
Sec. 26, E½NE¼ and NE¼SE¼;
Sec. 28, NE¼, N½SE¼, and SE¼SE¼.

The areas described aggregate approximately 3347.88 acres.

The lands are sub-marginal for agricultural development. They contain no water or timber, and are chiefly valuable for grazing. The lands will not be subject to occupancy or disposition until they have been classified. It is unlikely that they will be classified as suitable for homestead, desert land, or for small tract use.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 4, 1952.

[F. R. Doc. 52–2693; Filed, Mar. 7, 1952; 8:45 a. m.]

[Public Land Order 810]

NEW MEXICO

REVOCATION OF EXECUTIVE ORDERS NO. 5909 OF AUGUST 22, 1932, AND NO. 7723 OF OCTOBER 8, 1937, WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Orders Nos. 5909 of August 22, 1932, and 7723 of October 8, 1937, temporarily withdrawing public lands for classification as to their suitability for wildlife refuge purposes are hereby revoked. Executive Order No. 5909 was superseded by Executive Order No. 7724 which established the Bitter Lake Migratory Waterfowl Refuge, as to all lands except the NE¼ sec. 8, T. 10 S., R. 25 E., N. M. P. M., New Mexico, which is patented.

The public lands released from withdrawal by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 S., R. 25 E.,
Sec. 11, E½NE¼, NE¼SE¼, and S½SE¼;
Sec. 14, E½NE¼, S½NW¼, N½SW¼, and E½SE¼;
Sec. 15, E½NE¼, SW¼, and N½SE¼;
Sec. 21, E½SE¼;
Sec. 22, SW¼NE¼, W½, and NW¼SE¼;
Sec. 23, NE¼, S½NW¼, and SW¼;
Sec. 26, N½NW¼;
Sec. 27, N½NW¼;
Sec. 28, N½NE¼.

The areas described aggregate 1,960 acres.

The lands are primarily suitable for grazing purposes. They will not be subject to occupancy or disposition until they have been classified. It is unlikely that the lands will be classified as suitable for homestead, desert land, or small tract use.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly

the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Bureau of Land Management, Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Santa Fe, New Mexico.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 4, 1952.

[F. R. Doc. 52-2692; Filed, Mar. 7, 1952; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter VIII—Office of Territories, Department of the Interior

PART 801—VIRGIN ISLANDS PUBLIC WORKS

REVOCATION

MARCH 4, 1952.

Part 801 of Chapter VIII of Title 44 of the Code of Federal Regulations (11 F. R. 9637, 13 F. R. 7355, 15 F. R. 1346, 16 F. R. 5022) is rescinded.

(Sec. 10, 58 Stat. 830)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-2695; Filed, Mar. 7, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 729]

PEANUTS

NOTICE OF INTENTION TO FORMULATE AND ISSUE REGULATIONS GOVERNING DISTRIBUTION OF PROCEEDS RECEIVED BY COMMODITY CREDIT CORPORATION FROM SALE OF EXCESS VALENCIA TYPE PEANUTS FOR CLEANING AND SHELLING

Pursuant to the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), the Secretary of Agriculture is preparing to formulate regulations governing the distribution of proceeds realized from the sale of Valencia type excess peanuts of the 1951 crop which were delivered to or marketed through agencies designated by the Secretary. Payments are proposed to be made to producers who delivered such type of excess peanuts to designated agencies, in accordance with the following pertinent provisions of section 359 (g) of the act.

If the total acreage of peanuts picked or threshed on the farm does not exceed the total acreage of peanuts picked or threshed on the farm in 1947 or 1948, if no peanuts were harvested on the farm in 1947, payment of the marketing penalty as provided in subsection (a) will not be required on any excess peanuts which are delivered to or marketed through an agency or agencies designated each year by the Secretary. * * * For all peanuts so delivered to a designated agency under this subsection, producers shall be paid for the portion of the lot constituting excess peanuts, the prevailing market value thereof for crushing for oil (but not more than the price received by such agency from the sale of such peanuts), less the estimated cost of storing, handling, and selling such peanuts: *Provided*, If the Secretary determines that the supply of any type of peanuts is insufficient to meet the demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell peanuts owned or controlled by it for such purposes, the Secretary shall permit the sale, for cleaning and shelling, of the excess peanuts of such type so delivered. Such sales shall be in quantities necessary to meet such demand and at prices not less than those at which the Commodity Credit Corporation may sell peanuts owned or controlled by it for cleaning and shelling. The proceeds received from the sale of such peanuts of such type for cleaning and shelling shall, after deduction of the price paid to producers and other costs incurred in connection therewith, including estimated cost of proration, be prorated proportionately among all of the producers delivering excess peanuts of such type to designated agencies under this section. * * *

Valencia type peanuts of the 1951 crop were declared to be in short supply on January 5, 1952 (17 F. R. 324).

Commodity Credit Corporation was designated by the Secretary of Agriculture as the agency to which excess peanuts could be delivered pursuant to section 359 (g) of the act, with authority to utilize shellers, crushers, warehousemen, and other persons as its agents to receive, handle, and dispose of such excess peanuts (16 F. R. 5672).

It is proposed that the regulations governing the distribution of proceeds from the sale for cleaning and shelling of excess Valencia type peanuts will include the following principal points:

1. The final date for deliveries by producers of excess Valencia type peanuts to Commodity Credit Corporation in order for such producers to share in the distribution of sales proceeds on the basis of such deliveries, will be May 15, 1952.

2. The total quantity of excess Valencia type peanuts delivered to Commodity Credit Corporation, and the quantity delivered from each farm, will be determined from sales memoranda covering excess oil marketings of Valencia type peanuts pursuant to the Marketing Quota Regulations for the 1951 crop of peanuts (16 F. R. 5672) and such quantities will not include any peanuts acquired by seed shellers in connection with shelling producers' peanuts for seed or any high-moisture, high-damage peanuts acquired by shellers or crushers under § 646.339 of the regulations for the 1951 crop peanut price support program, as amended (16 F. R. 10692).

3. The total amount of money to be prorated among producers of Valencia type peanuts will be determined by deducting from the total proceeds received by Commodity Credit Corporation from the sale of Valencia type excess peanuts for cleaning and shelling, the estimated cost of proration, the total of the amounts paid to producers of Valencia type peanuts delivered to Commodity Credit Corporation, and the estimated cost of storing, handling, and selling excess peanuts of such type.

4. The rate of payment to be made to producers of Valencia type peanuts will be determined by dividing the total amount to be prorated for Valencia type peanuts by the total pounds of Valencia type excess peanuts delivered to Commodity Credit Corporation without regard to grade or quality of the peanuts so delivered.

5. Where more than one producer is interested in Valencia type excess peanuts produced on a farm and delivered to Commodity Credit Corporation, each producer's poundage share will be determined by multiplying the producer's percentage share (determined from the 1951 Performance Report Form PMA-578 for the farm) by the total pounds of Valencia type excess peanuts produced on the farm and delivered to Commodity Credit Corporation, unless such percentage or poundage share is redetermined by the PMA county committee on the basis of evidence submitted by producers on the farm

6. Each producer will be required to sign an application for payment certifying to the correctness of his percentage share and poundage share.

7. Any amount payable to a producer will be subject to set-off for any indebtedness of the producer to the United States or any agency thereof.

Prior to issuance of the regulations, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 4th day of March 1952.

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 52-2712; Filed, Mar. 7, 1952; 8:47 a. m.]

[7 CFR Parts 904, 934, 947, 996, 999]

[Docket Nos. AO-14-A21; AO-83-A17; AO-203-A3; AO-204-A3; AO-113-A14; ALL RO-1]

HANDLING OF MILK IN THE GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASS., MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENTS AND TO THE ORDERS NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a reopening of a public hearing to be held in Court Room No. 4 12th floor, Federal Building, Post Office Square, Boston, Massachusetts, beginning at 10:00 a. m., e. s. t., May 5, 1952, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture, and to the orders now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas. These proposed amendments have not received the approval of the Secretary of Agriculture.

A public hearing was held in Barre, Vermont, on January 28; West Springfield, Massachusetts, on January 29; and Boston, Massachusetts, on January 30 through February 1, 1952 pursuant to a notice duly published in the FEDERAL REGISTER (17 F. R. 91). Notice is hereby given that the hearing is being reopened for further consideration of the formula factors for determining future Class I prices in each of these markets. On the basis of the record of the hearing held January 28-February 1, the Production and Marketing Administration has recommended amendments to each of the orders. These recommendations are set forth in detail as proposed amendments to each of the orders in a recommended decision of the Assistant Administrator issued simultaneously herewith. The recommended decision describes further changes in the Class I price formula which are indicated by the evidence in the record but which were not considered thoroughly at the hearing. The specific formula factors about which further testimony is requested by the Production and Marketing Administration relate to:

1. A revision of the supply-demand formula factor to reflect more timely changes in smaller amounts.
2. The relation of the formula index factors to the current price level and reappraisal of the amount of price change to be effected with each 1 point change in the index.
3. Review of the weights to be attached to each factor in the formula index.
4. Consideration of a single wage rate index.
5. Reconsideration of the amount of seasonal price change which should apply to the basic annual price each month.
6. Revise the language of the Class I provisions of the Fall River, Springfield, Worcester, and Lowell-Lawrence orders to establish the Class I price by specific reference to the Class I price under the Boston order.
7. Make such other changes as may be required to make the marketing agreements and orders in their entirety conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the orders as now in effect may be procured from the respective market administrators: Room 403, 230 Congress Street, Boston 10, Massachusetts; 103 Pleasant Street, Fall River, Massachusetts; National Bank Building, 21 Main Street, Andover, Massachusetts; Room 705, 145 State Street, Springfield, Massachusetts; Room 403, 107 Front Street, Worcester, Massachusetts; or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 6th day of March 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-2793; Filed, Mar. 7, 1952; 8:52 a. m.]

[7 CFR Parts 904, 934, 947, 996, 999]

[Docket Nos. AO-14-A21; AO-83-A17; AO-203-A3; AO-204-A3; AO-113-A14]

HANDLING OF MILK IN THE GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASS., MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTION THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING THE ORDERS, AS NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed marketing agreements and proposed amendments to the orders, as now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreements and the proposed orders were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of petitions filed on behalf of the majority of producers and by several handlers in the five markets. The public hearing was held in Barre, Vermont, on January 28; West Springfield, Massachusetts, on January 29; and Boston, Massachusetts on January 30 through February 1, 1952, pursuant to a notice duly published in the FEDERAL REGISTER (17 F. R. 91).

The material issues considered at the hearing were concerned with the following:

1. The level and basis of pricing Class I milk.
2. The classification of skim milk for human consumption.
3. A revision of the definition of concentrated milk.
4. Extension of the limits of the Boston marketing area.
5. Revisions in the Boston pooling requirements.
6. Revisions of the Lowell-Lawrence pool plant requirements.
7. Modification of the classification provisions with reference to second transfers of milk between certain plants.
8. Revision of the exempt milk definition under the Lowell-Lawrence order to include receipts from nonpool plants for custom bottling.
9. An extension of the nearby differential area under the Springfield order to include the town of Stafford, Connecticut.
10. An extension of the Springfield marketing area.
11. A revision of the emergency milk provisions under the Springfield order to reduce the pool obligations on receipts of emergency outside milk.
12. An adjustment in the country plant zone differentials under the Worcester order.
13. A proposal to reduce the payments into the Worcester pool on Class I milk disposed of in the Boston marketing area.
14. Miscellaneous non-substantive changes in the order provisions.

The following findings and conclusions on issues number 1 and 5 are based upon the evidence introduced at the hearing and the record thereof. It is necessary that amendments be effectuated promptly to deal with the problems raised in connection with these two issues. Other issues require further consideration and

a recommendation on those matters will be made in a separate decision.

1. *Class I price.* The principal issue raised at the hearing dealt with the determination of an appropriate Class I price under current conditions and the selection of certain automatic adjustment factors which would modify such Class I price in the future in response to economic conditions. It is concluded that the Class I pricing formulas in each of these orders be modified (1) to substitute currently published indexes which reflect about the same factors as those currently used in the pricing formulas and (2) to adjust the price schedules related to those index factors. The record indicates that further changes should be made in the pricing formula as soon as possible but the evidence in this record is not complete with respect to these further needed changes. It is concluded therefore, that a further hearing on the issues relating to the Class I prices in each of these 5 Massachusetts markets be opened at Boston May 5, 1952. A notice of this hearing is being issued simultaneously herewith.

Changes to be effected on the record. The Class I price in each of these Massachusetts markets is presently determined by a formula method which was adopted initially as a part of the Boston order, April 1, 1948. Class I prices during the ensuing period have been determined in accordance with this formula with only minor variations. An appraisal of the Class I prices which have been established by the pricing formula over this four-year period indicates that some improvements can be made in the individual formula factors without disturbing the basic concept of the pricing formula.

Experience has shown that the index of department store sales, as reported by the Federal Reserve Board, has been responsive to sporadic buying conditions which relate to department store items but which have little similarity to consumers' purchases of milk. For this reason the committee of experts which first recommended the Class I price formula in 1947 studied carefully the various factors which could be substituted for the department store sales index as a measure of the consumer demand for milk. This committee has now recommended that an index of estimated per capita disposable income in New England be substituted for the department store sales index in the pricing formula. An examination of this index shows that it generally follows the same trends as those indicated by the department store sales index but varies in a narrower range. Since the income data does reflect the general buying power of consumers in the region, changes in the income index can be expected to reflect changes in consumer demand for milk in these marketing areas.

It was recommended by witnesses that the disposable income factor be incorporated in the pricing formula on a 1925–29 base. The record indicates that the construction of estimated per capita disposable income data for the New England region over such a long span of time involves considerable conjecture concerning the relation of income payments to disposable income. Data on disposable income is not available on a regional basis and must be estimated from income payments. It is concluded therefore that the disposable income factor be adopted in the pricing formula as a substitute for the department store sales index with the same weight which was attached to that index in establishing prices for 1951.

Consideration was given at the hearing to the announced intention of the United States Department of Labor, Bureau of Labor Statistics, to publish the index of prices of all commodities sold wholesale on a revised basis beginning with the monthly index for January 1952. Testimony at the hearing indicated that the intended revisions of the index represent improvements in the weightings and the scope of the index and do not modify the economic concept which the index is designed to measure. It is reasonable to assume that the changes in the index would reflect about the same changes as those reflected by the index which has been published by the same agency. Official notice is taken of the index figures released by the Department of Labor, February 29, 1952. It is therefore concluded that the provisions of the Class I pricing formulas should be designed to make use of the revised index which was published by the Department of Labor beginning with the announced figure for January 1952. The factor for relating the revised index to the other formula factors should be constructed so that the revised index would have yielded the same average effect on the formula index in 1951 as was reflected by the index series actually used in establishing 1951 prices.

Although the index movers in the Class I price formulas appear to have brought about price changes in the right direction at the right time, the prices over most of this period have been established at a level 44 cents lower than the formula schedule indicated. One year and five months after the adoption of the pricing formula, the market supply relative to sales in the Boston market passed the annual level of 41 percent surplus which has been regarded as the upper limit of a normal reserve supply for fluid sales in these markets. The supply has remained above that point ever since that date, August 1949. At the time the pricing formula was adopted, it was anticipated that the index factors combined with the basic price at which the formula was started, might result in too high or too low a price to maintain the necessary supply of milk. In order to adjust for such a situation, the formula contains a device for automatically raising or lowering the formula price 44 cents per hundredweight when the 12-month supply surpasses 41 percent Class II milk in the case of an oversupply or falls below 33 percent in the case of a short supply. This automatic adjustment device became effective October 1, 1949 and lowered the basic price 44 cents on that date. The price in the Boston market has been maintained at this 44 cent lower level since that date.

In spite of this adjustment in the price level, the supply has continued in excess of the 41 percent reserve increasing rapidly through 1949 and the first half of 1950. Late in 1950, it dropped slightly and leveled out during the next 12 months at a figure between 45 and 46 percent. Beginning with November 1951, the reserve percentage again began to drop in response to some decline in average production per dairy, a slight improvement in sales inside the marketing area and a substantial increase in sales outside the marketing area. Since the market reserve supply is still in excess of the maximum reserve which the market should carry as a normal pattern and is considerably more than the 33 percent reserve which is regarded as a minimum normal amount, there appears by this measure to be a sufficient reserve supply at the present time. The formula price schedules should be revised therefore to reflect the actual level of prices which has been established with the 44-cent reduction brought about by the supply-demand provision.

This readjustment of the price schedules should not result in a further drop in price because the markets are still maintaining more than a normal reserve as measured by the Boston Class II percentage during the latest 12-month period. There is considerable evidence in this record to indicate that the 12-month factor may be too slow to reflect changed conditions of supply relative to sales. It is concluded therefore that the supply-demand provisions be deleted from the orders pending the appraisal of the record of the hearing scheduled to open May 5 for the purpose of receiving evidence with respect to a more sensitive adjustment factor.

The prices which have been established under the pricing formula have yielded prices to producers generally in line with prices received by dairy farmers in other parts of the country. The increase in the blend price to producers in the Boston market for 1950 to 1951 was about the same as the increase in the prices paid for all milk sold wholesale in the United States. Fluid milk prices in the country as a whole, as in the Boston market, increased somewhat less than the average of all milk sold wholesale.

Although Class I prices in the New York and Boston markets follow a different seasonal pattern and price differences in individual months are substantial, the New York price for 3.7 percent Class IA milk, averaged only 9 cents higher than the Boston price during the 18 month period August 1950 through January 1952. Most of this price advantage was reflected during the early months of that period. Since the wholesale commodity price index in current months has been declining although other indexes used in the Boston formula have been rising, it is probable that Boston Class I prices will exceed New York Class IA prices by a small amount in 1952. This would tend to offset the slightly higher New York prices in 1951.

Certain producer groups requested that the seasonal pattern of pricing be modified to include January and February in the group of months for which a price 44 cents higher than the annual level is paid. These producers requested

that the higher prices for January and February be adopted with no change in the annual level of price which would mean an increase in the average annual price of about 7 cents per hundredweight. As indicated heretofore the record does not substantiate the need for an overall increase in the price relative to the index factors.

Class I prices established for milk delivered by producers to handlers regulated under the Springfield, Worcester, Lowell-Lawrence, and Fall River, Massachusetts markets should continue to be established in accordance with a fixed differential relative to the Boston price. The record indicates that the production conditions affecting the supply and sales of Class I milk in each of these markets are similar to the conditions existing in the Boston market. There were no proposals at the hearing to establish any different level of prices in these markets in relation to the Boston price.

Changes recommended for further hearing. The evidence in the hearing shows an urgent need for a more sensitive adjustment of the Class I price to current demand and supply conditions. Several of the proposals made at the hearing were supported on the presumption that the present level of milk deliveries and Class I sales portend a short supply in the near future. Witnesses contended that the supply-demand provisions calculated on the basis of experience during the preceding 2d-13th month fail to reflect the current situation. Several of the briefs filed following the hearing called attention to the need for a more current measure of the market supply relative to sales.

Although the record clearly substantiates the need for a more sensitive price adjustment device which would provide prompt adjustments when supplies of milk rise above or fall below the normal requirements of the market, no plan for accomplishing such adjustments was described at the hearing. Accordingly, the Production and Marketing Administration is requesting further testimony on this issue at a public hearing May 5, 1952.

The formula index and the price should be related to a recent base period from which the price level can be appraised. Since the price level is established on the basis of an appraisal of present and prospective market conditions, the choice of a base involves little more than the refinement of the weights attached to each index. The formula index based on 1925–29 factors reflects a 0.33 weight to the wholesale price level and to the demand factor, a 0.20 weight to dairy feed prices and a 0.13 weight to farm wage rates. Actually, in establishing 1951 prices, the wholesale price level contributed 0.32 of the index, department store sales index 0.34, the grain index 0.19, and farm wage rate 0.13. Use of a recent base period also removes the necessity for measuring long time changes in efficiency of milk production or changes in consumers' habits in buying milk. Since the choice of a base period was not discussed in detail at the recent hearing, this issue is included in the notice of hearing to be held May 5. The record indicates that several adjustments have been delayed because the accumulated effect of factors was not sufficient to make a price change. It appears that price adjustments should not be withheld from producers merely for the purpose of accumulating evidence of a need for a price change. Therefore further consideration should be given to reflecting promptly each month in price adjustments any index changes or changes in the supply-demand ratio.

The record indicates that the sharp cut in prices on January 1 is regarded by some producers as a deterrent to their efforts to increase milk production during the short supply months of November and December. There is some indication in the record that the July 1 price rise encourages producers to shift freshening only to the extent of shifting spring freshening cows to July freshening animals. The seasonal price schedule should be reappraised at the reopened hearing particularly with reference to these abrupt price changes brought about by the seasonal factor.

An index of farm wage rates has been a part of the formula since its adoption. Such an index appears to reflect suitably the influence of that factor upon the supply of milk. However, since the adoption of the formula the particular index which was chosen to reflect such changes in wage rates has been discontinued and on August 1, 1951, it became necessary to compute an index of such wage rates from a different set of data. This calculation encumbers the formula computation and furthermore is no longer strictly accurate. It employs the use of varying weights for the wage rates in each of four states which purports to reflect the proportions of milk received at the Boston market from such states. These proportions change from year to year and are now somewhat different from those upon which such factors were determined at the time the pricing formula was adopted. Moreover, the present basic formula index is utilized not only to establish the price of milk for the Boston market but for four other Massachusetts urban areas in which the handling and pricing of milk is regulated by Federal orders. Consideration should be directed toward the use of a regional index which would reflect changes in wage rates paid to hired farm laborers in all of the New England area as satisfactorily as the more complex index now prescribed by the order.

It is recommended further that consideration be directed at the hearing to establishing the Class I prices in the Fall River, Springfield, Worcester, and Lowell-Lawrence orders by specifying the amount of the present difference between Class I prices for milk delivered to city plants under such orders and the Boston 201–210 mile zone price. The current public hearing record indicates the importance of establishing prices related directly to the Boston price. It appears logical therefore to specify the prices for these Massachusetts markets in terms of the differential over the Boston 201–210 mile zone Class I price. Direct evidence with respect to a proposal to draft the provisions of the Lowell-Lawrence, Fall River, Springfield, and Worcester orders by direct reference to the Boston price is requested at the May hearing.

5. *Boston pool plant requirements.* The pool plant requirements under the Boston order should be revised to deny the privilege of pooling to a plant or to a dairy farmer during the months of April, May, and June, if the plant or dairy farmer was not continuously supplying the market during the previous period of July through March.

The pool plant requirements under the Boston order are intended to extend, only to those plants and dairy farmers which have been continuously supplying the Boston market, the privilege of pooling during April, May, and June when milk production is the heaviest and plants derive the greatest advantages from pooling the surplus burden. Certain handlers have taken advantage of the present pool plant requirements by removing plants temporarily from the pool in the month of July when it is possible to market the milk from that plant in Class I uses primarily. Other handlers have found it expedient to transfer producers temporarily, under the three-day tolerance, to another plant when such milk can be diverted for Class I use. In both instances, the producers are transferred with a resultant loss of Class I sales to the pool. Market-wide pooling should require pooling of all Class I sales of plants carried in the pool during the surplus milk production season. The Boston order should be amended to require continuous participation in the pool from July through March in order to participate in the pool in April, May, and June. This amendment should be made effective on July 1, 1952 in such a way that plants which may not be pooled in April, May, and June can acquire pool status in July this year.

General findings. (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and in the orders, now in effect, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to

the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreements and orders. The following amendments to the respective orders are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as amended, and as proposed here to be further amended.

Boston:

1. Amend § 904.2 (d) by deleting the present language and substituting therefor the following:

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during April, May, or June from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler received nonpool milk during any of the preceding months of July through March except that the term shall not include any person who was a producer-handler during such July–March period.

2. Amend § 904.21 (f) by deleting the present language and substituting therefor the following:

(f) Each of a handler's plants which is a nonpool plant during any of the months of July through March, shall be a nonpool plant in any of the immediately succeeding months of April through June in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during July through March was in the handler's capacity as a producer-handler.

3. Amend § 904.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage;"

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

4. Amend § 904.40 (e) by deleting the present Class I Price Schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–125	3.45	3.01	3.89
126–132	3.67	3.23	4.11
133–139	3.89	3.45	4.33
140–146	4.11	3.67	4.55
147–152	4.33	3.89	4.77
153–159	4.55	4.11	4.99
160–166	4.77	4.33	5.21
167–173	4.99	4.55	5.43
174–180	5.21	4.77	5.65
181–187	5.43	4.99	5.87
188–194	5.65	5.21	6.09
195–201	5.87	5.43	6.31
202–208	6.09	5.65	6.53
209–215	6.31	5.87	6.75
216–222	6.53	6.09	6.97
223–229	6.75	6.31	7.19

If the formula index is more than 229, the prices shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

5. Delete § 904.40 (f) and (g).

Lowell-Lawrence, Fall River, Springfield, Worcester:

6. Amend § 40 (a) and (b) of Order No.'s 34, 47, 96, and 99 by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

7. Delete § 40 (f) and (g) of Order No.'s 34, 47, 96, and 99.

Lowell-Lawrence, Springfield, Worcester:

8. Amend § 40 (e) of Order No.'s 34, 96, and 99 by deleting the present Class I Price Schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–126	3.97	3.53	4.41
126–132	4.19	3.75	4.63
133–139	4.41	3.97	4.85
140–146	4.63	4.19	5.07
147–152	4.85	4.41	5.29
153–159	5.07	4.63	5.51
160–166	5.29	4.85	5.73
167–173	5.51	5.07	5.95
174–180	5.73	5.29	6.17
181–187	5.95	5.51	6.39
188–194	6.17	5.73	6.61
195–201	6.39	5.95	6.83
202–208	6.61	6.17	7.05
209–215	6.83	6.39	7.27
216–222	7.05	6.61	7.49
223–229	7.27	6.83	7.71

If the formula index is more than 229, the prices shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

Fall River:

9. Amend § 40 (e) of Order No. 47 by deleting the present Class I Price Schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–125	4.26	3.82	4.70
126–132	4.48	4.04	4.92
133–139	4.70	4.26	5.14
140–146	4.92	4.48	5.36
147–152	5.14	4.70	5.58
153–159	5.36	4.92	5.80
160–166	5.58	5.14	6.02
167–173	5.80	5.36	6.24
174–180	6.02	5.58	6.46
181–187	6.24	5.80	6.68
188–194	6.46	6.02	6.90
195–201	6.68	6.24	7.12
202–208	6.90	6.46	7.34
209–215	7.12	6.68	7.56
216–222	7.34	6.90	7.78
223–229	7.56	7.12	8.00

If the formula index is more than 229, the prices shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

Issued at Washington, D. C. this 6th day of March 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52–2794; Filed, Nov. 7, 1952; 8:52 a. m.]

[7 CFR Part 935]

[Docket No. AO–86 A9]

MILK IN OMAHA-COUNCIL BLUFFS MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK; PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders, notice is hereby given of a public hearing to be held in the North Court Room, Post Office Building, Omaha, Nebraska, beginning at 10:00 a. m., C. S. T., March 26, 1952, for the purpose of receiving evidence with re-

spect to the economic conditions which relate to the proposed amendments hereinafter set forth or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, for the Omaha-Council Bluffs marketing area, have been proposed as follows:

By The Nebraska-Iowa Non-Stock Cooperative Milk Association, Omaha, Nebraska:

1. Amend § 935.1 (c) to read as follows:

(c) "Nebraska-Iowa Marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the cities of Omaha, Lincoln, Fremont, and York, Nebraska, and Council Bluffs, Iowa; the village of West Lincoln, Nebraska and the territory within the Lincoln Air Base; the territory within Kane, Lake, Garner, and Lewis townships in Pottawattamie County, Iowa; and the territory within East Omaha, Florence, Union, Benson, McHugh, Moorehead, McArdle, Loveland, Ralston, Ashland, May, and Waterloo precincts in Douglas County, Nebraska; and the territory within Gilmore, Highland, and Bellevue townships in Sarpy County, Nebraska.

2. Amend § 935.1 (d) to read as follows:

(d) "Person" means any individual, partnership, corporation, association, or any other business unit. Each recognized division of any such form of organization shall be deemed to be a separate person.

3. Amend § 935.1 (e) to read as follows:

(e) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk in conformity with the Grade A quality requirements of the milk ordinance of any of the municipalities in the marketing area which is received at a plant where milk is processed and packaged and from which skim milk and butterfat are disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area. This definition shall include any person who produces milk which a cooperative association causes to be diverted from a plant of a handler to the plant of a non-handler for the account of such cooperative association.

4. Amend § 935.1 (k) by deleting the words "or emergency milk."

5. Delete § 935.1 (l).

6. Delete § 935.1 (p).

7. Amend § 935.2 (b) by adding thereto the following:

(3) To make rules and regulations to effectuate the provisions hereof.

8. Amend § 935.3 (a) (1) (i) to read as follows:

(i) The respective quantities of skim milk and butterfat contained in producer milk and other source milk (except products disposed of in the form in which received without further processing or packaging in the plant of the handler) received during the delivery period;

9. Amend § 935.3 (c) by deleting the following: "except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949" and "or before October 1, 1949, whichever is applicable."

10. Amend § 935.4 (b) to read as follows:

(b) Subject to the conditions set forth in paragraphs (c), (d), and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat (i) disposed of in the form of milk, skim milk, butterfat, yogurt, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts) and eggnog, (ii) used in the production of concentrated milk, not sterilized, for consumption in fluid form, and (iii) not specifically accounted for as Class II and Class III milk.

(2) Class II milk shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, ice cream, mixes for ice cream and frozen desserts, aerated products containing milk or cream or a combination thereof (such as "Reddi-Whip," "Instant Whip," etc.) and cottage cheese, and any milk product other than those specified in subparagraphs (1) and (3) of this paragraph.

(3) Class III milk shall be all skim milk and butterfat used to produce butter, American type cheddar cheese, casein and nonfat dry milk solids, or specifically disposed of as animal feed, and actual plant shrinkage up to 2 percent of the total receipts of milk from producers, except milk received from other handlers which are not cooperative associations, and in shrinkage of other source milk.

11. Add a new section as follows:

Shrinkage. The market administrator shall allocate shrinkage over a handler's receipts as follows:

(1) Compute the total shrinkage of skim milk and butterfat for each handler.

(2) Prorate the resulting amounts between the receipts of skim milk and butterfat received from producers and from other sources.

12. Amend § 935.4 (c) to read as follows:

(c) (1) Skim milk and butterfat, when transferred or diverted by a handler which is not a cooperative association to another handler who receives milk from producers or associations of producers, shall be Class I if transferred in the form of milk, skim milk or cream: *Provided,* That if the selling handler, on or before the 5th day after the end of the delivery period during which such transfer is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class, such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the buyer after the subtraction of other source milk pursuant to paragraph (g) (2) of this section.

(2) Skim milk and butterfat when transferred or diverted by a handler which is not a cooperative association to a producer-handler shall be Class I if transferred in the form of milk, skim milk or cream.

(3) Skim milk and butterfat which is caused to be delivered from producers to the plant of a handler by a cooperative association which is a handler for the account of such cooperative association shall be ratably apportioned over the receiving handler's total utilization of producer milk.

(4) Skim milk and butterfat when transferred or diverted by a handler, including a cooperative association which is a handler, to the plant of a non-handler less than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream: *Provided,* That if the selling handler, on or before the 5th day after the end of the delivery period during which such transfer was made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class and that such utilization may be audited by the market administrator at the receiving plant such skim milk and butterfat may be classified accordingly: *Provided further,* That if upon audit of the buyer's records it is found that the use of skim milk and butterfat in the buyer's plant in the indicated disposition is less than the amount certified to have been so used, any remaining amount shall be classified in the next available higher use classification.

(5) Skim milk and butterfat when transferred or diverted from the plant of a handler to the plant of a non-handler located more than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream.

(6) Skim milk and butterfat received by a handler as other source milk shall be classified in the lowest class in which the handler has use.

(7) Skim milk and butterfat of a handler's own production shall be ratably apportioned over such handler's total utilization of producer milk.

13. Delete § 935.4 (e) and substitute the following:

(e) For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

14. Delete § 935.4 (f).

15. Delete § 935.4 (g) and substitute the following:

(g) After computing pursuant to paragraph (e) of this section the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(1) Skim milk shall be allocated in the following manner:

(i) Subtract from the total pounds of skim milk in Class III the pounds of skim milk allocated to shrinkage of producer milk;

(ii) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest price class in which the handler has use, the pounds of skim milk contained in other source milk;

(iii) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to this section;

(iv) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subdivision (i) of this subparagraph; and

(v) Subtract pro rata from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat of the handler's own production.

(vi) Subtract pro rata from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from a cooperative association which is a handler.

(vii) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use. Any amount so subtracted shall be called "overage."

(2) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in subparagraph (1) of this paragraph.

16. Amend § 935.5 (a) as follows:

a. The introductory text is amended to read as follows:

(a) The basic price to be used in computing minimum class prices per hundredweight for each delivery period shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

b. Delete from subparagraph (1) of this section the words "Dean Milk Co. ------ Pearl City, Ill."

c. Change "Class III" to "Class II" in subparagraph (2).

17. Delete § 935.5 (b) and substitute the following:

(b) Each handler shall pay at the time and in the manner set forth in § 935.7 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(1) *Class I.* The price per hundredweight for Class I milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus $1.50.

(i) The price per hundredweight of butterfat in Class I milk shall be computed by adding $30.00 to the price computed pursuant to (2) (i) of this paragraph for the preceding delivery period.

(ii) The price per hundredweight of skim milk in Class I milk shall be computed by (*a*) multiplying by 0.038 the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph for Class I milk containing 3.8 percent butterfat, (c) dividing the result by 0.962, and (*d*) adjusting to the nearest cent.

(2) *Class II.* The price per hundredweight of Class II milk containing 3.8 percent butterfat shall be that computed by multiplying by 3.8 the price computed pursuant to subdivision (i) (c) of this subparagraph and adding thereto the amount computed pursuant to subdivision (ii) (*a*) of this subparagraph.

(i) The price per hundredweight of butterfat in Class II milk shall be computed by (*a*) multiplying by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture during the delivery period in which such milk was received, (*b*) subtracting 5 cents, (c) adjusting to the nearest cent, and (*d*) multiplying the result by 100.

(ii) The price per hundredweight of skim milk in Class II milk shall be computed by (*a*) adding to 21 cents, 3 cents for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 7 cents per pound, (*b*) dividing the resulting sum by 0.962, and (c) adjusting to the nearest cent. The price per pound of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such average the quotations for any part of the preceding delivery period which were not published and available for the determination of the prices of such nonfat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids for human consumption f. o. b. manufacturing plants as reported by the Department of Agriculture for the Chicago area shall be used, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(3) *Class III.* The price per hundredweight of Class III milk containing 3.8 percent butterfat shall be the Class II price, less 15 cents.

(i) The price per hundredweight of butterfat in Class III milk shall be the price of Class II butterfat less $3.00.

(ii) The price per hundredweight of skim milk in class III shall be computed by (*a*) multiplying by 0.038 the price computed pursuant to subdivision (i) of this paragraph, (*b*) subtracting the result from the price computed pursuant to this paragraph for 3.8 percent milk, (*c*) dividing the result by 0.962 and (*d*) adjusting to the nearest cent.

18. Amend § 935.5 by adding thereto the following:

(d) *Location adjustment credit to handlers.* A handler shall be entitled to a location adjustment credit of 10 cents per hundredweight on that portion of the milk received directly from producers at a plant or receiving station in York or Stromsburg, Nebraska, which is moved in the form of fluid milk or cream to a plant of a handler in the Lincoln or Omaha sections of the marketing area; and a credit of 5 cents per hundredweight on that portion of the milk received directly from producers at a plant in Waterloo precinct which is moved in the form of fluid milk or cream to the handler's plant in Omaha.

19. Delete § 935.6 (a) and substitute the following:

(a) The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class computed pursuant to § 935.4 (g) by the applicable class prices, and adjusting the result as follows:

(1) If a handler has overage of either skim milk or butterfat, the market administrator shall add an amount computed by multiplying the pounds of overage by the applicable class prices.

(2) If any skim milk or butterfat in other source milk has been allocated to Class I pursuant to § 935.4 (g) the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and the Class III price unless the handler can prove to the satisfaction of the market administrator that such other source milk or butterfat was used only to the extent that producer milk was not available.

(3) Subtract all location adjustment credits computed pursuant to § 935.5 (d).

20. Amend § 935.6 (b) as follows:

a. Change subparagraph (3) to subparagraph (2).

b. Add the following new subparagraphs (3) and (4).

(3) Subtract during each of the delivery periods of April, May, and June an amount equal to 8 percent of the resulting sum;

(4) Add during each of the delivery periods of September, October, and November one-third of the total amount subtracted pursuant to subparagraph (3) of this paragraph.

Change subparagraph (2) to subparagraph (5) and renumber remaining subparagraphs consecutively.

21. Amend § 935.7 (b) (1) and (2) to read as follows:

(1) *Payments to the Producer Settlement Fund.* On or before the 8th day after the end of each delivery period each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value computed for him pursuant to § 935.6 (a) for such de-

livery period is greater than the sum required to be paid by such handler pursuant to § 935.6 (b), which amount shall be subject to adjustments made pursuant to § 935.7 (a) (3).

(2) *Payments out of the Producer Settlement Fund.* On or before the 10th day after the end of each delivery period, the market administrator shall pay to each handler, including a cooperative association which is a handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 935.6 (b) is greater than the total value computed for him pursuant to § 935.6 (a), which amount shall be subject to adjustments made pursuant to § 935.7 (a) (3).

22. Amend § 935.8 (a) to read as follows:

(a) As his pro rata share of the expense of administration hereof each handler, except a producer-handler, on or before the 10th day after the end of the delivery period shall pay to the market administrator, with respect to all milk received from producers, and all other source milk, an amount per hundredweight, not to exceed 2 cents per hundredweight, which is announced by the market administrator on or before the 8th day after the end of the delivery period, subject to review by the Secretary. As its pro rata share of the expense of administration hereof, a cooperative association which is a handler, shall pay to the market administrator on or before the 10th day after the end of the delivery period, with respect to the milk of any producer which it causes to be delivered to the plant of a non-handler, an amount per hundredweight equivalent to that required to be paid by other handlers pursuant to this paragraph.

By The Beatrice Foods Company, Chicago, Illinois:

23. Amend that portion of § 935.4 (g) immediately preceding subparagraph (1) to read as follows:

(g) *Computation of the classification of skim milk and butterfat in producer milk for each handler.* For each delivery period the market administrator shall compute for each handler the respective amounts of skim milk and butterfat of producer milk in each class by making the following computations in the order specified after subtracting all ungraded other source milk and milk received from other Federal order markets from the class in which used:

24. Add a new section as follows:

Handlers subject to other Federal orders. In the case of any handler whom the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another order or marketing agreement issued pursuant to the act than is disposed of in the Omaha-Council Bluffs marketing area as Class I milk, the provision of this order shall not apply except as follows: The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

25. In the event that it is determined by the Secretary that an order should be issued to regulate the handling of milk in the Lincoln, Nebraska, area as proposed by the Nebraska-Iowa Non-Stock Cooperative Milk Association or as such proposal may be amended, we propose that a separate order for this area be issued by the Secretary.

By Roberts Dairy Company, Omaha, Nebraska:

26. That no change be made in the definition for "Nebraska-Iowa marketing area."

27. That if Lincoln, Nebraska and its environs are to be covered by Federal order covering the regulation of the handling of milk, that such marketing area be handled by separate marketing order and not included under Order No. 35.

28. That if Lincoln is to be included under Federal Order No. 35, that the area definition be expanded to include the territory joining the corporate limits of the city of Lincoln and similarly if the city of Fremont is to be included in Order No. 35.

29. That if the Lincoln, Nebraska territory is to be included in the marketing area under Federal Order No. 35, that separate provisions for reporting and accounting for Class C milk be incorporated in the order wherever appropriate and necessary to arriving at the accounting and pricing of Grade A milk under the order. These provisions should provide for Class I milk, as defined under the present order, Grade A; Class I milk, as defined under the present order, Grade C; Class II milk, as defined under the present order, Grade A; Class II milk, as defined under the present order, Grade C; and Class III milk, as defined under the present order.

30. That the price for Class III milk be 20 cents less than the price set forth in the present order.

31. That the premium to be added to the basic price for Class I milk be 75 cents for the months of April, May, June, and July, and $1.15 for the remaining months of the year.

32. That the definition of Grade A milk contained in the present order be retained and an explanation added that, where used in the order the words "milk", "butterfat", and "skim" do not include other grade milk than Grade A except where specifically stated.

33. That the adjustment credit to handlers, as in proposal 18 in the Association's proposal, be applicable to all milk received at a handler's plant located more than 50 miles from the marketing area and moved in the form of fluid milk or cream of any grade to a marketing area.

34. That producer's proposal 23 should be changed to require handlers to pay to the Market Administrator at an amount per hundredweight not to exceed 2 cents per hundredweight on all milk sold as Grade A, Class I, and that the producers share the expense of Administration by payment to the Market Administrator of an amount equal to the dollar amount of the aggregate payments by the handlers.

35. That the alternative price formula based on condensary prices be eliminated.

36. That skim milk and butterfat transferred in bottle or package form from the plant of a handler to the plant of a non-handler at Grand Island, Nebraska, shall be Class I provided that if the selling handler, on or before the fifth day at the end of the delivery period during which said transfer was made, furnishes to the Market Administrator a statement signed by it, setting forth the pounds of Grade A skim milk and butterfat received at the handler's plant from the plant of the non-handler in Grand Island, Nebraska, such amount shall be excluded from Grade A milk and pricing under this order: *Provided however,* That if upon audit of the handler's or non-handler's records, it is found that the non-handlers at Grand Island, Nebraska, supplied the handlers less than the amount of Grade A certified, such difference shall be classified as Class I, Grade A milk.

Copies of this notice of hearing may be procured from Wayne McPherren, Market Administrator, 302 Aquila Court, Omaha 2, Nebraska, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 5, 1952, Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52–2768; Filed, Mar. 7, 1952; 8:51 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 201]

GENERAL REGULATIONS

NOTICE OF PROPOSED RULE MAKING

A general revision of the regulations in this part has been undertaken for the purpose of more logical presentation and to spell out in more specific manner the responsibility of primary and secondary contractors for compliance with the requirements of the Public Contracts Act.

Notice is hereby given that the Secretary of Labor proposes to revise the regulations in this part as set forth below. Prior to issuance of the revised regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Secretary of Labor, Washington 25, D. C., within 30 days from publication of this notice in the FEDERAL REGISTER.

This revision will not in any way affect the temporary exemptions applicable to Defense Production Pools (16 F. R. 5847) and contracts for procurement of certain classes of canned fruits and vegetables (17 F. R. 76).

Sec.

201.1 Definitions.
201.2 Insertion of stipulations.
201.3 Determination of qualifications.
201.4 Administrative exceptions and exemptions.

Sec.
201.5 Responsibility for breaches and violations of contract stipulations.
201.6 Integrated enterprise.
201.7 Employees affected.
201.8 Overtime.
201.9 Protection against unintentional employment of underage minors.
201.10 Records of employment.
201.11 Tolerance for handicapped workers.
201.12 Reports of contracts awarded.
201.13 Additional labor standards.
201.14 Effective date.

§ 201.1 *Definitions.* (a) "Person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(b) "Basic hourly rate" means an hourly rate equivalent to the rate upon which time-and-one-half overtime compensation may be computed and paid under section 7 of the Fair Labor Standards Act of 1938, as amended. The basic hourly rate may, in no case, be less than the applicable minimum wage.

(c) "Manufacturer" means a person who owns, operates or maintains a factory or establishment at which are manufactured, processed, assembled or otherwise produced the materials, supplies, articles, or equipment of the general character required under the contract.

(d) "Regular dealer" means a person who owns, operates or maintains a store, warehouse or other place of business in which materials, supplies, articles or equipment of the general character required under the contract are bought, kept in stock, and sold to the public in the usual course of business; except that, the requirements that the materials, supplies, articles or equipment of the general character required under the contract must be kept in stock shall not apply in the case of:

(1) A wholesale dealer in lumber and timber products, at least 50 percent of whose business is the purchase on his own account of lumber and timber products, and sale of such commodities to the public in the usual course of business;

(2) A dealer in coal who deals on his own account in lots of not less than a cargo or railroad carload;

(3) A dealer in machine tools, who, through contract or agreement with a manufacturer, has responsibility for selling that manufacturer's products with respect to a specific territory, and who is authorized by such manufacturer to offer its products and to negotiate and conclude contracts for the furnishing thereof;

(4) A dealer in hay, grain, feed or straw whose principal business is the purchase on his own account of commodities of the general character of hay, grain, feed or straw and sale of such commodities to the public in the usual course of business;

(5) A dealer in raw cotton whose principal business is purchase on his own account of commodities of the general character of raw cotton and sale of such commodities to the public in the usual course of business;

(6) A dealer in green coffee whose principal business is purchase on his own account of commodities of the general character of green coffee and sale of such commodities to the public in the usual course of business.

(e) "Day" means that period of time commencing at the beginning of the workweek if the employee is then at work, or if not then at work, then commencing when the employee first commences work, and terminating 24 hours thereafter; the next and each succeeding "day" is a 24-hour period beginning at the expiration of 24 hours from the commencement of the previous "day" if the employee is then at work and continues working, or if the employee is not then at work, when the employee next begins to work. The end of the workweek, however, will terminate the last "day" of the week for overtime purposes, even though the 24-hour period may not have expired.

(f) "Week" means a fixed and regularly recurring period of 168 hours—even consecutive 24-hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. For purposes of computing pay due under the act, the workweek may be established for the plant as a whole or different workweeks may be established for different employees or groups of employees within the plant. Once the beginning time of an employee's workweek is established, it remains fixed regardless of the schedule of hours worked by him. The beginning of the workweek may be changed if the change is intended to be permanent and is not designed to circumvent the overtime requirements of the act.

§ 201.2 *Insertion of stipulations.* In every contract made and entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation, all of the stock of which is beneficially owned by the United States, for the manufacture or furnishing of materials, supplies, articles, or equipment, or for construction, alteration, furnishing or equipping of naval vessels, in an amount which exceeds, or in an indefinite amount having the capacity to exceed, $10,000, and which is not exempt under section 9 of the act or has not been exempted pursuant to section 6 of the act, there shall be included the following representations and stipulations:

(a) *Qualification of contractor.* The contractor is the manufacturer of or a regular dealer in the materials, supplies, articles or equipment to be manufactured or used in the performance of the contract.

(1) The Secretary of Labor under authority conferred upon him under section 6 of the Public Contracts Act has relaxed the obligation of the contractor to manufacture or furnish the contract commodities himself, provided the following conditions are met: (i) the contractor is a qualified manufacturer or regular dealer, as these terms are defined in the Public Contracts Act Regulations; (ii) the contractor notifies all secondary contractors that the materials and articles contracted for or the operations to be performed are in fulfillment of a Government contract subject to the act and the stipulations required thereunder.

(2) It is expressly agreed and understood that where the contractor, pursuant to such relaxation, enters into any arrangement with a secondary contractor for manufacture or supply of the contract commodities, or materials or parts to be used in the performance of the contract, the contractor is charged with the duty of obtaining compliance by the secondary contractor with the requirements of these stipulations to the same extent as if he performed the work himself and he shall be liable for any failure by the secondary contractor to observe the requirements of such stipulations; except that this undertaking by the contractor is not applicable where the secondary contractor is an "auxiliary supplier" within the meaning of § 201.5 (c) of the Public Contracts Act Regulations (41 CFR 201.5 (c)).

(b) *Minimum wage.* All persons employed by the contractor (or by a secondary contractor as permitted under stipulation (a) hereof) in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wage for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under the contract: *Provided,* That deductions or rebates are permitted to the extent authorized under the Fair Labor Standards Act of 1938, as amended.

(c) *Overtime.* No person employed by the contractor (or by a secondary contractor as permitted under stipulation (a) hereof) in the manufacture or furnishing of the materials, supplies, articles or equipment used in the performance of the contract shall be permitted to work in excess of 8 hours in any one day or in excess of 40 hours in any one workweek unless such person is paid for any hours in excess of such limits at a rate of not less than one and one-half times the basic hourly rate received by such employee.

(d) *Child labor and convict labor.* No male person under 16 years of age and no female person under 18 years of age and no convict labor will be employed by the contractor (or by a secondary contractor as permitted under stipulation (a) hereof) in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in the contract.

(e) *Safety and health.* No part of the contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in or furnished from any plants, factories, buildings, or surroundings or under working conditions which are insanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract. Compliance with the safety, sanitary and factory inspection laws of the State in which the work or part thereof is performed shall be prima facie evidence of compliance with this stipulation.

(f) *Homework.* No part of the contract will be performed nor will any of the materials, supplies, articles or equipment to be manufactured or furnished under said contract be manufactured, fabricated, processed or assembled in or about a home, apartment, tenement or room in a residential establishment; except that handicapped clients of a sheltered workshop may be employed in accordance with regulations adopted pursuant to the Fair Labor Standards Act of 1938, as amended (29 CFR Part 525).

(g) *Eligibility.* No part of the contract will be performed and none of the materials, articles, supplies or equipment manufactured or furnished under the contract will be manufactured or furnished by any person who is ineligible to be awarded Government contracts pursuant to section 3 of the act or by any firm, corporation, partnership,

or association in which such person or firm has a controlling interest.

(h) *Records and posting.* As required under the Public Contracts Act Regulations (41 CFR 201.10) employment records shall be made, kept, and preserved and be made available for inspection by authorized representatives of the Secretary of Labor, and the official Public Contracts poster shall be posted in a prominent and readily accessible place at the site or sites of the contract work.

(i) *Damages and sanctions.* In addition to damages for any other breach of the contract, and other sanctions provided in sections 2 and 3 of the act, any breach or violation of any of the foregoing representations and stipulations shall render the party responsible therefor liable to the United States of America for liquidated damages in the sum of $10 per day for each male person under 16 years of age or each female person under 18 years of age, or each convict laborer knowingly employed in the performance of the contract, and a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of the contract.

§ 201.3 *Determination of Qualifications.* Every bid received from a bidder who does not meet the qualifications of a manufacturer or a regular dealer, as those terms are defined in § 201.1 (c) and (d), shall be rejected by the contracting officer. The determination of the contracting officer as to qualification of a bidder shall be subject to review by the Administrator of the Public Contracts Division at the instance of the Administrator, the contracting officer or the bidder.

§ 201.4 *Administrative exceptions and exemptions.* In addition to the statutory exemptions specified in section 9 of the act, the following classes of contracts are excepted or exempted from the application of § 201.2, pursuant to section 6 of the act:

(a) Contracts for public utility services including electric light and power, water, steam, and gas;

(b) Contracts for materials, supplies, articles or equipment no part of which will be manufactured or furnished within the geographic limits of the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, or the District of Columbia: *Provided,* That the representations and stipulations required by the act and these regulations in any contract for materials, supplies, articles, or equipment to be manufactured or furnished in part within and in part outside such geographic limits shall not be applicable to any work performed under the contract outside such geographic limits;

(c) Contracts awarded to sales agents or publisher representatives, for the delivery of newspapers, magazines or periodicals by the publishers thereof;

(d) Contracts for the production of training films.

§ 201.5 *Responsibility for breaches and violations of contract stipulations.* (a) Any person, corporate or individual, including but without limitation officers and agents of contract signatories, having actual or constructive knowledge that the Walsh-Healey Public Contracts Act stipulations are applicable, who causes or permits or fails to exercise his authority to prevent the employment of any person in violation or breach of such stipulations, shall be deemed to be a party responsible for such violations and breaches and shall be liable in liquidated damages and subject to the sanctions provided in the act.

(b) In all cases where a secondary contractor (1) produces or delivers all or some of the commodities called for by the contract or performs any operations on such commodities, or (2) supplies materials or parts to be used in the manufacture of the commodities called for by the Government contract, and such secondary contractor has actual or constructive knowledge that such commodities are to be used in the performance of a Government contract subject to the act, he shall be bound to observe the labor standards required by the contract and the act, and shall be liable for all acts or omissions on his part which result in the nonobservance of such labor standards, unless such secondary contractor is an auxiliary supplier as defined in paragraph (c) of this section.

(c) If it is the regular practice in the industry engaged in the manufacture of the commodities of the type called for by the Government contract for members of such industry to purchase certain materials or parts to be used in the production of such commodities rather than to manufacture them, or to have certain operations on the commodities performed by others, the vendor of such materials or parts, or the person performing such operations shall be deemed to be a subcontractor who is an auxiliary supplier and the work performed by him shall not be deemed to be within the coverage of the act.

(d) For the purposes of this section, the Administrator of the Public Contracts Division shall, as necessary, investigate the practices prevailing in the various industries with respect to specific commodities and shall issue determinations as to regular practices, which, when made, shall be conclusive.

(1) In making determinations of regular practice the Administrator shall give due regard to that practice which is followed in the production of 50 percent or more by volume and dollar value of total industry production of the same or similar commodities, and, where most of such production is concentrated in relatively few large producers, to the practice followed by the majority of producers of such commodities.

(2) Any employer who contemplates the performance of work subject to the act and the regulations in this part may submit to the Administrator by registered mail an inquiry, setting forth the contract or contract bid number, the commodity called for by the contract, the work to be performed by the secondary manufacturer or supplier, and his understanding of what the regular practice is in the industry with respect to the specific commodity involved. Within 15 days from the receipt of such inquiry, the Administrator shall notify the inquirer of any applicable determination which has been made as to the regular practice in the industry. If the Administrator has made no applicable determination, he shall endeavor to make one. If, however, he is unable to do so within 15 days from receipt of the inquiry he shall so advise the inquirer, and may authorize him to proceed, with reference to the specific contract or contracts, on the assumption that the inquirer's understanding as to regular practice is correct.

§ 201.6 *Integrated enterprise.* When a contractor to whom a contract subject to the act is awarded operates an integrated establishment or business enterprise which manufactures or produces materials or parts that are incorporated into or otherwise used in the manufacture or supply of the materials, supplies, articles, or equipment called for by the contract, the act is applicable to those of his employees engaged in the manufacture or production of the materials or parts to be so incorporated into or used in the manufacture, processing or furnishing of the ultimate product to be delivered to the Government, as well as to the employees engaged in the manufacture or processing of that ultimate product.

§ 201.7 *Employees affected.* The stipulations which the regulations contained in this part require to be inserted in all contracts subject to the act shall be deemed applicable to all employees (except employees of an auxiliary supplier, as defined in § 201.5 (c)) engaged in or connected with the manufacture or furnishing, including processing, fabricating, assembling, handling, or shipping, of the materials, supplies, articles, or equipment required under the contract, or to be incorporated into or otherwise used in the manufacture or furnishing of the commodities required under the contract. The stipulations shall not be deemed applicable to employees performing only office or custodial work, nor to any employee employed in a bona fide executive, administrative, or professional capacity, as those terms are defined and delimited for the purposes of section 13 (a) (1) of the Fair Labor Standards Act as amended (29 CFR Part 541).

§ 201.8 *Overtime.* (a) Employees engaged in the performance of a contract subject to the act and the regulations may be employed in excess of 8 hours in any one day, and in excess of 40 hours in any one week, provided, such employees shall be paid overtime compensation for the hours in excess of 8 in a day or 40 in a week (whichever excess is greater) at a rate of not less than one and one-half times the basic hourly rate at which the employee is employed.

(b) Whenever an employee works on a Government contract subject to the act for any part of a day in a given workweek (after his employer has commenced and before the employer has completed work on the contract), he shall be paid not less than one and one-half times his basic rate of pay for all hours worked in excess of 8 on any day or days in such workweek or in excess of 40 in that week, whichever is greater.

(c) The overtime pay requirements of this section shall be deemed to be complied with in the case of any employee employed pursuant to the provisions of paragraphs 1 or 2 of subsection (b) of section 7 of the Fair Labor Standards Act of 1938, as amended.

§ 201.9 *Protection against unintentional employment of underage minors.* An employer shall not be deemed to have knowingly employed an underage minor in the performance of any contract subject to the act if, during the period of the employment of such minor, the employer has on file an unexpired certificate of age issued and held pursuant to regulations issued by the Secretary of Labor under section 3 (l) of the Fair Labor Standards Act of 1938, as amended (29 CFR Part 401), showing that such minor is at least 16 years of age, if a male, or at least 18 years of age, if a female.

§ 201.10 *Records of employment.* (a) Every employer subject to the provisions of the act and regulations shall maintain, preserve and make available for inspection and transcription by authorized representatives of the Secretary of Labor, the following records:

(1) Date upon which work under each Government contract was begun and the date work under such contract was completed in his establishment.

(2) Names, address, sex, and occupation of each of his employees covered by the contract stipulation.

(3) Date of birth of each of his employees under 19 years of age; and if the employer has obtained a certificate of age, as provided in § 201.9, there shall also be recorded the title and address of the office issuing such certificate, the number of the certificate, if any, the date of its issuance, and the name and address and date of birth of the minor, as the same appears on the certificate of age. This requirement will be satisfied by keeping the age certificate itself, but if the age certificate is returned to the issuing office or to the employee, then a record of the information must be made.

(4) Wage and hour records for each of his employees covered by the contract stipulations, which records shall contain the following information:

(i) The day and hour on which the workweek begins.

(ii) The hours worked each day and each week.

(iii) The rates of wages and the amount paid each pay period, including all addition to or deductions from wages for that period.

(iv) The basic hourly rate upon which overtime compensation is computed and paid.

(v) The period or periods during which each such employee was engaged in the performance of a contract subject to the act and regulations, with the number of such contract.

(5) Injury frequency rates calculated quarterly on a calendar basis commencing on the first day of January of each year. The injury frequency rate shall be the number of disabling injuries to all employees per 1,000,000 man-hours of exposure, obtained by multiplying the total number of disabling injuries by 1,000,000 and dividing that sum by the total man-hours of exposure. For the purpose of this subparagraph;

(i) "Disabling injury" is one which causes disability to any employee extending beyond the day or shift during which the injury occurred,

(ii) "Total man-hours of exposure" shall be the total man-hours actually worked by all employees during the quarter,

(iii) "Employee" shall mean all employees in any department of the factory or establishment, including protection, maintenance, transportation, clerical, office and sales, regardless of whether such employees are engaged in the performance of a contract subject to this act.

(b) Where the records required by paragraph (a) (4) (v) of this section are not maintained, preserved and made available for inspection it shall be presumed until affirmative proof is presented to the contrary, that all employees in any plant where the contract or any part thereof is performed were engaged in the performance of such Government contract and in work subject to the stipulations required by the act and regulations from the date of award of any such contract until the date of final delivery of the materials, supplies, articles or equipment, specified therein.

(c) The records required to be maintained by this section shall be kept on file for at least 3 years from the time of completion of the contract.

§ 201.11 *Tolerance for handicapped workers.* (a) Workers whose earning capacity is impaired by age or physical or mental deficiency or injury may be employed either by commercial establishments or as handicapped clients of sheltered workshops at wages lower than the prevailing minimum wages applicable under section 1 (b) of the Public Contracts Act upon the same terms and conditions as are prescribed for the employment of handicapped persons and of handicapped clients of sheltered workshops under section 14 of the Fair Labor Standards Act of 1938, as amended, and by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor issued thereunder (29 CFR Parts 524, 525).

(b) Any certificate issued pursuant to such regulations, authorizing the employment of a handicapped worker under the Fair Labor Standards Act shall constitute authorization for the employment of that worker under the Public Contracts Act in accordance with the terms of the certificate.

(c) The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

§ 201.12 *Reports of contracts awarded.* Whenever a contract is awarded which is required to contain the representations and stipulations set forth in § 201.2, the contracting officer shall furnish the Public Contracts Division, on a form provided for this purpose, the information called for by such form.

§ 201.13 *Additional labor standards.* Nothing in the regulations contained in this part shall be construed as impairing the authority of any contracting agency to require a contractor to observe labor standards in addition to those required by the act; nor as impairing the authority of such contracting agency to prescribe labor standards in contracts not subject to the act.

§ 201.14 *Effective date.* The regulations contained in this part shall become effective July 1, 1952 and shall apply to all contracts awarded as a result of invitations issued or negotiations commenced on or after that date. All regulations, and amendments thereof, promulgated prior to the effective date hereof are hereby revoked: *Provided, however,* That such regulations shall remain effective and be applicable to all contracts awarded as a result of invitations issued or negotiations commenced prior to July 1, 1952.

Dated at Washington, D. C., this 29th day of February 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-2721; Filed, Mar. 7, 1952; 8:48 a. m.]

Wage and Hour Division

[29 CFR Part 523]

SUBMINIMUM WAGE RATES FOR MESSENGERS IN CABLE AND RADIOTELEPHONE DIVISION OF THE COMMUNICATIONS, UTILITIES AND MISCELLANEOUS TRANSPORTATION INDUSTRIES IN PUERTO RICO

NOTICE OF HEARING

All America Cables and Radio, Incorporated and RCA Communications, Inc., have made application for permission to employ messengers engaged primarily in delivering letters and messages, at a wage of 60 cents an hour, which wage is lower than the minimum wage for the Cable and Radiotelephone Division of the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico as provided in the revised wage order for those Industries published in the FEDERAL REGISTER of February 8, 1952 (17 F. R. 1208), to become effective May 5, 1952.

Therefore, pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068 as amended; 29 U. S. C. 214) and the regulations governing employment of messengers (29 CFR Part 523), notice is hereby given of a public hearing to be held in Room 309, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, to commence at 10:00 a. m. on March 18, 1952, before an authorized representative of the Administrator, at which evidence and testimony will be received on the following questions:

(1) Is it necessary, in order to prevent curtailment of opportunities for employment, to provide by regulations or orders for the employment in the Cable and Radiotelephone Division of the Commu-

nications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico of messengers, employed primarily in delivering letters and messages, under special certificates, at wages lower than the minimum wage applicable under the wage order for said industry; and (2) if such necessity is found to exist, under what limitations as to wages, time, number, proportion and length of service may special certificates be issued authorizing the employment of such messengers at subminimum wage rates?

Following the hearing, the presiding officer shall file with the Administrator a complete record of the proceedings together with findings of fact and recommendations thereon.

Any interested person may appear at the hearing to offer evidence provided that such person shall file with James G. Johnson, Territorial Director of the Wage and Hour Division, Post Office Box 9061, Santurce 29, Puerto Rico, not later than March 17, 1952 a notice of intention to appear containing the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. A statement whether the appearance is in support of or in opposition to the application.

Written statements in lieu of personal appearance may be mailed to the Territorial Director of the Wage and Hour Division at the address above indicated at any time prior to the date of the hearing or may be filed with the presiding officer at the hearing.

Signed at Washington, D. C., this 5th day of March 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-2720; Filed, Mar. 7, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52942]

COAL, COKE, AND BRIQUETS IMPORTED FROM CERTAIN COUNTRIES

TAXABLE STATUS

MARCH 4, 1952.

Coal, coke made from coal, and coal or coke briquets imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1952, inclusive, will not be subject to the tax of 10 cents per 100 pounds prescribed in the Internal Revenue Code, section 3423:

Brazil, Canada, France, Germany, Jamaica, Mexico, Netherlands, Peru, United Kingdom.

Certain countries from which there have been on importations of coal or allied fuels since January 1, 1950, are not included in the above list. Further information concerning the taxable status of coal or allied fuels imported during the calendar year 1952 from countries not listed above will be furnished upon application therefor to the Bureau.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-2736; Filed, Mar. 7, 1952; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 60975; 62596]

ARIZONA

RESTORATION ORDER NO. 1307 UNDER THE FEDERAL POWER ACT, RESTORING TO HOMESTEAD ENTRY LANDS WITHIN THE TONTO NATIONAL FOREST RELEASED FROM RECLAMATION WITHDRAWALS

MARCH 4, 1952.

Pursuant to the determination of the Federal Power Commission (DA-106, Arizona), and in accordance with Departmental Order No. 2583 section 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

1. The order of the Commissioner of Reclamation of April 18, 1944, approved by the Assistant Secretary of the Interior on May 22, 1944, as amended effective April 26, 1951, having revoked existing first and second form reclamation withdrawals so far as they affected the following-described public lands within the Tonto National Forest; and the Department of Agriculture having requested the restoration of such lands to homestead settlement and entry, the said lands are hereby opened to homestead settlement and entry in accordance with the provisions of the act of June 11, 1906 (34 Stat. 233; 16 U. S. C. 506-509), as amended, and the regulations thereunder in 43 CFR Part 170, on the dates and in the manner hereinafter provided, subject to valid existing rights and subject also to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

List No.	Applicant	Land
3-4710	Jose S. Chavez	Gila and Salt River Meridian, T. 3 N., R. 7 E., sec. 34, lots 3 and 7; sec. 35, lot 3. The areas described aggregate 102.94 acres.

2. Beginning at 10:00 a. m. on the 63d day after the date of this order, the person named, on whose application the lands were listed, will be accorded a preference right for 60 days within which to file application for the lands under the said act of June 11, 1906.

3. For a period of 91 days beginning at 10:00 a. m. on the 124th day after the date of this order, the lands, if remaining unentered, will be subject to application by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

4. The lands, if remaining unentered at the expiration of the 91-day preference-right period provided in paragraph 3, will, on the following business day, become subject to the filing of applications under the provisions of said act of June 11, 1906, by any qualified person.

5. Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Phoenix, Arizona.

WILLIAM ZIMMERMAN, Jr.,
Acting Director.

[F. R. Doc. 52-2691; Filed, Mar. 7, 1952; 8:45 a. m.]

[2101377]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY

MARCH 4, 1952.

Notice is given that the plat of original survey of the following described lands, accepted January 16, 1950, will be officially filed in the Bureau of Land Management effective at 10:00 a. m. on the 35th day after the date of this notice:

FIFTH PRINCIPAL MERIDIAN, MINNESOTA

T. 148 N., R. 25 W.,
Sec. 13, lot 9 (Island in Big-Too-Much Lake)

The area described is 0.61 acres.

Lot 9, sec. 13, is an island in Big-Too-Much Lake and available information indicates that the land extends to an elevation of about 4 feet above the lake level having a humus topsoil and clay subsoil supporting a mixed stand of timber ranging up to 16 inches in diameter and that approximately one-fourth of the land on the southwest side is swamp.

The above-described land was added to and made a part of the Chippewa National Forest by Proclamation No. 2216 of December 29, 1936.

Anyone having a valid settlement or right to this land initiated prior to the date of the withdrawal of the land should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to this land should be addressed to the Regional Administrator, Region VI, Bureau of Land Management, Washington, D. C.

H. S. PRICE,
Regional Administrator, Region VI.

[F. R. Doc. 52-2694; Filed, Mar. 7, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region II, Delegation of Authority 55]

REGIONAL DIRECTOR, REGION II

DELEGATION OF AUTHORITY TO ACCEPT, DISAPPROVE OR MODIFY CEILING PRICES PURSUANT TO SECTION 3 (C) OF SUPPLEMENTARY REGULATION 13 TO CPR 34

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this delegation of authority is hereby issued.

1. *Authority to act under section 3 (c) of Supplementary Regulation 13 to Ceiling Price Regulation 34.* Authority is hereby delegated to the Director of the Regional Office of Region II to receive filings of OPS Public Form No. 131 and to accept, disapprove or modify ceiling prices in accordance with the provisions of section 3 (c) of Supplementary Regulation 13 to Ceiling Price Regulation 34.

2. *Authority to Redelegate.* The authority herein delegated may be redelegated to the Director of the New York District Office of the Office of Price Stabilization.

This delegation of authority shall take effect on March 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2838; Filed, Mar. 7, 1952; 11:39 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation 7]

SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY TO PURCHASE AND MAKE COMMITMENTS TO PURCHASE KENAF AND SANSEVIERIA

1. Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., and Pub. Laws 69 and 96, 82d Cong.), Executive Orders 10161 of September 9, 1950 (15 F. R. 6105), and 10200 of January 3, 1951 (16 F. R. 61), as amended, and Executive Order 10281 of August 28, 1951 (16 F. R. 8789), there is hereby delegated to the Secretary of Agriculture the function, included in the functions delegated to the Defense Materials Procurement Administrator by section 303 of Executive Order 10161, as amended, to purchase and make commitments to purchase kenaf and sansevieria.

2. The function delegated hereby shall be carried out in accordance with programs certified under section 307 of Executive Order 10161, as amended, and also in accordance with such policies as may be established and such directives as may be issued by the Defense Materials Procurement Administrator.

3. The Secretary of Agriculture shall furnish to the Defense Materials Procurement Administrator, at such times as he may request, reports of the action taken on and the status of all matters for which the Secretary of Agriculture is responsible under this delegation.

4. To the extent that the "Delegation of Authority to Certain Officers and Agencies under Defense Production Act of 1950, as amended," issued by the Defense Materials Procurement Administrator on September 14, 1951 (16 F. R. 9446), delegates the functions set forth in section 303 of Executive Order 10161, as amended, to purchase and make commitments to purchase agricultural commodities other than food, such delegation is hereby superseded.

5. The function herein delegated may be redelegated with or without authority for further redelegation.

This delegation shall take effect March 1, 1952.

Dated: March 4, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-2789; Filed, Mar. 7, 1952; 11:12 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

MARCH DOMESTIC AND EXPORT PRICE LIST

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

MARCH DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Dried whole eggs, 1950 pack (packed in barrels and drums) in carload lots only, 1,000,000 pounds.	$1.03 per pound "in store" at location of stock in Illinois, Indiana, Iowa, Michigan, Ohio, Oklahoma, Kansas, Wisconsin, Missouri, Nebraska, and Minnesota ("in store" means in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer.)
Nonfat dry milk solids, 1951 production, in carload lots only, 20,000,000 pounds.	Spray process—sales price will be announced following announcement of 1952 support prices.
Linseed oil, raw, 200,000,000 pounds.	Market price on date of sale. (See note on Ceiling Price Certification on the last page of this price list.)
Cottonseed oil, refined, bulk, 30,000,000 pounds.	Market price or 17¾ cents per pound, whichever is higher, f.o.b. tank cars at points of storage location.
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, the price listed will apply.
	For other grades of all beans, adjust by market differentials.
	Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable.
Pinto, bagged, 780,000 hundredweight.	No. 1 grade, 1949 crop: $7.99 per 100 pounds, basis f. o. b. Denver rate area; $7.59 per 100 pounds, basis f. o. b. Idaho area.
Pea, bagged, 295,000 hundredweight.	No. 1 grade 1948,[1] 1949,[1] and 1950 crops: $8.68 per 100 pounds, basis f. o. b. Michigan area.
Red Kidney, bagged 358,000 hundredweight.[1]	No. 1 grade 1948 [1] and 1949 [1] crops: $10.12 per 100 pounds, basis f. o. b. New York area.
Great Northern, bagged, 785,000 hundredweight.	No. 1 grade 1948,[1] 1949, and 1950 crops: $8.00 per 100 pounds, basis f. o. b. Twin Falls, Idaho, area; $8.37 per 100 pounds basis f. o. b. Morrill, Nebr., area.
Baby lima, bagged, 490,000 hundredweight.[1]	No. 1 grade 1949 [1] crop: $7.18 per 100 pounds, basis f. o. b. California area.
Cranberry beans, bagged, 36,000 hundredweight.	No. 1 grade 1949 crop: $9.42 per 100 pounds, basis f. o. b. Michigan area.
Austrian winter pea seed, bagged, 2,230,000 hundredweight.	$4.50 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Austrian winter peas, bagged, not certified for purity or germination, 1,743,000 hundredweight.[1]	In Portland, Oreg., area only: The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage, plus paid-in freight, as applicable. Purchaser must certify that commodity will be used for feed purposes only.
Blue Lupine seed, bagged, 1,131,000 hundredweight.	$5 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Common and Williamette vetch seed, bagged, 130,300 hundredweight.	$7 per 100 pounds, basis f. o. b. point of production, plus paid-in reight, as applicable.
Red clover seed (uncertified), bagged, 27,500 hundredweight.	
Wheat, bulk, 25,000,000 bushels	$38.33 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
	Basis in store, the market price but in no event less than the applicable 1951 loan rate for the class, grade, quality, and location, plus: (1) 32 cents per bushel if received by truck, or (2) 27 cents per bushel if received by rail or barge.
	Examples of minimum prices, per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.72; Minneapolis, No. 1 DNS, ex rail or barge, $2.74; Chicago, No. 1 RW, ex rail or barge, $2.77.
	NOTE: No wheat will be for sale in the Portland, Oreg., area until further notice
Oats, bulk, 5,500,000 bushels	At points of production, basis in store, the market price but not less than the applicable 1951 county loan rate plus: (1) 15 cents per bushel, if received by truck; or (2) 14 cents per bushel, if received by rail or barge; at other points, the foregoing plus average paid-in freight.
	Examples of minimum prices, per bushel: Chicago, No. 3 or better, ex rail or barge, 93 cents; Minneapolis, No. 3 or better, ex rail or barge, 94 cents.
Barley, bulk, 10,000,000 bushels	Basis in store, the market price but in no event less than the applicable 1951 loan rate for the class, grade, quality and location, plus: (1) 22 cents per bushel if received by truck, or (2) 18 cents per bushel if received by rail or barge.
	Examples of minimum prices per bushel: Minneapolis, No. 1 barley, ex rail or barge, $1.50; San Francisco, No. 1 Western barley, ex rail or barge, $1.55.

[1] These same lots also are available at export sales prices announced today.

MARCH DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Corn, bulk, 50,000,000 bushels	At points of production, basis in store, the market price but not less than the applicable 1951 county loan rate for No. 3 yellow plus: (1) 21 cents per bushel, if received by truck; or (2) 18 cents per bushel, if received by rail or barge; at other locations, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 yellow, $1.93; St. Louis, No. 3 yellow, $1.95; Minneapolis, No. 3 yellow, $1.84; Omaha, No. 3 yellow, $1.86; Kansas City, No. 3 yellow, $1.91; for other classes, grades, and quality, market differentials will apply.
Flaxseed, bulk, 227,000 bushels	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

Ceiling Price Certification. Any purchaser from CCC of nonfat dry milk solids, or raw linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

MARCH EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Dry edible beans	No. 1 grade delivered on track present location, on basis costs and freight paid to f. a. s. vessel at locations shown below.
Pea, bagged, 1948 and 1949 crops, 284,000 hundredweight.[1] [2]	For export to Western Hemisphere countries, $6.50 per 100 pounds, East Coast ports; for export to other than Western Hemisphere countries, $5.50 per 100 pounds, East Coast ports.
Great Northern, bagged, 1948 crop, 313,000 hundredweight.[1] [2]	$6.50 per 100 pounds, Portland, Oreg. (13,000 hundredweight only stored at The Dalles, Oreg.); $6.60 per 100 pounds, U. S. Gulf ports (see note below)
Baby lima, bagged, 1949 crop, 490,000 hundredweight.[1]	$5 per 100 pounds. San Francisco Bay area.
Red Kidney, bagged, 1948 and 1949 crops, 358,000 hundredweight.[1] [2]	$5.50 per 100 pounds, New York City. NOTE: "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer. Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1; appropriate discounts will also be given for "off-color" beans. At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of 1948 beans of the type and grade desired are exhausted.
Austrian winter peas, bagged, not certified for purity or germination, 1,743,000 hundredweight.[1]	In Portland, Oreg., area only: The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage plus paid-in freight, as applicable.
Wheat, bulk, 25,000,000 bushels	Market price on date of sale, at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

[1] These same lots are available at domestic sales prices announced today.
[2] *Ceiling Price Certification.* Any purchaser from CCC of Red Kidney beans or Great Northern beans for export, or of Pea beans for export to Western Hemishpere countries, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

(Pub. Law 439, 81st Cong.)

Issued March 5, 1952.

[SEAL] G. F. GEISSLER,
President, Commodity Credit Corporation.

[F. R. Doc. 52-2737; Filed, Mar. 7, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2077]

CONNECTICUT RIVER POWER CO.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

MARCH 4, 1952.

Notice is hereby given that on January 25, 1952, the Federal Power Commission issued its order entered January 22, 1952, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2714; Filed, Mar. 7, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26863]

WALLBOARD FROM EL PASO AND PRESIDIO, TEX., TO POINTS IN ILLINOIS AND MISSOURI

APPLICATION FOR RELIEF

MARCH 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3843.

Commodities involved: Wallboard, carloads.

From: El Paso and Presidio, Tex. (applicable on traffic originating in Mexico).

To: Cairo and East St. Louis, Ill., St. Louis, Boonville, and Sedalia, Mo.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; F. C. Kratzmeir's tariff I. C. C. No. 3843, Supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2703; Filed, Mar. 7, 1952; 8:46 a. m.]

[4th Sec. Application 26864]

GRAIN FROM POINTS IN ILLINOIS TO POINTS IN LOUISIANA AND TEXAS

APPLICATION FOR RELIEF

MARCH 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Gulf, Mobile and Ohio Railroad Company and Texas and New Orleans Railroad Company.

Commodities involved: Grain, grain products, seeds, and related articles, carloads.

From: Points in Illinois.

To: Points in Louisiana and Texas.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3940, Supp. 17; F. C. Kratzmeir's tariff I. C. C. No. 3941, Supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2704; Filed, Mar. 7, 1952; 8:46 a. m.]

[4th Sec. Application 26865]

PROPYL ALDEHYDE FROM BROWNSVILLE AND BISHOP, TEX., TO POINTS IN WESTERN TRUNK-LINE, OFFICIAL, AND SOUTHERN TERRITORIES

APPLICATION FOR RELIEF

MARCH 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Propyl aldehyde, carloads.

From: Brownsville, Tex., to destinations in western trunk-line, official, and southern territories, and from Bishop, Tex., to Kernersville, N. C., and Pensacola, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2705; Filed, Mar. 7, 1952; 8:46 a. m.]

[4th Sec. Application 26866]

MOTOR-RAIL CLASS AND COMMODITY RATES BETWEEN POINTS IN WESTERN AND EASTERN TERRITORIES

APPLICATION FOR RELIEF

MARCH 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Rocky Mountain Motor Tariff Bureau, Inc., Agent, for The Texas and Pacific Railway Company and other rail and motor carriers.

Commodities involved: Classes and commodities.

Between: Points in western territory and points in eastern territory, as described in the schedules listed below.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates; Rocky Mountain Motor Tariff Bureau, Inc., Agent, tariffs I. C. C. Nos. 30, 31, 50, 54, 56, 60, and 65.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2706; Filed, Mar. 7, 1952; 8:46 a. m.]

[4th Sec. Application 26867]

HAY FROM KANSAS AND OKLAHOMA TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3703.

Commodities involved: Hay, carloads.

From: Points in Kansas and Oklahoma.

To: Destinations in southern territory, including adjacent points.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3703, Supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2707; Filed, Mar. 7, 1952; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

TEXTILE INDUSTRY

NOTICE OF HEARING BEFORE SURPLUS MANPOWER COMMITTEE

Pursuant to section 8 of Defense Manpower Policy No. 4 (17 F. R. 1195), relating to placement of procurement in areas of current or imminent labor surplus, notice is hereby given of a public hearing to be held before a panel of the Surplus Manpower Committee in Room 159, Executive Office Building, Washington, D. C., beginning at 9:30 a. m., e. s. t., March 20, 1952.

The purpose of the hearing is to receive evidence with respect to:

1. The nature and extent of the labor surplus in the textile industry, including the availability of skills necessary to the fulfillment of Government contracts and purchases, and the need for preserving these skills in the public interest.

2. The nature and extent of the facilities in the textile industry, including their suitability and availability for the fulfillment of Government contracts and purchases, and the need for maintaining these facilities in the public interest.

3. Whether it is in the public interest that insofar as it affects the textile industry, Defense Manpower Policy No. 4 should be applied to the textile industry as a whole in order to achieve a greater utilization of the manpower skills and facilities of the entire industry than is currently the case.

4. Appropriate methods of applying the policy to the textile industry in the event an affirmative finding is made under paragraph three above.

Interested persons may submit statements in writing and may appear and present evidence and oral argument at the hearing, and at the close of the hearing may file briefs with the panel. Upon completion of the hearing the panel will make findings and conclusions and submit its recommendations to the Surplus Manpower Committee.

Persons wishing to be heard or to submit statements or briefs, must notify the Secretary of the Surplus Manpower Committee, Room 106, Executive Office Building, Washington 25, D. C., not later than March 18, 1952. Copies of Defense Manpower Policy No. 4 may be obtained

from the Secretary of the Surplus Manpower Committee.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

[F. R. Doc. 52-2738; Filed, Mar. 7, 1952; 8:50 a. m.]

[CDHA 42]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MARCH 7, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Del Rio, Texas, Area. (The area consists of Justice precinct 1 in Val Verde County, Texas.)

Cobalt, Idaho, Area. (The area consists of the Election Precinct of Forney including the Town of Cobalt in Lemhi County, Idaho.)

Newport, Rhode Island, Area. (The area consists of the City of Newport and the Towns of Middletown, Portsmouth and Tiverton all in Newport County.)

Oscoda, Michigan, Area. (The area consists of the Townships of Au Sable and Oscoda in Iosco County all in the State of Michigan.)

Indian Head, Maryland, Area. (The area consists of Charles County, Maryland.)

Gary-Hammond-East Chicago, Indiana. (The area consists of all of Lake County, Indiana, except the Townships of Cedar Creek, Eagle Creek and West Creek.)

Lawrence-Olathe, Kansas, Area. (The area consists of Douglas County, Kansas, including the Cities of Baldwin, Eudora and Lawrence; the Townships of Olathe, Monticello, Spring Hill, Gardner, McCamish and Lexington, including the Cities of DeSoto, Edgerton, Gardner, Olathe and Spring Hill, all in Johnson County, and the City of Bonner Springs, and Delaware Township, including the City of Edwardsville in Wyandotte County; all in the State of Kansas.)

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2821; Filed, Mar. 7, 1952; 11:14 a. m.]

RENEGOTIATION BOARD

REGIONAL BOARDS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS, POWERS AND DUTIES

The delegation of authority published in the issue of February 13, 1952 (F. R. Doc. 52-1777; 17 F. R. 1401) is hereby amended by deleting section 3 (d) and inserting in lieu thereof the following:

(d) Subject to such review as may be prescribed by the Board by regulations, to cancel assignments and to issue clearances, enter into refund agreements, or issue unilateral orders embodying determinations of excessive profits made by such Regional Board in cases designated by the Board as Class B cases.

Dated: March 5, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-2753; Filed, Mar. 7, 1952; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2793]

OHIO EDISON CO.

ORDER PERMITTING ISSUANCE AND SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING

MARCH 4, 1952.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, has filed a declaration, with amendments thereto, pursuant to sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder, with respect to the following proposed transaction:

Ohio proposes to issue and sell 150,000 shares of a new series of $100 par value preferred stock at competitive bidding pursuant to Rule U-50. The dividend rate and the price per share to be paid the company are to be determined by the competitive bidding. The price to be paid shall not be less than $100 nor more than $102.75 per share.

The declaration states that during the year 1952 the company contemplates expenditures for the construction of property additions aggregating approximately $40,600,000 and that the proceeds from the sale of the preferred stock will assist in providing needed funds for the construction program.

Ohio requests that the 10 day period for the public invitation of bids, provided by Rule U-50 (b), be shortened to a period of not less than 6 days, and that the order of the Commission to be entered herein become effective forthwith upon issuance.

Said declaration, with amendments thereto, having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said declaration, as amended, be permitted to become effective, forthwith, and that the request of the declarant to shorten the period for the public invitation of bids, be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further condition that the proposed issuance and sale of preferred stock shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That the 10-day period prescribed by Rule U-50, for the public invitation of bids for the preferred stock be, and the same hereby is, shortened to a period of 6 days.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-2717; Filed, Mar. 7, 1952; 8:48 a. am.]

[File No. 70-2795]

CENTRAL POWER AND LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

MARCH 4, 1952.

Central Power and Light Company ("Central"), a subsidiary of Central and South West Corporation, a registered holding company, having filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

Central proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of First Mortgage Bonds, Series D, due March 1, 1982. The interest rate to be borne by the bonds, the redemption premiums applicable to the bonds, and the price at which the bonds will be issued and sold by Central will be determined through competitive

bidding. The bonds will be issued under an indenture dated November 1, 1943, between Central and the First National Bank of Chicago and Robert L. Grinnell, as Trustees, as modified by indentures supplemental thereto and by a supplemental indenture to be dated March 1, 1952, between the First National Bank of Chicago and Coll Gillies, as Trustees. The proceeds from the sale of the new bonds will be used to pay for a part of Central's construction program for the period January 1, 1952, to December 31, 1953, estimated to cost approximately $34,000,000. Central has requested that the Commission shorten the ten-day period for inviting bids pursuant to Rule U-50 to six days. Fees and expenses to be incurred by Central in connection with the proposed transaction are estimated at $42,000, including the amounts of $6,000 payable to Middle West Service Company, $5,280 payable to the Trustees, and $7,500 for printing. The fees of independent counsel for the underwriters are stated to be $6,000 payable to Isham, Lincoln & Beale, Chicago, Illinois, and will be paid by the successful bidder.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That the ten-day period for inviting sealed bids pursuant to Rule U-50 with respect to said bonds be, and hereby is, shortened to six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-2719; Filed, Mar. 7, 1952; 8:48 a. m.]

[File No. 70-2797]

GULF POWER CO.

NOTICE OF FILING FOR PERMISSION TO ISSUE AND SELL SHORT TERM BANK LOAN NOTES

MARCH 4, 1952.

Notice is hereby given that a declaration and amendments thereto have been filed with this Commission by Gulf Power Company ("Gulf Power"), a public utility subsidiary of the Southern Company, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions, which are summarized as follows:

Gulf Power proposes to issue and sell an additional $3,000,000 of short term bank loan notes. The notes will mature not later than nine months from the date of issuance and will bear interest at the rate prevailing when they are issued. The filing states that the proceeds of the notes will be used for construction purposes. Gulf Power states that it intends to retire the notes prior to their maturity out of the proceeds from the contemplated sale of an estimated $7,000,000 principal amount of bonds and 92,000 shares of additional common stock.

It is represented that no other Federal or State commission has jurisdiction over the proposed transactions, and that the fees and expenses to be incurred in connection therewith will be approximately $500, including counsel fees of $250. The declarant requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than March 17, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 17, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-2718; Filed, Mar. 7, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18788]

GERHARD BOEHM

In re: Bonds owned by Gerhard Boehm. F-28-23849.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Gerhard Boehm, whose last known address is Rauschenberg Bez Kassel, Hessen Nassau, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations matured or unmatured, evidenced by Two (2) Missouri, Kansas & Texas Railway Company First Mortgage 4 percent bonds, due 1990, bearing the numbers 35239 and 43672, each of $500.00 face value, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bonds,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gerhard Boehm, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-2722; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 18789]

KISAKU HASHIMOTO ET AL.

In re: Securities owned by Kisaku Hashimoto, and others. D-66-2481-D-1, F-39-6511-D-1, F-39-6512-D-1, F-39-6513-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kisaku Hashimoto, whose last known address is Hamadera Park, Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That Tsuru Wakimoto and Geo. T. Wakimoto, each of whose last known address is 366 Kashirakawa, Yamagatoken, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

3. That the property described as follows: Three Hundred Thirty-One (331) shares of $10.00 par value common stock of The Consolidated Mines Company, P. O. Box 2520, Reno, Nevada, a corporation organized under the laws of the State of Wyoming, evidenced by the certificates listed below, registered in the names of the persons listed below and in the amounts opposite each such name as follows:

Registered owner	Certificate No.	Number of shares
Kisaku Hashimoto	N024981	1
Tsuru Wakimoto	N02915	30
Geo. T. Wakimoto	N16588	100
	N012203	50
	G6918	100
	G01433	50

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kisaku Hashimoto, Tsuru Wakimoto and Geo. T. Wakimoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2723; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 18790]

ANNA KETTENBURG

In re: Stock owned by and debt owing to Anna Kettenburg. F-28-25220-D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anna Kettenburg, whose last known address is (23) Bretel Nr 4, Post Wittorf, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Carthage Marble Corporation Subordinate First Mortgage 5 Percent Income Bond, due July 1, 1951, of $125.00 face value, bearing the number 358, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bond, and

b. All rights and interests evidenced by a Voting Trust Certificate for twenty (20) shares of $1.00 par value common stock of Carthage Marble Corporation, said certificate numbered 358,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Kettenburg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2724; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 18791]

GISELLA VON NEGENBORN

In re: Debt owing to Gisella von Negenborn. F-28-31813-C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Gisella von Negenborn, whose last known address is Potsdam, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of New York and Fifth Avenue Bank, 48 Wall Street, New York 5, New York, in the amount of $4,340.00, as of January 31, 1952, representing funds held by said Bank as depository of funds of Moscow Fire Insurance Co. and awarded said Gisella von Negenborn under supplemental judgment of the Supreme Court, New York County, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gisella von Negenborn, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2725; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 18118, Amdt.]

HAMBURGER & CO.'S BANKIERSKANTOOR N. V.

In re: Stock registered in the name of Hamburger & Co.'s Bankierskantoor N. V., Amsterdam, The Netherlands and owned by persons whose names are unknown. F-28-28215-A-1.

Vesting Order 18118, dated July 2, 1951, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the number "18776" and the numbers "18778/80" set forth with regard to 10 share certificates of The United States Leather Company common stock, and substituting therefor respectively the number "18276" and the numbers "18278/80".

All other provisions of said Vesting Order 18118 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2731; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 18792]

JOSEPH SCHMITTER ET AL.

In re: Securities owned by Joseph Schmitter and others. D-66-2481-D-1; F-28-30352-D-1; F-28-30355-D-1; F-28-30356-D-1; F-28-30357-D-1; F-28-30358-D-1; F-28-30359-D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Joseph Schmitter, whose last known address is Erstein Elsass, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That B. Stern, Jr., whose last known address is 5 Augustiner Platz, Cologne, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

3. That Hermann Sichel, whose last known address is 96 Kaiserstrasse, Mainz, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

4. That Carl Behrends, whose last known address is 61 Blumenan Hamburg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

5. That Fritz Ludovici, whose last known address is 27 Parkstrasse, Kassel Hessen Nassau, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

6. That Mrs. Erna Von Raumer-Kalckreuth, whose last known address is Todtmoos, Kreis Sackingen, Schwartzwald, Neues Schwarzwaldhaus, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

7. That the property described as follows:

a. Three Hundred Seventy-five (375) shares of $10.00 par value common stock of The Goldfield Consolidated Mines Company, P. O. Box 2520, Reno, Nevada, a corporation organized under the laws of the State of Wyoming, evidenced by the certificates listed below, registered in the names of the persons listed below and in the amounts opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Joseph Schmitter	N20079	100
	N20080	100
B. Stern, Jr	84990	170

together with all declared and unpaid dividends thereon, and

b. Four Hundred Thirty (430) shares of $1.00 par value common stock of The Goldfield Consolidated Mines Company, P. O. Box 2520, Reno, Nevada, a corporation organized under the laws of fthe State of Wyoming, evidenced by the certificates listed below, registered in the names of persons listed below and in the amounts opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Hermann Sichel	S 2992	50
	R 8312	100
Carl Behrends	R 7810	100
Fritz Ludovici	R 6601	100
Mrs. Erna VonRaumer-Kalckreuth	S 4841	80

together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joseph Schmitter, B. Stern, Jr., Hermann Sichel, Carl Behrends, Fritz Ludovici, and Mrs. Erna Von Raumer-Kalckreuth, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

8. That the national interest of the United States requires that the persons identified in subparagraphs 1, 2, 3, 4, 5, and 6 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2726; Filed, Mar. 7, 1952; 8:49 a. m.]

[Supplemental Vesting Order 18793]

BERNARD DIERKES

In re: Estate of Bernard Dierkes, a/k/a Bernhard Dirks, deceased. File No. D-28-12996.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Maria Helena Berkenheger, Angela Margaretha Otten, Catherina Fischer, Margaretha Prass, Johann Conrad Dierkes, Maria Wilhelmina Ruhwinkel, Wilhelm (Willi) Joseph Dierkes, Elizabeth Johanna Hinricks, Josephine Angela Dierkes, Josepha Johanna Dierkes, Frieda Angela Dierkes, Waltraud Elizabeth Dierkes, Maria Wilhelmine Scharmberg, and Wilma Katherina Dierkes, whose last known addresses are Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown other than those identified in subparagraph 1 hereof, of Heinrich Johann Dierkes, deceased, who there is reasonable cause to believe are and, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: All right, title, interest, and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in

and to the Estate of Bernard Dierkes, a/k/a Bernhard Dirks, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Hyman Wank, as administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Heinrich Johann Dierkes, deceased, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2727; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 18794]

GERHARD BOEHM

In re: Certificate of Deposit owned by nd debt owing to Gerhard Boehm. '-28-23849-D-1; C-1.

Under the authority of the Trading Vith the Enemy Act, as amended (50 [. S. C. App. and Sup. 1-40); Public aw 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. upp.; 3 CFR, 1945 Supp.); Executive rder 9788 (3 CFR, 1946 Supp.) and xecutive Order 9989 (3 CFR, 1948 upp.), and pursuant to law, after investigation, it is hereby found:

1. That Gerhard Boehm, whose last nown address is Rauschenberg, Berg assel Hessen, Nassau, Germany, on or nce December 11, 1941, and prior to nuary 1, 1947, was a resident of Gerany and is, and prior to January 1, 947 was, a national of a designated iemy country (Germany);

2. That the property described as follows:

a. All rights and interest in and under One (1) Certificate of Deposit, numbered M13566, for $1,000.00 face value Krueger and Toll Company 5 Percent Secured Sinking Fund Gold Debentures, due March 1, 1959, said certificate registered in the name of Gerhard Boehm, and

b. That certain debt or other obligation of Guaranty Trust Company, 140 Broadway, New York, New York, representing a distribution payment in the amount of $24.50 payable on the certificate of deposit described in subparagraph 2a hereof, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gerhard Boehm, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2728; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 16341, Amdt.]

MRS. I. TH. VON WITZLEBEN-WILKENS

In re: Stock owned by Mrs. I. Th. von Witzleben-Wilkens.

Vesting Order 16341, dated December 8, 1950, is hereby amended as follows and not otherwise:

a. By deleting from subparagraphs 2a and 2c of said Vesting Order 16341 the phrase "which certificate is presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York,"

b. By deleting from subparagraph 2b of said Vesting Order 16341 the phrase "which certificates are presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York,"

All other provisions of said Vesting Order 16341, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2729; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 17935, Amdt.]

JOHANN SCHMIDT

In re: Bonds owned by Johann Schmidt, also known as John Schmidt.

Vesting Order 17935, dated May 24, 1951, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 from said Vesting Order 17935 and substituting therefor the following subparagraph:

2. That the property described as follows:

Five (5) United States Savings Bonds, Series E in the aggregate face amount of $125 bearing the numbers listed below, dated and in the amount set forth opposite each such number:

Number	Amount	Date
Q207272687E	$25.00	November 1942.
Q236198673E	25.00	December 1942.
Q237311905E	25.00	January 1943.
Q266897118E	25.00	February 1943.
Q270936002E	25.00	March 1943.

said bonds issued in the name of George Schmidt, payable on death to John Schmidt and presently in the custody of the Citizens National Bank, Park Rapids, Minnesota, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johann Schmidt, also known as John Schmidt, the aforesaid national of a designated enemy country (Germany);

All other provisions of said Vesting Order 17935 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2730; Filed, Mar. 7, 1952; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 17 · 1934 · NUMBER 49

Washington, Tuesday, March 11, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10332

PRESCRIBING THE ORDER OF SUCCESSION OF OFFICERS TO ACT AS SECRETARY OF DEFENSE, SECRETARY OF THE ARMY, SECRETARY OF THE NAVY, AND SECRETARY OF THE AIR FORCE

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6), and as President of the United States, and in order to insure the continuity of operations of the Department of Defense in the event of disaster, the order of succession to the positions of Secretary of Defense, Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force, in the event of the death, disability, or absence of the officers holding such positions, is hereby prescribed as follows:

PART I

SUCCESSION TO THE POSITION OF SECRETARY OF DEFENSE

In the event of the death, disability, or absence of the Secretary of Defense, the following-designated officers, in the Department of Defense, shall succeed to the position of, and act as, Secretary of Defense in the order indicated:

1. Deputy Secretary of Defense.
2. Secretary of the Army.
3. Secretary of the Navy.
4. Secretary of the Air Force.
5. Assistant Secretaries of Defense, in the order fixed by their length of service as such.
6. Under Secretaries of the Army, Navy, and Air Force, in the order fixed by their length of service as such.
7. Chairmen of the Munitions Board and the Research and Development Board, in the order fixed by their length of service as such.
8. Assistant Secretaries of the Army, Navy, and Air Force, in the order fixed by their length of service as such.

Precedence within a particular group between or among two or more officers having the same date of appointment shall be as determined by the Secretary of Defense at the time of appointment.

PART II

SUCCESSION TO THE POSITION OF SECRETARY OF THE ARMY

In the event of the death, disability, or absence of the Secretary of the Army, the following-designated officers shall succeed to the position of, and act as, Secretary of the Army in the order indicated:

1. Under Secretary of the Army.
2. Assistant Secretaries of the Army, in the order fixed by their length of service as such.
3. Chief of Staff, United States Army.
4. Vice Chief of Staff, United States Army.
5. Chief of the United States Army Field Forces.

PART III

SUCCESSION TO THE POSITION OF SECRETARY OF THE NAVY

In the event of the death, disability, or absence of the Secretary of the Navy, the following-designated officers shall succeed to the position of, and act as, Secretary of the Navy in the order indicated:

1. Under Secretary of the Navy.
2. Assistant Secretary of the Navy.
3. Assistant Secretary of the Navy for Air.
4. Chief of Naval Operations.
5. Vice Chief of Naval Operations.

PART IV

SUCCESSION TO THE POSITION OF SECRETARY OF THE AIR FORCE

In the event of the death, disability, or absence of the Secretary of the Air Force, the following-designated officials shall succeed to the position of, and act as, Secretary of the Air Force in the order indicated;

1. Under Secretary of the Air Force.
2. Assistant Secretaries of the Air Force, in the order fixed by their length of service as such.
3. Chief of Staff, United States Air Force.

(Continued on p. 2085)

CONTENTS

THE PRESIDENT

Executive Order — Page

Prescription of order of succession of officers to act as Secretaries of Defense, Army, Navy, and Air Force ---------- 2083

EXECUTIVE AGENCIES

Agriculture Department

See Production and Marketing Administration; Rural Electrification Administration.

Air Force Department

Prescription of order of succession of officers to act as Secretary (*see* Executive order).

Army Department

Prescription of order of succession of officers to act as Secretary (*see* Executive order).

Civil Aeronautics Board

Proposed rule making:
- Certification and operation rules for scheduled air carrier operations outside the continental limits of the U. S.:
  - Flight time limitations for pilots not regularly assigned to one type of crew -- 2092
  - Pilot flight time limitations; Reeve Aleutian Airways, Inc ---------- 2091

Civil Service Commission

Rules and regulations:
- Army Department; exceptions from the competitive service 2085

Commerce Department

See National Production Authority.

Defense Department

Prescription of order of succession of officers to act as Secretary (*see* Executive order).

See also Navy Department.

Notices:
- Armed Forces Medical Library, establishment ---------- 2094

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CONTENTS—Continued

Defense Minerals Exploration Administration — Page
Rules and regulations:
Government aid in Defense Exploration projects (DMEA 1) — 2090

Economic Stabilization Agency
See Price Stabilization, Office of; Salary Stabilization Board.

Interior Department
See Defense Minerals Exploration Administration; Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Application for relief:
Coke refuse or dust from Gary and Ivanhoe, Ind., and Joliet, Ill., to Virginia, Minn — 2100
Phosphate rock from points in Florida to Huntington, W. Va — 2100

CONTENTS—Continued

Labor Department — Page
See Wage and Hour Administration.

Land Management, Bureau of
Notices:
Arizona; order providing for opening of public lands restored from the Salt River Project — 2095
Utah; notice of filing of plat of survey — 2095

National Production Authority
Notices:
Hearing Commissioners; delegation of authority with respect to certain powers, functions and duties — 2098

Navy Department
Prescription of order of succession of officers to act as Secretary (*see* Executive order).
Notices:
Organization statement; miscellaneous amendments — 2093

Price Stabilization, Office of
Notices:
Ceiling prices at retail; Westinghouse Electric Corp — 2105
Director of the Divisions of the Office of Price Operations; redelegation of authority to request further information concerning:
Changes in coupon exchange plans pursuant to SR 25 to GCPR — 2105
Proposed ceiling prices — 2105
Director of Price Operations; delegation of authority to request further information concerning:
Applications for adjustments under CPR 13, 17, 32 — 2106
Changes in coupon exchange plans pursuant to SR 25 of GCPR — 2105
Proposed ceiling prices — 2105
Director of Transportation, Public Utilities and Fuels Division; redelegation of authority to request further information concerning applications for adjustments under CPR 13, 17, 32 — 2106
Milan Chevrolet Co. et al.; special rules of practice — 2106
Rules and regulations:
Ceiling prices for sales of surgical catgut sutures; geographical application (CPR 124) — 2087
Exemptions of certain consumer durable goods (GOR 5, Coll. 1) — 2087
Gasolines, naphthas, fuel oils, and liquefied petroleum gases, natural gas, petroleum gas, casinghead gas, and refinery gas; deposit on containers (CPR 17) — 2086
Machinery and related manufactured goods; sales at retail and small manufacturers (CPR 30) — 2087

CONTENTS—Continued

Production and Marketing Administration — Page
Rules and regulations:
Oranges grown in California and Arizona; order terminating provisions of order providing for liquidation of assets — 2085

Rural Electrification Administration
Notices:
Loan allocations:
Arkansas — 2097
Colorado — 2098
Georgia — 2098
Illinois (2 documents) — 2097, 2098
Kentucky — 2097
Minnesota — 2097
Missouri (3 documents) — 2097, 2098
Nebraska (2 documents) — 2097, 2098
New Mexico — 2097
North Dakota — 2097
Texas (4 documents) — 2097, 2098
Washington — 2098
West Virginia — 2097

Salary Stabilization Board
Rules and regulations:
Procedural requirements regarding applications for adjustments in salaries and other compensation of employees subject to jurisdiction of the Board (SPR 1) — 2089
Ten percent increases in salary and other compensation; correction (Int. 4) — 2089

Securities and Exchange Commission
Notices:
Hearings, etc.:
Interstate Power Co — 2102
Kenneth B. Hill & Co — 2100
New England Electric System and Connecticut River Power Co — 2103
Public Service Co., of New Hampshire — 2103
Standard Gas and Electric Co. et al — 2103
Suburban Gas and Electric Co — 2104
Tom G. Taylor & Co — 2101
United Gas Improvement Co. et al — 2102
Worcester County Electric Co — 2104
Proposed rule making:
Fees and charges — 2093

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries — 2099

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Page
Title 3
Chapter II (Executive orders):
10332 — 2083
Title 5
Chapter I:
Part 6 — 2085

CODIFICATION GUIDE—Con.

Title 7
Chapter IX:
Part 966 ---- 2085

Title 14
Chapter I:
Part 41 (proposed) (2 documents) ---- 2091, 2092

Title 17
Chapter II:
Part 201 (proposed) ---- 2093
Part 230 (proposed) ---- 2093
Part 240 (proposed) ---- 2093
Part 250 (proposed) ---- 2093
Part 260 (proposed) ---- 2093
Part 270 (proposed) ---- 2093

CODIFICATION GUIDE—Con.

Title 17—Continued Page
Chapter II—Continued
Part 275 (proposed) ---- 2093

Title 32A
Chapter III (OPS):
CPR 17 ---- 2086
CPR 30 ---- 2087
CPR 124 ---- 2087
GOR 5 ---- 2087
Chapter IV:
Subchapter A (SSB):
Int. 4 ---- 2089
SPR 1 ---- 2089
Chapter XII (DMEA):
DMEA 1 ---- 2090
MO 5 (see DMEA 1) ---- 2090

4. Vice Chief of Staff, United States Air Force.

5. The Senior Deputy Chief of Staff who is not absent or disabled.

6. Commanding General, Tactical Air Command.

PART V

Succession to office pursuant to this order shall be on a temporary or interim basis and shall not have the effect of vacating the statutory position held by the successor.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 7, 1952.

[F. R. Doc. 52-2911; Filed, Mar. 10, 1952; 11:19 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) is added to § 6.105 (a) as set out below:

§ 6.105 *Department of the Army*—(a) *General.* * * *

(8) Alien scientists employed under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-2767; Filed, Mar. 10, 1952; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

ORDER TERMINATING THE PROVISIONS OF ORDER NO. 66, AS AMENDED, AND PROVIDING FOR LIQUIDATION OF ASSETS

An order was published in the FEDERAL REGISTER issue of October 18, 1951 (16 F. R. 10661), directing that a referendum be conducted among the producers who, during the period beginning November 1, 1950, and ending October 31, 1951, both dates inclusive (which period was determined to be a representative period for the purpose of such referendum, were engaged in the State of California or in the State of Arizona, in the production of oranges for market to determine whether such producers favored the termination of Order No. 66, as amended (7 CFR Part 966), regulating the handling of oranges grown in the State of California or in the State of Arizona, hereinafter referred to as "Order No. 66." Order No. 66 became effective on October 26, 1942 (7 F. R. 8576), pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. et seq.), hereinafter referred to as the "act." It is provided in Order No. 66 that the Secretary may at any time terminate the provisions of the order by giving at least one day's notice thereof.

The termination of the aforesaid order was proposed in a petition submitted by the Placentia Mutual Orange Association of Placentia, California, on behalf of itself and 42 other signers, and an amendment to the petition submitted on behalf of two additional signers.

In addition to the foregoing referendum and to give handlers and other interested parties, as well as producers, an opportunity to submit written data, views, or arguments for consideration in connection with the proposed termination of Order No. 66, a notice (16 F. R. 12903) was published in the FEDERAL REGISTER to that effect fixing the latest time for the submittal of the data, views, or arguments at the close of business on January 15, 1952. Eleven briefs were submitted setting forth data, views, or arguments favoring the termination of Order No. 66; and none was submitted in favor of its continuance.

The producers who voted in the referendum represented 70.07 percent of the total number of producers of record, and 80.24 percent of the volume produced for market. Of the producers voting in the referendum 60.19 percent, by number, and 58.93 percent, by volume, favored continuation of the program; and 39.81 percent, by number, and 41.07 percent, by volume, favored termination.

A large percentage of the growers voting in the referendum favored the continuation of the order. However, there is considerable controversy among the members of the California-Arizona orange industry as to the efficacy of the order, particularly as to the impact of volume regulation on shipments of Valencia oranges. Since continuation of the order was favored by 51.55 percent of the Valencia production voted and by 73.10 percent of the production of Navel and miscellaneous varieties, consideration was given to the possibility of suspending the provisions of Order No. 66 to the extent of their applicability to the regulation of Valencia oranges. But this action was not deemed feasible in view of the evidence on the basis of which the order was made effective and of the inseparability of the varieties in many of the provisions of the order.

After consideration of all relevant matters presented including the results of the aforesaid referendum, it is hereby found and determined that Order No. 66, and regulations issued thereunder should be terminated, effective at the time hereinafter stated.

It is therefore ordered, That the provisions of Order No. 66, as amended (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, and all regulations issued pursuant thereto, be, and the same hereby are, terminated effective at 11:59 p. m., P. s. t., March 8, 1952, subject to the following conditions:

(a) That the provisions of § 966.12 (c) *Proceedings after termination* of Order No. 66 shall remain in force and effect for the purpose of enabling the Orange Administrative Committee, established pursuant to said order, to liquidate the affairs of the committee pursuant to the provisions of said order;

(b) That the members of the committee shall, for the purpose of liquidating the affairs of the committee, continue as joint trustees of all funds and property then in the possession of, or under the control of, the committee, including claims for any funds unpaid or property not delivered at the time of such termination;

(c) That such trustees shall conduct the liquidation subject to the general supervision and control of the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture;

(d) That said trustees shall maintain appropriate books and records accurately reflecting their acts and transac-

tions as trustees, which books and records shall be subject at any time to examination by the Secretary or his designated representative;

(e) That the furniture, fixtures, other property, and all other assets shall be sold by the trustees in such manner and under such conditions as may be approved in writing by the Director of the Fruit and Vegetable Branch;

(f) That the amounts owing to, or owed by, handlers shall be determined as follows:

(1) Credit the account of each handler, who handled oranges during the period from November 1, 1951, to the date of the termination of Order No. 66, with his prorata share (based on the number of packed boxes of oranges, or an equivalent quantity of oranges, handled by him as the first handler thereof) of the excess, if any, of assessments over expenses of the Orange Administrative Committee during the said period, or debit each such handler's account with his prorata share (based on the aforesaid volume of oranges) of the deficit, if any, of expenses of the committee over assessments during such period;

(2) Estimate the cost of liquidation; and

(3) Apply against the cost of liquidation all funds derived from the sale of the furniture, fixtures, other property, and all other assets of the committee, and debit the account of each handler, who handled oranges during the 1950–51 fiscal year, with his prorata share (based on the volume of oranges handled by him, as the first handler thereof during the said 1950–51 fiscal year) of the net amount of such cost; and

(g) That the said trustees shall be reimbursed for expenses necessarily incurred by them in the performance of their duties hereunder, and shall receive compensation for each day, or portion thereof, spent on such work. Both the reimbursement of expenses and the payment for compensation shall be made pursuant to § 966.4 (1) of Order No. 66.

The termination of Order No. 66 and regulations issued pursuant thereto shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of Order No. 66 or any regulation issued pursuant thereto, or (b) release or extinguish any violation of Order No. 66 or any regulation issued pursuant thereto, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

It is hereby found and determined that it is impracticable and unnecessary to give preliminary notice and engage in additional public rule making procedure (5 U. S. C. 1001 et seq.) in that (a) handlers, producers, and other interested persons have had opportunity to express their preferences as to possible termination; (b) termination was favored by a substantial percentage of the producers who voted in the referendum; (c) no useful purpose would be served by continuing Order No. 66 beyond the termination date set forth above; (d) the cost of liquidation may be increased by reason of the delay inherent in further rule making proceedings; and (e) this order relieves restrictions.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 6th day of March 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52–2810; Filed, Mar. 10, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 17, Amdt. 5]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM GASES, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS, AND REFINERY GAS

DEPOSIT ON CONTAINERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to Ceiling Price Regulation 17 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 17 adds a new section to Article III, fixing the terms under which deposit charges may be made on steel containers. This new section is the same as the deposit section in Ceiling Price Regulation 63 covering lubricating oils and greases and similar to the deposit section in Ceiling Price Regulation 66 covering asphaltic products. While gasolines, naphthas and distillates are sold less frequently in containers than are lubricating oils and greases, sales of products covered by Ceiling Price Regulation 17 in containers are quite extensive in certain areas and to certain classes of purchasers.

During the early history of the Office of Price Stabilization, when Ceiling Price Regulation 17 was being written, it was intended to include a section dealing with container deposit charges. However, such a section was intentionally omitted from the final draft because the Agency policy on deposit arrangements had not been fully developed. Consultations with members of industry were still in process at that time for the purpose of developing a deposit arrangement which would be most satisfactory and workable.

The advantages of having a deposit arrangement for steel containers are well recognized in the marketing of petroleum products. Early in the defense program the scarcity of steel containers was an increasingly serious problem. It became imperative months ago that drums be returned to sellers as rapidly as possible in order that petroleum products could be distributed by customary methods and in adequate volume. In August 1951 this Agency issued General Interpretation 2 which permitted marketers not only to retain deposit arrangements which were in effect in the base period but also to institute deposit charges in cases where none had been in effect in the base period.

While marketers of petroleum products are permitted, therefore, to utilize deposit arrangements, the terms thereof are not specific when related to products covered by Ceiling Price Regulation 17. To reduce the administrative burden on the Office of Price Stabilization Regional and District Offices and to remove the uncertainty on the part of sellers as to whether their deposit arrangements conform to the conditions of General Interpretation 2, Ceiling Price Regulation 17 is amended to specify the terms of deposit arrangements applicable to products subject to this regulation. The new section also prescribes the ceiling price adjustment required when sellers shift from a non-returnable to a returnable drum basis.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable. As mentioned above, when the formal Industry Advisory Committee discussed the provisions of Ceiling Price Regulation 17, the deposit problem was studied, and consideration has been given the recommendations made at that time.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 17 is amended in the following respect:

A new section 27a is added immediately following section 27 to read as follows:

SEC. 27a. *Containers*—(a) *Deposits.* Any seller subject to the provisions of this regulation may place deposit charges not to exceed the following amounts on the enumerated shipping containers, not including I. C. C. 5 or 5B drums. Such deposit charges shall be subject to the seller's customary practice with respect to condition of drum and time allowed for return:

55-gallon or 400-pound, 16–20-gauge steel drum	$10.00
30-gallon or 200-pound, 16–20-gauge steel drum	6.00
15-gallon or 100-pound, 19–24-gauge steel drum	4.00

(b) *Reduction in ceiling price when shifting from a non-returnable to a returnable drum basis.* Any seller who during the base period sold on a non-returnable drum basis and subsequent to the base period shifts to a returnable drum basis shall deduct at least the following amounts from his ceiling prices to his purchasers in all States except California, Washington and Oregon.

55-gallon or 400-pound, 16–20-gauge steel drum	$1.75
30-gallon or 200-pound, 16–20-gauge steel drum	1.50
15-gallon or 100-pound, 19–24-gauge steel drum	1.00

In the States of California, Washington and Oregon, the minimum deductions from ceiling prices shall be the amounts set forth above plus an additional $0.25.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154)

Effective date. This amendment to Ceiling Price Regulation 17 shall become effective March 15, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 10, 1952.

[F. R. Doc. 52-2921; Filed, Mar. 10, 1952; 4:00 p. m.]

[Ceiling Price Regulation 30, Amdt. 32]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SALES AT RETAIL AND SMALL MANUFACTURERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 32 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is issued for the same reasons and accomplishes the same results as that part of Amendment 40 to Ceiling Price Regulation 22 which deals with retail sales and small manufacturers. Accordingly, the Statement of Considerations involved in the issuance of that amendment is equally applicable to this amendment.

In the judgment of the Director of Price Stabilization the provisions of this amendment to Ceiling Price Regulation 30 are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Section 1 (a) of Ceiling Price Regulation 30 is amended to read as follows:

(a) *Commodities.* (1) This regulation covers you if you are a manufacturer located in the United States, its territories or possessions, or the District of Columbia. It applies to any sale of any new and unused commodity listed in Appendix A as to which you are the manufacturer except sales at retail. In addition, however, you may elect to use this regulation for sales at retail. If you so elect you must use it for all of your sales at retail of commodities subject to this regulation, and you may not later alter your election.

(2) (i) If your gross sales of commodities, of which you are the manufacturer, for your last complete fiscal year prior to the effective date of this regulation were less than $250,000, you may elect not to use this regulation, but if you so elect, you may not use this regulation for any commodities of your manufacture.

(ii) If on the effective date of this regulation you have not completed your first fiscal year of business, you may elect not to use this regulation, provided that on the basis of your experience you expect your gross sales of commodities of which you are the manufacturer to be less than $250,000 for your first fiscal year. If you so elect not to use this regulation, you may not use it for any of your commodities. In the event gross sales of such commodities reach $250,000 before the end of your first fiscal year, you thereupon become subject to this regulation and your election terminates.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment will become effective March 15, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 10, 1952.

[F. R. Doc. 52-2922; Filed, Mar. 10, 1952; 4:00 p. m.]

[Ceiling Price Regulation 124, Amdt. 1]

CPR 124—CEILING PRICES FOR SALES OF SURGICAL CATGUT SUTURES

GEOGRAPHICAL APPLICATION

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; Pub. Law 96, 82d Cong.), Executive Order 10161, as amended (15 F. R. 6105, 16 F. R. 11257), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 124 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment limits the geographical coverage of Ceiling Price Regulation 124, which establishes ceiling prices for sales of surgical catgut sutures by manufacturers and resellers, to the United States and the District of Columbia. As originally issued CPR 124 also controlled sales in Alaska, Guam, Hawaii, Puerto Rico and the Virgin Islands. Because of problems peculiar to the territories the pricing techniques of CPR 124 are not suitable to sales in the territories and possessions. The techniques used in those regulations which have special application to sales in the territories and possessions (e. g., CPR 9, SR 2 to CPR 9, SR 1 to CPR 61) are far better suited to these sales. Consequently, this amendment to CPR 124 is issued to keep sales to purchasers located in the territories and possessions under whichever of these regulations is applicable to them.

In view of the corrective nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 124 is amended in the following respects:

1. Section 1 of the regulation is amended to read as follows:

SECTION 1. *What this regulation does.* This regulation establishes ceiling prices for the sale of surgical catgut sutures by manufacturers and resellers. This regulation does not cover sales of emergency kits or packages which contain one or more surgical catgut sutures and sutures other than catgut sutures. Except for these emergency kits, this regulation supersedes all other regulations including the General Ceiling Price Regulation and CPR 22 insofar as they cover sales of such sutures. However, you will continue to use CPR 61 in finding your ceiling prices on export sales; CPR 31 in finding your ceiling prices on import sales; and whatever regulation is applicable in determining your ceiling prices for sales to purchasers located in the territories and possessions. Surgical catgut sutures are referred to throughout this regulation as "sutures."

2. Section 2 is amended to read as follows:

SEC. 2. *Where this regulation applies.* This regulation applies to sales in the United States and the District of Columbia.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 124 is effective March 15, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 10, 1952.

[F. R. Doc. 52-2913; Filed, Mar. 10, 1952; 11:55 a. m.]

[General Overriding Regulation 5, Collation 1]

GOR 5—EXEMPTIONS OF CERTAIN CONSUMER DURABLE GOODS

COLL. 1—INCLUDING AMENDMENTS 1–4

General Overriding Regulation 5 is republished to incorporate the texts of Amendments 1 through 4, inclusive. General Overriding Regulation 5 was issued April 18, 1951 (16 F. R. 3408). Statements of Consideration for General Overriding Regulation 5, and for Amendments 1–4, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

GENERAL PROVISIONS

Sec.

1. What this regulation does.
2. Exemption of certain commodities.

EXEMPTED COMMODITIES

3. Sphygmo-oscillometers.
4. Hand-woven, imported oriental rugs.
5. "Precious stones" and "precious jewelry".
6. Certain notions and novelties.
7. Certain personal accessories.
8. Certain household accessories.
9. Certain housewares.
10. Certain equipment and supplies.
11. Certain pet supplies.
12. Certain furniture.
13. Custom built pipe organs.
14. Miscellaneous.
15. Certain sporting goods.

AUTHORITY: Sections 1 to 15 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 15 contained in General Overriding Regulation 5, April 18, 1951 (16 F. R. 3408), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: GOR 5, April 23, 1951, 16 F. R. 3408. Amendment 1, June 16, 1951, 16 F. R. 5621. Amendment 2, June 23, 1951, 16 F. R. 5870. Amendment 3, October 24, 1951, 16 F. R. 10738. Amendment 4. This amendment, except for item 2, shall become effective February 4, 1952. Item 2 (amendment to section 6) shall become effective February 14, 1952.

GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation exempts all sales of the commodities hereinafter enumerated from any ceiling price restrictions imposed by the Office of Price Stabilization.

SEC. 2. *Exemption.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales of the commodities covered by this regulation and amendments thereto.

EXEMPTED COMMODITIES

SEC. 3. *Sphygmo-oscillometers.* Devices for measuring blood pressure and patency of arteries, known as sphygmo-oscillometers.

SEC. 4. *Hand-woven, imported oriental rugs.*

[Section 4 added by Amdt. 1]

SEC. 5. *"Precious stones" and "precious jewelry".* (a) "Precious stone" means a natural pearl, diamond, ruby, sapphire, or emerald. The term "precious stone" also includes any other genuine stone, including a semi-precious stone, any synthetic stone, or any cultured pearl or group of cultured pearls (combined in a single article), when the selling price for any such item by the cutter, wholesale dealer or importer is $25.00 or more.

(b) "Precious jewelry" means any article or mounting, a component part of which is a "precious stone" (or "precious stones") as defined in paragraph (a) of this section when the value of the "precious stone" or ("precious stones") exceeds the value of the total of the other component parts of the finished article.

[Section 5 added by Amdt. 2]

SEC. 6. *Certain notions and novelties.*

Artificial or non-edible preserved grass, plants, stems, vines, fruits, flowers, leaves and foods.
Hand-decorated, used bottles.
Miniature size novelties made of glass, china, wood, plaster, etc., which have no tableware use and are made for collectors' purposes only, including miniature size decorative glass bottles other than perfume bottles.
Novelties made of alabaster, marble, onyx, shell, bark, bone, horn, butterfly wings, gourds and sea shells for decorative household use or for collectors' purposes.
Novelty glass ice cubes for "chilling without diluting" food and beverages.
Novelty wood cigarette boxes, when sold separately and not as part of a set.
Party novelties made in part of candy or nuts.
Advertising novelties (such as pens, pencils, tooth picks, knives, cigarette lighters, leather back calendar pads, writing kits, playing cards) which are sold by a manufacturer to an advertiser who gives them away for purposes of publicity without cost to the recipient. These articles must be imprinted with the name of the advertiser or the name of the recipient before delivery by the manufacturer.

[Section 6 added by Amdt. 3; amended by Amdt. 4]

SEC. 7. *Certain personal accessories.*

Comb cleaners (household).
Comforter grippers.
Costume jewelry made from sea shells or from nuts, seeds, pods or other natural vegetable products.
Hair rolls and wood hair curlers.
Hand fans.
Pin cushions.
Shoe horns.
Wigs and toupees.
Cigarette rolling machines for home use.

[Section 7 added by Amdt. 3; last item added by Amdt. 4]

SEC. 8. *Certain household accessories.*

Ceramic decorative tiles for use as table ornaments.
Christmas decorations made of natural vegetable products such as cones, berries, pods, leaves, etc.
Christmas tree holders.
Custom made picture frames, when no more than four frames are made to the same specifications for any one customer.
Figurines and ornamental statuary designed solely for ornamental use, but not including articles which may be used for any other purpose.
Hand painted pictures.
Household hand bells and hand chimes.
Incense burners.
Novelty wall plaques, wall masks, and wall decorations designed solely for ornamental use, but not including framed pictures, or articles which may be used for any purpose other than ornamentation.
Place card holders.
Reading racks, except metal.
Self-feeding baby bottle holders.
Wood carved figures and animals.

[Section 8 added by Amdt. 3]

SEC. 9. *Certain housewares.*

Coffee and pepper grinders (household, hand-operated).
Cork wire swabs.
Toothpicks.

[Section 9 added by Amdt. 3]

Art glass products gathered and shaped by hand in a manner that the glass worker, not moulds or other glass forming machinery, determines the final shape and design of the product.

[Above paragraph added by Amdt. 4]

SEC. 10. *Certain equipment and supplies.*

Three dimensional sculptured, cast or carved anatomical models (human, botanical, zoological) used for educational purposes.
Wire forms for floral wreaths and wire easels for floral displays.

[Section 10 added by Amdt. 3]

Geographical and live or preserved biological material (human, botanical and zoological) used exclusively for educational purposes, including microscopic slides prepared with such material.
Sundials.

[Above paragraphs added by Amdt. 4]

SEC. 11. *Certain pet supplies.*

Bird cages.
Bird cage stands.
Bird houses.
Dog and cat beds, cushions, mattresses and diners.
Dog license tags.
Pet toys.

[Section 11 added by Amdt. 3]

SEC. 12. *Certain furniture.* (a) Custom built household furniture. This exemption, however, does not apply to:

(1) Any sale of more than twelve dining chairs to a single purchaser.

(2) Any sale, other than dining chairs, of more than two articles of the same specifications to a single purchaser.

(3) More than two sales of articles, sets or suites of the same specifications. For the purpose of this exemption a change in the cover material or finish of an article of household furniture or any minor change shall not be considered as a change in specifications, or as constituting that article a custom built article.

[Subparagraph 3 amended by Amdt. 4]

(b) Hand decorated articles of furniture rebuilt from substantially different articles of used furniture.

(c) Spinning wheels.

[Section 12 added by Amdt. 3]

SEC. 13. *Custom built pipe organs.* A custom built pipe organ is one designed, manufactured, assembled and installed specially upon the order and to meet the specifications of a particular purchaser. Such design, manufacture, assembly, and installation must be made with reference to the architecture and structure of the building in which installation is intended and will generally require structural and acoustical studies and general consideration of all architectural features so that the pipe organs when installed will function satisfactorily in accordance with the purchaser's specifications and as an integral part of the building.

[Section 13 added by Amdt. 3]

SEC. 14. *Miscellaneous.*

[Section 14 added by Amdt. 3]

SEC. 15. *Certain sporting goods.*

Bowling pins.
Clay targets used in artificial shooting.
Traps for clay target shooting.

[Section 15 added by Amdt. 4]

ELLIS ARNALL,
Director of Price Stabilization.

By: JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–2920; Filed, Mar. 10, 1952; 11:56 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 4]

GSSR 1—STABILIZATION AND AUTHORIZED ADJUSTMENTS OF SALARIES AND OTHER COMPENSATION

INT. 4—TEN (10) PERCENT INCREASES IN SALARIES AND OTHER COMPENSATION UNDER SECTION 8 OF GENERAL SALARY STABILIZATION REGULATION 1, AS AMENDED

EDITORIAL NOTE: In F. R. Doc. 52-2715, appearing at page 1968 of the issue for Thursday, March 6, 1952, section 8 (b) has been corrected as follows:

1. In question 1, "commuted" should read "computed".

2. In the answer to question 3, "created" should read "treated".

3. The answer to question 5 now reads:

A. No, even though the employer did treat such employees as a single unit prior to wage and salary stabilization.

4. In the first paragraph of the answer to question 7, "including" should read "excluding".

[Salary Procedural Regulation 1]

SPR 1—PROCEDURAL REQUIREMENTS REGARDING APPLICATIONS FOR ADJUSTMENTS IN SALARIES AND OTHER COMPENSATION OF EMPLOYEES SUBJECT TO JURISDICTION OF THE BOARD

Purpose. This regulation establishes (a) the procedural requirements for obtaining determinations by the Office of Salary Stabilization upon applications for adjustments in salaries and other compensation of employees subject to the jurisdiction of the Salary Stabilization Board and (b) the procedural requirements for obtaining reconsideration and review of such determinations.

REGULATORY PROVISIONS

Sec.

1. Definitions.
2. Applications to the Office and determinations thereon.
3. Requests for reconsideration of determinations.
4. Appeals to Review and Appeals Committee.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Definitions.* As used in this procedural regulation:

(a) "Act" means the Defense Production Act of 1950 and any amendments thereto.

(b) "Office" means the Office of Salary Stabilization (which includes the National Office in Washington, D. C., and its Regional Offices.)

(c) "Application" means a written petition for the approval of a proposed adjustment in the salary or other compensation of one or more employees subject to the jurisdiction of the Salary Stabilization Board.

(d) "Determination" means the written decision of the Office upon an application.

SEC. 2. *Applications to the office and determinations thereon*—(a) *Where to file applications.* An application shall be filed with the National Office, Federal Security Building (South), Washington 25, D. C. unless a Regional Office has been established and authorized to process applications in the area in which the applicant's plant or establishment is located, in which event the application shall be filed with such Regional Office.[1] Assistance in the preparation of an application may be obtained from the local offices of the Wage and Hour and Public Contracts Divisions of the Department of Labor.

(b) *Who may file applications.* An application may be filed by an employer or his duly authorized representative. If the application is filed by a representative of the employer, the application shall state the name of the company on behalf of which the application is filed.

(c) *Form and content of applications.* The application shall be filed in duplicate on Form OSS No. 300. This form, which may be procured from any local office of the Wage and Hour and Public Contracts Divisions of the Department of Labor, shall be used for applications filed on or after April 1, 1952. Prior to that date, the form may be used if available or an application may be filed by letter in duplicate setting forth clearly and concisely all the facts upon which the applicant relies. The application shall state that the statements made therein are true and correct to the best of the applicant's knowledge and belief.

(d) *Determinations on applications.* All determinations of the Office shall be communicated in writing to the applicant. No determination shall have force and effect unless in writing and so communicated.

(e) *Finality of determinations.* A determination shall be final unless it is revised or modified upon a request for reconsideration or upon an appeal from a decision upon reconsideration as provided in sections 3 and 4.

SEC. 3. *Requests for reconsideration of determinations.* (a) An applicant may request reconsideration of a determination by the Office. The request may set forth any additional facts concerning the subject matter of the application which for any reason were not set forth in the initial application.

(b) A request for reconsideration shall be filed in duplicate within thirty (30) days after the date of mailing of the determination, or, with respect to a determination issued prior to the effective date of this regulation, within thirty (30) days after the date of publication of this regulation in the FEDERAL REGISTER.

(c) Upon receiving a request for reconsideration of the determination, the Office shall review its determination and shall enter a decision in writing either affirming its determination or making such other determination as may be appropriate.

(d) A copy of the decision upon reconsideration shall be sent to the applicant.

SEC. 4. *Appeals to Review and Appeals Committee*—(a) *Review and Appeals Committee.* There shall be a Review and Appeals Committee composed of three members, appointed by the Chairman of the Salary Stabilization Board; and one of whom shall be designated as chairman of the Committee.

(b) *Right to appeal from decisions upon reconsideration.* (1) An appeal from a decision upon reconsideration by the Office may be taken by the applicant to the Review and Appeals Committee.

(2) The Review and Appeals Committee shall review a decision upon reconsideration by the Office as to both the facts and the law in accordance with the procedure set forth in this Regulation.

(3) The Review and Appeals Committee shall affirm, modify, or reverse the decision upon which the appeal was taken.

(c) *Time and place of filing appeals.* An appeal shall be filed in triplicate within thirty (30) days after the date of mailing of the decision upon reconsideration. An appeal shall be deemed to have been filed when mailed by registered mail addressed to the Review and Appeals Committee, Office of Salary Stabilization, Federal Security Building (South), Washington 25, D. C.

(d) *Form and contents of appeal.* (1) There is no specified form for use in taking an appeal. The appeal shall be sufficient in form if typewritten. Every appeal shall be clearly captioned "Appeal to the Review and Appeals Committee."

(2) The appeal shall set forth the name and post office address of the applicant.

(3) The appeal shall specify the portions of the decision upon reconsideration from which the appeal is taken, the specific grounds relied upon to support the appeal, and the relief requested.

(4) Except pursuant to leave granted under section 4 (f), the appeal shall be based on the facts set forth in the application and in the request for reconsideration.

(e) *Submission of memoranda on appeal.* The applicant filing the appeal shall file a memorandum on points of law or of fact in support of his appeal within ten (10) days after the appeal is filed, unless leave is granted by the Review and Appeals Committee to file a memorandum at a later time. Such a memorandum shall be filed in triplicate and shall be sufficient in form if typewritten.

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[1] As of the date of issuance of this Regulation, Regional Offices have been established (a) in New York, New York, serving the State of New York and the State of New Jersey, excluding the following counties in southern New Jersey: Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem, and (b) in Boston, Massachusetts, serving the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island and Vermont. As and when additional offices are established, public notice will be given.

(f) *Scope of appeals.* (1) Except as stated in paragraphs (2) and (3) of this subsection (f), no facts shall be presented or considered upon an appeal other than the facts submitted in connection with the application or in connection with the request for reconsideration.

(2) Upon a showing that facts were newly discovered or that a prior presentation thereof was not feasible, the Review and Appeals Committee may grant leave to present such facts.

(3) The request for leave to submit facts not previously presented shall be directed to the Review and Appeals Committee, together with a summary of facts sought to be presented. It shall be solely within the discretion of the Review and Appeals Committee to grant such request in whole or in part.

(4) The Review and Appeals Committee may on its own initiative direct the applicant to submit such additional facts as the Review and Appeals Committee may deem necessary or appropriate.

(g) *Oral presentation on appeals.* (1) The applicant taking an appeal may, upon filing the appeal, request leave to make an oral presentation concerning all or any portion of the matters pertinent to the appeal. Such request shall be in writing and be directed to the Review and Appeals Committee, and shall be granted in the discretion of the Review and Appeals Committee upon a sufficient showing that an adequate presentation of the appeal cannot be made without an oral presentation.

(2) The Review and Appeals Committee may on its own initiative diirect an oral presentation if deemed necessary or appropriate.

(h) *Decision upon appeal.* The decision of the Review and Appeals Committee shall be in writing and a copy shall be sent to the applicant.

Issued: March 6th, 1952.

JUSTIN MILLER,
Chairman.

[F. R. Doc. 52-2923; Filed, Mar. 10, 1952; 12:01 p. m.]

Chapter XII—Defense Minerals Exploration Administration, Department of the Interior

[DMEA Order-1]

GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

This order is found to be necessary and appropriate to carry out the provisions of the Defense Production Act of 1950, as amended, with reference to the encouragement of exploration, development, and mining of critical and strategic minerals and metals pursuant to section 303 (a) of the act. It supersedes Mineral Order 5 of the former Defense Minerals Administration. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.

APPLICATIONS

3. Form and filing.
4. Scope of application.
5. Action on applications.
6. Criteria.

EXPLORATION PROJECT CONTRACTS

7. Ratio of contributions.
8. Operator's property rights.
9. Allowable costs.
10. Repayment by operator.
11. Title to and disposition of property.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2093, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

EXPLANATORY PROVISIONS

SECTION 1. *What this order does.* This order sets forth procedures and regulations for obtaining Government aid in financing the cost of projects for exploration for unknown or undeveloped sources of strategic or critical metals and minerals.

SEC. 2. *Definitions.* As used in this order:

(a) "Exploration project" means the search for unknown or undeveloped sources of strategic or critical metals or minerals within a specified area or parcel of ground in the United States, its territories or possessions, whether conducted from the surface or underground, including recognized and sound procedures for obtaining pertinent geological, geophysical, and geochemical information. The work shall not go beyond a reasonable delineation and sampling of the ore, and shall not include work prosecuted primarily for mining or preparation for mining.

(b) "Operator" means a person, firm, partnership, corporation, association, or other legal entity by whom or for whose account and interest an exploration project is to be carried out.

(c) "Administrator" means the Administrator of Defense Minerals Exploration Administration, or his representative authorized in writing.

(d) "Government" means the United States of America.

APPLICATIONS

SEC. 3. *Form and filing.* An application for aid in any specified exploration project must be in quadruplicate on forms which may be obtained from and filed with either:

The Defense Minerals Exploration Administration,
Department of the Interior,
Washington 25, D. C.

or the nearest Defense Minerals Exploration Administration field executive officer as indicated by the following addresses:

Area served and address

Region I: Alaska—Bureau of Mines, P. O. Box 2990, Juneau, Alaska.

Region II: Washington, Oregon, Idaho, and Montana—South 157 Howard Street, Spokane 8, Wash.

Region III: California and Nevada—1012 Flood Building, 870 Market Street, San Francisco 2, Calif.

Region IV: Arizona, New Mexico, Colorado, Utah, and Wyoming—Bureau of Mines, 224 New Customhouse Building, Denver 2, Colo.

Region V: North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, and Michigan—2908 Colfax Avenue South, Minneapolis 8, Minn.

Region VI: Kansas, Louisiana, Oklahoma, Texas, Arkansas, and Missouri—221 West Third Street, Joplin, Mo.

Region VII: Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi—Room 13, Post Office Building, Knoxville 01, Tenn.

Region VIII: Illinois, Indiana, Ohio, Kentucky, Virginia, West Virginia, Maryland, Massachusetts, New York, Vermont, Maine, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, and Pennsylvania—Bureau of Mines, Eastern Experiment Station, College Park, Md.

SEC. 4. *Scope of application.* Each application shall relate to and fully describe a single exploration project, which shall be justified by detailed substantiating data as called for by the application form. The Administrator may require the filing of additional information, reports, maps or charts, and exhibits, in connection with the application, and may make such physical examination of the project as he deems necessary.

SEC. 5. *Action on applications.* If the application is approved, the Government, acting through the Administrator, will enter into an exploration project contract with the applicant upon such terms and conditions as are set forth in the contract form which the Administrator will supply. Exploration projects the estimated time for the performance of which is more than two years will be approved only if justified, in the opinion of the Administrator, by special circumstances.

SEC. 6. *Criteria.* The following factors will be considered and weighed in passing upon applications:

(a) The strategic importance of the mineral involved.

(b) The geologic probability of making a significant discovery.

(c) The availability of manpower, materials, supplies, equipment, water, and power.

(d) The accessibility of the project.

(e) The operating experience and background of the applicant.

EXPLORATION PROJECT CONTRACTS

SEC. 7. *Ratio of contributions.* The Government, upon the terms specified in the contract, will contribute a percentage of the total cost of a project, depending upon the mineral or minerals which are the subject of exploration, as follows:

(a) In the case of chromium, copper, fluorspar, crucible flake graphite, iron ore, lead, molybdenum, sulfur, catalytic grade halloysite, bauxite, zinc and cadmium—50 percent.

(b) In the case of antimony, manganese, mercury, tungsten, rutile and brookite—75 percent.

(c) In the case of chrysotile and amosite asbestos, beryl, cobalt, columbium tantalum, corundum, cryolite, industrial diamonds, strategic kyanite, strategi

mica; monazite, uranium, and rare-earth ores; nickel, platinum-group metals, piezo-electric quartz, crystals, block steatite talc, and tin—90 percent.

(d) In the event that two or more of the minerals named in this section are the subject of the proposed exploration, the allowable percentage shall be apportioned between them.

SEC. 8. *Operator's property rights.* The Operator must have, preserve, and maintain a sufficient interest in the land, as owner, lessee, or otherwise, for the purposes of the exploration project contract. The Operator shall devote the land and all existing improvements, facilities, buildings, installations, and appurtenances to the purposes of the exploration project without any allowance for the use, rental value, depreciation, depletion, or other cost of acquiring, owing, or holding possession thereof.

SEC. 9. *Allowable costs.* (a) The Government, to the extent provided in the exploration project contract, will contribute to the necessary, reasonable, direct costs of performing the exploration work, including the costs of labor, supervision, and consultants; workmen's compensation and employers' liability insurance and payroll and sales taxes; operating materials and supplies; operating equipment to be rented or purchased, or which is owned and will be furnished by the Operator; necessary rehabilitation or repairs of existing buildings, installations, fixtures, and movable operating equipment owned by the Operator and devoted to the purposes of the exploration project contract; necessary buildings, fixed improvements, or installations to be purchased, installed, or constructed for the purposes of the exploration work; repairs to and maintenance of operating equipment in the course of operations; analytical work; accounting; amounts paid by the Operator to independent contractors; costs estimated and agreed upon by the Operator and the Government in terms of units of work performed (per foot of drifting, per foot of drilling, etc.); and such other necessary, reasonable, direct costs as may be approved by the Government in the course of the work.

(b) No items of general overhead, corporate management, interest, taxes (other than payroll and sales taxes), or any other indirect costs, or work performed or costs incurred before the date of the contract, shall be allowed as costs of the project in which the Government will participate.

SEC. 10. *Repayment by operator.* (a) If, at any time, the Government considers that a discovery or a development from which production may be made has resulted from the exploration work, the Government, at any time not later than six months after the Operator has rendered any final report and final account, may so certify in writing to the Operator. The certification shall describe broadly or indicate the nature of the discovery or development. In the event of such certification, any minerals mined or produced from the land which is the subject of the exploration project contract within ten years from the date of the contract, including any mined or produced before the certification, shall be subject to a percentage royalty which the Operator or his successor in interest shall pay to the Government, upon the net smelter returns, the net concentrator returns, or other net amounts realized from the sale or other disposition of any such production, in whatever form disposed of, including ore, concentrates, or metal, until the total amount contributed by the Government, without interest, is fully repaid, or said ten years have elapsed, whichever occurs first, as follows:

(1) One and one-half (1½) percent of any such net amounts not in excess of eight dollars ($8.00) per ton.

(2) One and one-half (1½) percent of any such net amounts, plus one-half (½) percent of such net amounts for each additional full fifty cents ($0.50) by which such net amounts exceed eight dollars ($8.00) per ton, but not in excess of five (5) percent of such net amounts.

(For instance: The percentage royalty on a net amount of five dollars ($5.00) per ton, would be one and one-half (1½) percent; on a net amount of ten dollars ($10.00) per ton, three and one-half (3½) percent.)

(b) As here used, "net smelter returns," "net concentrator returns," and "other net amounts realized from the sale or other disposition," mean gross revenue from sales; or if not sold, the market value of the material after it is mined in the form in which and the place where it is held. In the case of integrated operations in which the material is not disposed of as such, these terms mean what is or would be gross income from mining operations for percentage depletion purposes in income tax determination.

(c) To secure the payment of its percentage royalty, the exploration project contract shall provide for a lien upon the land or the Operator's interest in the land which is the subject of the contract and upon any production of minerals therefrom, and personal liability of the Operator if he fails to preserve the lien, until the royalty claim is extinguished by lapse of time or is fully paid, or is otherwise satisfied or extinguished as provided in the contract.

(d) This section is not to be construed as imposing any obligation on the Operator or the Operator's successor in interest to engage in any mining or production operations.

SEC. 11. *Title to and disposition of property.* All facilities, buildings, fixtures, equipment, or other items costing more than $50.00 each, paid for or purchased with funds contributed jointly by the Operator and the Government, although title may be taken in the name of the Operator, shall belong to the Operator and the Government jointly, in proportion to their respective contributions, and the exploration project contract shall make suitable provisions for their disposal for the joint account of the Operator and the Government.

Dated: March 7, 1952.

C. O. MITTENDORF,
Acting Administrator, Defense Minerals Exploration Administration.

[F. R. Doc. 52-2912; Filed, Mar. 10, 1952; 11:27 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PILOT FLIGHT TIME LIMITATIONS; REEVE ALEUTIAN AIRWAYS, INC.

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an extension of the authorization granted by Special Civil Air Regulation SR-362 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by March 24, 1952. Copies of such communications will be available after March 26, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Special Civil Air Regulation SR-362 which expires April 1, 1952, authorizes Reeve Aleutian Airways, Inc. (RAA) to schedule pilots to fly in excess of the time allowed by § 41.54 (a) of the Civil Air Regulations. RAA has been operating in accordance with this special regulation since June 1951 and has informed the Board that it is well suited to its operations. The factors which caused the Board to adopt the regulation initially are unchanged, and the CAA has recommended that it be extended.

The Board recognizes that operating conditions in Alaska differ in certain material respects from those in the continental United States. Accordingly

this regulation allows a certain amount of flexibility from the pilot flight time limitations of Part 41 with certain safeguards to insure a high degree of safety.

This regulation waives the requirements of § 41.54 (a) to permit RAA to schedule 2 pilots accompanied by a certificated A & E mechanic to fly, without a rest period, not more than 8 hours and 30 minutes between Anchorage and Adak during any 24 consecutive hours. If a pilot is scheduled to fly in excess of 8 hours and 30 minutes during any 24 consecutive hours, he must be given an intervening rest period at or before the termination of 8 hours and 30 minutes of such flight duty. This rest period must comply with the requirements of § 41.54 (a) and, where a pilot has flown in excess of 8 hours and 30 minutes, with the requirements of § 41.54 (b).

It is further provided that a certificated A & E mechanic, to be eligible for flight duty in these operations, must meet certain knowledge and skill requirements appropriate to the aircraft flown. The Administrator must examine each such applicant with respect to (1) his knowledge of aircraft performance, aircraft engine operation, and their limitations, mathematical computations of engine and fuel consumption, including an understanding of basic meteorology as it affects engine operations, and mathematical computations pertaining to aircraft loading and center of gravity, and (2) his skill in recognizing and remedying the malfunctioning of aircraft, aircraft engines, propellers, and appliances, and performing emergency duties and procedures relating to aircraft engines, propellers, and appliances.

RAA is presently operating under a temporary certificate of public convenience and necessity which expires April 9, 1953. Therefore, although this regulation is being extended for a period of 3 years, it will terminate upon the expiration of RAA's economic operating authority should it not be renewed or should it be significantly changed.

It is therefore proposed to extend the authorization granted by Special Civil Air Regulation SR–362 for a period of 3 years as follows:

1. Notwithstanding the provisions of paragraph (a) of § 41.54 of the Civil Air Regulations, Reeve Aleutian Airways, Inc. (RAA), is authorized to schedule a pilot for flight duty between Anchorage and Adak, Alaska, 8 hours and 30 minutes or less during any 24 consecutive hours, without a rest period during such 8 hours and 30 minutes. If a pilot is scheduled for such flight duty in excess of 8 hours and 30 minutes during any 24 consecutive hours, he shall be given an intervening rest period at or before the termination of 8 hours and 30 minutes of his scheduled flight duty. This rest period must comply with the requirements of § 41.54 (a) and, where a pilot has flown in excess of 8 hours and 30 minutes, with the requirements of § 41.54 (b). On these flights the crew shall consist of 2 pilots and a certificated A & E mechanic approved by the Administrator for this duty.

2. The Administrator shall examine each certificated A & E mechanic applying for this duty in respect to his special knowledge and skill appropriate to the aircraft used by RAA in operations over this route before certifying to his competency. The results of this examination shall be a permanent part of RAA's company records.

(a) The knowledge requirements for each applicant shall include the following subjects: aircraft performance, aircraft engine operation, and their limitations; mathematical computations of aircraft engine operation and fuel consumption, together with basic meteorology as it affects aircraft engine operations; and mathematical computations pertaining to aircraft loading and center of gravity.

(b) The skill requirements for each applicant shall include the following abilities: recognition and repair of malfunctioning aircraft, aircraft engines, propellers, and appliances; and performance of emergency duties and procedures in respect of aircraft engines, propellers, and appliances.

This regulation shall terminate on April 1, 1955, or upon the termination of or major change to the economic operating authority of Reeve Aleutian Airways, Inc. whichever shall first occur, unless sooner superseded or rescinded.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated: March 5, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 52–2796; Filed, Mar. 10, 1952; 8:51 a. m.]

[14 CFR Part 41]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

FLIGHT TIME LIMITATIONS FOR PILOTS NOT REGULARLY ASSIGNED TO ONE TYPE OF CREW

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an extension of the authorization granted by Special Civil Air Regulation SR–372 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by March 24, 1952. Copies of such communications will be available after March 26, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Special Civil Air Regulation SR–372 which terminates March 31, 1952, established regulations whereby a pilot might serve in more than one type of flight crew without incurring any penalty in terms of maximum permissive flight duty. This regulation was promulgated for an experimental study period of six months with a view toward establishing permanent flight time limitations for such crew assignments.

The Civil Aeronautics Administration has advised the Bureau that no abuses have been noted in operations under this regulation. However, it has requested that the regulation be extended for an additional period of six months for continued study.

The factors initially favoring the adoption of the special regulation being unchanged, it is therefore proposed to extend the authorization granted by SR–372 to September 30, 1952, as follows:

1. Contrary provisions of § 41.57 of the Civil Air Regulations notwithstanding, the following rules shall apply to the monthly and quarterly flight time limitations of pilots assigned in combinations of two-pilot crews, two-pilot and additional flight crew member crews, or three-pilot and additional flight crew member crews.

2. A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in a given month, or whose assignment in such crew is interrupted more than once in the month by assignment to a crew consisting of two or more pilots and an additional flight crew member, shall be governed by the provisions of § 41.54.

3. Except for a pilot coming within the provisions of paragraph 2, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional flight crew member crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of three pilots and an additional flight crew member, shall be governed by the provisions of § 41.55.

4. A pilot to whom the provisions of paragraphs 2 and 3 are not applicable, assigned to duty aloft for a total of 20 hours or less within a given month in two-pilot crews with or without additional flight crew members, shall be governed by the provisions of § 41.56.

5. A pilot assigned to each of two-pilot, two-pilot and additional flight crew member, and three-pilot and additional flight crew member crews in a given month, who is not governed by the provisions of paragraphs 2, 3, or 4, shall be governed by the provisions of § 41.55.

This regulation shall terminate September 30, 1952, unless sooner superseded or rescinded.

This regulation is proposed under the authority of Title VI of the Civil Aero-

nautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated: March 5, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 52-2795; Filed, Mar. 10, 1952; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 201, 230, 240, 250, 260, 270, 275]

FEES AND CHARGES

NOTICE OF PROPOSED RULE MAKING

The Commission has received several requests for a hearing on the above proposal, including a Resolution of the Heller Sub-committee of the House Committee on Interstate and Foreign Commerce urging such a hearing.

In response thereto, the Commission has scheduled a hearing upon the fee proposals, to be held Friday, March 14, 1952, at 10:00 a. m. in Room 102, 425 Second Street NW., Washington, D. C.

All interested persons who desire to be heard should advise the Secretary of the Commission on or before March 12, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 6, 1952.

[F. R. Doc. 52-2855; Filed, Mar. 10, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Navy

ORGANIZATION STATEMENT

BUREAU OF SUPPLIES AND ACCOUNTS

In Organization Statement of the Department of the Navy, published December 13, 1951 (16 F. R. 12573–12590), delete Subsection F, *Bureau of Supplies and Accounts*, appearing at 16 F. R. 12583–12584, and insert the following subsection in lieu thereof:

F. *Bureau of Supplies and Accounts.*

1. The duties of the Bureau of Supplies and Accounts are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430). The bureau is directed by a Chief who has the additional title of Paymaster General. The Chief of Bureau is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432). The Deputy and Assistant Chief of Bureau performs the duties of the Chief of Bureau in the latter's absence (28 Stat. 132; 5 U. S. C. 449).

2. The bureau develops plans, conducts research, formulates policies, and specifies procedures to be followed in the performance of supply and specified fiscal functions afloat and ashore.

3. Except as otherwise prescribed by the Secretary of the Navy, the bureau exercises management control over the following types of commands and organizations of the Navy established as separate activities of the Shore Establishment: naval supply centers; naval supply depots; supply demand control points (offices); Navy purchasing offices; supply annexes; naval storehouses; fuel supply depots; Navy central freight control offices; Navy market offices; overseas air cargo terminals; Naval Clothing Factory; Navy exchanges; Navy commissary stores; the Navy Ship's Store Office, New York; the Research and Development Facility, Bayonne, New Jersey; the Navy Material Catalog Office, New York; cost inspection offices; Navy regional accounts offices; Navy accounts disbursing offices; and naval supply facilities.

4. The functions of the bureau and its field activities are as follows:

a. Supervises the procurement, receipt, custody, warehousing, and issuance of Navy supplies and materials, exclusive of medical items, ammunition, projectiles, mines, and explosives.

b. Controls and administers the Navy Stock Fund, the Naval Working Fund, designated parts of the Navy Management Fund, and the stocks of material and supplies procured with these funds.

c. Supervises and directs the operation of the supply phases of the Navy Supply System.

d. Administers a centralized storage program for the Naval Shore Establishment, involving the reporting, as required, of the use of all storage space, the allocation of storage space in naval supply depots and naval supply centers, and recommends increases, decreases, and transfers of storage facilities to meet over-all Navy requirements; recommends to the field action relative to modifications of layout and operation to meet changing requirements and to increase efficiency.

e. Administers the Navy's participation in the storage phase of the National Stockpile Program; provides storage space at Navy activities for the storage of strategic and critical materials of the program, and establishes operating procedures.

f. Authorizes and supervises the transportation of Navy property and the household goods of naval personnel, both military and civilian.

g. Loads and unloads cargo ships; and procures, operates, and administers cargo terminal facilities, including the procurement and assignment of stevedores.

h. Establishes operating procedures and furnishes technical direction to naval activities on matters concerning handling, warehousing, shipping, and stevedoring to the end that naval materials may be expeditiously handled into and through naval activities at a minimum cost and with the least expenditure of manpower, storage, and shipping space.

i. Recommends to the Bureau of Yards and Docks action relative to the location, design, construction, and equipment of storehouses and other facilities or parts thereof, whose principal purpose is a function over which the Bureau of Supplies and Accounts has technical and management control.

j. Recommends to the Bureau of Ships action relative to the space and equipment requirements of disbursing, clothing, resale, messing, and supply activities afloat.

k. Coordinates the assembly of the materials required for the initial establishment of supply components of advance bases, and determines storage and space requirements in connection with the movement of such materials.

l. Develops and implements the industrial mobilization planning program with respect to the material under the bureau's control.

m. Coordinates the compilation and arranges for the printing of the Catalog of Navy Material. Coordinates and prepares the supply requirements of all Federal and military coordinated specifications used by the Department of the Navy; budgets for and establishes the stocks of, and supervises the distribution of the specifications.

n. Prepares budget estimates and administers funds for fuel, clothing, subsistence of Navy personnel, Navy freight other than initial procurement transportation financed under appropriations of other bureaus, maintenance and operation of activities under management control of the bureau, and performance of supply functions as designated, at shore activities not under the management control of the bureau.

o. Exercises material control over all food products, including the processing of coffee, their development and use in the Navy, and exercises technical control over general messes of the Navy (except naval hospital messes).

p. Determines accounting accuracy of contractors' cost representations where such costs are the basis for contract price negotiations and/or reimbursement, including Army and Air Force contracts where assigned. Directs naval cost inspection; and renders the essential periodic and special reports as required by law.

q. Supervises disbursement for all articles and services procured for the Navy

and for payrolls, military and civilian; pays allotments of Navy personnel and family allowances to their dependents; pays retired and fleet reserve personnel of the Navy; pays repatriated military and civilian personnel of the Navy; pays death gratuities; arranges for funds required by Navy disbursing officers and administratively examines their accounts.

r. Prepares information and instructions regarding federal income tax, and disseminates throughout the Naval Establishment.

s. Supervises the issuance of United States Savings Bonds purchased by naval personnel through payroll deductions and allotments.

t. Maintains the official financial and accounting records of the Naval Establishment, covering the General Accounts, the Appropriation Accounts, the Cost Accounts, and the Property Accounts.

u. Maintains the official Fidelity Accounts for public funds and property entrusted to the custody of accountable officers, and certifies to the Comptroller General of the United States all charges against an officer or agent of the Navy entrusted with public property arising from loss occurring through fault or negligence.

v. Develops fiscal procedures and practices in consonance with policies established by higher authority and maintains and issues instructions on the operational details of specified fiscal procedures.

w. Performs audits of property accounts and the administrative examination of the money accounts of the Naval Establishment; and keeps inventory records relating to the plant properties, facilities, and capital equipment owned in whole or in part by the Navy and Marine Corps.

x. Renders an annual report to the Congress of money value of supplies on hand at the various stations at the beginning of each fiscal year; dispositions thereof; purchases and expenditures of supplies for the year, and balance on hand.

y. Performs research and development in the supply, fiscal, and logistics fields, both to fulfill bureau obligations under directives from the Chief of Naval Operations and to improve the peacetime efficiency and wartime potential of bureau and related Navy-wide operations.

z. Recommends to the Bureau of Naval Personnel action relative to the entire personnel program for officers of the Supply Corps and pay clerks, and for the development of programs for training of related enlisted rates.

aa. Prepares and revises Navy Travel Instructions, jointly with the Bureau of Naval Personnel and the Headquarters, U. S. Marine Corps.

Dated: March 3, 1952.

DAN A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 52-2472; Filed, Mar. 10, 1952; 8:45 a. m.]

Office of the Secretary

ESTABLISHMENT OF THE ARMED FORCES MEDICAL LIBRARY

I. *Introduction.* Pursuant to the authority vested in the Secretary of Defense by the National Security Act of 1947 (as amended), it is hereby directed that there be established an Armed Forces Medical Library (hereinafter called the "Library") with responsibilities, functions, authority and relationships as set forth herein. The Library shall be a joint agency of the three military departments, subject to the authority, direction and control of the Secretary of Defense, and under the management control of the Secretary of the Army. It shall consist of the present Army Medical Library, which is hereby transferred thereto, and such other medical library items and collections as may from time to time be considered appropriate.

The Library shall serve as the central medical library of the Department of Defense and as a National Library for medicine and related sciences. In carrying out this objective, it will be dedicated to the advancement of medical sciences in the United States as a whole, as well as within the Department of Defense.

II. *Organization.* The Library shall consist of a Director, a Librarian, an Advisory Group, and a staff of such professional, technical and clerical personnel as may be required.

The Director of the Library shall be an officer selected from the medical profession of the Army, Navy or Air Force on the basis of high professional qualifications, interest in medical bibliography and demonstrated administrative ability. The Director shall be appointed by the Secretary of the Army with the approval of the Secretary of Defense, based on nominations received from the three military departments.

The Librarian, who will be a civilian, will be appointed by the Director, upon the recommendation of the Advisory Group.

The Advisory Group shall consist of the Director of the Library, who shall be the Chairman; a representative from each military department appointed by the Secretary thereof; and such other non-military individuals (not to exceed five in number), who are prominent in the medical or health field or as medical librarians. The Director of the Library, with the approval of the Armed Forces Medical Policy Council, shall appoint the non-military members. The term of membership of the Advisory Group, except for the Chairman, shall not ordinarily exceed three years and will be staggered in such a manner that some members will be appointed yearly.

III. *Functions.* 1. Under policies established by the Armed Forces Medical Policy Council governing medical and allied activities of the Department of Defense, the Armed Forces Medical Library shall:

a. Serve as a central or national library for medical bibliographical research for the medical activities of the military departments, related research and development contractors, other governmental agencies, and the civilian medical and allied professions.

b. Publish guides to medical literature in the form of catalogs, indexes and bibliographical lists and distribute such publications to the medical activities of the military departments and, on a reimbursable basis, to other governmental and private organizations or individuals as required.

c. Provide technical consultation service to medical libraries at medical installations of the military departments.

2. Functions of the Director:

a. Supervise and direct the Library staff in the performance of the functions outlined in paragraph 1.

b. Administer the day-to-day operations of the Library.

c. Serve as Chairman of the Advisory Group.

d. Make recommendations to the Secretary of the Army on the operational needs of the Library, such as budget, staff, space and facility requirements.

e. Refer matters beyond his scope of authority to the Secretary of the Army.

3. Functions of the Advisory Group: Advise the Director on the operation of the Library.

IV. *Administration.* The Secretary of the Army, as management agent, will provide the Director of the Library with such personnel, facilities and other administrative support as are required for performance of the Library's functions. Military personnel, as required, will be provided by each of the three military departments as mutually agreeable. Such military personnel shall be acceptable to and, during their tours of duty with the Library, responsible to the Director with respect to performance of duty. The Director shall be responsible for performance evaluation reports for such military personnel in accordance with existing policy. The Director, subject to the approval of the Secretary of the Army, shall provide for the internal organization and staffing of the Library and shall establish its rules of procedure. The staff of the Library shall be responsible to and shall function under the direction, supervision and control of the Director.

The Secretary of the Army, as management agent, may appoint from time to time outstanding specialists in technical fields to serve as consultants on specific Library operations and problems as are required by the Director.

The Secretary of the Army, as management agent, may redelegate his authorities in connection with the Armed Forces Medical Library within the command structure of the Army.

The Assistant Secretary of Defense (Comptroller) shall arrange with the three military departments for the fiscal support of the Library.

V. *Relationships.* 1. The Library shall coordinate its efforts with all Department of Defense agencies, other governmental agencies and private organizations which have a mutual interest or responsibility with respect to any of its functions.

2. The Director and the staff of the Library are authorized and expected to communicate directly and expeditiously with all Department of Defense agencies and appropriate subdivisions thereof, other governmental agencies and private organizations concerning technical matters within its jurisdiction and in which there exists a mutual interest or responsibility.

3. Services of the Library shall be available to all Department of Defense agencies and, when appropriate, other governmental, private organizations and individuals.

4. All agencies of the Department of Defense shall cooperate fully in assisting the Library in the performance of its mission.

ROBERT A. LOVETT,
Secretary of Defense.

MARCH 4, 1952.

[F. R. Doc. 52-2739; Filed, Mar. 10, 1952; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

NOTICE OF FILING OF PLAT OF DEPENDENT RESURVEY AND COMPLETION SURVEY

FEBRUARY 28, 1952.

Notice is given that the plat accepted February 16, 1950, of (1) resurvey comprising secs. 1 to 14, inclusive, W½ sec. 17, all secs. 18 and 19, NW¼ sec. 20, all secs. 30 and 31, S½ sec. 32, SE¼ sec. 33, and SE¼ sec. 36, delineating a retracement and reestablishment of the lines of the original survey, and (2) completion survey of lands hereinafter described will be officially filed in the Land and Survey Office, Salt Lake City, Utah, effective at 10:00 a. m., on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

SALT LAKE MERIDIAN

T. 21 S., R. 1 E.,
All of secs. 15 and 16;
Sec. 17, E½;
Sec. 20, S½ NE¼;
All of secs. 21 to 29, inclusive;
Sec. 32, N½;
Sec. 33, N½ SW¼;
All of secs. 34 and 35;
Sec. 36, N½ SW¼.

The area described aggregates 10,611.23 acres.

Available information indicates that the lands described are desert mountainous lands, suitable only for grazing of livestock.

By proclamation of June 27, 1913, SE¼ sec. 22, secs. 23 to 27, inclusive, SE¼ sec. 28, SW¼ and NE¼ sec. 33, and secs. 34, 35, and 36 are included within the exterior boundaries of the Fish Lake National Forest Reserve.

No applications for the remainder of the described lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land laws unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

ERNEST E. HOUSE,
Manager.

[F. R. Doc. 52-2807; Filed, Mar. 10, 1952; 8:51 a. m.]

[Misc. 61590]

ARIZONA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE SALT RIVER PROJECT

MARCH 5, 1952.

An order of the Bureau of Reclamation dated April 16, 1951, concurred in by the Associate Director, Bureau of Land Management, May 25, 1951, revoked the Departmental orders of July 2 and August 26, 1902, March 2, 1903, December 4, 1908, August 21, 1909, April 15, 1918, August 29, 1919, October 5, 1920, January 2, 1923, January 25, 1923, May 23, 1925, April 20, 1926, July 8, 1926, February 25, 1930, September 3, 1931, and February 10, 1948, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described land in connection with the Salt River Project, Arizona, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 1 E.,
Sec. 23, SE¼;
Sec. 24, S½NE¼, S½;
Sec. 28, N½N½, S½SW¼, SE¼SE¼;
Sec. 29, N½, N½S½, SW¼SW¼, SE¼SE¼;
Sec. 30, NE¼, S½SE¼, SE¼SW¼, lot 4.
T. 2 N., R. 1 E.,
Sec. 4, lots 1, 2, 3, 4, S½N½, SW¼;
Sec. 5, lot 1, SE¼NE¼, SE¼;
Sec. 8, E½, SE¼NW¼, SW¼SW¼, E½ SW¼;
Sec. 9, W½;
Sec. 17, N½SW¼;
Sec. 18, E½NE¼, SW¼NE¼, E½SW¼, SE¼;
Sec. 19, E½, E½W½;
Sec. 30, lots 1, 2, 3, 4, E½W½, W½E½;
Sec. 31, lots 1, 2, 3, 4, E½W½.
T. 3 N., R. 1 E.,
Sec. 10, SE¼;
Sec. 11, W½;
Sec. 15, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 21, E½;
Sec. 22, W½;
Sec. 28;
Sec. 33.
T. 1 N., R. 2 E.,
Sec. 13;
Sec. 14, S½N½, S½;
Sec. 15, S½;
Sec. 19, lots 3, 4, E½, E½SW¼;
Sec. 20, N½, SW¼, N½SE¼;
Sec. 21, N½, SW¼, N½SE¼;
Sec. 22, N½;
Sec. 23, N½N½, S½S½;

Sec. 24, N½NW¼, S½S½;
Secs. 25 and 26;
Sec. 27, N½;
Sec. 28, NE¼, S½;
Sec. 29, N½NW¼, S½SW¼, SE¼;
Sec. 30, lots 1, 2, 4, N½NE¼, E½NW¼, SE¼SW¼, S½SE¼;
Sec. 31, lots 1, 2, 4, NE¼, E½NW¼, SE¼SW¼;
Sec. 32, N½NE¼, NW¼, N½SW¼;
Sec. 33, N½N½, S½SE¼.

T. 1, N., R. 3 E.,
Sec. 12, E½, SW¼;
Sec. 13, N½, W½SW¼, NE¼SW¼, S½SE¼, NE¼SE¼;
Sec. 14;
Sec. 15, N½, N½S½;
Sec. 17, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 18;
Sec. 19, SE¼;
Sec. 20, S½NE¼, SW¼NW¼, S½;
Sec. 21, S½NW¼, S½;
Sec. 22, S½;
Sec. 23, S½;
Sec. 24, NE¼, SE¼NW¼, S½;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, N½;
Sec. 28, N½;
Sec. 29, N½;
Sec. 30, lots 1, 2, 3, 4, NE¼, E½W½, N½SE¼.

T. 1 N., R. 4 E.,
Sec. 1, S½SW¼;
Sec. 3, lots 3, 5 to 12, inclusive, SE¼NW¼, E½SW¼;
Sec. 5, SW¼, E½SE¼;
Sec. 6, lot 7, SE¼SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, NE¼, E½W½, N½SE¼;
Sec. 8, NW¼, N½S½;
Sec. 9, lots 4, 5, 6, N½, NE¼SW¼, S½ SW¼, S½SE¼;
Sec. 10, lots 1 to 8, inclusive, E½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 11, E½NE¼, NW¼, NW¼SW¼, S½ SE¼;
Sec. 13, S½;
Sec. 14, NW¼NW¼, S½;
Sec. 15;
Sec. 17, S½;
Sec. 18, lots 3, 4, SE¼SW¼, S½SE¼;
Sec. 19, lots 1, 2, 3, NE¼, E½NW¼, NE¼ SW¼, N½SE¼;
Sec. 20, N½;
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, N½;
Sec. 24, N½N½.

T. 4 N., R. 4 E.,
Sec. 7, lots 1, 2, 3, 4, E½W½, SE¼;
Sec. 8, SW¼;
Sec. 15, SW¼;
Sec. 16, NW¼, S½;
Sec. 17;
Sec. 18.

T. 14 N., R. 4 E.,
Sec. 2, NW¼SW¼;
Sec. 4, E½NW¼, NE¼SW¼, SW¼SE¼;
Sec. 9, N½, SE¼;
Sec. 13, W½SW¼;
Sec. 14, lot 3, W½SE¼;
Sec. 25, lots 2, 3, SW¼NE¼, N½NW¼, SE¼.

T. 1 N., R. 5 E.,
Sec. 2, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼;
Sec. 3, lot 1, S½NE¼, NE¼SW¼, S½ SW¼, SE¼;
Sec. 4, S½SE¼;
Sec. 8, SE¼NE¼, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 9, NE¼, S½;
Sec. 10, N½;
Sec. 17;
Sec. 18, lots 3, 4, NE¼NE¼, S½NE¼, E½ SW¼, SE¼;
Sec. 19, lots 1, 2, NE¼, E½NW¼.

T. 2 N., R. 5 E.,
Sec. 22, SW¼;
Sec. 23, S½;
Sec. 24, N½N½, S½;
Sec. 27, NE¼, E½NW¼, S½;
Sec. 28, SE¼;
Sec. 32, SE¼;
Sec. 33;
Sec. 35, E½;
Sec. 36.

T. 13 N., R. 5 E.,
Sec. 11, lots 1, 2, 3, SE¼SE¼;
Sec. 14, NE¼, NE¼SW¼;
Sec. 15, lot 1;
Sec. 17, N½NE¼.

T. 14 N., R. 5 E.,
Sec. 29, lot 6, SW¼NW¼;
Sec. 30, lots 3 to 9, inclusive;
Sec. 31, lot 1;
Sec. 32, lots 3, 4, 5, 6.

T. 2 N., R. 6 E.,
Sec. 28, S½SW¼;
Sec. 29, S½S½;
Sec. 30, lot 4, SE¼SW¼, S½SE¼;
Sec. 31, lots 1, 2, 3, NE¼, E½NW¼, NE¼ SW¼, N½SE¼;
Sec. 32, N½;
Sec. 33, N½NW¼, SW¼NW¼.

T. 1 N., R. 7 E.,
Sec. 3, lots 3, 4, S½NW¼, SW¼;
Sec. 4, SE¼;
Sec. 8, NE¼, S½;
Sec. 9, N½;
Sec. 17, NW¼;
Sec. 18, NE¼.

T. 1 N., R. 8 E.,
Sec. 8, S½S½;
Sec. 9, S½;
Sec. 10, S½;
Sec. 14, E½;
Sec. 23, E½.

T. 2 N., R. 8 E., unsurveyed
Secs. 19, 20, 21, 22, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, and 36.

T. 2 N., R. 9 E., unsurveyed
Secs. 19, 20, 29, 30, 31, and 32.

T. 1 S., R. 10 E.,
Sec. 35, N½S½.

T. 2 S., R. 11 E.,
Sec. 1, S½S½S½.

The above areas aggregate 60,335.11 acres.

The records indicate that all of the above described lands except the S½NE¼ sec. 15, T. 1 N., R. 4 E., and those listed in T. 1 N., R. 8 E., are embraced in valid entries or withdrawn for purposes other than reclamation.

The lands to be restored by this order are chiefly valuable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regluations are applicable. Applications under tne homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of the title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52–2792; Filed, Mar. 10, 1952; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 3589]

NEBRASKA

LOAN ANNOUNCEMENT

JANUARY 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Nebraska 79M Red Willow District Public	$305,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-2769; Filed, Mar. 10, 1952; 8:48 a. m.]

[Administrative Order 3590]

NEW MEXICO

LOAN ANNOUNCEMENT

JANUARY 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 18A Plains	$9,045,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-2770; Filed, Mar. 10, 1952; 8:48 a. m.]

[Administrative Order 3591]

KENTUCKY

LOAN ANNOUNCEMENT

JANUARY 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 35U Warren	$710,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-2771; Filed, Mar. 10, 1952; 8:48 a. m.]

[Administrative Order 3592]

MISSOURI

LOAN ANNOUNCEMENT

JANUARY 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 40U Pettis	$180,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-2772; Filed, Mar. 10, 1952; 8:48 a. m.]

[Admiinstrative Order 3593]

NORTH DAKOTA

LOAN ANNOUNCEMENT

JANUARY 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 25H Morton	$550,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-2773; Filed, Mar. 10, 1952; 8:49 a. m.]

[Administrative Order 3594]

MINNESOTA

LOAN ANNOUNCEMENT

JANUARY 31, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 92L South Itasca	$40,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-2774; Filed, Mar. 10, 1952; 8:49 a. m.]

[Administrative Order 3595]

ARKANSAS

LOAN ANNOUNCEMENT

FEBRUARY 2, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 31R Ahsley	$50,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-2775; Filed, Mar. 10, 1952; 8:49 a. m.]

[Administrative Order 3596]

ILLINOIS

LOAN ANNOUNCEMENT

FEBRUARY 2, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 2R Wayne	$460,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-2776; Filed, Mar. 10, 1952; 8:49 a. m.]

[Administrative Order 3597]

WEST VIRGINIA

LOAN ANNOUNCEMENT

FEBRUARY 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
West Virginia 10U Harrison	$60,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-2777; Filed, Mar. 10, 1952; 8:49 a. m.]

[Administrative Order 3598]

MISSOURI

LOAN ANNOUNCEMENT

FEBRUARY 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 31R Mississippi	$800,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-2778; Filed, Mar. 10, 1952; 8:49 a. m.]

[Administrative Order 3599]

TEXAS

LOAN ANNOUNCEMENT

FEBRUARY 11, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Ad-

ministrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 121H Brazos	$1,250,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-2779; Filed, Mar. 10, 1952; 8:49 a. m.]

[Administrative Order 3600]

ILLINOIS

LOAN ANNOUNCEMENT

FEBRUARY 11, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 8L Coles	$235,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-2780; Filed, Mar. 10, 1952; 8:49 a. m.]

[Administrative Order 3601]

NEBRASKA

LOAN ANNOUNCEMENT

FEBRUARY 12, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 81T Cornhusker District Public	$600,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-2781; Filed, Mar. 10, 1952; 8:49 a. m.]

[Administrative Order T-106]

MISSOURI

LOAN ANNOUNCEMENT

JANUARY 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Waco Telephone Co., Missouri 515-A	$125,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-2782; Filed, Mar. 10, 1952; 8:50 a. m.]

[Administrative Order T-107]

TEXAS

LOAN ANNOUNCEMENT

JANUARY 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Taylor Telephone Cooperative, Inc., Texas 544-A	$991,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-2783; Filed, Mar. 10, 1952; 8:50 a. m.]

[Administrative Order T-108]

WASHINGTON

LOAN ANNOUNCEMENT

JANUARY 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Cohassett Beach Telephone Co., Washington 504-A	[1] $107,000

[1] Simultaneous allocation and loan.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-2784; Filed, Mar. 10, 1952; 8:50 a. m.]

[Administrative Order T-109]

TEXAS

LOAN ANNOUNCEMENT

FEBRUARY 6, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
XIT Rural Telephone Cooperative, Inc., Texas 567-A	[1] $543,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-2785; Filed, Mar. 10, 1952; 8:50 a. m.]

[Administrative Order T-110]

GEORGIA

LOAN ANNOUNCEMENT

FEBRUARY 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Planters Rural Telephone Cooperative, Inc., Georgia 534-A	$420, 00

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-2786; Filed, Mar. 10, 1952; 8:50 a. m.]

[Administrative Order T-111]

TEXAS

LOAN ANNOUNCEMENT

FEBRUARY 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Medina Telephone Cooperative, Inc., Texas 539-A	$136,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-2787; Filed, Mar. 10, 1952; 8:50 a. m.]

[Administrative Order T-112]

COLORADO

LOAN ANNOUNCEMENT

FEBRUARY 11, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wiggins Telephone Association, Inc., Colorado 501-A	$159,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-2788; Filed, Mar. 10, 1952; 8:50 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Delegation of Authority Under NPA-GAO 16-06]

HEARING COMMISSIONERS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN POWERS, FUNCTIONS, AND DUTIES

This delegation of authority is issued pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Orders 10161 and 10200 (15 F. R. 6105, 16 F. R. 61), Defense Production Administration Delegation 1, as amended (16 F. R. 738, 4594), and Department of Commerce Order 123, as amended (15 F. R. 6726, 16 F. R. 1129).

1. Pursuant to General Administrative Order 16–06 (16 F. R. 8628), July 21, 1951, there is hereby delegated to all Hearing Commissioners of the National Production Authority the authority to conduct hearings, to administer oaths or affirmations, to issue subpoenas requiring the attendance of witnesses or the production of documentary evidence, to make findings and conclusions in connection therewith, and to issue suspension orders and orders closing cases. Such Hearing Commissioners shall remain at all times responsible solely to the Chief Hearing Commissioner.

2. The authority herein delegated shall be exercised by such Hearing Commissioners within such limits and in such manner as is prescribed by Implementation 1 (RP–1) to NPA–GAO 16–06 (16 F. R. 8799), and shall also be exercised within such further limits as the Chief Hearing Commissioner may from time to time impose on the exercise of the authority delegated herein.

This delegation of authority shall take effect March 11, 1952.

NATIONAL PRODUCTION AUTHORITY,
WALTER H. FOSTER,
Chief Hearing Commissioner.

[F. R. Doc. 52–2924; Filed, Mar. 10, 1952; 12:07 p. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043).

Blue Bell, Inc., Fulton, Miss., effective 2–25–52 to 10–12–52; 10 percent of the productive factory force (work shirts) (replacement certificate).

The Brown Manufacturing Co., 217 Jackson Street, Waco, Tex., effective 2–28–52 to 2–27–53; 10 percent of the productive factory force (army trousers).

C. B. S. Dress Co., Inc., 214½ North Main Street, Henderson, Ky., effective 3–4–52 to 3–3–53; five learners (ladies' cotton wash dresses).

Clearfield Sportswear Co., Inc., Curwensville, Pa., effective 2–25–52 to 2–24–53; 10 percent of the productive factory force shirts).

Cowden Manufacturing Co., 420 East Main Street, Springfield, Ky., effective 2–29–52 to 8–28–52; 48 learners for expansion purposes (dungarees) (supplemental certificate).

Derby Sportswear, Inc., 420 East German Street, Herkimer, N. Y., effective 2–29–52 to 2–28–53; 10 percent of the productive factory force. This certificate does not authorize the employment of learners at subminimum wage rates in the production of women's and children's skirts (children's apparel).

Dixie Lou Frocks, Inc., 432 First Street, Henderson, Ky., effective 2–28–52 to 2–27–53; 10 learners (dresses, housecoats, brunch coats, etc.).

Fernhill Manufacturi. ; Co., Inc., 801 East Scott Street, Olyphant, Pa., effective 3–6–52 to 3–5–53; 10 percent of the productive factory force or 10 learners, whichever is greater (dresses).

Freedman-Soloff Co., 90 Pocasset Street, Fall River, Mass., effective 2–27–52 to 2–26–53; 10 percent of the productive factory force or 10 learners, whichever is greater (men's and boys' sportswear).

Freeland Manufacturing Co., 156 Ridge Street, Freeland, Pa., effective 2–29–52 to 2–28–53; 10 percent of the productive factory force (sport shirts and work clothes).

General Garment Manufacturing Co., Inc., 308 Canal Street, Petersburg, Va., effective 3–3–52 to 3–2–53; 10 percent of the productive factory force (cotton flannel sport shirts).

Glen of Michigan, Inc., 77 Hancock Street, Manistee, Mich., effective 2–28–52 to 2–27–53; 10 percent of the productive factory force (women's apparel).

Hagale Garment Co., Reeds Spring, Mo., effective 2–29–52 to 2–28–53; five learners (work clothes, dungarees, overalls).

Hollywood Maxwell Co., 2035 Western Avenue, Topeka, Kans., effective 2–26–52 to 2–25–53; 10 percent of the productive factory force or 10 learners, whichever is greater (brassieres).

LaFollette Shirt Co., Inc., LaFollette, Tenn., effective 2–26–52 to 8–25–52; 20 learners for expansion purposes (dress and sport shirts).

Lerner Slone Clothing Corp., 304–10 East Main Street, Carbondale, Ill., effective 3–4–52 to 3–3–53; 10 learners (men's dress trousers and slacks).

A. Lore, Inc., 53 Pike Street, Port Jervis, N. Y., effective 3–1–52 to 2–28–53; five learners (children's underwear).

Loungeray, Inc., Hollidaysburg, Pa., effective 2–29–52 to 2–28–53; 10 percent of the productive factory force (negligees, ladies' robes and quilt robes).

Loungeray, Inc., Hollidaysburg, Pa., effective 2–29–52 to 8–28–52; 30 learners for expansion purposes (negligees, ladies' robes and quilt robes).

Major Shirt Corp., 1106 Cunnius Street, Freeland, Pa., effective 2–28–52 to 2–27–53; 10 percent of the productive factory force or 10 learners, whichever is greater (beachwear and jackets).

Marine Garment Co., Marine, Ill., effective 3–3–52 to 3–2–53; 10 learners (sleeping wear and sportswear).

Marlboro Shirt Co., Inc., Lombard and Paca Streets, Baltimore 1, Md., effective 2–28–52 to 2–27–53; 10 percent of the productive factory force (dress and sport shirts).

Mays Landing Manufacturing Co., Mays Landing, N. J., effective 3–3–52 to 3–2–53; 10 learners (women's sportswear).

Miller Garment Manufacturing Co., 316 East Michigan Avenue, Kalamazoo, Mich., effective 2–28–52 to 2–27–53; 10 percent of the productive factory force or 10 learners, whichever is greater (children's wear).

Oberman & Co., Harrison, Ark., effective 2–25–52 to 8–24–52; 40 learners for expansion purposes (men's and boys' single pants).

Regal Shirt Corp., 125 Center Street, Millersburg, Pa., effective 2–26–52 to 2–25–53; 10 percent of the productive factory force (dress shirts).

The Rice Corp., Monterey, Ind., effective 2–25–52 to 2–24–53; five learners (dungarees).

J. Rogat Shirt Co., 55–61 Broadway, Bangor, Pa., effective 2–26–52 to 2–25–53; 10 percent of the productive factory force (men's shirts).

Sagman Co., Inc., 50 Prospect Street, New Bedford, Mass., effective 2–28–52 to 2–27–53; 10 percent of the productive factory force (sport shirts).

Serbin, Inc., Fayetteville, Tenn., effective 2–28–52 to 2–27–53; 10 percent of the productive factory force; this certificate does not authorize the employment of learners at subminimum wage rates in the manufacture of skirts (women's cotton and rayon dresses).

Henry I. Siegel Co., Inc., Bruceton, Tenn., effective 2–29–52 to 2–28–53; 10 percent of the productive factory force (pants, coats, and dungarees).

Henry I. Siegel Co., Inc., Dickson, Tenn., effective 2–29–52 to 2–28–53; 10 percent of the productive factory force (men's and boys' shirts and pants).

Henry I. Siegel Co., Inc., Trezevant, Tenn., effective 2–29–52 to 2–28–53; 10 percent of the productive factory force (men's and boys' pants).

H. B. Spoont Co., 12–18 East Coal Street, Shenandoah, Pa., effective 3–1–52 to 2–28–53; 10 learners; learners not to be engaged at subminimum wage rates in the manufacture of skirts (pants, overalls, coveralls, etc.).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn., effective 3–1–52 to 2–28–53; 10 percent of the productive factory force or 10 learners, whichever is greater (dungarees).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn., effective 3–1–52 to 8–31–52; 15 learners for expansion purposes (dungarees).

Tex-Son, Inc., 419 South St. Mary's Street, San Antonio, Tex., effective 3–3–52 to 3–2–53; 10 percent of the productive factory force (shirts, pants, jackets).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Churchill-Swanson Manufacturing Co., 544 North Pearl Street, Centralia, Wash., effective 2–28–52 to 2–27–53; 10 learners (workingmen's cotton gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Bear Brand Hosiery Co., Fayetteville, Ark., effective 3–2–52 to 3–1–53; five learners.

Bear Brand Hosiery Co., Fayetteville, Ark., effective 3–2–52 to 11–1–52; 20 learners for expansion purposes.

Bear Brand Hosiery Co., Siloam Springs, Ark., effective 3–2–52 to 11–1–52; 25 learners for expansion purposes.

Bear Brand Hosiery Co., Siloam Springs, Ark., effective 3–2–52 to 3–1–53; 5 percent of the productive factory force.

Bijou Hosiery Mills, Inc., Denver, Pa., effective 3–4–52 to 3–3–53; 5 percent of the productive factory force.

Browns Hosiery Mills, Inc., Burlington, N. C., effective 2–28–52 to 2–27–53; five learners.

J. A. Cline & Son, Inc., Hildebran, N. C., effective 2–28–52 to 2–27–53; 5 percent of the productive factory force.

Crescent Hosiery Mills, Niota, Tenn., effective 3-5-52 to 3-4-53; 5 percent of the productive factory force.

Herrin Hosiery Mills, Inc., Pearl Street, Lamar, S. C., effective 2-28-52 to 2-27-53; two learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

The Cass County Telephone Co., Pleasant Hill, Mo., effective 3-2-52 to 3-1-53.

Long Prairie Telephone Co., Long Prairie, Minn., effective 2-28-52 to 2-27-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Winston Manufacturing Co., Inc., Haleyville, Ala., effective 2-25-52 to 8-24-52; 125 learners for expansion purposes (undergarments and sleeping wear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Freeman & Freeman, 229 Franklin Road, Roanoke, Va., effective 2-28-52 to 2-27-53; three learners; sewing machine operators; 250 hours at 65 cents per hour (ladies' custom-made belts, buckles, and buttons).

Marblite & Plastex Statuary, 1124 West Fifth Street, Washington, Mo., effective 2-29-52 to 8-28-52; two learners; hand painting; 160 hours at 65 cents per hour (statuary).

Wilkes-Barre Cap Manufacturing Co., 88 East Northampton Street, Wilkes-Barre, Pa., effective 3-2-52 to 3-1-53; two learners; sewing machine operators; 240 hours at 65 cents per hour (miners caps and work caps).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

The Shawy Handbag Co. of Puerto Rico, Caguas, P. R., effective 2-20-52 to 5-19-52; 15 learners; machine operators, 160 hours at 25 cents per hour, 160 hours at 29 cents per hour (corde handbag).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 3d day of March 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-2741; Filed, Mar. 10, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26868]

COKE REFUSE OR DUST FROM GARY AND IVANHOE, IND., AND JOLIET, ILL., TO VIRGINIA, MINN.

APPLICATION FOR RELIEF

MARCH 6 ,1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 416.

Commodities involved: Coke refuse or coke dust, carloads.

From: Gary and Ivanhoe, Ind., and Joliet, Ill.

To: Virginia, Minn.

Grounds for relief: Competition with water, or water-rail carriers.

Schedules filed containing proposed rates R. G. Raasch's tariff I. C. C. No. 416, Supp. 175.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2754; Filed, Mar. 10, 1952; 8:47 a. m.]

[4th Sec. Application 26869]

PHOSPHATE ROCK FROM FLORIDA MINES TO HUNTINGTON, W. VA.

APPLICATION FOR RELIEF

MARCH 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and other carriers.

Commodities involved: Phosphate rock, ground or not ground, slush and floats, and soft phosphate, not acidulated or ammoniated, carloads.

From: Points in Florida.

To: Huntington, W. Va.

Grounds for relief: Rail competition, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3232, Supp. 54; SAL RR. tariff I. C. C. No. A-8153, Supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2755; Filed, Mar. 10, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

KENNETH B. HILL & CO.

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

MARCH 3, 1952.

In the matter of Kenneth B. Hill d/b/a Kenneth B. Hill & Co., 80 Federal Street, Boston 10, Massachusetts.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("Exchange Act") to determine whether Kenneth B. Hill ("registrant"), a sole proprietor doing business as Kenneth B. Hill & Co., willfully violated section 17 (a) of the Securities Act of 1933 and sections 10 (b), 15 (c) (1), and 17 (a) of the Exchange Act and certain rules thereunder, and, if so, whether it is in the public interest to revoke his registration with this Commission as a broker-dealer [1] and to suspend or expel him from membership in the National

[1] Section 15 (b) of the Exchange Act provides in pertinent part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * (D) has willfully violated any provision of the Securities Act of 1933, as amended, or of this title, or of any rule or regulation thereunder."

Association of Securities Dealers, Inc., a registered securities association.[2]

Registrant filed an "answer and consent" in which he waived a hearing, proposed findings, briefs, and oral argument, admitted the existence of the facts and causes of action set forth in the order for proceedings for the purpose of this or any other proceeding ordered by the Commission under section 15 of the Exchange Act, agreed that the record in this proceeding may be closed upon the inclusion therein of this answer and consent and that upon such record this Commission may enter its findings, and consented to the entry of an order revoking registrant's registration as a broker and dealer and expelling him from membership in National Association of Securities Dealers, Inc.

Registrant admits, and we find, that during the period from about May 1, 1950, to February 4, 1952, he (1) solicited and effected certain securities transactions in which he received money on the representation that he was solvent and ready and able to discharge his liabilities, when he knew that his liabilities exceeded his assets; (2) accepted payment for a security which he purported to sell but which he intended not to and did not deliver; (3) sold, and pledged as collateral for a loan, certificates which he represented to be valid obligations of certain townships, when he knew that the certificates delivered and pledged by him were spurious because they were imitations made by him on which the signatures of certain officials of such townships were forged or caused to be forged by him; (4) used the mails and instrumentalities of interstate commerce in effecting certain of the above transactions and in inducing the purchase and sale of securities as set out above; (5) did not make and keep current the books and records required by Rule X-17A-3 under section 17 (a) of the Exchange Act; and (6) filed a report of his financial condition as of December 26, 1950, which was false and misleading in that it failed to disclose certain liabilities.

On the basis of the foregoing, we find that registrant willfully violated section 17 (a) of the Securities Act of 1933 and sections 10 (b), 15 (c) (1), and 17 (a) of the Exchange Act and Rules X-10B-5, X-15C1-2 (a) and (b), X-17A-3 and X17A-5 thereunder.

We conclude that it is in the public interest to revoke registrant's registration as a broker and dealer and to expel registrant from membership in the National Association of Securities Dealers, Inc.

[2] Section 15A (1) of the Exchange Act provides in pertinent part: "The Commission is authorized, if such action appears to it to be necessary or appropriate in the public interest * * *

(2) After appropriate notice and opportunity for hearing, by order to suspend for a period not exceeding 12 months or to expel from a registered securities association any member thereof who the Commission finds (A) has violated any provision of this title or any rule or regulation thereunder, * * * or (B) has willfully violated any provision of the Securities Act of 1933, as amended, or of any rule or regulation thereunder * * *"

Accordingly, it is ordered, Pursuant to sections 15 (b) and 15 A (*l*) of the Securities Exchange Act of 1934, that the registration as a broker and dealer of Kenneth B. Hill, doing business as Kenneth B. Hill & Co., be, and it hereby is, revoked, and that Kenneth B. Hill be, and he hereby is, expelled from membership in the National Association of Securities Dealers, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2743; Filed, Mar. 10, 1952; 8:46 a. m.]

TOM G. TAYLOR & CO. AND TOM G. TAYLOR

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

MARCH 3, 1952.

In the matter of Tom G. Taylor & Co., 304 Wilma Bldg., Missoula, Montana, and Tom G. Taylor, 304 Wilma Bldg., Missoula, Montana.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("Exchange Act") to determine whether the registration as a broker-dealer of Tom G. Taylor & Co. ("registrant"), a corporation, should be revoked, and whether, under section 15A (b) (4) of that act, Tom G. Taylor, president and a director of registrant, is a cause of any order of revocation which we might enter in these proceedings.[1]

The order instituting these proceedings alleges that during the period from approximately April 1, 1949, to November 30, 1951, registrant, together with or aided and abetted by Taylor, willfully violated anti-fraud and registration provisions of the Securities Act of 1933 ("Securities Act") and the anti-fraud provisions of the Exchange Act and rules thereunder in connection with the purchase, sale, and delivery of securities of registrant and of other issuers, in that, among other things, they failed to deliver prospectuses as required by the Securities Act, misappropriated money paid to registrant for securities which were never delivered, made certain false and misleading statements with respect to various aspects of registrant's business and activities, and failed to maintain the prescribed net capital requirements for brokers and dealers, keep books and records as required, or file accurate financial reports. The order also recites that respondents have been permanently enjoined from making false and misleading statements, including those specified in the order as having been made by respondents, in connection with the sale of securities.

Respondents waived a hearing and a recommended decision of the hearing officer, consented to revocation, and admitted certain allegations in the order and other facts for the purpose of this and any other proceeding pursuant to section 15 (b) of the Exchange Act.

Respondents admit, and we find, that they are permanently enjoined by a decree of the United States District Court for the District of Montana (Great Falls Division), entered on October 17, 1951, from making false and misleading statements in the sale of securities of registrant or any other securities by use of the mails or means of interstate commerce, including untrue statements or material omissions concerning registrant's assets and financial condition, the nature of registrant's business, the payment of dividends by registrant, and the availability and marketability of its stock and the use of the proceeds from its sale.

Respondents also admit that registrant's annual financial reports as of May 15, 1950, and May 31, 1951, respectively, which were signed by Taylor and filed with this Commission pursuant to Rule X-17A-5 under section 17 (a) of the Exchange Act, did not reflect a debt owed by registrant in the amount of $3,000, but they claim that such omissions were inadvertent. Respondents further admit that Taylor, who was president and a director of registrant from the time of its organization in 1947 until after the period covered by the order for proceedings, was actively engaged in the conduct of registrant's business during such period.

We find that the financial reports were false and misleading in the respect noted and that registrant, aided and abetted by Taylor, violated section 17 (a) of the Exchange Act and Rule X-17A-5 thereunder. However, on the record before us, we cannot find that such violation was willful.

In view of the injunction, the nature of the conduct enjoined, and respondent's consent to revocation, we conclude that revocation of registrant's registration as a broker-dealer is in the public interest. We also conclude, on the basis of the foregoing, that Taylor is a cause of the order entered herein.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Tom G. Taylor & Co. as a broker-dealer be, and it hereby is, revoked; and it is found that Tom G. Taylor is a cause

[1] Section 15 (b) of the Exchange Act provides in pertinent part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * or (2) any * * * officer, director, or branch manager of such broker or dealer * * * or any person directly or indirectly controlling or controlled by such broker or dealer * * * (C) is permanently * * * enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or (D) has willfully violated any provision of the Securities Act of 1933, as amended, or of this title, or of any rule or regulation thereunder * * *"

Under section 15A (b) (4), in the absence of approval or direction by this Commission, no broker or dealer may be admitted to or continued in membership in a national securities association if the broker or dealer or any person associated with him was a cause of any order of revocation.

of the revocation of the registration of said Tom G. Taylor & Co.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2744; Filed, Mar. 10, 1952; 8:46 a. m.]

[File No. 70-2812]

UNITED GAS IMPROVEMENT CO. ET AL.

NOTICE REGARDING PROPOSED ADVANCES BY HOLDING COMPANY TO ITS SUBSIDIARIES

MARCH 5, 1952.

In the matter of The United Gas Improvement Company, Allentown-Bethlehem Gas Company, The Harrisburg Gas Company, Lancaster County Gas Company; File No. 70-2812.

Notice is hereby given that The United Gas Improvement Company ("UGI"), a registered holding company, and its subsidiaries, Allentown-Bethlehem Gas Company, The Harrisburg Gas Company and Lancaster County Gas Company, have filed a joint declaration with the Commission under the Public Utility Holding Company Act of 1935, and have designated section 12 of the Act and Rules U-23, U-24, and U-45 thereunder as being applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

UGI proposes to advance to three of its subsidiaries, named below, on open book account, from time to time on or before December 31, 1952, amounts not exceeding the following:

Allentown-Bethlehem Gas Co	$1,200,000
The Harrisburg Gas Co	1,430,000
Lancaster County Gas Co	770,000
Total	3,400,000

The proposed advances will be made from time to time as funds are needed by the subsidiaries to meet their respective construction needs. The three subsidiaries have a construction budget for the year 1952 in amounts aggregating $4,402,786, of which $330,000 are proposed to be obtained by bank loans of the subsidiaries and the remaining $672,786 from other resources of the subsidiaries, including retained earnings.

It is proposed that the advances bear interest at the rate of 3½ percent per annum. The declaration states that this rate is the same as that charged by UGI for similar advances previously made, and was determined after giving due consideration to all of the relative factors involved. It is proposed that interest will be paid only on such amounts as are actually advanced by UGI.

The declaration states that the advances are to be obtained and used pending consummation of the comprehensive plan of UGI filed under section 11 (e), presently pending before the Commission; under that plan, if consummated, UGI will be merged with its subsidiaries and intercompany indebtedness will be eliminated.

Notice is further given that any interested person may, not later than March 20, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration, as filed or as subsequently amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing therein. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 20, 1952 at 5:30 p. m., e. s. t., said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2745; Filed, Mar. 10, 1952; 8:46 a. m.]

[File No. 70-2787]

INTERSTATE POWER CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF BONDS AND COMMON STOCK

MARCH 5, 1952.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Interstate Power Company ("Interstate"), a registered holding company. Declarant has designated sections 6 and 7 of the act, and Rule U-50 promulgated thereunder as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 19, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 19, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Interstate proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $2,000,000 principal amount of First Mortgage Bonds, __ Percent Series, due 1982. The bonds will be issued under and secured by the company's existing Indenture, dated January 1, 1948, as supplemented and amended, and a proposed new Supplemental Indenture to be dated as of January 1, 1952. The price to be paid to the company and the interest rate will be determined through competitive bidding.

Interstate also proposes to issue and sell 345,833 additional shares of its $3.50 par value common stock. The shares of common stock are to be offered first to the holders of the presently outstanding common stock of the company for subscription in the ratio of one share of additional common stock for each six shares now held. In addition, stockholders will be entitled to a conditional privilege to subscribe for and purchase at the subscription price, all unsubscribed shares of common stock proposed to be offered, subject to allotment. Rights to subscribe and the conditional privilege of additional subscription will be evidenced by a single form of warrant which may be exercised, sold or transferred to others by assignment and may be divided or combined as desired. No fractional shares of additional common stock will be issued. It is stated that the subscription agent will buy and sell rights for the account of warrant holders exercising subscription rights, and sell rights for the account of warrant holders not exercising subscription rights without any charge for such service. In each case, the purchase or sale may not exceed five rights. The company also proposes to issue and sell at competitive bidding under Rule U-50 of the act, such of the 345,833 shares of common stock as shall not have been subscribed for, as described above. At least 42 hours prior to the time for the submission and opening of bids, Interstate will advise the prospective bidders of the subscription price per share for the shares of the new common stock, which will also be the price per share at which unsubscribed shares will be sold to the successful bidder. Prospective bidders will be required to specify the aggregate amount to be paid by Interstate as compensation for their commitments.

The declarant states that because of the longer time schedule required in connection with the proposed offering of subscription rights to common stockholders, it will not be possible to consummate the proposed bond and stock financing prior to April 10, 1952, the maturity date of its presently outstanding 2¾ percent notes. Interstate, therefore requests authority to extend the maturity date of said notes from April 10 1952, to May 10, 1952, such extension t be at a rate of interest of 3¼ percen per annum.

The company states that the proceed from the sale of the new bonds and com mon stock will be used to pay off th presently outstanding 2¾ percent note in the principal amount of $4,250,00

and to finance its 1952 construction program estimated at $6,851,000.

It is represented that no other Commission has jurisdiction over the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2746; Filed, Mar. 10, 1952; 8:46 a. m.]

[File No. 70-2801]

STANDARD GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING PROPOSED OPEN ACCOUNT ADVANCE BY PARENT COMPANY TO SUBSIDIARY HOLDING COMPANY AND ACQUISITION BY SUCH SUBSIDIARY OF ADDITIONAL COMMON STOCK FROM ITS PUBLIC UTILITY SUBSIDIARY

MARCH 5, 1952.

In the matter of Standard Gas and Electric Company, Philadelphia Company, Duquesne Light Company; File No. 70-2801.

Notice is hereby given that Standard Gas and Electric Company ("Standard"), a registered holding company, Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard, and Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia, have filed a joint application-declaration pursuant to the act, particularly sections 6, 7, 9, 10, 12 (a), 12 (b), and 12 (f) thereof, with regard to the transactions therein set forth which are summarized as follows:

Standard proposes to advance to Philadelphia the sum of $2,500,000 on open account at the prime interest rate prevailing for short term commercial bank loans at the time of said loan.

Philadelphia, which owns all the outstanding common stock of Duquesne, proposes to use the proceeds of the loan plus cash in the amount of $2,600,000 from its general funds, or an aggregate of $5,100,000, to acquire from Duquesne, and Duquesne proposes to sell, 170,000 additional shares of Duquesne's common stock, of a par value of $10 per share, at a purchase price of $30 per share. Applicants-declarants state that the proposed purchase price is not to be deemed as an indication of their opinion of the value of the Duquesne common stock and that such value need not be determined since Philadelphia is the owner of all the outstanding common stock of Duquesne.

According to the filing, an order of the Pennsylvania Public Utility Commission approving the proposed issuance and sale of securities by Duquesne will be supplied by amendment. The joint application-declaration states that the proceeds from the sale of its common stock will be used by Duquesne to provide a portion of the funds necessary for its 1952 construction program. It further states that Standard believes there will be sufficient funds available to it in 1952, apart from the $2,500,000 which it proposes to advance to Philadelphia, to provide for any other investment in subsidiaries which it might be called upon to make during such year.

The filing estimates that the fees and expenses in connection therewith will aggregate $7,245, of which $5,270 will be expended for State and Federal taxes, $1,875 for attorneys' fees and $100 for miscellaneous expenses.

Applicants-declarants request that the Commission's order approving the proposed transactions become effective upon issuance.

Notice is further given that any interested person may, not later than March 21, 1952, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 21, 1952, at 5:30 p. m., said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2747; Filed, Mar. 10, 1952; 8:46 a. m.]

[File No. 70-2806]

NEW ENGLAND ELECTRIC SYSTEM AND CONNECTICUT RIVER POWER CO.

NOTICE OF REDEMPTION OF PREFERRED STOCK AND REDUCTION OF AUTHORIZED CAPITAL STOCK

MARCH 5, 1952.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, Connecticut River Power Company ("CRP"), have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935. Declarants have designated sections 6, 7, and 12 of the act and Rule U-23, U-42, and U-45 thereunder as applicable to the proposed transactions, which are summarized as follows:

CRP presently has outstanding 12,000 shares of 6 percent Cumulative Preferred Stock, $100 par value, of which 7,297 shares are held by NEES and 4,703 shares are publicly held. NEES proposes to surrender to CRP, as a capital contribution, said 7,297 shares and CRP proposes, subject to such prior surrender, to purchase and redeem said publicly held shares at $110 per share plus accrued dividends to the date of call. Following said purchase and redemption, CRP further proposes to reduce its authorized capital stock by $1,200,000, the aggregate amount of its outstanding preferred stock.

It is represented in the declaration that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The declaration states that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $500 for NEES and $1,000 for CRP, or an aggregate of $1,500.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than March 19, 1952 at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2748; Filed, Mar. 10, 1952; 8:46 a. m.]

[File No. 70-2807]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF FILING REQUESTING AUTHORITY TO ISSUE AND SELL SHORT-TERM NOTES

MARCH 5, 1952.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company. Applicant has designated the first sentence of section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 19, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 19, 1952, said ap-

plication, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

New Hampshire proposes to issue and renew, from time to time, up to and including June 30, 1952, notes having a maturity of three months or less up to the maximum amount of $7,500,000 at any one time outstanding (including notes presently outstanding in the amount of $1,675,000). Each such note, including the renewal notes, will be made payable to The First National Bank of Boston and will bear interest at the rate of 3¼ percent per annum, subject to change in interest rates for prime paper. The application states that the interest rate for prime paper at the present time is 3 percent per annum. In case the interest rate should exceed 3½ percent on any note, the company will file an amendment to its application stating the interest rate and other details of the note or notes at least five days prior to the execution and delivery thereof and asks that such amendment become effective without further order of the Commission at the end of the five-day period unless the Commission shall have notified the company to the contrary within said period.

The proceeds from the sale of the notes will be used primarily for construction purposes. The application states that the company's construction program for the year 1952 will require cash expenditures of approximately $11,900,000. It is also stated that the company intends, in May or June 1952, to issue $4,000,000 principal amount of First Mortgage Bonds and $2,500,000 of Preferred Stock, and, toward the end of the year, to issue a sufficient number of shares of Common Stock to raise approximately $4,000,000. However, it is stated that market conditions, among other things, may require some variation of the proposed financing.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions. The applicant requests that the Commission's order herein become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–2749; Filed, Mar. 10, 1952; 8:47 a. m.]

[File No. 70–2809]

SUBURBAN GAS AND ELECTRIC CO.

NOTICE OF PROPOSED NOTE ISSUES

MARCH 5, 1952.

Notice is hereby given that Suburban Gas and Electric Company ("Suburban"), a public-utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935. Declarant has designated sections 6 and 7 of the act and Rule U-23 thereunder as applicable to the proposed transactions which are summarized as follows:

Suburban proposes to issue to The First National Bank of Boston, from time to time but not later than March 31, 1952, unsecured promissory notes in an aggregate face amount not exceeding $375,000. Each of said notes will mature not later than six months after its issue date and will bear interest at the prime interest rate at the time of its issuance. It is stated in the declaration that, at the present time, said prime interest rate is 3 percent per annum. It is further stated that if said prime interest rate is in excess of 3¼ percent at the time any of the proposed notes are to be issued, Suburban will file an amendment to its declaration setting forth therein, among other things, the amount of the proposed note and the proposed rate of interest thereof at least five days prior to the date of execution and delivery of said note and Suburban requests that unless the Commission notifies it to the contrary within said five day period, the amendment shall become effective at the end thereof. The declaration indicates that the proposed notes may be prepaid, in whole or in part, prior to maturity without payment of a premium.

The declaration further states that the proceeds from the proposed notes are to be used to pay for construction work and costs of conversion to the use of natural gas.

The declaration further states that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $250. It is represented that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon its issuance.

Notice is further given that any interested person may, not later than March 19, 1952 at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street N. W., Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–2750; Filed, Mar. 10, 1952; 8:47 a. m.]

[File No. 70–2813]

WORCESTER COUNTY ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE OF NOTE

MARCH 5, 1952.

Notice is hereby given that Worcester County Electric Company ("Worcester County"), a public-utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 and 7 of the act and Rules U-23 and U-42 thereunder as applicable to the proposed transactions, which are summarized as follows:

Worcester County proposes to issue on March 25, 1952, an unsecured promissory note to The First National Bank of Boston in the face amount of $1,000,000 due six months after said date and bearing interest at the prime interest rate generally being charged by banks in Boston five days prior to said date. It is stated in said declaration that at the present time such prime interest rate is 3 percent per annum. It is further stated that in the event that such prime interest rate should exceed of 3¼ percent per annum. Worcester County will file an amendment to its declaration setting forth therein, among other things, the terms of the proposed note and the proposed rate of interest thereon at least five days prior to the date of execution and delivery of said note. Worcester County requests that unless the Commission notifies it to the contrary within said five-day period, the amendment shall become effective at the end of such period.

Worcester County presently has outstanding $3,600,000 principal amount of unsecured promissory notes and proposes to use the proceeds of the note proposed to be issued to pay a presently outstanding $1,000,000 note which matures March 25, 1952.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $300.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than March 19, 1952 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for

such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2751; Filed, Mar. 10, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 403, Amdt. 3]

WESTINGHOUSE ELECTRIC CORP., TELEVISION-RADIO DIVISION

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 403, under section 43 of Ceiling Price Regulation 7, established ceiling prices for sales at retail of television and radio home receivers manufactured by Westinghouse Electric Corporation, Television-Radio Division, having the brand name "Westinghouse".

Certain cost lines for which application was made were omitted from the coverage of the special order. It appears that the ceiling prices for these cost lines are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

Amendatory provisions. Special Order 403, under section 43 of Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 1 (c) following:

H-688K24	$665.85	$675.85	$20.00

insert the following:

RADIO

Model	Zone 1—Ceiling price at retail (a)	Zone 2—Ceiling price at retail (a)
H-331P4	$40.37	$42.37
H-333P4	40.37	42.37

Effective date. This amendment shall become effective March 5, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

MARCH 5, 1952.

[F. R. Doc. 52-2732; Filed, Mar. 5, 1952; 3:51 p. m.]

[Delegation of Authority 6, Revision 1]

DIRECTOR OF PRICE OPERATIONS

DELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), as amended (16 F. R. 11257), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

Delegation of Authority No. 6, effective April 28, 1951 (16 F. R. 3672), as amended June 13, 1951 (16 F. R. 5659), is revised to read as follows:

1. Authority is hereby delegated to the Director of Price Operations, Office of Price Stabilization, to request further information from a seller who has submitted a proposed ceiling price for approval.

2. The authority herein delegated may be redelegated to the Directors of the Divisions and the Chiefs of the Branches of the Office of Price Operations, Office of Price Stabilization.

This revision of delegation of authority No. 6, as amended, shall take effect on March 11, 1952.

ELLIS ARNALL, *Director, Office of Price Stabilization.*

MARCH 10, 1952.

[F. R. Doc. 52-2914; Filed, Mar. 10, 1952; 11:55 a. m.]

[Delegation of Authority 6, Revision 1, Supplement 1, Revision 1]

DIRECTORS OF THE DIVISIONS OF THE OFFICE OF PRICE OPERATIONS

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of Price Operations, Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), as amended (16 F. R. 11257), Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), and by Office of Price Stabilization Delegation of Authority No. 6, Revision 1, this delegation of authority is hereby issued.

Delegation of Authority No. 6, Revised, Supplement 1, effective April 28, 1951 (16 F. R. 3672), as amended July 20, 1951 (16 F. R. 7187), is revised to read as follows:

1. Authority is hereby delegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization, to request further information from a seller who has submitted a proposed ceiling price for approval.

2. The authority herein delegated may be redelegated to the Chiefs of the Branches of the Office of Price Operations, Office of Price Stabilization.

This revision of Delegation of Authority No. 6, Revised, Supplement 1, shall take effect on March 11, 1952.

EDWARD F. PHELPS, Jr., *Director of Price Operations.*

MARCH 10, 1952.

[F. R. Doc. 52-2915; Filed, Mar. 10, 1952; 11:56 a. m.]

[Delegation of Authority 10, Revision 1]

DIRECTOR OF PRICE OPERATIONS

DELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION REGARDING CHANGES IN COUPON EXCHANGE PLANS PURSUANT TO SR 25 TO GCPR

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), as amended (16 F. R. 11257), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

Delegation of Authority 10, effective June 28, 1951 (16 F. R. 6260), is revised to read as follows:

1. Authority is hereby delegated to the Director of Price Operations, Office of Price Stabilization, to request further information from a seller who has submitted for approval proposed changes in a coupon exchange plan or other premium program pursuant to Supplementary Regulation 25, as amended, to the General Ceiling Price Regulation.

2. The authority herein delegated may be redelegated to the Directors of the Divisions and the Chiefs of the Branches of the Office of Price Operations, Office of Price Stabilization.

This revision of Delegation of Authority 10 shall take effect on March 11, 1952.

ELLIS ARNALL, *Director, Office of Price Stabilization.*

MARCH 10, 1952.

[F. R. Doc. 52-2916; Filed, Mar. 10, 1952; 11:56 a. m.]

[Delegation of Authority 10, Revision 1, Supplement 1, Revision 1]

DIRECTORS OF THE DIVISIONS OF THE OFFICE OF PRICE OPERATIONS

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION REGARDING CHANGES IN COUPON EXCHANGE PLANS PURSUANT TO SR 25 TO GCPR

By virtue of the authority vested in me as Director of Price Operations, Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), as amended (16 F. R. 11257), Economic Stabilization Agency General Order No.

2, as amended (16 F. R. 738, 11626), and by Office of Price Stabilization Delegation of Authority No. 10, Revision 1, this delegation of authority is hereby issued.

Delegation of Authority No. 10, Revision 1, Supplement 1, effective July 7, 1951 (16 F. R. 6640), is revised to read as follows:

1. Authority is hereby delegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization, to request further information from a seller who has submitted for approval proposed changes in a coupon exchange plan or other premium program pursuant to Supplementary Regulation 25, as amended, to the General Ceiling Price Regulation.

2. The authority herein delegated may be redelegated to the Chiefs of the Branches of the Office of Price Operations, Office of Price Stabilization.

This revision of Delegation of Authority 10, Revised, Supplement 1, shall take effect on March 11, 1952.

EDWARD F. PHELPS, Jr.,
Director of Price Operations.

MARCH 10, 1952.

[F. R. Doc. 52-2917; Filed, Mar. 10, 1952; 11:56 a. m.]

[Delegation of Authority 15, Revision 1]

DIRECTOR OF PRICE OPERATIONS

DELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING APPLICATIONS FOR ADJUSTMENTS UNDER CPR 13, CPR 17 AND CPR 32

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950 (64 Stat. 798, 803), as amended (65 Stat. 131), Executive Order 10161, as amended (15 F. R. 6105; 16 F. R. 11257), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

Delegation of authority No. 15, effective July 28, 1951 (16 F. R. 7432), is revised to read as follows:

1. Authority is hereby delegated to the Director of Price Operations, Office of Price Stabilization, to request further information concerning applications for adjustment under Ceiling Price Regulation 13, Ceiling Price Regulation 17 and Ceiling Price Regulation 32.

2. The authority herein delegated may be redelegated to the Director of the Transportation, Public Utilities and Fuels Division of the Office of Price Stabilization.

This revision of delegation of authority No. 15 shall take effect on March 11, 1952.

ELLIS ARNALL,
Director, Office of Price Stabilization.

MARCH 10, 1952.

[F. R. Doc. 52-2918; Filed, Mar. 10, 1952; 11:56 a. m.]

[Delegation of Authority 15, Revision 1, Supplement 1, Revision 1]

DIRECTOR OF THE TRANSPORTATION, PUBLIC UTILITIES, AND FUELS DIVISION

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING APPLICATIONS FOR ADJUSTMENTS UNDER CEILING PRICE REGULATION 13, CEILING PRICE REGULATION 17, AND CEILING PRICE REGULATION 32

By virtue of the authority vested in me as Director of Price Operations, Office of Price Stabilization, pursuant to the Defense Production Act of 1950 (64 Stat. 798, 803), as amended (65 Stat. 131), Executive Order 10161, as amended (15 F. R. 6105; 16 F. R. 11257), Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), and by Office of Price Stabilization Delegation of Authority No. 15, Revision 1, this delegation of authority is hereby issued.

Delegation of Authority 15, Revision 1, Supplement 1, effective July 28, 1951 (16 F. R. 7432) is revised to read as follows:

1. Authority is hereby delegated to the Director of the Transportation, Public Utilities and Fuels Division of the Office of Price Stabilization, to request further information concerning applications for adjustment under Ceiling Price Regulation 13, Ceiling Price Regulation 17, and Ceiling Price Regulation 32.

This revision of delegation of authority 15, Revision 1, Supplement 1 shall take effect on March 11, 1952.

EDWARD F. PHELPS, Jr.,
Director of Price Operations.

MARCH 10, 1952.

[F. R. Doc. 52-2919; Filed, Mar. 10, 1952; 11:56 a. m.]

[Docket Nos. 2083-1-P, 2083-2-P]

MILAN CHEVROLET CO. ET AL.

SPECIAL RULES OF PRACTICE

In the matter of the petitions of The Milan Chevrolet Company et al. and The A & B Pontiac Company et al. for the amendment of CPR 8; Docket Nos. 2083-1-P; 2083-2-P.

The Director of Price Stabilization, having by notice of hearing dated February 29, 1952 (17 F. R. 1958), ordered a public hearing on certain requests for increased price ceilings on new automobiles at retail, hereby promulgates these rules of practice to be followed in the conduct of this proceeding:

1. All interested parties are invited to participate by the presentation of written evidence and briefs or by oral presentation of evidence and argument. No petitions for intervention are necessary.

2. Persons having common interests must arrange to consolidate their presentation as to evidence and argument so as to avoid duplication.

3. All persons personally served with the notice of hearing issued and effective the 29th day of February 1952, should submit to the Director, at least 7 days prior to the hearing, a written summary of all the evidence intended to be offered together with the names of persons who will be presented as witnesses at the oral hearing. The summary should indicate, in general, the substance of the anticipated testimony, whether written or oral.

4. Verified statements will be received in lieu of personal appearance but should be confined to statements of fact with complete identification of the affiant.

5. The presentation of oral argument will be limited to persons who have submitted evidence or to their representatives and will follow the presentation of evidence. However, written briefs may be substituted for oral argument.

6. Petitioners must forward to the Director 15 copies of the petitions filed by them at least 7 days prior to the hearing.

7. If written statements or briefs are filed or presented in this proceeding, 15 copies should be transmitted or presented with the original.

8. The conduct of the hearing will be subject to the authority of the Panel appointed by the Order dated February 29, 1952.

9. All papers should be filed with and all inquiries addressed to the Recording Secretary, Office of Price Stabilization Temporary Building "E", Fourth and Adams Drive SW., Washington 25, D. C.

Issued and effective this 6th day of March 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

[F. R. Doc. 52-2806; Filed, Mar. 6, 1952 4:19 p. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 50

Washington, Wednesday, March 12, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.4]

PART 361—ROUTINE

SUBPART B—SERVICING FARM OWNERSHIP AND FARM HOUSING LOANS

PAID-IN-FULL DIRECT FARM OWNERSHIP AND FARM HOUSING ACCOUNTS

1. Section 361.31, Chapter III, Title 6 of the Code of Federal Regulations (16 F. R. 12537), originally published as § 361.63, Chapter III, Title 6, Code of Federal Regulations (15 F. R. 8621), is revoked.

NOTE: The material contained in said section is amended and consolidated with similar material concerning the Farm Ownership Program in § 361.25, Chapter III, Title 6 of the Code of Federal Regulations.

2. Section 361.25, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9438) is amended to make it applicable to Farm Housing accounts as well as to direct Farm Ownership accounts, and to delete the provisions concerning preparation of receipts. The section as amended reads as follows:

§ 361.25 *Paid-in-full direct Farm Ownership and Farm Housing accounts*—(a) *Authorization.* The State Director is authorized to accept final payment on a direct Farm Ownership or a Farm Housing account and to execute the necessary releases and satisfactions in connection with the indebtedness.

(b) *Farm Ownership accounts repaid in less than five years.* In the case of a direct Farm Ownership account to be repaid in less than five years from the date of the initial note, the County Supervisor will advise the State Office of the circumstances. In justifiable cases, the State Director is authorized to approve the acceptance of final payment before such five years have elapsed, except that the approval of the National Office is required if payment before such five years have elapsed is to be made from the sale of the farm outside the program and profit making is the only significant motive (see § 372.9 of this chapter). If the acceptance of final payment is approved, the State Director will so advise the County Supervisor.

(c) *Refunds after loan closing.* A refund of all direct Farm Ownership or Farm Housing funds advanced which is made after the loan has been closed will be considered a paid-in-full case only when accrued interest is also paid. Consequently, when the full amount of the principal of a loan is paid after the loan has been closed, the borrower also will be required to pay interest from the date of the loan check to the date final payment is received.

(d) *Satisfaction of mortages.* Ordinarily, the County Supervisor will deliver to the borrower the note(s), any abstracts of title, any property insurance policies, the original mortgage(s), and the original satisfaction(s), after final payment has been processed by the State Office. However, if the circumstances require a satisfaction of the mortgage at the time final payment is made, the satisfaction will be delivered to the borrower only upon receipt of full payment of the unpaid balance of principal and interest, computed as of the date final payment is received, and only when such payment is made by the borrower in the form of currency and coin, Treasury check, cashier's check, certified check, or money order. If State law requires that the satisfaction be recorded or filed by the mortgagee, the County Supervisor will record or file the satisfaction with the proper official.

(e) *Property insurance.* The County Supervisor will advise the borrower regarding the manner in which property insurance will be canceled, or release of mortgage interest executed.

(Sec. 41 (i), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438; 7 U. S. C. 1015 (i), 42 U. S. C. 1480 (g). Interprets or applies secs. 3 (b) (6), 41 (h), 60 Stat. 1074, 1066, sec. 510 (d), 63 Stat. 437; 7 U. S. C. 1003 (b) (6), 1015 (h), 42 U. S. C. 1480 (d))

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

FEBRUARY 21, 1952.

Approved: March 6, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2823; Filed, Mar. 11, 1952; 8:47 a. m.]

CONTENTS

Agriculture Department Page

See Animal Industry Bureau; Farmers Home Administration; Federal Crop Insurance Corporation; Forest Service; Production and Marketing Administration.

Alien Property, Office of

Notices:
- Conversion Office for German Foreign Debts; vesting order ... 2133

Animal Industry Bureau

Rules and regulations:
- Sanitary control of animal by-products (except casings), and hay and straw, offered for entry into the U. S.; importations from Canada ... 2112

Atomic Energy Commission

Wyoming; withdrawing public lands and reserved minerals in patented lands for use of the Commission (*see* Land Management, Bureau of).

Civil Aeronautics Board

Notices:
- Hearings, etc.:
  - Braniff-Mid-Continent merger case ... 2138
  - National Airlines, Inc., et al.; New England Southern States merger investigation ... 2137
  - Trans World Airlines, Inc.; transatlantic mail rate ... 2138

Rules and regulations:
- Airplane airworthiness, transport categories; minimum control speed ... 2112

Commerce Department

See International Trade, Office of.

Customs Bureau

Rules and regulations:
- Customs districts and ports; customs-collection districts and ports, and customs stations in Canada ... 2113

Defense Production Administration

Notices:
- Request to Specified Finishes, Inc., to operate as a small business enterprise production pool and request to certain companies to participate in the operations of such pool ... 2138

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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CONTENTS—Continued

Economic Stabilization Agency — Page
See also Price Stabilization, Office of; Rent Stabilization, Office of.
Notices:
Critical defense housing area, approval of extent of relaxation of credit controls:
Barstow, Calif. — 2144
Umatilla-Hermiston, Oreg. — 2144

Farmers Home Administration
Rules and regulations:
Servicing farm ownership and farm housing loans; paid-in-full direct farm ownership and farm housing accounts — 2107

Federal Communications Commission
Notices:
Designation of Motions Commissioner for March 1952 — 2141
Hearings, etc.:
Corn Belt Publishers, Inc. (WAAF–FM) — 2139

CONTENTS—Continued

Federal Communications Commission — Page
Notices—Continued
Hearings, etc.—Continued
Grove, William C — 2141
Indian River Broadcasting Co. and James Robert Meachem (WEAT) — 2140
LaFollette Broadcasting Co., Inc — 2140
Looney, James Cullen (KURV) — 2138
McNamee, Charles D., et al — 2141
Peoples Broadcasting Corp. (WOL) — 2139
School of Radio Arts (KSRT) — 2139

Federal Crop Insurance Corporation
Rules and regulations:
Crop insurance:
1950 and succeeding crop years:
Corn — 2109
Flax — 2109
Multiple crop — 2110
Tobacco — 2109
1952 and succeeding crop years; cotton — 2110

Federal Power Commission
Notices:
Hearings, etc.:
East Tennessee Natural Gas Co. et al — 2141
Panhandle Eastern Pipe Line Co. et al — 2143

Forest Service
Notices:
Fremont National Forest; removal of trespassing horses — 2136

Interior Department
See Land Management, Bureau of.

International Trade, Office of
Notices:
Croton Trading Co., Inc., et al.; denial of export privileges — 2136

Interstate Commerce Commission
Notices:
Applications for relief:
Pulpwood from Illinois, Indiana and Missouri to Chillicothe, Ohio — 2157
Sand from Vincennes, Ind., to Harrisburg, Ill — 2156
Spent sulphuric acid from Baldwin, Ark., to St. Louis, Mo., and East St. Louis, Ill — 2156
Various commodities in official territory — 2156
Rules and regulations:
Car service; requirements for loading of grain products and by-products — 2132

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Opening of public lands restored:
Montana; from Milk River Project — 2134

CONTENTS—Continued

Land Management, Bureau of—Continued — Page
Notices—Continued
Opening of public lands restored—Continued
Oregon; from Deschutes Project — 2135
Wyoming; from Kendrick Project — 2135
Rules and regulations:
Wyoming; withdrawing public lands and reserved minerals in patented lands for use of the Atomic Energy Commission — 2132

Price Stabilization, Office of
Notices:
Ceiling prices at retail:
Arctic Feather & Down Co. — 2152
C. H. Masland & Sons — 2153
Crown Fastener Corp. — 2146
Eddie Pope & Co. — 2151
Fortune Cravats, Inc. — 2147
Land-O-Nod Co. — 2154
Luber-Finer Inc. — 2149
MacGregor Goldsmith, Inc. — 2147
Nutone, Inc. — 2147
Uncle Josh Bait Co. — 2150
Ceiling prices at retail and wholesale:
Kestenman Bros. Mfg. Co. — 2148
Remington Rand, Inc. — 2154
Delegation of authority to take certain actions:
Chief, Livestock and Meat Distribution Branch — 2145
Director of Price Operations — 2145
Director, Food and Restaurant Division — 2145
Directors of the Regional Offices — 2145
Ford Motor Co.; basic prices and charges for new passenger automobiles — 2155
Meat Distribution Board of Appeals and Hearing Officers; establishment and delegations of authority — 2146
Rules and regulations:
Area milk price adjustments; Manatee-Sarasota milk marketing area, Florida (GCPR, SR 63, AMPR 17) — 2128
Ceiling prices for certain processed vegetables of the 1951 pack, ceiling price adjustment for certain canned tomato products; canned tomato sauce (including hot sauce) adjustment (CPR 55, SR 5) — 2113
Exports; export sales of GR–S type synthetic rubber (CPR 61, SR 2) — 2114
Fair distribution of livestock and meat (DR 1) — 2115
Procedures in meat distribution cases (DPR 1) — 2125

Production and Marketing Administration
Proposed rule making:
Grapes, Tokay, grown in California — 2133
Milk handling in North Texas marketing area — 2133
Rules and regulations:
Apple, fresh, export payment program, fiscal year 1952; eligibility for payment — 2109

CONTENTS—Continued

Production and Marketing Administration—Continued Page

Rules and regulations—Continued
- National Agricultural Conservation Program, 1952; miscellaneous amendments 2110
- Sugarcane, Puerto Rico; 1951–52 crop 2112
- Virgin Islands; 1952 and subsequent crops 2111

Rent Stabilization, Office of

Rules and regulations:
- Defense-rental areas:
  - Hotels 2132
  - Housing 2131
  - Rooms 2131

Securities and Exchange Commission

Notices:
- Hearings, etc.:
  - Allis-Chalmers Mfg. Co. et al. 2143
  - Pittsburgh Forgings Co. et al. 2144
  - Utah Power and Light Co. 2144

Treasury Department

See Customs Bureau.

Wage and Hour Division

Rules and regulations:
- Industries of a seasonal nature; application for exemption of chemical preservation of citrus peel in Florida as an industry of a seasonal nature 2113

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 Page
- Chapter III:
  - Part 361 2107
- Chapter IV:
  - Part 517 2109

Title 7
- Chapter IV:
  - Part 415 2109
  - Part 416 2109
  - Part 417 2109
  - Part 419 2110
  - Part 420 2110
- Chapter VII:
  - Part 701 2110
- Chapter VIII:
  - Part 848 2111
  - Part 877 2112
- Chapter IX:
  - Part 943 (proposed) 2133
  - Part 951 (proposed) 2133

Title 9
- Chapter I:
  - Part 95 2112

Title 14
- Chapter I:
  - Part 4b 2112

Title 19
- Chapter I:
  - Part 1 2113

Title 32A
- Chapter III (OPS):
  - CPR 55, SR 5 2113
  - CPR 61, SR 2 2114
  - DPR 1 2125
  - DR 1 2115
  - GCPR, SR 63, AMPR 17 2128

Title 32A—Continued Page
- Chapter XXI (ORS):
  - RR 1 2131
  - RR 2 2131
  - RR 3 2132

Title 43
- Chapter I:
  - Appendix (Public land orders):
    - 811 2132

Title 49
- Chapter I:
  - Part 95 2132

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 3]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—FRESH APPLE EXPORT PAYMENT PROGRAM (FISCAL YEAR 1952)

ELIGIBILITY FOR PAYMENT

Section 517.253 *Eligibility for payment* is hereby amended by deleting paragraph (h) and inserting in lieu thereof the following:

(h) *Final dates.* The final date for mailing or delivering Form FV–461, "Application for Export Payment," shall be 12:00 o'clock midnight, e. s. t., March 31, 1952. The final date of export shall be 12:00 o'clock midnight, e. s. t., June 30, 1952. The final date for filing claims for payment (§ 517.254) shall be 12:00 o'clock midnight, e. s. t., July 31, 1952.

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., March 12, 1952.

(Sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. 612c, 22 U. S. C. Sup. 1510)

Dated this 7th day of March 1952.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 52–2895; Filed, Mar. 11, 1952; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 4]

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 4543; 15 F. R. 2482; 16 F. R. 4297, 7694), are hereby amended for the 1952 and succeeding crop years as follows:

1. Section 415.1, as amended, is amended by changing paragraph (a) to read as follows:

(a) Flax crop insurance may be provided in counties, not in excess of the number prescribed by the Federal Crop Insurance Act, as amended, designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the designated counties shall be published annually by appendix to this section.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on March 4, 1952.

[SEAL] R. J. POSSON,
Secretary, Federal Crop Insurance Corporation.

Approved on March 6, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52–2825; Filed, Mar. 11, 1952; 8:48 a. m.]

[Amdt. 7]

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 5290, 6674; 15 F. R. 4161, 6739, 9032; 16 F. R. 7695, 9301), are hereby amended for the 1952 and succeeding crop years by changing § 416.19 to read as follows:

§ 416.19 *Salvage value of silage corn.* In counties designated by the Corporation the provisions of the monetary coverage policy shown in § 416.17 shall apply as amended by a rider which shall contain the following provision:

Notwithstanding any other provision of the policy, or any rider thereto previously issued, (1) only field corn planted for harvest as grain shall be insured and (2) in determining any loss under the contract, any production of corn from acreage planted for harvest as grain and used for silage shall be determined and valued on the basis of the higher of (a) the appraised number of bushels of corn in the silage times the price per bushel provided for in section 7 of the policy, or (b) the number of tons of silage times a price per ton determined by the Corporation and shown each year by March 15, on the county actuarial table on file in the county office.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on March 4, 1952.

[SEAL] R. J. POSSON,
Secretary, Federal Crop Insurance Corporation.

Approved on March 6, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52–2826; Filed, Mar. 11, 1952; 8:48 a. m.]

[Amdt. 4]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The Tobacco Crop Insurance Regulations for the 1950 and Succeeding Crop

Years, as amended (14 F. R. 5298, 6675; 15 F. R. 2483; 16 F. R. 4297, 4609), are amended as follows:

1. Section 417.1, as amended, is amended by changing paragraph (a) to read as follows:

(a) Tobacco crop insurance may be provided in counties, not in excess of the number prescribed by the Federal Crop Insurance Act, as amended, designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. In any county, insurance may be offered on the basis of the yield-quality plan or the investment plan of insurance and on more than one type of tobacco. The plan(s) of insurance and the type(s) of tobacco on which insurance may be offered shall be designated by the Corporation for each county and shown on the county actuarial table. A list of the counties designated for insurance showing the plan(s) of insurance and the type(s) of tobacco insured shall be published annually by appendix to this section.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on March 4, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved on March 6, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2824; Filed, Mar. 11, 1952; 8:47 a. m.]

[Amdt. 2]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1952 AND SUCCEEDING CROP YEARS

The Cotton Crop Insurance Regulations for the 1952 and Succeeding Crop Years, as amended (16 F. R. 7975, 11565) are amended as follows:

1. Section 419.1 is amended by changing paragraph (a) to read as follows:

(a) Cotton crop insurance may be provided in counties, not in excess of the number prescribed by the Federal Crop Insurance Act, as amended, designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the counties designated shall be published annually by appendix to this section.

2. Section 419.4 is amended by changing paragraph (c) to read as follows:

(c) For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year.

(1) January 31 for Crosby, Floyd, Hale, Lamb, Lubbock, and Lynn Counties, Texas.

(2) March 25 for all counties in Arizona, California, and New Mexico.

(3) March 31 for Houston County, Alabama; Burke and Dooly Counties, Georgia; all parishes in Louisiana; Beckham and Custer Counties, Oklahoma; Covington, Jefferson Davis, Marion, and Walthall Counties, Mississippi; Orangeburg County, South Carolina; and Bell, Burleson, Collin, Ellis, Falls, Fannin, Grayson, Hill, Hunt, Lamar, McLennan, Milam, Navarro, Red River, and Williamson Counties, Texas.

(4) April 10 for all other counties.

3. Section 31, Date Table, of the policy as shown in § 419.13 is amended to change the cancellation date for Oklahoma to February 28.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on March 4, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved on March 6, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2828; Filed, Mar. 11, 1952; 8:48 a. m.]

[Amdt. 6]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended, (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765) are hereby amended, effective beginning with the 1952 crop year, as follows:

1. Section 420.20, as amended, is amended by changing paragraph (a) to read as follows:

(a) Multiple crop insurance may be provided in counties, not in excess of the number prescribed by the Federal Crop Insurance Act, as amended, designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the counties designated shall be published annually by appendix to this section.

2. Section 420.24, as amended, is amended to read as follows:

§ 420.24 *Application for insurance.* Application for insurance on a Corporation form entitled "Application for Multiple Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, tenant or sharecropper in all insurable crops in the county. For any crop year applications shall be submitted to the county office on or before the applicable closing date for such crop year. The closing dates for the 1952 crop year are as follows:

State and county	*Closing date*
Alabama:	
Blount	Apr. 10, 1952
Butler	Mar. 15, 1952
All other counties	Mar. 31, 1952
Arkansas	Mar. 31, 1952
Colorado	Do.
Delaware	Oct. 31, 1951
Florida	Mar. 15, 1952
Georgia:	
Colquitt	Do.
Mitchell	Do.
All other counties	Mar. 31, 1952
Illinois:	
Johnson	Do.
All other counties	Oct. 31 1951
Indiana:	
Hamilton	Mar. 31, 1952
All other counties	Oct. 31, 1951
Iowa	Mar. 31, 1952
Kansas	Sep. 30, 1951
Louisiana	Mar. 31, 1952
Maryland	Oct. 31, 1951
Michigan:	
Gratiot	Mar. 31, 1952
All other counties	Oct. 31, 1951
Minnesota	Mar. 31, 1952
Mississippi	Do.
Missouri	Do.
Nebraska	Do.
New Jersey	Oct. 31, 1951
New York	Do.
North Carolina	Mar. 31 1952
North Dakota	Do.
Ohio	Oct. 31, 1951
Oklahoma	Sep. 30, 1951
Oregon:	
Linn	Oct. 31, 1951
Malheur	Mar. 31, 1952
Marion	Nov. 15, 1951
Pennsylvania	Oct. 31, 1951
South Dakota	Mar. 31, 1952
Tennessee:	
Franklin	Sep. 30, 1951
Obion	Feb. 28, 1952
Weakley	Do.
All other counties	Mar. 31, 1952
Texas:	
Johnson	Do.
Smith	Do.
All other counties	Sep. 30, 1951
Utah	Oct. 31, 1951
West Virginia	Do.
Wisconsin:	
Waupaca	Do.
All other counties	Mar. 31, 1952
Wyoming	Do.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on March 4, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved on March 6, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2827; Filed, Mar. 11, 1952; 8:48 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (52)-1, Supp. 4]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1952

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections

7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1952 National Agricultural Conservation Program, issued August 31, 1951 (16 F. R. 9006), as amended September 25, 1951 (16 F. R. 9859), December 3, 1951 (16 F. R. 12306), and February 28, 1952 (17 F. R. 1931), is further amended as follows:

1. Section 701.312 (a) is amended by changing the reference to "§ 701.368" in the second sentence to "§ 701.369."

2. Section 701.312 (b) is amended by inserting the following as the fifth sentence: "Further, in counties where the county committee, the designated representative of the Soil Conservation Service in the county, and the Forest Service representative having jurisdiction of farm forestry in the county determine that there is need for making a prior determination that land to be cleared under § 701.369 is suitable for clearing for the purpose of establishing a stand of forest trees, the Soil Conservation Service technician shall have the responsibility for such prior determination of suitability."

3. Section 701.336 (b) (*Practice B–5–b*) is amended by inserting the wording "fused tricalcium phosphate," after the comma following the word "superphosphate" in the title of the practice, in the first sentence of subparagraph (1), and in item (1) under *"Maximum assistance."*

4. A new section is added under the subheading "Practices to Establish, Restore, and Maintain Farm Woodlands," as follows:

§ 701.369 *Practice F–6: Clearing land to permit planting or natural reseeding of forest trees.* Assistance is limited to clearing land occupied largely by scrubby brush of no economic value to permit planting or natural reseeding of desirable species of forest trees. Technical assistance must be utilized to determine the suitability of the land for clearing and the measures necessary to prevent erosion. Necessary erosion-preventive measures must be carried out as soon as practicable. The area cleared must be established in forest trees as soon as practicable. Except in cases where the county committee determines that there are sufficient seed trees and that other conditions are such that a satisfactory stand of desirable species can be obtained through natural reseeding without supplemental planting, trees must be planted within 1 year after clearing is completed.

Maximum assistance. 50 percent of the average cost of clearing, but not in excess of $10 per acre.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 7th day of March 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52–2894; Filed, Mar. 11, 1952; 8:53 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter F—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

[Sugar Determination 848.2]

PART 848—VIRGIN ISLANDS

1952 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 303 of the Sugar Act of 1948 (herein referred to as "act"), the following determination is hereby issued:

§ 848.2 *Normal yields and eligibility for abandonment and crop deficiency payments*—(a) *Farm normal yields.* The normal yield of commercially recoverable sugar in hundredweight per acre for any sugarcane farm in the Virgin Islands shall be established for the 1952 and each subsequent crop year as follows:

(1) For a farm on which sugarcane was grown and marketed (or processed by the producer) for the extraction of sugar in three or more of the next preceding five crop years, the normal yield shall be the simple average of the annual average yields of sugar per acre of sugarcane harvested from the farm for the extraction of sugar in all of such years in which sugarcane was harvested.

(2) For a farm on which sugarcane was grown and marketed (or processed by the producer) for the extraction of sugar in less than three of the next preceding five crop years, the normal yield shall be the simple average of the normal yields per acre, which are computed pursuant to subparagraph (1) of this paragraph, for all other farms within the same local producing area.

(b) *Eligibility for abandonment and crop deficiency payments.* For a farm to be eligible for abandonment or crop deficiency payments with respect to the 1952 and any subsequent crop, the following conditions shall have been met:

(1) The acreage abandonment or the crop deficiency below 80 percent of the applicable normal yield for the acreage harvested was directly due to drought, flood, storm, freeze, disease or insects;

(2) The acreage abandoned or the acreage harvested with respect to which there was a crop deficiency was suitable for the production of sugarcane and was cared for up to the time of abandonment or harvest, as the case may be, in a manner which could have been expected under average conditions to produce a normal crop of sugarcane;

(3) The farm or a part thereof was located in a local producing area in which the actual yields of sugar were below 80 percent of the applicable farm normal yields on 10 percent or more of either (i) the number of farms and parts of other farms located therein or (ii) the total acreage of sugarcane harvested from all such farms and parts of other farms; and

(4) The other conditions for payment specified in Title III of the act have been met.

(c) *Delegation.* Farm normal yields shall be established and eligibility for abandonment and crop deficiency payments shall be determined in accordance with the foregoing provisions by the Director of the Caribbean Area Office of the Production and Marketing Administration and his approval on the application for payment shall constitute determination that the farm covered thereby is eligible for abandonment and/or crop deficiency payments.

(d) *Definitions.* (1) "Sugar" shall mean sugar commercially recoverable from the sugarcane grown on the farm marketed (or processed) for the extraction of sugar.

(2) In establishing normal yields, acreage of sugarcane "harvested" shall mean the acreage from which sugarcane was harvested for the extraction of sugar plus the acreage of sugarcane with respect to which there was bona fide abandonment as a result of drought, flood, storm, freeze, disease or insects.

(3) "Local producing area" shall include all nearby farms or parts of farms which are similar with respect to types of soil or with respect to topography, as determined by the Directors: *Provided, however,* That farms or parts of farms separated from other farms or parts of farms by any natural barrier or large area of land shall not be included within the same local producing area.

This determination supersedes with respect to the 1952 and subsequent crop years, the "Determination of Normal Yields of Commercially Recoverable Sugar Per Acre and Eligibility for Payment with Respect to Abandonment and Crop Deficiency for Sugarcane Farms in the Virgin Islands (Revised)", issued February 3, 1948, (13 F. R. 571).

STATEMENT OF BASES AND CONSIDERATIONS

Requirements of the act. Section 303 of the act authorizes the Secretary to make payments to producers of sugar beets or sugarcane with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage under certain conditions. The payments are based on normal yields of commercially recoverable sugar per acre, as established for individual farms under determinations issued by the Secretary.

Historical background. The payment provisions of the act became applicable to the Virgin Islands beginning with the 1942 crop. For the crops of 1942 through 1951, normal yields for farms in this area were based on the weighted average yield of commercially recoverable sugar per harvested acre obtained during base periods consisting of three crop years deemed to be representative of the yields to be expected under normal conditions. For the crop years 1942 through 1947, the base period consisted of the crop years 1935, 1936, and 1939. For the crop years 1948 through 1951, the base period included the crop years 1945, 1946, and 1947. The weighted average yield per harvested acre in the Virgin Islands for these base periods were 16.2 and 29.0 hundredweight, respectively.

Base periods. The use of fixed base periods covering selected crop years does not adequately reflect changes in yields:

This is indicated by the significant variations in the average yields for the former base periods, as shown above, and in the annual yields for the years 1948, 1949, 1950, and 1951, which were 26.1, 24.1, 52.6, and 38.9 hundredweight per acre, respectively. Fixed base periods benefit those producers who obtained abnormally high yields in the selected base years, while the effect is the reverse with respect to those producers who obtained subnormal yields in those years. It is believed that the use of moving base periods will reflect current changes more adequately, will assure equitable treatment among all producers, and will provide a sounder basis for the computation of any acreage abandonment or crop deficiency payments which may be applied for in the future. Accordingly, this determination provides that the normal yields for farms will be established for the 1952 and each subsequent crop year from the average yields obtained on the farms in the next preceding five crop years. An average yield per acre of 32.05 hundredweight of sugar was obtained in the Virgin Islands in the base period to be effective for the 1952 crop. Moving base periods have been used continually for normal yield purposes in the sugar beet area and have also been adopted in recent years for the mainland cane, Hawaiian and Puerto Rican sugarcane areas.

Eligibility for abandonment and crop deficiency payments. The basic provisions regarding eligibility for these payments have been in effect for several years and have proven to be generally satisfactory. Minor changes have been made to give recognition to the location and production of parts of farms in a local producing area and to provide that the "10 percent or more" clause relating to the extent of crop damage shall apply either to the number of farms and parts of other farms or to the number of harvested acres of sugarcane in the local producing area. Except for these changes, the provisions are the same as those which were in effect last year.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the provisions of section 303 of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 303, 61 Stat. 930; 7 U. S. C. Sup. 1133)

Issued this 7th day of March 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2896; Filed, Mar. 11, 1952; 8:53 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 877.4, Amdt. 1]

PART 877—SUGARCANE; PUERTO RICO

1951–52 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, the determination of fair and reasonable prices for the 1951–52 crop of Puerto Rican sugarcane issued December 29, 1951, as § 877.4 (16 F. R. 139), is hereby amended by deleting § 877.4 (a) (2) and substituting the following:

§ 877.4 *Fair and reasonable prices for the 1951–52 crop of Puerto Rican sugarcane.* * * *

(a) * * *

(2) "Sugar yield period" means the 2-week, 4-week, semi-monthly or monthly period, as agreed upon by the producer and processor-producer, in which sugarcane is delivered by the producer to the processor-producer. Semi-monthly means (i) the first 15 days of a 29, 30, or 31 day month, or the first 14 days of a 28-day month; or (ii) the last 14 days of a 28 or 29 day month, the last 15 days of a 30 day month, or the last 16 days of a 31 day month.

Statement of bases and considerations. This amendment provides additional sugar yield periods which may be used for purposes of sugarcane settlement. Heretofore, the 1951–52 crop price determination required that producers and processors agree upon a period of either a fortnight or a month as the sugar yield period. This amendment provides that agreement may be with respect to any of the four different periods, i. e., 2-week, 4-week, semi-monthly or monthly. The term "fortnight" has been deleted inasmuch as the generally accepted definition of fortnight is a 2-week period. However, the term "semi-monthly" is defined to include the stated portions of a month customarily regarded as a fortnight in Puerto Rico.

The original limitation as to sugar yield periods was designed to effect uniformity and simplicity in recording sugarcane settlements throughout the industry. Certain processors, however, whose operations in the past have been related to periods not provided in the 1951–52 price determination prior to amendment, reported that operational changes would have to be made unless additional time periods were provided. This amendment will permit the use of sugar yield periods in accordance with customary practice. The changes provided herein will not materially affect the share of sugar received by producers for their sugarcane.

Accordingly, I hereby find and conclude that the foregoing amendment to the price determination will effectuate the price provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat.; 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 7th day of March 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2897; Filed, Mar. 11, 1952; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Interpretation No. 1]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MINIMUM CONTROL SPEED

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of March 1952.

The Board has been asked for an interpretation of § 4b.133 (a) (8) of the Civil Air Regulations, as added by Amendment 4b-6 dated January 28, 1952. This provision became effective on March 5, 1952, and reads as follows:

(8) The propeller of the inoperative engine windmilling, except that a different position of the propeller shall be acceptable if the specific design of the propeller control makes it more logical to assume the different position.

The question presented is whether the Administrator, in certificating new types of transport category airplanes after the effective date of this provision, will be required to accept a value for the one-engine inoperative minimum control speed provided for by § 4b.133 which has been established with the propeller of the inoperative engine feathered where the airplane involved has an approved automatic propeller feathering system, or whether he may require such value to be established with such propeller windmilling irrespective of the automatic feathering system.

The Board, having considered the language of the provision above set forth, the history which preceded its adoption, particularly the comments submitted thereon, and the purpose and intent of its sponsors hereby issues the following interpretation, which in accordance with section 3 (a) of the Administrative Procedure Act will be published in the FEDERAL REGISTER and will become incorporated in Part 4b of the Civil Air Regulations:

(1) The Board interprets and construes subparagraph (8) of § 4b.133 (a) as requiring the Administrator to accept for the purposes of § 4b.133 a value for the one-engine inoperative minimum control speed which has been established in accordance with the provisions of that section with the propeller of the inoperative engine feathered: *Provided,* That the airplane involved is equipped with an automatic feathering device acceptable to the Administrator under § 4b.10 for demonstrating compliance with the take-off path and climb requirement of §§ 4b.116 and 4b.120 (a) and (b).

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, as amended, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-2893; Filed, Mar. 11, 1952; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

[B. A. I. Order 371, Amdt. 1]

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

IMPORTATIONS FROM CANADA

Pursuant to the authority vested in the Secretary of Agriculture by section 2

of the act of February 2, 1903, as amended (sec. 2, 32 Stat. 792, as amended, 21 U. S. C. 111), § 95.4 of the regulations governing the sanitary control of animal byproducts (except casings), and hay and straw, offered for entry into the United States (9 CFR, 95.4), is hereby revoked.

Section 95.4, *Importations from Canada,* excepted from the restrictions contained in 9 CFR, Part 95, animal byproducts and hay and straw imported from Canada. The effect of this amendment, therefore, is to make those restrictions applicable to such commodities when so imported. This action is taken because the Secretary of Agriculture has determined that foot-and-mouth disease now exists in Canada.

The protection of the livestock interests of the United States demands that this amendment be made effective at the earliest possible moment. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found, under the said section 4, for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

This amendment shall become effective immediately.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 6th day of March 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2822; Filed, Mar. 11, 1952; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52943]

PART 1—CUSTOMS DISTRICTS AND PORTS

CUSTOMS-COLLECTION DISTRICTS AND PORTS

By virtue of the authority vested in him by section 1 of the act of August 8, 1950 (64 Stat. 419), the President, by Executive Order 10289, dated September 17, 1951, delegated to the Secretary of the Treasury the authority theretofore vested in the President by section 1 of the act of August 1, 1914, as amended (19 U. S. C. 2), (1) to rearrange, by consolidation or otherwise, the several customs-collection districts, (2) to discontinue ports of entry by abolishing the same and establishing others in their stead, and (3) to change from time to time the location of the headquarters in any customs-collection district as the needs of the service may require.

1. In view of such delegation of authority, § 1.1 (b), Customs Regulations of 1943 (19 CFR 1.1 (b)), is hereby amended to read as follows:

(b) The terms "port" and "port of entry," as used in the regulations in this part, refer to any place designated by Executive order of the President,[1] by order of the Secretary of the Treasury,[1] or by act of Congress, at which a customs officer is assigned with authority to accept entries of merchandise, to collect duties, and to enforce the various provisions of the customs and navigation laws.

2. Footnote 1 to § 1.1, Customs Regulations of 1943 (19 CFR 1.1), is hereby amended by adding thereto the following paragraph:

By virtue of the authority vested in him by section 1 of the act of August 8, 1950 (64 Stat. 419), the President, by Executive Order 10289, dated September 17, 1951 (16 F. R. 9499), delegated to the Secretary of the Treasury the authority theretofore vested in the President by section 1 of the act of August 1, 1914, as amended (19 U. S. C. 2), (1) to rearrange, by consolidation or otherwise, the several customs-collection districts, (2) to discontinue ports of entry by abolishing the same and establishing others in their stead, and (3) to change from time to time the location of the headquarters in any customs-collection district as the needs of the service may require.

3. The citation of authority at the end of § 1.1, Customs Regulations of 1943 (19 CFR 1.1) is amended to read as follows:

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2. President's message of March 3, 1913, T. D. 33249, E. O. 10289, Sept. 17, 1951, 16 F. R. 9499)

4. In order to eliminate a discrepancy with § 1.2 (a), Customs Regulations of 1943 (19 CFR 1.2 (a)), relating to the designation of places in the various customs-collection districts in the United States as customs stations, it is advisable to change the designations of the places in Canada where United States customs officers are stationed, listed in § 1.3, Customs Regulations of 1943 (19 CFR 1.3), from "Customs Stations" to "Customs Offices."

5. To accomplish such changes in designations, and to correct the list of customs offices in Canada to date, § 1.3 of the Customs Regulations of 1943 (19 CFR 1.3) is hereby amended to read as follows:

§ 1.3 *Customs offices in Canada.* There are listed below the places in the Dominion of Canada where United States customs officers are stationed, the customs districts under which they function, and the comptrollers of customs having jurisdiction over such districts:

Customs office	Customs district having supervision	Comptroller having supervision
St. Andrews, New Brunswick (summer)	Maine and New Hampshire	Boston, Mass.
St. John, New Brunswick (winter)	do	Do.
Montreal, Quebec	Vermont	Do.
Toronto, Ontario	Buffalo	New York, N. Y.
Vancouver, British Columbia	Washington	San Francisco, Calif.
Prince Rupert, British Columbia	Alaska	Do.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: March 5, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-2845; Filed, Mar. 11, 1952; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

APPLICATION FOR EXEMPTION OF THE CHEMICAL PRESERVATION OF CITRUS PEEL IN FLORIDA AS AN INDUSTRY OF A SEASONAL NATURE

On February 8, 1952, notice was published in the FEDERAL REGISTER (17 F. R. 1226) that the authorized representative of the Administrator of the Wage and Hour Division designated to hear and consider this matter had denied a petition for the exemption of the chemical preservation of citrus peel in Florida as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act.

The notice provided that any person aggrieved by said determination could, within 15 days after the date of publication of the notice in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the authorized representative upon the record of the hearing. No petition for review has been filed. Accordingly, pursuant to the provisions of § 526.7 of the regulations, the findings and determination of the authorized representative have become final.

Signed at Washington, D. C., this 6th day of March 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator.
Wage and Hour Division.

[F. R. Doc. 52-2814; Filed, Mar. 11, 1952; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 55, Amdt. 2, to Supplementary Regulation 5]

CPR 55—CEILING PRICES FOR CERTAIN PROCESSED VEGETABLES OF THE 1951 PACK

SR 5—CEILING PRICE ADJUSTMENT FOR CERTAIN CANNED TOMATO PRODUCTS

CANNED TOMATO SAUCE (INCLUDING HOT SAUCE) ADJUSTMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2 this Amendment 2 to Supplementary Regulation 5 to Ceiling Price Regulation 55 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment increases the amounts of the low-end adjustments provided by SR 5 to CPR 55 for 8-oz. containers of tomato sauce and hot sauce. The low-end ceiling price for 8-oz. fancy grade tomato sauce is increased from 64 cents to 65 cents per dozen, the low-end ceiling price of 59 cents for "other grades" of 8-oz. tomato sauce and hot sauce is increased to 60 cents and is made applicable to standard grade only of tomato sauce and "all grades" of hot sauce, while a new low-end price of 62½ cents per dozen is named for 8-oz. extra standard grade of tomato sauce.

During the base period, selling price relationships between processors of tomato sauce were substantially out of line with the normal price relationships which existed among these sellers in other pre-Korean years. SR 5 as originally issued attempted to remove the price distortions which arose from the application of the pricing formula under CPR 55. However, it has been determined that an adjustment sufficient to restore more normal price relationships was not provided by SR 5 for those processors of tomato sauce whose ceiling prices under CPR 55, in general, were 64 cents or less per dozen for 8 oz. fancy tomato sauce. Accordingly, an additional low-end adjustment of 1 cent is provided for fancy 8 oz. tomato sauce. The normal differential for extra standard tomato sauce is 15 cents per case below the fancy price, and a low-end ceiling price at that level is provided for that grade. The low-end adjustment previously applicable to "all other grades" is increased by 1 cent and is made applicable to standard grade tomato sauce, and to "all grades" of hot sauce.

The adjustments provided by this amendment will more nearly restore the pre-Korean selling price relationships between different processors of tomato sauce and hot sauce.

The Director of Price Stabilization has consulted with members of the industry who will be affected by this amendment and has given consideration to their recommendations. In his judgment the prices established by this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 5 to Ceiling Price Regulation 55 is amended in the following respects:

The table in section 4 (b) is amended by changing the figure $0.64 for 8-oz. fancy grade tomato sauce to $0.65, by adding the figure $0.625 for 8-oz. extra standard grade tomato sauce, by changing the figure $0.59 for 8-oz. "other grades" of tomato sauce to $0.60 for 8-oz. standard grade tomato sauce and by changing the figure $0.59 for 8-oz. hot sauce, all grades, to $0.60, so that the table shall read as follows:

Product	Container size and grade	Adjusted ceiling price (per dozen containers)
Canned tomato sauce	8-oz., fancy grade	$0.65
Canned tomato sauce	8-oz., extra standard grade	.625
Canned tomato sauce	8-oz., standard grade	.60
Canned tomato sauce	No. 10, all grades	None
Canned hot sauce	8-oz., all grades	.60
Canned hot sauce	No. 10, all grades	None

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C., App. Sup. 2154)

Effective date. This amendment shall be effective March 17, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 11, 1952.

[F. R. Doc. 52-2975; Filed, Mar. 11, 1952; 11:32 a. m.]

[Ceiling Price Regulation 61, Supplementary Regulation 2]

CPR 61—EXPORTS

SR 2—EXPORT SALES OF GR–S TYPE SYNTHETIC RUBBER

Pursuant to the Defense Production Act of 1950 as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Supplementary Regulation 2 to Ceiling Price Regulation 61 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 2 to Ceiling Price Regulation 61 establishes ceiling prices on export sales of GR–S type synthetic rubber (butadiene-styrene copolymer).

The sole source of this rubber today in the United States is the Reconstruction Finance Corporation. The RFC intends to allocate a substantial tonnage quarterly of GR–S type synthetic rubber for export from the United States. Hitherto, GR–S was exported from the United States in very insignificant quantities. Consequently, exporters have little base period experience from which they can compute a base period markup. It is necessary, therefore, that OPS establish such markup.

The world price of natural rubber is quoted currently at about $0.38. The GR–S rubber to be allocated by the RFC for export is a satisfactory substitute for natural rubber. However, the cost price at which the RFC will sell the GR–S rubber to the exporters is much lower than the world market price for natural rubber.

In view of the high world price of rubber, relatively little selling effort and financial risk are required on the part of the American exporter who is selling GR–S rubber. This supplementary regulation limits, therefore, the markup that can be taken by these exporters to 3 percent over their cost of acquisition on sales by the exporters in quantities equivalent to carload lots and 3½ percent on sales in quantities less than carload lots. These markups are considered to be equitable and customary in the export trade for export sales of a commodity when the world demand for the commodity renders relatively insignificant the selling effort and risk required to accomplish the sales.

To the export ceiling price established by this supplementary regulation may be added the actual costs of exportation. These costs are defined in section 3 so that the exporter may only take actual packaging, freight, lighterage and insurance costs experienced by him.

In the formulation of this regulation there has been consultation with representatives of industry, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for export sales of GR–S type of synthetic rubber.
3. Costs of exportation.
4. Miscellaneous.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *What this supplementary regulation does.* This Supplementary Regulation 2 to Ceiling Price Regulation 61 establishes ceiling prices on export sales of GR–S type of synthetic rubber (butadiene-styrene copolymer).

SEC. 2. *Ceiling prices on export sales of GR–S type of synthetic rubber.* The ceiling price on an export sale of a GR–S type of synthetic rubber shall be your cost of acquisition, plus a markup over your cost of acquisition, of 3 percent for shipments by you in quantities equivalent to carload lots and 3½ percent for shipments in quantities less than carload lots. The cost of acquisition used in this computation must not exceed the ceiling price for sales of the GR–S type of synthetic rubber by the Office of Rubber Reserve, Reconstruction Finance Corporation, f. o. b. point of production, as established by Supplementary Regulation 57, as amended, to the General Ceiling Price Regulation.

SEC. 3. *Costs of exportation.* To the export ceiling price established in section 2 of this supplementary regulation, you may add the following actual costs: (a) Actual special packaging charges which may be made by the Reconstruction Finance Corporation, (b) actual inland freight charges made by the Reconstruction Finance Corporation, but not more than $1.00 per cwt. for carload lots, and not more than $1.60 per cwt. for less than carload lots, (c) actual lighterage charges to the vessel, and (d) actual costs of ocean freight and insurance.

SEC. 4. *Definitions.* The terms used in this Supplementary Regulation 2 to

CPR 61 shall be construed in the following manner:

(a) "Carload lot" means a shipment in the minimum amount of 60,000 pounds (avdp.).

SEC. 5. *Miscellaneous.* Except as herein modified, all the provisions of CPR 61 remain in effect with reference to sales made under this supplementary regulation.

Effective date. This supplementary regulation to CPR 61 shall become effective on March 17, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 11, 1952.

[F. R. Doc. 52-2976; Filed, Mar. 11, 1952; 11:32 a. m.]

[Distribution Regulation 1, Revision 1]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Distribution Regulation 1, Revision 1, is hereby issued.

Preamble—The purpose of this revised regulation. Experience during World War II and since the outbreak of the Korean hostilities has shown that sharp increases in meat prices are likely in times of rising national income and increased government spending. The price ceilings on meat are designed to meet this danger and thereby to eliminate a serious threat to the stability of the economy and to the success of the defense effort.

Experience has also demonstrated that the price ceilings on meat require for their successful operation a program designed to keep livestock and meat moving in normal channels of distribution. Accordingly, Distribution Regulation 1 established slaughter quotas, and also limited entry into the slaughtering business to those persons who could demonstrate that their proposed operation was essential and would promote the national defense.

Congress in extending the Defense Production Act banned slaughter quotas but preserved the authority to impose limitations on new slaughterers. This was based on recognition of the fact that unlimited access to the slaughtering business created a substantial danger of a black market. This revision of Distribution Regulation 1, therefore, preserves the registration provisions of the old regulation containing the restrictions on entry.

Livestock are raised in almost every section of the country. A man with the necessary skill needs almost no facilities to slaughter any species of livestock. Furthermore, both livestock and meat are easily transported. Because of these facts it is possible for meat to be produced to supply an insistent demand in a manner totally different from the normal patterns of distribution and wholly apart from the regular channels of the meat-packing and meat-distributing industry. Experience has shown that this danger may result either from an initial entrance into the business of slaughtering by persons who have never slaughtered livestock before or from expansion of existing slaughterers into new business ventures through the purchase of additional slaughtering establishments, the slaughter of new species of livestock or through engaging in new and additional patterns of operation. To the extent that production and distribution thus begin to develop in a pattern different from the norm and are diverted outside of the established channels of the industry, grave and even irreparable harm is ultimately done to thousands of businesses throughout the country. Experience in World War II showed clearly how seriously long established companies in the meat business—large as well as small—were eventually injured by the dislocation in the regular patterns and channels of distribution. In addition to the hardship imposed upon business, there resulted a grave maldistribution of meat, some areas receiving very large quantities of all or certain kinds of meat for consumption while many areas, densely populated and important for the national defense effort, received much too little.

The quota provisions of Distribution Regulation 1 were believed to be the best means of dealing with this problem. However, even in the absence of quotas the registration features of Distribution Regulation 1 are of considerable value in preserving a normal pattern of livestock and meat distribution. Accordingly, this revision preserves the slaughter registration program as an essential device to keep livestock and meat moving in normal channels and thereby to preserve the stability of the economy and promote the national defense.

The purpose of this revision of Distribution Regulation 1 is fourfold:

I. To clarify the registration requirements and incidents of registration under Distribution Regulation 1 and to set forth more specifically many of the criteria that have been developed by interpretation under that regulation.

II. To make more effective the provisions requiring suppliers to sell meat to institutions of involuntary confinement.

III. To provide for suspensions, revocations and amendments of registrations granted and of other actions taken under Distribution Regulation 1.

IV. To make various miscellaneous amendments to the provisions of Distribution Regulation 1.

I. Amendment 7 to the old Distribution Regulation 1 eliminated all provisions relating to slaughter quotas in accordance with the mandate of the 1951 amendment to section 101 (a) of the Defense Production Act of 1950, commonly known as the Butler-Hope Amendment. As indicated in the preamble to Amendment 7, that amendment was a temporary measure pending completion of work on the revision of Distribution Regulation 1.

This revision is largely for purposes of clarification. It makes it clear that despite the elimination of the quota provisions of the old Distribution Regulation 1, registration will be continued by species, establishment, and with relation to the persons for whom slaughtering was performed during the base period.

The Office of Price Stabilization has been handicapped in the past in its attempts to keep an accurate check on the operations of Class 1A and Class 2A slaughterers due to lack of sufficient records showing the slaughter for which such slaughterers are registered. In order to remedy this situation, this revision prohibits a Class 1A or Class 2A slaughterer from having livestock slaughtered by a Class 1 or Class 2 slaughterer after April 1, 1952, unless he has first filed with the appropriate office of the Office of Price Stabilization a copy of his DO 1–4 or DO 1–5 form covering such slaughter. However, this requirement is deemed satisfied if the slaughterer has, by April 1, 1952, filed with the appropriate office of the OPS a statement listing slaughter bases for such slaughter or a Form DO 1–5 covering such slaughter, pursuant to the applicable reporting provisions of section 17 (b).

In addition to clarifying the requirements for, and incidents of, registration, this revised regulation also sets forth specifically many of the criteria which have been developed in applying the provisions of section 9 of the old Distribution Regulation 1. Thus, specific exemplary situations are set forth in the relief and adjustment section in which relief of various types may be granted. For example, specific provision is made for permitting applications for relief in the form of registration where a substantial unrecoverable investment has been made in slaughter facilities prior to February 9, 1951, and the applicant was unable to slaughter during the base period due to the facilities being in the process of completion or to compelling circumstances beyond the applicant's control.

Provision is also made in this revised regulation for the transfer of the registration rights of Class 1A and Class 2A slaughterers where such transfer is in conjunction with the transfer of an establishment in which a bona-fide substantial investment has been made and the value of which has historically been linked with the right to have livestock slaughtered. An investment made solely for the purpose of effectuating a transfer would, of course, not be considered bona-fide. A similar requirement of a bona-fide investment has specifically been set forth in the section providing for transfer of Class 1 or Class

2 establishments. The Director is of the opinion that the imposition of these requirements is justified in view of the fact that the primary reason for permitting such transfers has been to relieve from an undue hardship a person who wishes to withdraw from a business in which he has made a sizeable investment the value of which is dependent upon a slaughter registration. The requirement that the transferor join in an application for transfer of a Class 1, Class 2, Class 1A or Class 2A registration has been eliminated where the transfer of the establishment is involuntary or by operation of law. However, the court order or legal document, if any, effecting such transfer must be included by the transferee as part of his application in such cases. The term "transfer of an establishment" has been redefined to include the accepting, from other than financial institutions, of loans or advances in excess of ten percent of the net worth at the time of such loan or advance.

Finally, express provision is made for registration of new Class 1A and Class 2A slaughterers where criteria are met similar to those imposed under the old Distribution Regulation 1 for new registrations of Class 1 and Class 2 slaughterers. Registrations of new Class 1A's and 2A's have been handled in the past under the adjustment clause. There have been added to the criteria for new registrations of Class 1 and Class 2 slaughterers specified minimum sanitation and equipment requirements. These requirements have also been added as a condition to transfer of a Class 1 or Class 2 slaughter registration. The Director feels that the imposition of these additional criteria is justified by the effect they will have in preventing unnecessary waste of meat and of by-products.

II. Amendment 5 to the old Distribution Regulation 1 provided for compulsory deliveries of meat to institutions of involuntary confinement by suppliers, based on historical records of such deliveries by such suppliers. However, the provisions of that section have been inadequate to meet the requirements of these institutional users. This has been in part due to the fact that the provisions were drafted in general terms and in part to the lack of adequate sanctions for failure to comply with such provisions. This revised regulation, therefore, revises those provisions to require deliveries of meat of the same or comparable grade and kind as that delivered during 1950. Furthermore, if carcasses were delivered in 1950 carcasses must be delivered in the current period. Deliveries must be made, to the extent that meat is available and subject to obligation, within seven days after each delivery date specified in a purchase order which must be furnished by the institutional user to the supplier at least seven days prior to the month in which such deliveries are desired. If the institutional user fails to receive the meat requested, up to the amount of such meat the supplier is required to deliver in a given month, the supplier may not deliver any meat to anyone other than an institutional user until obligations to that institutional user are met or until the 15th day of the following month, whichever occurs first.

Provision is also made for assignment of purchase bases to new institutional users who do not have records of purchases during all or part of 1950. The OPS will also assign to suppliers the obligation to supply these new institutional users or institutional users whose old suppliers have discontinued business.

Express provision is made to the effect that the obligation to supply institutional users imposed by this revised regulation must be given priority over any other commitment or obligation. The obligation to supply an institutional user must therefore be given precedence over any obligation to supply the military under Distribution Regulation 3.

III. Since the issuance of Distribution Regulation 1 on February 9, 1951, there have been several instances of violations of the provisions of that regulation, including cases involving applications containing erroneous information on the basis of which OPS has acted. To the extent that the primary objective of the provisions of all of the meat regulations in the Distribution Regulation series is to promote the orderly distribution of meat through normal channels by exercise of the allocation power, violations of those provisions will tend to disrupt normal distribution patterns. Past experience has shown that, in certain cases, the most effective way of assuring the continuance of normal distribution patterns is by providing, through a further exercise of the allocation power, for the suspension or revocation of registration rights by administrative order; the violator is thus cut off from the privilege of dealing in this manner with the materials being allocated. This revised regulation therefore provides for such orders in cases involving violations of any meat regulation in the Distribution Regulation series. In addition, provision is made for automatic suspension of OPS registration rights for any period of time during which a slaughtering establishment is not in operation due to a suspension or other order of a federal, state, county, city, or municipal government or agency.

In addition to the violation cases noted above, there have been many cases in which the OPS has taken actions on the basis of false information, whether intentionally false or otherwise, contained in applications or other documents. This revised regulation provides for the revocation or amendment of such action in order to reflect the true facts when such facts are established.

Distribution Procedural Regulation 1 provides for the procedures to be followed in revoking or suspending registrations. That regulation also provides for appeals, and, in some cases, formal hearings on actions taken under the old Distribution Regulation 1 or under this revised regulation.

IV. In addition to the revisions outlined in the preceding paragraphs, several miscellaneous revisions have been made in the provisions of Distribution Regulation 1.

1. Class 3 slaughterers and slaughterers for home consumption were not required under old Distribution Regulation 1 to furnish any statements or reports with respect to slaughter which they performed themselves in municipal or other public slaughtering establishments. Thus, it has been difficult for both OPS, as well as the managers or owners of such establishments, to keep a check on any possible abuses of the provisions governing such slaughter. In order to remedy this situation, provision is made for such slaughterers to file statements with the owners or managers of the municipal or public slaughtering establishments at which they perform their own slaughtering. The statements which must be filed by those slaughterers are similar to those which such persons must present to slaughterers who slaughter for them.

2. In addition, the definition of transfer for the purpose of the section governing Class 3 slaughterers has been amended to eliminate from such definition transfers by farmers to locker plants or other places, for storage, of meat derived from livestock raised by the farmer and which is to be ultimately consumed in the farmer's own household.

3. In order to avoid abuse of the provisions permitting the slaughter of "Show" livestock for persons not otherwise authorized to slaughter such livestock or to have it slaughtered, those provisions have been amended by this revision to require compliance on a company-wide rather than an individual establishment basis.

4. The reporting requirements have been amended to make it clear that statements listing slaughter bases, and DO 1–5 forms, required to be filed by Class 1A and Class 2A slaughterers, respectively, need only be filed within five days of the end of the first accounting period in which slaughter for them of any one species by any one Class 1 or Class 2 slaughterer exceeds 25,000 pounds liveweight. However, as noted in a preceding paragraph, a Class 1A or Class 2A slaughterer who has not filed such statements or DO 1–5 forms pursuant to the reporting requirements of section 17 may not continue the custom slaughtering operations covered by those statements or forms after April 1, 1952 unless he has first filed, with the appropriate OPS office, copies of his DO 1–4 or DO 1–5 forms covering such slaughter.

5. The record-keeping provisions of Distribution Regulation 1 have been amended by this revision to require the keeping of records by Class 1A and Class 2A slaughterers similar to those now required to be kept by Class 1 and Class 2 slaughterers. The record-keeping provisions have also been amended to require the keeping of all records which are required to be kept by the old Distribution Regulation 1 or this revised regulation, for the duration of the Defense Production Act of 1950, as amended, plus two years.

6. A section has been added governing the filing of applications, notices, statements, and reports under this revised regulation. Under this section all applications, notices, statements, and reports must be filed with the Livestock and Meat Distribution Branch or Section of the appropriate office of the OPS. The appropriate office will in most cases be the office where the person filing the ap-

plication, notice, statement, or report is registered. Class 1 and Class 1A slaughterers are registered with the National Office. A Class 2 or Class 2A slaughterer is registered with the District Office for the area where his establishment or place of business is located.

7. The additional prohibition section has been amended to specifically prohibit reliance on information contained in documents or statements preserved or filed under the old Distribution Regulation 1 or under this revised regulation by a person who knows or has reason to know that such information is false or erroneous.

8. Finally, several miscellaneous sections have been added to the regulation. These sections cover requests for interpretations, petitions for amendment, enforcement provisions, and a general definition section.

Conclusions. The provisions of this regulation are necessary and appropriate to promote the national defense. In formulating these provisions, the Director of Price Stabilization has consulted with industry representatives and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.

1. What this revised regulation does.
2. Where this revised regulation applies.
3. Policy of this revised regulation.
4. Applicability to each establishment separately.
5. Classification of slaughterers.
6. Prohibition against slaughtering without registration.
7. Who is registered under this revised regulation.
8. Class 1 and Class 2 slaughterers.
9. Class 1A and Class 2A slaughterers.
10. Class 3 slaughterers.
11. Slaughter of livestock for home consumption.
12. Slaughter of "Club" and "Show" livestock.
13. Sale or transfer of Class 1 or Class 2 slaughtering establishment.
14. Transfer of registration as a Class 1A or Class 2A slaughterer.
15. New registrations for Class 1 or Class 2 slaughterers.
16. New registrations for Class 1A or Class 2A slaughterers.
17. Marking, reports, records, and inspections.
18. Suppliers must sell meats to certain institutional users.
19. Adjustments or other relief.
20. Suspension and revocation of registration.
21. Appeals and review.
22. With whom applications under this revised regulation should be filed.
23. Additional prohibitions.
24. Enforcement.
25. Petitions for amendment.
26. Interpretations.
27. Definitions.

AUTHORITY: Sections 1 to 27 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title I, 64 Stat. 798, as amended; 50 U. S. C. App. Sup. 2061. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this revised regulation does.* This revised regulation supersedes Distribution Regulation 1, issued February 9, 1951 ("old Distribution Regulation 1") and all amendments and supplements thereto. If you wish to slaughter any species of livestock (cattle, calves, sheep and lambs, or swine) or if you wish to have any species of livestock slaughtered for you, you are required to determine under this revised regulation whether the slaughter of such livestock by you or for you is permitted at all, and if so the conditions under which such slaughter is permitted.

SEC. 2. *Where this revised regulation applies.* This revised regulation applies in the 48 States and the District of Columbia.

SEC. 3. *Policy of this revised regulation.* It is the policy of this revised regulation to maintain the normal distribution channels of the livestock and meat industry in order to promote the national defense by facilitating the production and orderly distribution of meat. The policy of this revised regulation requires not only that the slaughter of livestock be maintained in normal channels but also that meat be distributed from the slaughtering plant through the normal classes of customers within geographical areas. All slaughterers, custom slaughterers, wholesalers, processors, and industrial users may be required to reflect a pattern of distribution of meat based on all or any part of the period beginning January 1, 1950.

SEC. 4. *Applicability to each establishment separately.* This revised regulation, with the exception of section 12, applies to each slaughtering establishment separately and, for the purposes of this revised regulation, with the exception of section 12, each such establishment shall be deemed to be operated as if owned by a separate person.

SEC. 5. *Classification of slaughterers—*(a) *Class 1 slaughterers.* If you operate a slaughtering establishment which is subject to federal meat inspection under the provisions of the act of March 4, 1907 (34 Stat. 1260, 12 U. S. C. 71) as amended, and the rules and regulations promulgated thereunder, you are, with respect to the species of livestock slaughtered in each such establishment, a Class 1 slaughterer unless such slaughter is covered by section 5 (e) or section 11 of this revised regulation.

(b) *Class 2 slaughterers.* If you operate a slaughtering establishment which is not subject to Federal meat inspection, you are with respect to the species of livestock slaughtered in each such establishment, a Class 2 slaughterer unless such slaughterer is covered by section 5 (e) or section 11 of this revised regulation.

(c) *Class 1A slaughterers.* If you had livestock of a given species slaughtered for you during 1950 by a slaughterer who is designated Class 1 by this revised regulation you are a Class 1A slaughterer with respect to such slaughter unless such slaughter is covered by section 5 (e) or section 11 of this revised regulation.

(d) *Class 2A slaughterers.* If you had livestock of a given species slaughtered for you during 1950 by a slaughterer who is designated Class 2 by this revised regulation, you are a Class 2A slaughterer with respect to such slaughter unless such slaughter is covered by section 5 (e) or section 11 of this revised regulation.

(e) *Class 3 slaughterers.* If you are a resident operator of a farm on which you reside at least 6 months a year, and if, during the calendar year 1950, you transferred some, but no more than 6,000 pounds of meat resulting from your slaughter of livestock or the slaughter of livestock for you, you are a Class 3 slaughterer. See section 10 for definition of "transfer of meat".

SEC. 6. *Prohibition against slaughtering without registration.* You may not slaughter or have slaughtered for you, cattle, calves, sheep and lambs, or swine unless you are a registered Class 1, Class 2, Class IA, or Class 2A slaughterer for that species of livestock or unless you are a resident operator of a farm who comes within the definition of a Class 3 slaughterer contained in section 5 (e) and complies with section 10, or unless such slaughter is covered by section 11 providing for slaughter for home consumption.

SEC. 7. *Who is registered under this revised regulation—*(a) *Class 1 and Class 2 slaughterers.* If you have received from the Office of Price Stabilization, Forms DO 1–1, and OPS Public Form No. 34, as a Class 1 slaughterer, or Form DO 1–2 as a Class 2 slaughterer, you are automatically registered under the provisions of this revised regulation to slaughter, as a Class 1 or Class 2 slaughterer, respectively, the species, at the establishment and for the persons specified in the registration. For the purposes of this revised regulation your registration for such slaughter shall be your Forms DO 1–1, DO 1–3 (if any) and OPS Public Form No. 34, if you are a Class 1 slaughterer, and your Forms DO 1–2 and DO 1–3 (if any) if you are a Class 2 slaughterer. Your registration number shall be the number assigned to you by the Office of Price Stabilization on your registration for such slaughter. See section 15 for new registrations.

(b) *Class 1A slaughterers.* (1) If you have received and retained a signed copy of Form DO 1–4 from a Class 1 slaughterer covering 1950 slaughter for you of a particular species of livestock and you have returned a signed copy of that form to that Class 1 slaughterer you are a registered Class 1A slaughterer for the slaughter for you of such livestock by that Class 1 slaughterer. For the purposes of this revised regulation your registration for the slaughter of such livestock by that Class 1 slaughterer shall be your copy of Form DO 1–4 covering such slaughter. Your registration number for the slaughter of such livestock by that Class 1 slaughterer shall be that Class 1 slaughterer's registration number followed by the number appearing before your name on the Form DO 1–3 filed by that Class 1 slaughter. It is the same number that your Class 1 slaughterer was required to use under the old Distribution Regulation 1 to stamp the meat produced for you.

(2) You may not become registered under this section 7 (b) after April 1, 1952.

(c) *Class 2A slaughterers.* (1) If you have received and retained a signed copy

of Form DO 1–5 from a Class 2 slaughterer covering 1950 slaughter for you of a particular species of livestock and you have returned a copy of that form signed by you to that Class 2 slaughterer you are a registered Class 2A slaughterer for the slaughter for you of such livestock by that Class 2 slaughterer. For the purposes of this revised regulation your registration for the slaughter of such livestock by that Class 2 slaughterer shall be your copy of Form DO 1–5 covering such slaughter. Your registration number for the slaughter of such livestock by that Class 2 slaughterer shall be that Class 2 slaughterer's registration number followed by the number appearing before your name on the Form DO 1–3 filed by that Class 2 slaughterer. It is the same number that your Class 2 slaughterer was required to use under the old Distribution Regulation 1 to stamp the meat produced for you.

(2) You may not become registered under this section 7 (c) after April 1, 1952.

SEC. 8. *Class 1 and Class 2 slaughterers*—(a) *Prohibitions.* (1) You, as a Class 1 or Class 2 slaughterer, may not slaughter any species of livestock unless you have been registered by the Office of Price Stabilization to slaughter such livestock as a Class 1 or Class 2 slaughterer.

(2) If you are registered to slaughter a particular species of livestock but, during the period January 1, 1950 to February 9, 1951, you did not slaughter any such livestock for your own account (as shown on your registration), you may not now slaughter such livestock for your own account.

(3) If you are a Class 1 or Class 2 slaughterer, who is already registered for a given establishment, you may not open another slaughtering establishment and use your registration there.

(4) You may not slaughter livestock of any species for a Class 1A or Class 2A slaughterer for whom you did not slaughter such livestock in the year 1950 (as shown on your Form DO 1–3), except as provided for in sections 9 (b), 9 (c), 12 (f), 14 or 16 (transfers, "Club" and "Show" livestock, and new registrations).

(5) See section 15 for registration for new species, slaughter for your own account, or a new establishment.

(b) *Change in operation.* (1) If you are a Class 1 slaughterer and give up Federal inspection for your establishment and you wish to continue your slaughter business as a Class 2 slaughterer you must notify the National Office within five days before the time you give up Federal inspection. The National Office will cancel your registration as a Class 1 slaughterer and will instruct the District Office for the area where your establishment is located to issue you a registration as a Class 2 slaughterer. After the issuance to you of a Class 2 registration, all the sections pertaining to Class 2 slaughterers will apply to you.

(2) If you are a Class 2 slaughterer and your establishment thereafter becomes subject to inspection under the provisions of the Act of March 4, 1907 (34 Stat. 1260), as amended (12 U. S. C. 71), and the rules and regulations promulgated thereunder, you must notify the District Office for the area where your slaughtering establishment is located within five days of the time when you are granted federal inspection by the United States Department of Agriculture. Upon the issuance to you by the National Office of a Class 1 registration on OPS Form DO 1–1 and OPS Public Form No. 34, both of which will bear your Class 1 registration number, the District Office will cancel your Class 2 registration. Thereafter all the provisions pertaining to Class 1 slaughterers will apply to you.

SEC. 9. *Class 1A and Class 2A slaughterers.*—(a) *Prohibitions.* (1) You, as a Class 1A or Class 2A slaughterer, may not have any species of livestock slaughtered for you by a Class 1 or Class 2 slaughterer unless you are registered by the Office of Price Stabilization as a Class 1A or Class 2A slaughterer to have such livestock slaughtered for you by that Class 1 or Class 2 slaughterer.

(2) You may not in any event have a species of livestock slaughtered for you by a Class 1 or Class 2 slaughterer after April 1, 1952, if you have not, in addition to being registered, filed a copy of your Form DO 1–4 covering such slaughter with the National Office, if you are a Class 1A slaughterer, or your Form DO 1–5 covering such slaughter with the District Office for the area where that Class 2 slaughterer is located, if you are a Class 2A slaughterer. If, by April 1, 1952, you have filed with the appropriate office of the Office of Price Stabilization a statement listing your slaughter bases for such slaughter, pursuant to the provisions of section 17 (b) (3), or a copy of your Form DO 1–5 covering such slaughter, pursuant to the provisions of section 17 (b) (4), you will be deemed to have complied with the requirements of this section 9 (a) (2).

(b) *Rights of Class 1A and Class 2A slaughterers.* (1) If you are a Class 1A or Class 2A slaughterer of a given species of livestock you are entitled to have such livestock slaughtered by the same slaughterer who slaughtered it for you in 1950, as shown by your registration. He is required to continue to slaughter that species of livestock for you, in the same proportion to his total slaughter of such livestock in each accounting period as the slaughtering which he performed for you in the comparable accounting period in 1950 bore to his total slaughter of such livestock in that comparable period, or up to the amount of your slaughter base for such livestock for that accounting period, whichever is less.

(2) If the business of a Class 1 or Class 2 slaughterer is transferred to another person for continued operations, the person who acquired the slaughtering establishment (transferee) is required to continue slaughtering livestock for you just as if the transferee were the original slaughterer.

(c) *Transfer to another establishment.* (1) If a Class 1 or Class 2 slaughterer with respect to whom you are properly registered, or a transferee of such slaughterer, refuses or is unable to continue to slaughter for you, or has no objection to your transferring to another establishment, you may apply to the Office of Price Stabilization where you are registered for permission to have such livestock slaughtered by another Class 1 or Class 2 slaughterer. The application must be made in writing and must include:

(i) The name and address of the Class 1 or Class 2 slaughterer who formerly slaughtered for you.

(ii) A signed statement, where obtainable, from such Class 1 or Class 2 slaughterer that he has no objection to the transfer, or stating the reasons why he cannot continue to slaughter for you.

(iii) If you cannot obtain the statement described in (ii), then you must submit your own statement of the reasons why such such slaughterer will no longer slaughter for you.

(iv) The name and address of the Class 1 or Class 2 slaughterer whom you wish to perform the slaughtering for you.

(v) A signed statement from the Class 1 or Class 2 slaughterer referred to in (iv) that he is willing to slaughter for you.

(vi) A copy of your Form DO 1–4 or Do 1–5 covering the slaughter for which transfer is requested.

(2) If the Director of Price Stabilization finds that the old slaughterer refuses or is unable to continue to slaughter that species of livestock for you, or that he has no objection to the requested transfer, and that the new slaughterer is willing and able to slaughter such livestock for you he may transfer your registration for that species from the old slaughterer to the new Class 1 or Class 2 slaughterer named in the application. However, if the application is granted you must continue to serve the same general class of customers in the same areas that you served previously. Furthermore, the new Class 1 or Class 2 slaughterer and you shall be subject, with respect to that slaughter, to all the provisions of this revised regulation just as if the Class 1 or Class 2 slaughterer had formerly slaughtered such livestock for you.

SEC. 10. *Class 3 slaughterers*—(a) *Conditions of slaughter.* (1) If you are a Class 3 slaughterer, as defined in section 5 (e), you may slaughter livestock yourself or have livestock slaughtered for you by a Class 1 or Class 2 slaughterer without registering with the Office of Price Stabilization provided that:

(i) You do not transfer meat to any person who receives meat for resale unless you transferred meat to such person in 1950;

(ii) You do not during any six-month period beginning September 1 and March 1 of each year transfer more than the equivalent amount of meat you transferred during the same period commencing September 1, 1949 and March 1, 1950 respectively;

(iii) You do not in any event transfer more than 3,000 pounds of meat in any such six-month period.

(2) The transfer of meat includes the selling, giving, exchanging, lending, delivering, or consigning of meat and also the placing or storing of meat in ware-

houses or locker plants. However, if the meat is derived from livestock slaughtered pursuant to all of the requirements of section 11 (the section covering the slaughter of livestock for home consumption) the placing or storing of such meat in warehouses or locker plants for your ultimate consumption pursuant to that section shall not be considered a transfer of meat within the meaning of that term as used in this section.

(b) *Statements by Class 3 slaughterers.* No Class 1 or Class 2 slaughterer may slaughter livestock for you under this section unless you furnish to him a signed statement setting forth (1) the address of your farm; (2) that you are a resident operator of a farm on which you reside at least 6 months a year; (3) that during the calendar year 1950 you transferred no more than 6,000 pounds of meat resulting from your slaughter of livestock or the slaughter of livestock for you; (4) a description of the livestock by species, number of head, and live weight, that you wish to have slaughtered; and (5) that the transfer of all or any part of the meat will not make your total transfer of meat in the current six-month period, commencing with September 1 or March 1, exceed either 3,000 pounds or the amount you transferred during the corresponding six-month period of 1949–50, whichever amount is lower. Furthermore, if any of the meat is to be transferred to persons acquiring it for resale, you must set forth in the statement the names and addresses of such persons and that you transferred meat to such persons in 1950.

(c) *Slaughter at municipal or other public slaughtering establishments.* If you are a Class 3 slaughterer, you may not perform, and no manager or owner of a municipal or other public slaughtering establishment may permit you to perform, your own slaughtering in such establishment unless you furnish to such manager or owner a statement identical with the statement required under paragraph (b) of this section. Both you and the manager or owner of the slaughtering establishment must keep a copy of the statement furnished pursuant to this paragraph.

(d) *Tagging requirements.* A tag must be attached to each leg of every carcass transferred by you and to each wholesale cut transferred by you as a wholesale cut and meat may not be transferred unless it has been so tagged. Each tag must have on it the words "Class 3 slaughterer", and must also show your name and address.

SEC. 11. *Slaughter of livestock for home consumption*—(a) *Situations in which you may slaughter livestock for home consumption.* There are two situations in which, regardless of whether or not you are registered under any section of this revised regulation, you may slaughter livestock or have it slaughtered for consumption in your own household or on a farm which you operate: (1) If you operate a farm at which you reside for more than 6 months a year; or (2) if you actually superintended the raising of the livestock and it was raised on your own premises for at least 90 days immediately before slaughter, or if the livestock is less than 90 days old at the time of slaughter, then it must have been raised on your own premises from the time of its birth.

(b) *Statements.* No Class 1 or Class 2 slaughterer may slaughter livestock for you under this section unless you furnish to him a signed statement containing: (1) A description of the livestock by species, number of head, and live weight; (2) a statement that you have read section 11 (a) and that, under the provisions of section 11 (a), you are eligible to slaughter the particular livestock or to have it slaughtered for you.

(c) *Slaughter at municipal or other public slaughtering establishments.* If you wish to perform your own slaughtering, pursuant to this section, at a municipal or other public slaughtering establishment you must furnish to the manager or owner of such establishment a statement identical with the statement required under paragraph (b) of this section. Both you and the manager or owner of the slaughtering establishment must keep a copy of the statement furnished pursuant to this paragraph.

SEC. 12. *Slaughter of "Club" and "Show" livestock.* (a) This section applies to you if you are not otherwise permitted to slaughter livestock under this revised regulation. This section applies to you on a company-wide basis and may not be applied on the basis of separate establishments.

(b) If you are not otherwise permitted to slaughter livestock or have livestock slaughtered for you under this revised regulation and you acquire either or both:

(1) Livestock from members of 4–H clubs, Future Farmers of America, or other recognized youth organization, at sales made at the place and time of a fair, show or exhibition ("Club" livestock); or

(2) Livestock which has been exhibited in competition at a fair, show or exhibition and which has been purchased by you in the course of a regularly scheduled public sale held at the place and time of such fair, show or exhibition ("Show" livestock), you may, if such sales were previously approved by the OPS District Office for the area where the fair, show or exhibition is held, have such livestock slaughtered for you by a registered Class 1 or Class 2 slaughterer. However, you may not in any one calendar year have slaughtered for you any more than 10 head of any one species of "Show" livestock, or, if you purchase such livestock in a carload lot, then you may not in any one calendar year have slaughtered for you any "Show" livestock, regardless of species, other than that which is contained in such carload lot. "Calendar year" when used in this section means a period of twelve (12) months between January 1 and December 31, inclusive.

(c) Prior to a fair, show or exhibition the president, secretary, or manager of the organization promoting such fair, show or exhibition must apply to the OPS District Office for the area where the fair, show or exhibition is to be held, for permission to issue certificates to have "Club" or "Show" livestock, sold at the fair, show or exhibition, slaughtered for the prospective purchasers.

The District Office will authorize the president, secretary or manager of the organization promoting the fair, show or exhibition to issue certificates permitting non-slaughtering purchasers to have the "Club" livestock they purchase at the fair, show or exhibition, slaughtered for them, whenever it finds that the sale at the fair, show or exhibition is to be held under the auspices of the 4-H Clubs, Future Farmers of America, or other recognized youth organizations.

The District Office will authorize the president, secretary, or manager of the organization promoting the fair, show or exhibition to issue certificates permitting non-slaughtering purchasers to have the "Show" livestock they purchase at the fair, show or exhibition, slaughtered for them when it finds that all of the following conditions are met:

(1) Such fair, show or exhibition is recognized generally as being of county, state, regional (embracing more than one state), national, or international character;

(2) The organization promoting such fair, show or exhibition has been in existence prior to 1951; or is an organization that is the legal successor to an organization which was in existence prior to 1951, such succession having occurred prior to April 1, 1951.

(3) The fair, show or exhibition has been promoted and held as a regular event prior to 1951 by an organization meeting the requirements of subparagraph (2) of this paragraph.

(4) The traditional events occurring at such fair, show or exhibition until 1951 included a regularly scheduled public sale for slaughter of some or all of the livestock exhibited.

(5) Each head or lot of livestock so purchased by any purchaser at such fair, show or exhibition in the course of such regularly scheduled public sale is certified in writing to such purchaser by the president, secretary or manager of the organization promoting such event:

(i) To have been entered and officially accepted for exhibition purposes at such fair, show or exhibition, and

(ii) To have been exhibited in competition at such fair, show or exhibition.

(6) The livestock in question have actually participated in competitive exhibition in such a fair, show or exhibition. For the purposes of this paragraph, livestock which, as the result of the official action of any representative of the organization promoting such a fair, show or exhibition, have been rejected for, or barred from competitive exhibition prior to the holding of the event in which competition winners are selected, shall not be deemed to have been exhibited at such fair, show or exhibition.

(d) At the time of the opening of the fair, show or exhibition, the manager must announce that sales at the fair, show or exhibition of "Club" or "Show" livestock, or both, as the case may be, have been approved by the OPS and that the manager is permitted to issue slaughter certificates for "Club" or "Show" livestock or both, as the case may be. The manager shall then issue such slaughter certificates to the live-

stock purchasers who are not permitted to slaughter livestock or have livestock slaughtered for them under the regulations. The slaughter certificates issued in triplicate must contain the following:

(1) The name of the organization conducting the fair, show or exhibition, the place at which it was held, and the dates it was held.

(2) The District Office of OPS which approved the fair, show or exhibition, and the date of such approval.

(3) The name and address of the person purchasing the livestock.

(4) The number of each species of livestock purchased and the live weight of each species of livestock.

(5) A statement that:

(i) In the case of "Club" livestock, the animal or animals listed on the certificates were bona fide project animals fed in an organized club (naming the club) under the direction of the United States Department of Agriculture Extension Service or a recognized State agency; or

(ii) In the case of "Show" livestock, that each of the animals listed on the certificate was entered and officially accepted for exhibition purposes at the fair, show or exhibition and in fact was exhibited in competition at the fair, show or exhibition.

(6) The signature of the manager of the fair, show, or exhibition.

(7) A signed statement by the purchaser that he is not permitted to slaughter livestock or have livestock slaughtered for him under Distribution Regulation 1, Revision 1 and, if the livestock covered by the certificate is "Show" livestock, that the slaughterers of such livestock will neither cause the total slaughter for him of any one species of "Show" livestock to exceed 10 head in that calendar year nor contribute to such excess, or, if the "Show" livestock covered by the certificate is in a carload lot, that no other "Show" livestock of any species has been or will be slaughtered for him during that calendar year.

(e) The original and one copy must be given to the purchaser of livestock. The third copy must be immediately forwarded by the manager to the District Office which approved the fair, show, or exhibition. The purchaser of livestock must give the original and duplicate to the Class 1 or Class 2 slaughterer who will slaughter the livestock.

(f) Any Class 1 or Class 2 slaughterer who receives a valid original and duplicate slaughter certificate may slaughter the livestock covered by such certificate. The slaughterer must keep the duplicate certificate and attach the original to his report on OPS Public Form No. 107 or OPS Revised Form DO 1–6, respectively, for the period in which the slaughter took place. If a Class 2 slaughterer is not required to file a report on OPS Revised Form DO 1–6, he must send the original certificate to the District Office for the area where his establishment is located.

SEC. 13. *Sale or transfer of Class 1 or Class 2 slaughtering establishment.* (a) If you are a Class 1 or Class 2 slaughterer, you will be permitted to transfer your registration only if the transfer of registration is accompanied by the sale or transfer, to the transferee of such registration, of a slaughtering establishment in which you have a bona-fide substantial investment which can be realized upon substantially only in connection with a slaughter registration.

(b) (1) If you wish to sell or transfer your slaughtering or other establishment to any person for continued operation, you and the transferee must apply to the Office of Price Stabilization where you are registered for a transfer of your registration for that establishment. The application must be in writing, must be mailed or delivered at least 15 days before the sale or transfer of the establishment, and must show:

(i) The name and address of the establishment which is being sold or transferred in connection with the proposed transfer of registration.

(ii) The names and addresses of the persons wishing to sell or transfer the establishment and the persons wishing to acquire it; in the case of a corporation, the names and addresses of each person who owns 10 percent or more of the stock of the corporation should be listed.

(iii) The nature and size of the interest which is to be transferred—for example, 20 percent partnership interest, 15 percent stock interest, 10 percent loan.

(iv) A description of the plant, equipment, and facilities being transferred, and a statement showing separately the amount of the investment in such plant, equipment and facilities made prior to the effective date of this revised regulation, and the amount of such investment made subsequent to the effective date of this revised regulation.

(v) A complete showing that any investments in plant, equipment or facilities made subsequent to the effective date of this revised regulation were made in good faith and not in connection with any contemplated transfer of the establishment or business.

(vi) That the transferee will continue to operate the establishment in the same manner, and will maintain the same pattern of distribution of meat from the slaughter of livestock as the transferor; and

(vii) That operation of the establishment by the transferee will not disrupt normal patterns of distribution of livestock or meat or otherwise violate the policy of this revised regulation.

(2) It must also be established to the satisfaction of the Director of Price Stabilization that the transferee will not slaughter livestock in the establishment until he has conformed to the requirements for minimum sanitary facilities and equipment specified in section 15 (a) (4) and that he will thereafter continue to conform to such requirements. The applicant must also furnish any additional information requested by the Office of Price Stabilization.

(c) If the transfer is an involuntary transfer or a transfer by operation of law, the transferor need not join in the application to the Office of Price Stabilization pursuant to the preceding paragraph. However, in such case, the transferee must furnish, in addition to the information required by paragraph (b) of this section, a copy of the court order or other legal document, if any, effecting such transfer.

(d) (1) The Director of Price Stabilization will assign the registration of the transferor to the transferee for that establishment and will cancel the registration of the transferor, if he finds that:

(i) The transferor has made a bona fide substantial investment in the establishment to be transferred and that investment can be realized upon substantially only in connection with a slaughter registration;

(ii) The transferee will not slaughter livestock in the establishment until he has conformed to the requirements for minimum sanitary facilities and equipment specified in section 15 (a) (4) and that he will thereafter continue to conform to such requirements;

(iii) The establishment will continue to be operated in the same manner as before the transfer;

(iv) The transferee will maintain the same pattern of distribution of meat as the transferor; and

(v) The proposed transfer will not disrupt normal patterns of distribution of livestock or meat or otherwise violate the policy of this revised regulation.

The Director may impose such other conditions as he may deem necessary to further the policy of this revised regulation.

(2) In all cases which do not meet the requirements of subparagraph (1) of this paragraph the application will be denied. The transferee may not in any event slaughter livestock in the establishment being transferred until such time as the Director may approve the transfer.

(e) No such transfer and assignment of registration may be made while your slaughtering establishment is under suspension by a Federal, State, County, Municipal, or City government or agency.

(f) If you are a Class 1 or Class 2 slaughterer and you wish to move your slaughtering or other establishment to another place, the moving is to be treated as a transfer to a different person under this section. For this purpose, the place from which the establishment is to be moved is considered the transferor and the place to which it is to be moved is considered the transferee.

(g) For the purpose of this revised regulation the "sale or transfer of an establishment" shall include but is not limited to:

(1) a sale or transfer, directly or indirectly, of 10 percent or more of the stock of a corporation owning an establishment or the sale or transfer of 10 percent or more of the ownership of an establishment; or

(2) the accepting, directly or indirectly, from persons other than financial institutions, of loans or advances in connection with the slaughtering business or establishment in excess of 10 percent of the net worth of the person owning such business or establishment at the time that such loan or advance is accepted.

SEC. 14. *Transfer of registration as a Class 1A or Class 2A slaughterer.* (a) If you are a Class 1A or Class 2A slaughterer, you will be permitted to transfer your registration only if the transfer of registration is accompanied by the sale o

transfer, to the transferee of such registration, of an establishment in which you sold meat derived from livestock which you had slaughtered for you as a Class 1A or Class 2A slaughterer and which represents a substantial bona-fide investment which has historically been realized upon in connection with a slaughter registration.

(b) (1) If you wish to transfer such establishment, together with a continued right to have livestock slaughtered for the owner of such establishment, you and the transferee must apply to the office of the Office of Price Stabilization where you are registered. The application must be in writing, must be mailed or delivered at least 15 days before the sale or transfer, and must show the same information as is required under section 13 (b) (1).

(2) The applicant must also show that the establishment being transferred is the one in which the transferor sold the meat derived from the livestock which he had slaughtered for him as a Class 1A or Class 2A slaughterer. He must also furnish any additional information requested by the Office of Price Stabilization.

(c) If the transfer is an involuntary transfer or a transfer by operation of law, the transferor need not join in the application to the Office of Price Stabilization pursuant to the preceding paragraph (b) of this section. However, in such case, the transferee must furnish, in addition to the information required by paragraph (b), a copy of the court order or other legal document, if any, effecting such transfer.

(d) (1) The Director of Price Stabilization will assign the registration of the transferor to the transferee for that establishment and will cancel the registration of the transferor, if he finds that:

(i) The transferor has made a bona-fide substantial investment in the establishment and that investment has historically been realized upon in connection with a slaughter registration;

(ii) The establishment being transferred is the one in which the transferor sold the meat derived from the livestock which he had slaughtered for him as a Class 1A or Class 2A slaughterer;

(iii) The establishment will continue to be operated in the same manner as before the transfer;

(iv) The transferee will maintain the same pattern of distribution of meat as the transferor; and

(v) The proposed transfer will not disrupt normal patterns of distribution of livestock or meat or otherwise violate the policy of this revised regulation.

The Director may impose such other conditions as he may deem necessary to further the policy of this revised regulation.

(2) In all cases which do not meet the requirements of section 14 (d) (1) the application shall be denied. The transferee may not in any event have livestock slaughtered pursuant to the registration which is sought to be transferred until such time as the Director may approve the transfer.

(e) See section 13 (g) for the definition of "sale or transfer of an establishment".

SEC. 15. *New registrations for Class 1 or Class 2 slaughterers.* (a) If you want to slaughter a species of livestock which you are not already registered to slaughter, or if you want to open a new Class 1 or Class 2 slaughtering establishment, or if you operate a Class 1 or Class 2 slaughtering establishment but you are not registered to slaughter livestock for your own account and you wish to be registered to do so, you must apply to the Office of Price Stabilization. Registration as to a new species of livestock, or registration of a new slaughtering establishment will be permitted, or permission to slaughter livestock for your own account will be granted, on such conditions as the Director of Price Stabilization may deem necessary to further the policy of this revised regulation, if you establish to the satisfaction of the Director of Price Stabilization that:

(1) The proposed operation is essential to meet the civilian needs in the area served or to be served by the establishment;

(2) The products to be produced cannot be obtained from any other source;

(3) The proposed operation will promote the National Defense by facilitating the production and orderly distribution of meat and meat products; and

(4) That the establishment will have, at the time slaughtering is commenced, and will continue to have, at least the following minimum sanitary facilities and equipment:

(i) A structure that is reasonably fly and rodent proof with ample light and ventilation, which has concrete or comparably sanitary floors with adequate drainage system, is provided with clean potable water and which, together with all equipment, is in a clean and orderly condition; such structure must be a reasonable distance from stables, barnyard, hog lot, refuse heap, privy, or other source of fly breeding or contamination;

(ii) Equipment in good order for the proper skinning and dressing of animals, and the rendering or storage of fat and tallow, and storage or other equipment for retaining or preserving edible or principal inedible by-products to insure against spoilage.

(b) If the application is made by a person who is or wishes to be a Class 1 slaughterer, it must be made in writing to the Office of Price Stabilization, Washington 25, D. C. If the application is made by a person who is or wishes to be a Class 2 slaughterer, it must be made in writing to the District Office of the Office of Price Stabilization for the area where the applicant's establishment is or will be located. The application must contain all the information relied upon to support the requested action. The applicant must also give any additional information requested by the Office of Price Stabilization.

SEC. 16. *New registrations for Class 1A or Class 2A slaughterers.* (a) If you want to have slaughtered for you as a Class 1A or Class 2A slaughterer a species of livestock which you are not registered to have slaughtered for you, or if you want to have livestock slaughtered for you by an additional Class 1 or Class 2 slaughterer, you must apply to the Office of Price Stabilization. Registration to have that species slaughtered at a given establishment will be permitted, on such conditions as the Director of Price Stabilization may deem necessary to further the policy of this revised regulation, if you establish to the satisfaction of the Director of Price Stabilization that all of the following conditions are met:

(1) Your operation as a Class 1A or Class 2A slaughterer is essential to meet civilian needs in the area which you service or propose to service;

(2) You cannot procure dressed meats, for resale, in any other manner;

(3) Your operation as a Class 1A or Class 2A slaughterer will promote the National Defense by facilitating the production and orderly distribution of meat and meat products; and

(4) The establishment which will perform the slaughtering for you is registered under this revised regulation.

(b) If the application is made by a person who is or wishes to be a Class 1A slaughterer, it must be made in writing to the Office of Price Stabilization, Washington 25, D. C. If the application is made by a person who is or wishes to be a Class 2A slaughterer, it must be made in writing to the District Office of the Office of Price Stabilization for the area where the applicant's establishment or place of business is or will be located. The application must contain all the information relied upon to support the requested action. The applicant must also give any additional information requested by the Office of Price Stabilization. .

SEC. 17. *Marking, reports, records, and inspections*—(a) *Marking requirement.* If you are a Class 1 or Class 2 slaughterer, you are required to stamp or mark your registration number on each carcass so that it appears on every accessible wholesale cut. You may not sell or transfer a carcass or a wholesale cut unless it has been so marked. All carcasses and accessible wholesale cuts of meat derived from livestock which you slaughter on behalf of a Class 1A or Class 2A slaughterer must bear a stamp, at each place at which your registration number appears, showing the registration number of that Class 1A or Class 2A slaughterer.

(b) *Reports.* (1) If you are a Class 1 slaughterer you must, within five "work days" after the end of each accounting period, mail a report on OPS Public Form No. 107 to the Office of Price Stabilization, Washington 25, D. C. The report must contain all the information required by that form. You may obtain copies of that form from any Regional or District Office of the Office of Price Stabilization. The accounting periods for which you mail reports pursuant to this subsection must conform to the accounting periods reported by you on OPS Public Form No. 34.

(2) If you are a Class 2 slaughterer and either:

(i) Your slaughter bases for all species combined on an annual basis are

100,000 pounds live weight or over (as shown on your Form DO 1–2), or

(ii) Your slaughter of any one species of livestock in any accounting period exceeds 25,000 pounds live weight,

You must mail a report to the OPS District Office where you are registered. If you come within the provisions of subdivision (i) you must mail your report within five work days after the end of each accounting period. If you do not come within the provisions of subdivision (i) and you do come within the provisions of subdivision (ii), you must mail your report within five work days after the end of the accounting period in which your slaughter of any one species of livestock first exceeds 25,000 pounds live weight and within five work days of the end of each succeeding accounting period regardless of the amount of your slaughter during such succeeding accounting period. The report made pursuant to this section must be made in duplicate on Revised Form DO 1–6 and must contain all the information required by that form. You must report on the basis of your accounting periods as shown on your Form DO 1–2.

(3) If you are a Class 1A slaughterer and the slaughter for you of any species of livestock by a given Class 1 slaughterer in any one accounting period exceeds 25,000 pounds live weight, you must within five work days after the end of that and each succeeding accounting period, regardless of the volume of slaughter for you by that slaughterer in such succeeding accounting period, mail a report with respect to that slaughter to the Office of Price Stabilization in Washington, D. C. This report must be made on OPS Public Form No. 107 and must contain all the information required by that form. In addition, within five work days after the end of the first accounting period in which the slaughter for you of any one species of livestock by a given Class 1 slaughterer exceeds 25,000 pounds live weight, you must mail to the Office of Price Stabilization in Washington, D. C., a statement listing your slaughter bases for slaughter by that Class 1 slaughterer for each species of livestock by live weight and by accounting periods. The accounting periods for which reports and statements must be filed pursuant to this section must conform to the accounting periods of the Class 1 slaughterer with respect to whose slaughter the report or statement is being filed. The Class 1 slaughterer must, at your request, inform you as to what are his accounting periods.

(4) If you are a Class 2A slaughterer and the slaughter for you of any one species of livestock by a given Class 2 slaughterer in any one accounting period exceeds 25,000 pounds live weight, you must within five work days after the end of that and each succeeding accounting period, regardless of the volume of slaughter for you by that slaughterer in such succeeding accounting period, mail a report with respect to that slaughter to the District Office for the area where the place of business of that Class 2 slaughterer is located. This report must be made on Revised Form DO 1–6 and must contain all the information required by that form. In addition, within five work days after the end of the first accounting period in which the slaughter for you of any one species of livestock by a Class 2 slaughterer exceeds 25,000 pounds live weight, you must, unless you have already done so pursuant to section 9 (a) (2), mail to the District Office where the place of business of that Class 2 slaughterer is located a copy of your Form DO 1–5 listing your slaughter bases for slaughter by that Class 2 slaughterer. The accounting period for which reports and forms must be filed pursuant to this section must conform to the accounting periods of the Class 2 slaughterer with respect to whose slaughter the report or form is being filed. The Class 2 slaughterer must, at your request, inform you as to what are his accounting periods.

(c) *General records.* In addition to other records or documents required to be kept by this regulation each Class 1, Class 2, Class 1A and Class 2A slaughterer must keep a record for each establishment, showing:

(1) The number of head and live weight of each species of livestock which he slaughtered or had slaughtered for him during each accounting period.

(2) The name and address of each person for whom he slaughtered or who slaughtered for him each species of livestock and the number and live weight of each such species of livestock slaughtered by or for him during each accounting period, stated separately for each person for whom he slaughters or who slaughtered for him.

(3) The number of pounds of meat resulting from his slaughter or the slaughter for him of livestock, stated separately for each species, transferred during each accounting period.

(4) The number of cattle hides, kips and calfskins and sheep and lamb pelts sold or transferred by the slaughterer during each accounting period. Also the names and addresses of the persons to whom they were sold or transferred and the number of each kind transferred to each person.

In addition, each Class 1 and Class 2 slaughterer must keep a record for each establishment, showing the number of pounds of meat resulting from his slaughter of livestock for other persons, stated separately for each species, and each person, transferred during each accounting period.

(d) *Registration records.* Each Class 1, Class 2, Class 1A, and Class 2A slaughterer must keep a copy of his registration under this revised regulation and the records upon which his registration was based.

(e) *Daily records of custom slaughter.* Each Class 1, Class 2, Class 1A, and Class 2A slaughterer must keep a record showing the name and address of each person for whom he slaughtered or who slaughtered for him each species of livestock; the dates on which he slaughtered for each person or on which each person slaughtered for him; and the number and live weight of each such species of livestock which he slaughtered for each person on each date or which each person slaughtered for him on each date. He must also keep the statements given to him as required by section 10 (b) and section 11 (b).

(f) *Preservation of records.* Every person subject to this order must keep all records required under the old Distribution Regulation or under this revised regulation for as long as the Defense Production Act of 1950, as amended, remains in effect and for two years thereafter. All records required to be preserved under this section may, after the expiration of 30 days after the date of the transaction to which they relate, be transferred to and preserved thereafter on microfilm.

(g) *Inspection of records.* All records kept by all persons under this revised regulation may be inspected by the Office of Price Stabilization through any authorized representative. The inspection may be made at a person's place of business during regular business hours. Every person required to keep records under this revised regulation must keep them available for such inspection.

(h) *Inspection of slaughtering facilities and place of business.* The Office of Price Stabilization, through any authorized representative, may, at any reasonable time, inspect any place where livestock is, has been, or is proposed to be slaughtered and any place at which a Class 1, Class 2, Class 1A, Class 2A or Class 3 slaughterer is located.

(i) *Disclosure of information or documents.* Information and documents obtained from any person under this revised regulation will not be disclosed, whether in response to a subpena or in any other way, except to that person, unless the Director of the Office of Price Stabilization (or a representative of the Office of Price Stabilization designated by him) finds that the requested disclosure is not contrary to law and consents to it.

(j) When used in this section:

"Slaughter base" means the pounds live weight of slaughter of a given species of livestock which a slaughterer was assigned by the Office of Price Stabilization (as shown on OPS Public Form No. 34 or OPS Form DO 1–2) or of slaughter for him which was assigned by the Office of Price Stabilization (as derived from OPS Form DO 1–4 or DO 1–5) for each accounting period during 1950.

"Work day" means any day except Saturday, Sunday or a legal holiday.

SEC. 18. *Suppliers must sell meats to certain institutional users.* (a) Any operator of a prison, jail, insane asylum, home for delinquents, or other institution of involuntary confinement, or a public or private orphanage, or a hospital or other establishment principally engaged in the care and treatment of the sick is an institutional user. An institutional user must, for each month that it wishes to receive meat pursuant to this section, give written notice, personally or by registered mail, to each person from whom meat was acquired during the calendar year 1950 (or if that person transferred his establishment, to any successor currently operating the establishment) containing all of the following information:

(1) The quantities, types, cuts, kinds and qualities of meat acquired from the supplier during each month of the calendar year 1950;

(2) The estimated number of persons o be fed during the month for which his notice is given;

(3) The number of persons fed during ne corresponding month in 1950:

The information in (1) may be omitted rom any subsequent notice pursuant to a) to the same supplier or successor to hom a previous notice, containing that nformation, has been given pursuant) (a)).

he notice specified above must be given ven days prior to the first day of the ionth in which deliveries are sought nd must be accompanied by a purchase rder showing the desired delivery dates.

(b) (1) Each supplier or successor to hom a notice is given pursuant to (a) ust sell or transfer to that institutional ser, upon such user's request, and each stitutional user must accept, within ven days after each of the delivery ates specified in the accompanying purase order, the quantity of meat speced for delivery on each of such dates) to a total in a given month of the nount determined under (c) for that onth, to the extent that such supplier successor has meat available for sale transfer regardless of any other conact, agreement, commitment or obliion (except any meat which he is reired to set aside under this section for y other institutional user). Such sale transfer of meat must be of the same pe and kind and the same, comparable reasonably substitutable cuts and alities as the institutional user acired from that supplier in 1950. Hower, if carcasses were furnished in 1950, rcasses must be furnished during the mparable period of the current year.

(2) If the quantities, types, kinds and alities of the cut, or reasonably subtutable cuts and qualities of meat reired to be delivered to an institutional er under the preceding paragraph (b)) is not delivered within the time reired in that paragraph, the supplier all not transfer any meat to persons ner than institutional users until her;

(i) The required quantities of such at are delivered to that institutional r by that supplier, or

(ii) The required quantities of such at are offered by that supplier to that titutional user and subsequently reted by the institutional user, or

(iii) The 15th day of the next succeedmonth has occurred.

3) A supplier or successor need not or transfer under this section any at to an institutional user unless the r is willing to acquire such meat at ing prices established by the Office of ce Stabilization.

OTE: Examples of comparable and reable substitutable cuts of meat are: (1) ks, roasts, or chops or any wholesale from which they are obtained; (2) und meat or stew meat and the wholecuts from which they are obtained; (3) ked meats, such as bacon, ham, or pic; (4) Dry salt meats, such as bellies, s, plates or fatback; (5) Processed meat ducts, such as canned meats or sausage; Offal, such as livers, hearts, or kidneys; (7) Miscellaneous items, such as tails, ls, snouts or ears. Substitutions may be e of one item for another within any of these numbered categories but you may not substitute an item in one numbered category to replace an item in another numbered category, nor may you substitute any other cut for carcasses.

(c) The quantity of meat of a given type, cut, kind and quality which the supplier or successor is required under (b) to sell or transfer in any one month to an institutional user giving such notice shall be determined in the following way:

(1) Divide the amount of such meat sold or transferred to the institutional user by the supplier during the corresponding month in 1950 by the number of persons fed during that month.

(2) Multiply the result in (1) by the estimated number of persons to be fed in the month for which the notice in (a) is given.

(3) The result in (2), or the amount requested by the institutional user, whichever is less, is the quantity of such meat which must be sold or transferred to the institutional user during the month specified in the notice.

Example: The supplier receives a notice from the institutional user as follows:

To (Supplier)
This institution _____(name_____ (address) _____ bought from your company during March 1950, 1200 pounds of "Choice" grade of beef carcasses. The number of persons to be fed during March 1952, is 1200, compared with 1000 in March 1950. It is requested that you deliver a total of 1300 pounds of "Choice" grade beef carcasses in March 1952 in the amounts and on the dates specified in the accompanying purchase order.

From (Institution)

To determine the maximum quantity of "Choice" grade beef carcasses which the supplier is required to deliver in March 1952 to this institutional user:

1,200—Pounds sold by supplier to institution in March 1950.
+1,000—Number of persons fed during March 1950.
=1.2—Average number of pounds per person, March 1950.
×1,200—Number of persons to be fed during March 1952.
=1,440—Pounds of choice grade beef carcases which must be sold to the institutional user during March, 1952, by such supplier, unless the quantity requested by the institutional user is less.

However, as only 1,300 pounds were requested by the institutional user, the supplier's obligation for March 1952 with respect to this institutional user may be met by delivering the 1,300 pounds requested.

(d) (1) If a person from whom an institutional user acquired meat during 1950 discontinues his business and no one succeeds to his business or establishment, the institutional user shall notify the Office of Price Stabilization in Washington, D. C., of that fact. The institutional user shall include with such notice a statement in duplicate containing the following information:

(i) The quantities, types, cuts, kinds and qualities of meat acquired from that person during each month of the calendar year 1950;

(ii) The number of persons fed during each month in 1950.

(2) The Director of Price Stabilization after receiving such notice and statement shall assign to another supplier or suppliers all or a part of the 1950 "purchase bases" of the institutional user. The institutional user and each supplier affected shall be notified of the quantities, qualities and types, cuts and kinds of meat that have been assigned as 1950 purchase bases to each such supplier. Thereafter, such supplier or suppliers shall be treated for the purposes of this section as the person or persons from whom meat was acquired in 1950 by the institutional user in the quantities, qualities, types, kinds and cuts specified in the notice received from the Office of Price Stabilization.

(e) (1) If an institutional user was or is established subsequent to January 1, 1950 and therefore did not purchase meat from any source during all or part of 1950, the institutional user shall notify the Office of Price Stabilization in Washington, D. C. of this fact. The institutional user shall include with such notice a statement in duplicate containing an estimate of the quantities, types, cuts and kinds and qualities of meat that will be needed by the institutional user during each of the months of the current year corresponding to those months in which no purchases were made in 1950 and the basis upon which such estimate was made. If any deliveries have been made by a supplier to that institutional user the institution must list:

(i) The months in which such deliveries were made;

(ii) The quantities, types, cuts, kinds and qualities of meat delivered in each such month; and

(iii) The number of persons fed during each such month.

(2) The Director of Price Stabilization, after receiving such notice and statement, shall assign 1950 purchase bases to the institutional user for the months in question. The Director of Price Stabilization shall assign to one or more suppliers all or a part of such 1950 purchase bases of the institutional user. The institutional user and the supplier or suppliers affected shall be notified of the quantities, types, cuts, kinds and qualities of meat that have been assigned as 1950 purchase bases to each such supplier. Thereafter such supplier or suppliers shall be treated for the purposes of this section as the person or persons from whom meat was acquired in 1950 by the institutional user in the quantities, qualities, types, kinds and cuts specified in the notice received from the Office of Price Stabilization.

(f) Each notice given by the institutional user pursuant to (a) shall be deemed a certification to the Office of Price Stabilization as to the information contained in the notice. Each person to whom such a notice is given must keep such notice at his establishment.

(g) "Purchase base" when used in this section means the number of pounds of a particular type, cut, kind and quality of meat per person delivered by a particular supplier to a particular institutional user in a given month in 1950 by a supplier to an institutional user or assigned by the Office of Price Stabilization to a supplier for such institutional user for that month.

SEC. 19. *Adjustments or other relief.* (a) If you are affected by this revised regulation and you find that you need an adjustment or other relief under this revised regulation and such adjustment or relief is not available to you under any other section of this revised regulation, you may make a timely application in writing to the Office of Price Stabilization for such adjustment or relief. If you are, or desire an adjustment as, a Class 1 or Class 1A slaughterer, you apply to the National Office. If you are, or desire an adjustment as, a Class 2 or Class 2A slaughterer, you apply to the District Office for the area where your establishment or place of business is or will be located. The application must show what adjustment or relief you are requesting and all the facts showing your need for the adjustment or relief. You must give any additional information requested by the Office of Price Stabilization.

(b) Among the situations in which an adjustment or relief may be granted if a timely application is made are the following:

(1) Relief may be granted in the form of registration for slaughter of a given species of livestock where you have, prior to February 9, 1951, made a substantial investment in slaughtering facilities not used by you during the applicable base period due to their being in the process of completion or to compelling circumstances beyond your control and that investment could at that date and can now be recovered only in connection with a slaughter registration. However, a decision to cease operations made solely for business reasons shall not be considered a compelling circumstance beyond the control of the applicant.

(2) Relief in the form of a temporary registration for the slaughter of a given species of livestock for a limited period of time may be granted where emergency local conditions give rise to a situation which for the period of such emergency meets the criteria set forth in section 15 or 16 for new registrations.

(3) Relief may be granted in the form of a Class 1A or Class 2A registration to a Class 1 or Class 2 slaughterer, respectively, who wishes to give up his Class 1 or Class 2 registration in order to have livestock slaughtered in better facilities or under more sanitary conditions or because he is unable to secure the skilled help necessary to continue his Class 1 or Class 2 operation.

(4) Relief may be granted in the form of permission to a Class 1A or Class 2A slaughterer to transfer his operation from one Class 1 or Class 2 slaughterer to another who is not registered to slaughter that species of livestock where it is shown that the Class 1A or Class 2A slaughterer would otherwise be subjected to a substantial hardship. In such case the Class 1 or Class 2 slaughterer to whom the operation is transferred will be registered to slaughter the particular species for that Class 1A or Class 2A slaughterer only.

(5) Relief may be granted in the form of permission to slaughter a specified number of head of specifically described livestock in order to prevent the loss of such livestock and the meat resulting therefrom.

(c) If the Director of Price Stabilization finds that you have shown a need for an adjustment, or other relief, and that granting such relief will not contravene the policy of this revised regulation, as set forth in section 3, he will take the necessary steps to grant the adjustment or other relief in whole or in part. The Director may impose such conditions to granting the relief or adjustment as he may deem necessary to further the policy of this revised regulation. In all other cases your application will be denied.

SEC. 20. *Suspension and revocation of registration.* (a) If your slaughtering establishment is not in operation because of a suspension or other order of a Federal, State, County, City or Municipal government or Agency, your registration under this revised regulation shall be automatically suspended until the suspension or other order of the Federal, State, County, City or Municipal government or agency expires, is revoked or is cancelled.

(b) If you violate any provision of this revised regulation or of any other meat regulation in the Distribution Regulation series, you may be prohibited by administrative suspension or revocation order from slaughtering livestock or having slaughtered for you or selling or transferring any meat derived from such slaughterer, for such period of time as may fixed in the order, in accordance with the procedure set forth in Distribution Procedural Regulation 1.

(c) If a registration granted pursuant to the old Distribution Regulation 1 or pursuant to this revised regulation was or is granted on the basis of erroneous information the registration may be suspended or revoked, in whole or in part, in accordance with the procedure set forth in Distribution Procedural Regulation 1.

(d) If any action taken pursuant to the old Distribution Regulation 1 or pursuant to this revised regulation was or is taken on the basis of erroneous information the action may be rescinded or otherwise amended, in whole or in part, to reflect the true facts when such facts are established.

SEC. 21. *Appeals and review.* Any person affected by any action taken under this revised regulation may petition for reconsideration, or appeal from such action in accordance with the procedure set forth in Distribution Procedural Regulation 1.

SEC. 22. *With whom applications, notices, statements and reports made under this revised regulation should be filed.* All applications, notices, statements and reports made pursuant to this revised regulation should be filed with the Livestock and Meat Distribution Branch or Section of the appropriate office of the Office of Price Stabilization.

SEC. 23. *Additional prohibitions.* This revised regulation prohibits among other matters:

(a) Making false or misleading statements in any documents or reports preserved or filed under this revised regulation or acting pursuant to any such statements where you know or have reason to know that they are false or misleading;

(b) Refusal to correct any statement or report which contains erroneous information and any document or form which has been issued on the basis of such erroneous information, when such information is established to be erroneous;

(c) Altering, defacing, mutilating, or destroying any document specified herein;

(d) Forging or counterfeiting any document specified herein;

(e) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced, or mutilated document specified herein;

(f) Wrongfully withholding a document specified herein;

(g) Bribing, hindering, or interfering with authorized Office of Price Stabilization officials; and

(h) Attempting to do any act in violation of this revised regulation, directly or indirectly or to aid or encourage another to do so.

SEC. 24. *Enforcement.* If you violate any provision of this revised regulation, you are subject to the criminal penalties and civil penalties provided by the Defense Production Act of 1950, as amended.

SEC. 25. *Petitions for amendment.* If you seek an amendment of any provision of this revised regulation, you may file a petition for amendment. The petition should conform as nearly as possible to the requirements for petitions for amendments contained in Price Procedural Regulation 1, Revised, issued by the Office of Price Stabilization.

SEC. 26. *Interpretations.* If you want an official interpretation of any provision of this revised regulation, you should write to the Division Counsel, Food and Restaurant Division, Office of Price Stabilization, Washington 25, D. C., if you are a Class 1 or Class 1A slaughterer. In all other cases you should write to the District Counsel of the District Office for the area where you are located, for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this revised regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 27. *Definitions.* When used in this revised regulation the term:

(a) "Accounting period" means the period of a calendar month or a period of at least four weeks and not more than five weeks in length used by you in keeping your books and records. The accounting periods for Class 1A and Class 2A slaughterers must, for the purposes of this revised regulation, conform to the accounting periods of their Class 1 slaughterers (as shown on OPS Public Form 34) and Class 2 slaughterers (as shown on Form DO 1-2), respectively.

(b) "Calendar year". See section 1 (b).

(c) "Director of Price Stabilization". This term also applies to any official (including officials of Regional or District

offices) to whom the Director of Price Stabilization delegates a function, power or authority referred to in this regulation.

(d) "Meat" means skeletal meat, that part of the striated muscle, with or without attached overlying fat, which is part of a dressed carcass of beef, veal, calf, lamb, yearling mutton, mutton or pork in good health at the time of slaughter. It does not include variety meat, canned meat or sausage.

(e) "Type of meat" means (1) beef, (2) veal, (3) calf, (4) lamb, (5) yearling mutton, (6) mutton or (7) pork.

(f) "Beef", "veal", "calf", "lamb", "yearling mutton" and "mutton" mean meat graded as such pursuant to the provisions of Distribution Regulation 2 and in accordance with the "Official U. S. Standards for Grades of Carcass Beef", the "Official U. S. Standards for Grades of Veal and Calf Carcasses" and the "Official U. S. Standards for Grades of Lamb, Yearling Mutton and Mutton Carcasses" of the United States Department of Agriculture. "Pork" means meat derived from the carcasses of swine.

(g) "Cut of meat" means a dressed carcass or any given part thereof.

(h) "Kind of meat" means meat of a given condition, of boning, trimming and/or stage of processing such as boneless, bone-in, trimmed, untrimmed, fresh, frozen, cured, smoked, cooked, dried, etc.

(i) "Livestock" means cattle, calves, sheep and lambs, and swine.

(j) "Species of livestock" means cattle, calves, sheep and lambs, or swine, respectively.

(k) "Cattle", "calves", "sheep and lambs", and "swine" mean the live animals from which beef, veal and calf, lamb and yearling mutton and mutton and pork, respectively, are derived.

(l) "Office of Price Stabilization where you are registered" means the National Office, if you are a Class 1 or Class 1A slaughterer, or the District Office for the area where your establishment or place of business is located, if you are a Class 2 or Class 2A slaughterer.

(m) "Old Distribution Regulation ". See section 1.

(n) "Place of business" means the place where your establishment is located.

(o) "Purchase base". See section 8 (g).

(p) "Sale or transfer of an establishment". See section 13 (g).

(q) "Slaughterer" means a Class 1, Class 2, Class 1A, Class 2A or Class 3 slaughterer as defined in section 5 of this revised regulation.

(r) "To slaughter" means to kill or to have killed for you cattle, calves, sheep and lambs, or swine.

(s) "Slaughter base". See section 7 (j).

(t) "Slaughtering establishment" means the place at which you slaughter.

(u) "Transfer of meat". See section 10 (a).

(v) "Involuntary transfer" or "transfer by operation of law" means a transfer effected by a court order or a transfer automatically effected pursuant to some provision of law and with or without the necessity of a court order.

(w) "Work day". See section 17 (j).

(x) "You" means any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of the political subdivisions or any agency of the foregoing, provided that no punishment shall apply to the United States or to any such government, political subdivision or agency.

Effective date. The provisions of this revised regulation shall be effective on March 17, 1952.

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 11, 1952.

[F. R. Doc. 52-2983; Filed, Mar. 11, 1952; 11:34 a. m.]

[Distribution Procedural Regulation 1]

DPR 1—PROCEDURES IN MEAT DISTRIBUTION CASES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Distribution Procedural Regulation 1 is hereby issued.

Preamble. Distribution Regulation 1, Revision 1, provides for the suspension and revocation of slaughtering registrations under certain circumstances set forth in that regulation. This regulation prescribes the procedure to be followed in such cases. In addition the regulation establishes a machinery for appeals from orders issued under a meat distribution regulation.

Both the suspension and revocation proceedings and the appeal proceedings will be conducted before the Meat Distribution Board of Appeals. The Board may also consider and decide a third class of cases, namely, those referred to it as appropriate for the taking of oral testimony before rendition of an initial decision.

In suspension and revocation cases, a formal oral hearing before a Hearing Officer is mandatory. Where an appeal is taken, a formal oral hearing may be held in the discretion of the Board. The regulation prescribes rules for the conduct of such hearings.

In view of the technical and procedural nature of this regulation, special circumstances have rendered consultation with industry representatives impracticable.

REGULATORY PROVISIONS

ARTICLE I—INTRODUCTION

Sec.
1. What this regulation does.
2. Basic procedures established by this regulation.

ARTICLE II—SUSPENSIONS AND REVOCATIONS

Sec.
20. Introductory.
21. Commencement of proceeding.
22. Complaint.
23. Answer.
24. Hearing.
25. Temporary suspension.
26. Final decision.

ARTICLE III—APPEALS

30. Distinction between appeal and reconsideration.
31. Who may appeal.
32. Effect of appeal.
33. How to appeal.
34. When and where to file.
35. Consideration of the appeal.
36. Decision on appeal.
37. Cases referred to the Board of Appeals.
38. Remand in other cases.

ARTICLE IV—HEARINGS

40. Introductory.
41. Time and place of hearing.
42. Conduct of hearing.
43. Rules of evidence.
44. Subpenas and witnesses.
45. Transcript of hearing.
46. Briefs to the Hearing Officer.
47. Report by the Hearing Officer.
48. Briefs to the Board of Appeals.
49. Oral argument.

ARTICLE V—GENERAL PROVISIONS

50. Introductory.
51. Issues.
52. Motions.
53. Decisions.
54. Consent orders.
55. Method and proof of service.
56. Service of materials filed with the Board of Appeals.
57. Participation in proceeding.
58. Appearances.
59. Defaults.
60. Contemptuous conduct.
61. Computation of time.

AUTHORITY: Sections 1 to 61 issued under sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154. Interpret or apply secs. 101–103, 705, 64 Stat. 798, 816, as amended; 50 U. S. C. App. Sup. 2061, 2154. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

ARTICLE I—INTRODUCTION

SECTION 1. *What this regulation does.* (a) This regulation establishes the procedure to be followed for suspension or revocation of a registration, in whole or in part, pursuant to Distribution Regulation 1, Revision 1.

(b) (1) This regulation also prescribes the procedure for appeals and hearings in cases involving orders of the Office of Price Stabilization under any of the meat regulations in the Distribution Regulation series, hereafter referred to as meat distribution regulations.

(2) Illustrative of the type of orders which may be appealed under this regulation are denials of new registrations, denials of applications for adjustments or other relief under section 19 of Distribution Regulation 1, Revision 1, or section 8 of Distribution Regulation 3 or denials of applications for approval of transfer of registrations under sections 14 or 15 of Distribution Regulation 1, Revision 1.

SEC. 2. *Basic procedures established by this regulation*—(a) *Suspensions and revocations.* Article II contains the provisions relating to suspension or revocation of a registration pursuant to Distribution Regulation 1, Revision 1.

(b) *Appeals.* Article III contains the provisions relating to appeals to the Meat Distribution Board of Appeals, hereafter referred to as the Board of Appeals.

(c) *Hearings.* Article IV contains the provisions relating to hearings. A hearing will be held:

(1) Whenever a complaint requesting issuance of a suspension or revocation order has been filed with the Board of Appeals. All such complaints will be assigned for the taking of evidence before a Hearing Officer.

(2) Whenever an appeal has been taken to the Board of Appeals and the Board decides that proper consideration of the appeal requires the taking of evidence before a Hearing Officer.

(3) Whenever the Chief of the Livestock and Meat Distribution Branch of the National Office of OPS concludes that an application cannot properly be considered without the taking of evidence before a Hearing Officer and refers the case to the Board of Appeals for disposition by the Board. See section 37.

ARTICLE II—SUSPENSIONS AND REVOCATIONS

SEC. 20. *Introductory.* This Article II prescribes the procedure to be followed in cases involving suspension or revocation of registrations pursuant to Distribution Regulation 1, Revision 1.

SEC. 21. *Commencement of proceeding.* A proceeding to suspend or revoke a registration is commenced by filing a complaint with the Board of Appeals and by serving a copy on the respondent. The complaint shall be signed by the Director of Enforcement.

SEC. 22. *Complaint.* (a) The complaint shall contain a short and plain statement of the facts upon the basis of which the suspension or revocation is requested. It need not be in any particular form provided that all allegations shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances.

(b) A copy of this regulation shall be attached to the copy of the complaint to be served upon the respondent and that copy of the complaint shall contain an endorsement calling attention to sections 23 and 59.

SEC. 23. *Answer.* (a) The respondent must file an answer to the complaint, signed personally by him. The answer should admit or deny each allegation of the complaint or, in appropriate cases, state that the respondent does not have sufficient knowledge to permit him to admit or deny an allegation. It should also contain a short and plain statement of any grounds of defense to the allegations of the complaint.

(b) The answer must be filed with the Board and served on the Director of Enforcement within 10 days of the receipt of the complaint.

SEC. 24. *Hearing.* Upon receipt of an answer, the Board of Appeals shall assign the complaint for the taking of evidence before a Hearing Officer. The procedure in cases assigned for hearing is described in Article IV.

SEC. 25. *Temporary suspension.* (a) At any time after the filing of a complaint, the Director of Enforcement may file with the Board of Appeals and serve on the respondent a motion to suspend the registration of a respondent pending the outcome of the proceeding.

(b) The motion shall be accompanied by affidavits by persons having knowledge of the facts setting forth in detail the evidence which it is claimed warrants suspension or revocation of the respondent's registration. It shall also be accompanied by a showing that a suspension of the respondent's registration pending the outcome of the proceeding is required in order to facilitate the orderly distribution of livestock or meat and thus to promote the national defense. In addition, the motion may be accompanied by a brief.

(c) Within 10 days of the receipt of the motion the respondent may serve and file answering affidavits or a brief or both. If the respondent desires oral argument before the Board of Appeals, he should so request.

(d) The Board of Appeals shall hear oral argument on all motions filed under this section where the respondent so requests.

(e) The Board of Appeals, if it finds that the facts disclosed on the motion warrant a suspension or revocation and that a showing has been made that a suspension pending the outcome of the proceeding is required in order to facilitate the orderly distribution of livestock or meat and thus to promote the national defense, may order that the registration of the respondent be suspended for a period not in excess of 90 days or until its final order in the proceeding, whichever is the earlier.

SEC. 26. *Final decision.* The final decision of the Board of Appeals in a suspension or revocation case shall, in accordance with the applicable regulatory standards, revoke a registration or suspend it for a specified period of time. The suspension may either be for a calendar period or its termination may be made contingent on the happening of some event.

ARTICLE III—APPEALS

SEC. 30. *Distinction between appeal and reconsideration.* (a) If a person is adversely affected by an order of the Office of Price Stabilization and he has new and substantial facts to present, he shall apply for reconsideration to the official of the Office of Price Stabilization who signed the order, within thirty days of the date of that order. No formal procedure need be followed in applying for reconsideration.

(b) If a person is adversely affected by an order of the Office of Price Stabilization and has no new and substantial facts to present, he may appeal from that order in accordance with the provisions of this Article.

(c) Section 38 covers the situation where a person adversely affected by an order of the Office of Price Stabilization has appealed from that order and, after taking such appeal, he discovers new and substantial facts which he desires to present.

(d) For the purposes of this Article the word "order" means any written determination by an authorized official of the Office of Price Stabilization which finally disposes of an application under a meat distribution regulation.

(e) An order by the Director of a District or Regional Office of the Office of Price Stabilization may not be appealed to the National Office of the Office of Price Stabilization, but only to the Board of Appeals.

SEC. 31. *Who may appeal.* Any person adversely affected by an order may appeal from that order.

SEC. 32. *Effect of appeal.* An appeal does not suspend the effectiveness of an order. An order appealed from continues to be effective until reversed or modified by the Board of Appeals.

SEC. 33. *How to appeal.* (a) An appeal is taken by filing a statement of appeal signed personally by the appellant.

(b) The statement of appeal should set forth:

(1) The name and business address of the appellant;

(2) A copy of the order appealed from; and

(3) A statement of the grounds of the appeal.

(c) The statement of appeal may be accompanied by written information or by written argument in the form of a brief or otherwise, or by both.

(d) If the appellant desires that evidence be taken before a Hearing Officer, the statement of appeal should so state. Also, if the appellant desires to present oral argument to the Board of Appeals, the statement of appeal should so state.

SEC. 34. *When and where to file.* (a) A statement of appeal must be mailed or filed within 30 days of the date of the order appealed from. However, if the order appealed from was issued prior to the effective date of this regulation, a statement of appeal may be mailed or filed within 30 days after such effective date.

(b) A statement of appeal should be mailed to or filed with the Board of Appeals, Office of Price Stabilization, Washington 25, D. C.

SEC. 35. *Consideration of the appeal—*(a) *The record.* (1) the Record before the Board of Appeals shall consist of the following:

(i) The application;

(ii) Any written communications between the applicant and the Office of Price Stabilization relating to the application;

(iii) Any other factual material in writing considered by the OPS officials preparing the decision appealed from in arriving at that decision;

(iv) The statement of appeal and any written information or written argument submitted by a party to the Board of Appeals in support of the appeal;

(v) Any written information or written argument submitted, by a party, to the Board of Appeals in opposition to the appeal.

(2) The Board of Appeals shall obtain from the appropriate OPS officials the

material referred to in subparagraph (1) (i) to (iii) inclusive, of this paragraph.

(3) In addition the record before the Board of Appeals shall include:

(i) The official transcript of oral argument, if any, held before the Board;

(ii) In the case where evidence has been taken before a Hearing Officer, the record of the proceedings before the Hearing Officer, the Hearing Officer's report and the record of the proceedings subsequent to that report.

(b) *Reference to a Hearing Officer.* (1) The Board of Appeals may refer specified issues raised by an appeal to a Hearing Officer for the taking of evidence in any case where it decides that proper consideration of the appeal requires the taking of evidence. The order of reference to the Hearing Officer shall define the issues on which evidence shall be taken. A copy of the order of reference shall be served upon all parties to the proceeding.

(2) An order of reference to a Hearing Officer may be issued at any stage of the Board's consideration of the appeal.

(3) When the Board makes a reference to a Hearing Officer, the proceedings before the Hearing Officer and subsequent to his report shall be that specified in Article IV.

(c) *Oral argument.* Oral argument will be held in all cases where the Board finds it may be helpful in the proper consideration of the appeal. Oral argument shall be limited to a reasonable time for each party.

SEC. 36. *Decision on appeal.* The Board of Appeals may, in accordance with the applicable regulatory standards, affirm the order appealed from, reverse it, or modify it. The Board may also remand the case for further consideration by the officer who signed the order appealed from.

SEC. 37. *Cases referred to the Board of Appeals.* (a) Where the Chief of the Livestock and Meat Distribution Branch of the National Office of OPS concludes that an application cannot properly be considered without the taking of evidence before a Hearing Officer, he may refer the case to the Board of Appeals for disposition by the Board.

(b) A case shall be referred to the Board of Appeals by a letter from the Chief of the Livestock and Meat Distribution Branch of the National Office of OPS stating the issues which he believes cannot properly be considered without the taking of oral testimony. A copy of the letter shall be served on the applicant.

(c) If the Board of Appeals decides that the case referred is appropriate for the taking of oral testimony it shall refer the case to a Hearing Officer. Otherwise it will remand the case by letter stating the reasons for the remand. A copy of the letter shall be served upon the applicant.

(d) The procedure in a case referred to the Board of Appeals, shall as nearly as possible be the same as that prescribed in this Article III for appeals.

SEC. 38. *Remand in other cases.* (a) Where an applicant after appealing to the Board of Appeals, has new and substantial facts to present, the Board of Appeals may receive and consider those facts in connection with its disposition of the appeal if there was good reason for not presenting them earlier. However, in such situations, the Board may also remand the case to the OPS official who signed the order appealed from.

(b) If the Board remands the case it shall do so by letter stating the reasons for the remand. A copy of the letter shall be served upon the applicant.

ARTICLE IV—HEARINGS

SEC. 40. *Introductory.* This Article IV prescribes the procedure for hearings in cases covered by Articles II and III of this regulation.

SEC. 41. *Time and place of hearing.* The parties shall be served with reasonable notice of the time and place of hearing. The Hearing Officer may postpone or adjourn the hearing to a later date or to a different place. The parties shall be served with a notice of the postponement or adjournment.

SEC. 42. *Conduct of hearing.* (a) A hearing shall be held before a Hearing Officer designated by the Board of Appeals. The Hearing Officer shall preside at the hearing, administer oaths and affirmations, and rule on the admission and exclusion of evidence.

(b) Any party may be represented by counsel, may present evidence and shall have reasonable opportunity for the cross-examination of witnesses.

(c) All hearings shall be public.

SEC. 43. *Rules of evidence.* The rules of evidence governing civil proceedings in matters not involving trial by jury in the District Courts of the United States shall apply at all hearings. However, such rules may be relaxed by the Hearing Officer when the ends of justice will be better served by so doing.

SEC. 44. *Subpenas and witnesses.* (a) The Hearing Officer shall have power to issue subpenas on the request of any party.

(b) A subpena may require the attendance of a witness or the production of tangible evidence (including documents), or both.

(c) A request for a subpena must be made in writing. It need not be made on notice to any party. At the time of the request the party making it shall submit to the Hearing Officer an original and 3 copies of the proposed subpena.

(d) A subpena calling for the attendance of a witness shall be issued upon request. A subpena calling for the production of tangible evidence (including documents) shall be issued only if it appears that (1) the evidence requested is relevant to the issues, (2) no adequate and authoritative data are available from any Federal or other responsible agency, and (3) the evidence requested is described in the proposed subpena with sufficient particularity to enable it to be identified for purposes of production.

(e) Where a subpena calling for the attendance of a witness is issued at the request of a party other than the Office of Price Operations or the Office of Enforcement, the witness whose attendance is required shall be tendered the fee for one day's attendance and for mileage. Witnesses shall be paid the same fees and mileage as are paid witnesses in the District Courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witness is called or subpenaed.

(f) A subpena must be served upon the person named therein.

(g) Any person served with a subpena may file a motion to quash or modify it. The motion shall be in writing and must be filed with the Hearing Officer on or before the return day of the subpena. A copy of the motion must be served on the party at whose request the subpena was issued. The motion must state the grounds for quashing or modification. The motion shall be decided by the Hearing Officer.

(h) Employees of the Office of Price Stabilization may only be required to testify in accordance with procedures established, now or in the future, by the Office of Price Stabilization for the appearance of its employees in court proceedings.

SEC. 45. *Transcript of hearing.* (a) The official stenographic transcript of the hearing shall be taken by a reporter provided by the Hearing Officer. The transcript shall be part of the record. It shall be available for inspection by all parties during business hours at such place as may be designated by the Hearing Officer.

(b) The cost of a copy of the transcript requested by a party shall be borne by that party.

(c) The parties may, by stipulation, agree upon corrections to the transcript. The Hearing Officer shall, by written findings, resolve any dispute as to the accuracy of the transcript.

SEC. 46. *Briefs to the Hearing Officer.* At the close of the hearing the Hearing Officer will fix a time for the submission of briefs to him. Within the time fixed any party may submit a brief to the Hearing Officer.

SEC. 47. *Report by the Hearing Officer.* The Hearing Officer shall file with the Board and serve on the parties a report setting forth his findings and conclusions on the issues submitted to him for hearing. The findings and conclusions may be stated informally.

SEC. 48. *Briefs to the Board of Appeals.* After the filing and service of a report, the Board of Appeals will fix a time for the submission of briefs to the Board. Within the time fixed any party may submit a brief to the Board.

SEC. 49. *Oral argument.* In all cases where evidence has been taken before a Hearing Officer, the Board of Appeals shall hear oral argument upon the request of any party. It may also assign a case for oral argument upon its own motion. Oral argument shall be limited to a reasonable time for each party.

ARTICLE V—GENERAL PROVISIONS

SEC. 50. *Introductory.* This Article V contains general provisions applicable in cases covered by Articles II, III and IV of this regulation.

SEC. 51. *Issues.* The issues in any suspension or revocation proceeding shall be those raised by the complaint and answer. The issues on any appeal shall be those set forth in the statement of appeal. The issues in a case referred to the Board of Appeals under section 37 shall be those stated in the letter of reference. However, any issue relevant under the applicable regulatory standards may be heard, argued and disposed of where the parties to the proceeding are given proper notice of that issue.

SEC. 52. *Motions.* (a) A request for action by the Board of Appeals, other than action which finally disposes of the proceeding, shall be made by motion.

(b) The motion shall state clearly the nature of the action requested. It shall also be accompanied by a statement of the grounds on the basis of which the action is requested. Facts alleged in support of a motion shall be set forth in affidavits.

SEC. 53. *Decisions.* (a) Every decision of the Board of Appeals shall be embodied in an order and served upon the parties. The order, except in cases covered in section 54, shall be accompanied by a brief statement of the reasons for the decision in the form of an opinion or otherwise.

(b) An order of the Board of Appeals must be consistent with the applicable regulatory provisions. The Board of Appeals may not itself amend or order the amendment of any regulation issued by the Office of Price Stabilization.

(c) No appeal may be taken from a decision of the Board of Appeals. However, the Board may be asked to reconsider its decision.

SEC. 54. *Consent orders.* The Board of Appeals may issue an order on consent of the parties affected thereby. An order entered on consent need not be accompanied by any statement of the reasons for the order.

SEC. 55. *Method and proof of service.* (a) This section covers service of all papers in a proceeding including but not limited to complaints, answers, subpenas and motions.

(b) Service may be made by (1) delivery of a copy to a party or witness personally, or (2) by leaving a copy at his residence, or (3) by leaving a copy at his principal office or place of business during usual business hours, or (4) by registered mail, or (5) by telegraph. However, service of a complaint or subpena may not be made by telephone. Service by registered mail or by telegraph is complete upon mailing, or upon delivering the text of the telegram to a telegraph office.

(c) Service may be proved by affidavit of the person making the service or by post office return receipt or telegraph receipt.

(d) Where a party has appeared by attorney or by another person, service on the party may be made by serving the attorney or other person.

SEC. 56. *Service of material filed with the Board of Appeals.* True and correct copies of materials filed with the Board of Appeals including but not limited to briefs, written information and statements of appeal, but excluding requests for subpenas, must be served upon all other parties to the proceeding within forty-eight hours after they are filed with the Board of Appeals.

SEC. 57. *Participation in proceeding.* (a) The Office of Enforcement and the respondent slaughterer shall have the right to participate in a suspension or revocation case.

(b) The appellant and the Office of Price Operations shall have the right to participate in an appeal.

(c) The Board of Appeals may allow any other person who has a substantial interest to participate in a proceeding.

SEC. 58. *Appearances.* (a) Any individual party may appear for himself. Any partner may appear for a partnership. Any officer of a corporation or association may appear for the corporation or association.

(b) Any party may appear by attorney. The Office of Enforcement shall appear by attorney designated by the Director for Enforcement. The Office of Price Operations shall appear by attorney designated by the Chief Counsel of OPS.

(c) No other person may appear for a party unless specifically authorized to do so in writing by the party.

(d) A record shall be made of all appearances.

SEC. 59. *Defaults.* (a) If a party fails to file a pleading, or to appear at a hearing or otherwise defaults, the Board of Appeals may proceed to decide the case on the basis of the record made up to the time of the default and of any other facts of record which the Board of Appeals may, in its discretion, elicit after the default.

(b) At any time within 10 days after receipt of an order issued after a default, a defaulting party may file a motion to reopen the proceeding. The motion shall set forth the grounds on which it is believed the default should be excused. If the Board of Appeals finds that there was a reasonable excuse for the default, it may reopen the proceeding.

(c) If a party fails to exercise any right or privilege granted to him by this regulation within the time or in the manner specified for the exercise of that right or privilege he will be deemed to have waived such right or privilege.

SEC. 60. *Contemptuous conduct.* Any person guilty of contemptuous conduct before a Hearing Officer or before the Board of Appeals may be excluded from the hearing or argument.

SEC. 61. *Computation of time.* If the time to take an action provided in this regulation expires on a Sunday or a holiday, the action may be taken on the next day which is not a Sunday or a holiday. However, a Sunday or a holiday shall be counted in computing time.

Effective date. This regulation shall become effective on March 17, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 11, 1952.

[F. R. Doc. 52-2982; Filed, Mar. 11, 1952; 11:34 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 17]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 17—MANATEE-SARASOTA MILK MARKETING AREA, STATE OF FLORIDA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority 41, (16 F. R. 12679), and Redelegation of Authority No. 15, (17 F. R. 328), this area milk price regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, as amended, (16 F. R. 9559; 17 F. R. 446, 893), is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at various levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt.

On September 24, 1951, Supplementary Regulation 63 became effective permitting adjustments of ceiling prices for fluid milk products in individual marketing areas upon petition or upon the initiative of the appropriate District or Regional Director. Under the provisions of said regulation, marketing areas as established by any state milk control agency may be adopted by the Office of Price Stabilization as areas to be treated separately under Area Milk Price Regulation. Pursuant to this authority, this area milk price regulation is being issued adjusting ceiling prices for the Manatee-Sarasota Marketing Area, consisting of Manatee and Sarasota Counties, Florida, on sales of fluid milk products within that area by processors and distributors.

Sales of milk products not covered by this regulation remain bound by the provisions of the General Ceiling Price Regulation. These include milk powder and products produced from reconstituted milk.

This area milk price regulation provides dollar and cent ceiling prices for certain basic fluid milk products at wholesale delivered and at retail home delivered. The ceiling prices established by this regulation have been based on the prices in effect during the period January 1, 1950–January 30, 1950 and increases in cost per sales point of direct labor (including distribution labor and commission) and containers, cans and cases. This area milk price regulation was issued on the basis of data, found to be representative of operations in the marketing area, which was furnished by the processors and distributors of milk in the area involved by petition filed in their behalf by the Florida Milk Commission.

This regulation indicates the price for raw milk upon which the adjustments in ceiling prices are based, which includes all parity adjustments from the GCPR "base period" to the effective date of this regulation. The producer price for raw milk specified in section 8 of

this regulation is to be the basis for computing future parity adjustments. This producer price is the minimum price set by the Florida State Milk Commission in the Manatee-Sarasota Milk Marketing Area for Grade 1 milk.

In the judgment of the District Director of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sellers and sales covered by the area milk price regulation.
4. Ceiling prices of listed items for processors and distributors.
5. Ceiling prices of unlisted items for processors and distributors.
6. Use of competitor's ceiling prices to establish your ceiling prices.
7. Sellers who cannot price under other sections of this regulation.
8. Producer prices.
9. Rounding of fractions.
10. Special conditions.
11. Transfers of business or stock in trade.
12. Definitions.
13. Prohibitions.
14. Violation.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (SR 63) provides dollar and cent ceiling prices at wholesale delivered and at retail home-delivered for the milk products for fluid consumption listed in section 4 when sold in the Manatee-Sarasota milk marketing area. It also provides a method for determining ceiling prices on listed products sold in containers of other types and sizes and to other classes of purchasers as well as ceiling prices of unlisted products. It does not apply to powdered milk nor to products produced from reconstituted milk.

SEC. 2. *Where this area milk price regulation applies.* The provisions of this area milk price regulation are applicable to the Manatee-Sarasota milk marketing area described as follows: All that area within the boundaries of Manatee and Sarasota Counties, Florida.

SEC. 3. *Sellers and sales covered by this area milk price regulation.* (a) This area milk price regulation covers sales in this marketing area of milk products for fluid consumption by processors and distributors. This area milk price regulation also covers sales of milk products to be delivered to a purchaser located in this area, although the seller is located outside of this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area.

(b) This regulation does not apply to operators of retail stores. Such sellers shall continue to establish their ceiling prices under the General Ceiling Price Regulation and under Supplementary Regulation 20 to the General Ceiling Price Regulation.

SEC. 4. *Ceiling prices of listed items for processors and distributors.* Your ceiling prices for the listed milk products for fluid consumption in the designated types and sizes of containers are as follows:

CEILING PRICES ON MILK AND MILK PRODUCTS IN THE MANATEE-SARASOTA AREA

	Wholesale (delivered)	Retail (home delivered)
Grade A pasteurized, raw and chocolate milk:		
In bulk, 1 gallon or more, per gallon	$0.88	-------
Quart	.23	$0.25
Pint	.12½	.14½
½ pint	.06¾	-------
½ pint (schools)	.06½	-------
Homogenized milk, with or without vitamin D:		
In bulk, 1 gallon or more, per gallon	.90	-------
Quart	.24	.26
Pint	.13	.15
½ pint	.06¾	-------
½ pint (schools)	.06½	-------
Buttermilk and skim milk:		
In bulk, 1 gallon or more, per gallon	.58	-------
Quart	.17	.19
Pint	.08½	.10½
½ pint	.05	-------
Certified and premium milk:		
Quart	.25	.27
Forty percent (40%) cream:		
In bulk, 1 gallon or more, per gallon	4.75	-------
Quart	1.25	1.35
Pint	.68	.76
½ pint	.35	.40
Twenty percent (20%) cream:		
In bulk, 1 gallon or more, per gallon	3.15	-------
Quart	.80	.90
Pint	.48	.56
½ pint	.24	.28

SEC. 5. *Ceiling prices of unlisted items for processors and distributors*—(a) *Listed products in unlisted types or sizes, or unlisted types and sizes, of containers.* Your ceiling price for a product listed in section 4 which is packed in a container of an unlisted type or size, or an unlisted type and size, shall be the ceiling price listed in section 4 for a comparison item, adjusted by the dollars-and-cents differential which existed between your ceiling prices, established under section 3 of the GCPR, of the comparison item and the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the same product packed in the container most similar, first, as to size, and second, as to type and delivered to the same class of purchaser as the item for which you are determining a ceiling price.

(b) *Listed products sold to unlisted classes of purchasers.* Your ceiling price for a product listed in section 4 of this regulation to an unlisted class of purchaser is the ceiling price listed in section 4 for the same product in the same container type and size delivered to the store, adjusted by the dollars-and-cents differential which existed between your ceiling prices, established under section 3 of the GCPR, of this product delivered to the store and this product delivered to the unlisted class of purchaser, the container being of the same type and size.

(c) *Listed products in unlisted types and sizes of containers and sold to unlisted classes of purchasers.* Your ceiling price for a product listed in section 4 of this regulation which is packed in a container of an unlisted type and size (or either type or size) and is sold to an unlisted class of purchaser, shall be the ceiling price for a comparison item listed in section 4, adjusted by the dollars-and-cents differential which existed between your ceiling prices, established under section 3 of the GCPR, of the comparison item and the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the same product as the item for which you are determining a ceiling price packed in the container most similar, first, as to size and, second as to type and delivered to the same class of purchaser (or, if the sale is to an unlisted class of purchaser, then delivered to the store).

(d) *Unlisted products.* Your ceiling price for a product which is not listed in section 4 shall be the ceiling price for a comparison item listed in section 4, adjusted by the dollars-and-cents differential which existed between your ceiling prices, established under section 3 of the GCPR, of your comparison item and the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the product listed in section 4 most similar in composition as to butterfat and other ingredients, packed in the container most similar, first, as to size, and, second, as to type, and delivered to the same class of purchaser as the item for which you are determining a ceiling price, (or if the sale is to an unlisted class of purchaser, then delivered to the store).

(e) *Price differentials.* Ceiling prices established pursuant to sections 4 and 5 must be modified by price differentials which existed between your ceiling prices determined under section 3 of GCPR and which resulted from discounts, allowances, premiums, extras, location of purchasers, and terms and conditions of sale or delivery.

(f) *Reporting of differentials and prices resulting therefrom.* You shall report the ceiling prices computed pursuant to paragraphs (a) through (e) of this section 5 and the differentials used in determining these ceiling prices to the District Office of the Office of Price Stabilization, Roper Building, Third Avenue, Miami, Fla., by registered mail, return receipt requested, within five days after the effective date of this regulation. This report shall be filed on OPS Public Form 123, which may be obtained from the aforementioned office. Your price lists in effect during any part or all of the GCPR base period, including the time

during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation. You shall not sell at the ceiling prices computed pursuant to this section 5 until the Office of Price Stabilization has received the report required by this paragraph as shown by your return postal receipt.

(g) *Modification of proposed ceiling prices by District Director of Price Stabilization.* The District Director of the Office of Price Stabilization may at any time disapprove or revise downward ceiling prices established under this section 5 so as to bring them into line with the level of ceiling prices otherwise established under this regulation.

SEC. 6. *Use of competitor's ceiling prices to establish your ceiling prices*—(a) *How you determine your ceiling price.* If you cannot determine a ceiling price under either sections 4 or 5, your ceiling price for the sale of any milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same milk product in the same size and type of container by your most closely competitive seller of the same class to the same class of purchaser.

(b) *When you may sell at your competitor's ceiling price.* You shall not sell any such milk product until you have sent the report required by paragraph (c) of this section by registered mail, return receipt requested, to the District Director of the Office of Price Stabilization who issued this regulation. After OPS has received your reports, as shown by your return postal receipt, you may sell the product at your proposed ceiling price unless you are notified by the District Director that your proposed ceiling price has been disapproved or that more information is required.

(c) *Report required when you use your competitor's ceiling price.* Your report shall state the name and address of your company; the name, address, and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; and if you are starting a new business, a statement indicating whether you or the principal owner of your business has been engaged in any part of the past 12 months in any capacity in the same or similar business at any other establishment and if so, the trade name and address of each such establishment. Your report should also include the following:

(1) If you are a processor: A description of the product you are pricing; the processing involved in the production of that product; the classes of purchasers to whom you will be selling; the ceiling price of your nearest competitor, and your proposed ceiling price to each class of purchaser.

(2) If you are a distributor: A description of the product you are pricing; your net invoice cost of the commodity being priced; the names and addresses of your sources of supply; the function performed by them (e. g., processing, distributing, etc.), and the class of purchasers to whom they customarily sell; the classes of purchasers to whom you plan to sell; the ceiling price of your most closely competitive seller; your proposed ceiling price to each class of purchaser; and a statement that your proposed ceiling prices will not exceed the ceiling price your customers paid to their customary sources of supply. A report under this section 6 may be filed on OPS Public Form 122, which may be obtained from the District Director of the Office of Price Stabilization who issued this regulation.

SEC. 7. *Sellers who cannot price under other sections of this regulation*—(a) *How you obtain your ceiling price.* If you cannot determine a ceiling price under sections 4, 5, and 6 you must apply to the District Director of the Office of Price Stabilization who issued this regulation for the establishment of a ceiling price for sales by you of that milk product for fluid consumption. The Director will, as soon as possible after the receipt of the application or the receipt of such additional information as he may request, issue a letter order establishing a ceiling price for the sale by you of that product at the various levels of distribution, and specifying a producer price for milk from which parity adjustments will be computed. You may not sell the milk product until the Director has issued a letter order establishing your ceiling price for the sale of the product.

(b) *What your application must contain.* An application under the provisions of this section must contain the following information: An explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the product and the nature of your business such as indicated in section 6 (c) (1) or (2); a description of the product, its butterfat content, the type and size of container in which it will be sold and the class of purchaser to whom you intend to sell; your proposed ceiling price and the method used by you to determine it, including the producer price upon which it is based; and the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

SEC. 8. *Producer prices.* (a) The producer price for milk on which are based the adjusted ceiling prices specified in section 4 of this regulation is 59 cents per gallon for milk testing 4 percent butterfat content with a plus or minus differential of ½ cent per gallon for each 1/10 of 1 percent butterfat content, F. O. B. plant.

(b) Producer prices specified in section 8 (a) must be used as the basis for computing parity adjustments of ceiling prices in accordance with section 8 of Supplementary Regulation 63 to the GCPR. For the purpose of computing parity adjustments in accordance with section 8 of Supplementary Regulation 63 to the General Ceiling Price Regulation, the producer price to which ceilings will be adjusted will be the Class I price announced by the Florida Milk Commission for milk containing 4 percent butterfat using as a base the Class I price for the month of September, 1951.

(c) After the determination of your ceiling price under either section 6 or 7 you may increase, and you must decrease, the ceiling prices so established by parity adjustments in conformity with section 8 (a) of Supplementary Regulation 63. If your ceiling price was determined under section 6 of this regulation, you shall compute your parity adjustments from the highest price you paid or incurred for your customary purchase of milk or products processed therefrom during the most recent paying period prior to the date you mailed your report. If you made no customary purchase prior to the date you mailed your report, the price you paid or incurred for your first customary purchase between the date you mailed your report and the date you first offered your product for immediate delivery shall be your base for computing parity adjustments. If your ceiling price was determined under section 7 of this regulation, you shall compute your parity adjustments from the producer price specified in the letter order.

SEC. 9. *Rounding of fractions.* Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product (and after giving effect to section 8 (b) of Supplementary Regulation 63) shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more. If, however, you have customarily billed any particular purchaser or any class of purchasers for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption so sold during the preceding month or other billing period shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 10. *Special conditions.* Each seller must maintain the conditions and terms of sale he had in effect during the period December 19, 1950, through January 25, 1951, and observe the following provisions of the General Ceiling Price Regulation:

Section 2 (c): Prohibitions.
Section 16: Records.
Section 17: Sales slips and receipts.
Section 18: Evasion.
Section 19: Transfers of business or stock in trade.
Section 21: Penalties.

SEC. 11. *Transfers of business or stock in trade.* If the business assets or stock in trade of any business are sold or otherwise transferred after this regulation becomes effective, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and

make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 12. *Definitions*—(a) *Processor.* A processor is any person who pasteurizes, blends, treats, compounds, manufactures, or packages milk products for fluid consumption. A processor may also be a distributor.

(b) *Distributor.* A distributor is a person who buys packaged milk products in the same form in which he sells them and, for the purposes of this area milk price regulation, excludes the operator of a retail store.

(c) *Milk products for fluid consumption.* This term means standard milk; homogenized milk; vitamin and mineral fortified milk; high fat milks; milks of special curd tensions and other milks with special dietary qualities and properties; buttermilk; chocolate milk; skim milk, plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate drink; half and half; cream of various percentages of butterfat, including sour cream; cottage, pot and bakers cheese; butter cream, filled cream, cream mixed with other ingredients or gases used as whipping cream, and other specialized fluid cream products; and any other milk or cream variation sold whether such products are to be sold at retail or wholesale, and regardless of whether such products are to be sold in glass, paper, or other type of containers, or in bulk. It is not intended, however, for this definition to include milk, cream, skim milk or whey when such products are exempt from the General Ceiling Price Regulation or to include ice cream or ice cream mix, canned, evaporated or condensed milk, milk powder, butter or other manufactured products not used for fluid consumption. Neither is it intended to include sales of concentrated frozen fresh milk sold by wholesalers, such sales being governed by Ceiling Price Regulation 14. This regulation applies only to milk, and products therefrom, produced by cows. It does not include, and is not intended to include milk powder or products made or produced from reconstituted milk.

(d) *Item.* An item is each grade and each container size and type of each milk product listed in paragraph (c) of this section, by class of purchaser.

(e) *Most closely competitive seller of the same class.* Your most closely competitive seller of the same class is the seller with whom you are in most direct competition even though he may perform a different function with respect to the commodity or service (e. g., if you are a wholesaler of a commodity, your most closely competitive seller may be a manufacturer; or, if you are a retail supplier of a service, your most closely competitive seller may be a wholesaler). You are in direct competition with another seller who sells the same types of commodities or services to the same classes of purchaser in similar quantities, on similar terms and, if you are selling a commodity, you supply approximately the same amount of service.

(f) *Class of purchaser or purchaser of same class.* This term refers to the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, shopper, retailer, Government agency, public institutions or individual consumer), or for purchasers located in different areas or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery.

(g) *You.* The pronoun "you" as used in this area milk price regulation indicates the person subject thereto.

(h) *Definitions in SR 63 to the GCPR.* All terms and phrases not defined in this area milk price regulation but defined in Supplementary Regulation 63 to the General Ceiling Price Regulation, as amended, shall be construed as therein defined unless otherwise clearly required by the context of this regulation.

(i) *Definitions in the GCPR.* All terms and phrases not defined in this area milk price regulation and not defined in Supplementary Regulation 63 to the General Ceiling Price Regulation but defined in the General Ceiling Price Regulation, as amended, shall be construed as therein defined unless otherwise clearly required by the context of this regulation.

SEC. 13. *Prohibitions.* After the effective date of this regulation regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 14. *Violation*—(a) *Civil and criminal action.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director may issue an order fixing ceiling prices for the milk products such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. This order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of this obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

Effective date. This area milk price regulation is effective March 11, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOHN E. NEEL,
Acting District Director,
Office of Price Stabilization.

MARCH 11, 1952.

[F. R. Doc. 52-2984; Filed, Mar. 11, 1952; 11:35 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 31 to Schedule A]

[Rent Regulation 2, Amdt. 29 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA, INDIANA, NEW JERSEY, AND PENNSYLVANIA

Effective March 12, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 7th day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 40a, is amended to describe the counties in the defense-rental area as follows:

Ventura County, except the City of San Buenaventura and all unincorporated localities.

This decontrols all unincorporated localities in Ventura County, California, a portion of the Ventura, California Defense-Rental Area.

2. Schedule A, Item 106, is amended to describe the counties in the defense-rental area as follows:

In Howard County, Center Township; and in Madison County, Lafayette Township and Anderson Township, except the Town of Edgewood.

This decontrols the remainder of Delaware County, Indiana, a portion of the Anderson, Indiana Defense-Rental Area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

3. In Schedule A of Rent Regulation 1—Housing, all of Item 190a which pertains to Class A accommodations is deleted.

This decontrols from Rent Regulation 1—Housing, the Borough of Medford Lakes in Medford Township in Burlington County, New Jersey, a portion of the Mount Holly-Lakehurst Defense-Rental Area.

4. Schedule A of Rent Regulation 2—Rooms in Rooming Houses and Other Establishments, Item 190a, is amended to describe the counties in the defense-rental area as follows:

Burlington County, except the Townships of Bass River, Medford, Shamong, Tabernacle, Washington and Woodland, and the

Borough of Medford Lakes in Medford Township.

Ditto.

In Ocean County, the Townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester and Plumsted, and the Boroughs of Beachwood, Island Heights, Lakehurst, Ocean Gate, Pine Beach and South Toms River.

This decontrols from Rent Regulation 2—Rooms in Rooming Houses and Other Establishments, the Borough of Medford Lakes in the Township of Medford in Burlington County, New Jersey, a portion of the Mount Holly-Lakehurst Defense-Rental Area.

5. Schedule A of Item 267, is amended to describe the counties in the defense-rental area as follows:

Allegheny County, except the Boroughs of Bethel, Churchill, Elizabeth and Rosslyn Farms, and the Townships of Crescent, Mount Lebanon, Ohio and Penn; Armstrong County; Beaver County, except the Township of Brighton; Lawrence County, except the Borough of New Wilmington; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Green County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

That part of Beaver County North and East of the Ohio River, except the Townships of Economy, Harmony and Brighton, and the Boroughs of Ambridge, Baden and Conway.

In Beaver County, Brighton Township.

This decontrols the Borough of Churchill in Allegheny County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

All decontrols effected by these amendments, except those in Item 2 thereof, are based on resolutions submitted in accordance with section 204 (j) (3) of Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-2856; Filed, Mar. 11, 1952; 8:52 a. m.]

[Rent Regulation 3, Amdt. 47 to Schedule A]

RR 3—Hotels

Schedule A—Defense-Rental Areas

NEW JERSEY

Effective March 12, 1952, Rent Regulation 3 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 7th day of March 1952.

Tighe E. Woods,
Director of Rent Stabilization.

Schedule A, Item 190 (a), is amended to describe the counties in the defense-rental area as follows:

Burlington County, except the Borough of Medford Lakes in Medford Township and the Townships of Bass River, Medford, Shamong, Tabernacle, Washington and Woodland; and in Ocean County, the Townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester and Plumsted, and the Boroughs of Beachwood, Island Heights, Lakehurst, Ocean Gate, Pine Beach and South Toms River.

This decontrols the Borough of Medford Lakes in Medford Township in Burlington County, New Jersey, a portion of the Mount Holly-Lakehurst, New Jersey Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-2857; Filed, Mar. 11, 1952; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 811]

WYOMING

WITHDRAWING PUBLIC LANDS AND RESERVED MINERALS IN PATENTED LANDS FOR USE OF UNITED STATES ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The public lands and the minerals reserved to the United States in patented lands in the following-described areas in Wyoming are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for the use of the United States Atomic Energy Commission:

Sixth Principal Meridian

T. 42 N., R. 75 W.,
Secs. 5 and 6.
T. 43 N., R. 75 W.,
Secs. 3 to 12, inclusive;
Secs. 15 to 22, inclusive;
Secs. 28 to 32, inclusive.
T. 44 N., R. 75 W.,
Secs. 31 to 34, inclusive.
T. 42 N., R. 76 W.,
Secs. 1 to 5, inclusive;
Secs. 7 to 11, inclusive;
Secs. 16 to 21, inclusive;
Secs. 29 and 30.
T. 43 N., R. 76 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 44 N., R. 76 W.,
Secs. 11 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 42 N., R. 77 W.,
Secs. 22 to 27, inclusive.

The areas described, including both public and non-public lands, aggregate approximately 65,343.29 acres.

Any tract or tracts of land within the above-described areas to which valid claims have attached under the public-land laws prior to the date of this order, are excluded from the reservation hereby made: *Provided, however,* That upon the abandonment or extinguishing of such claims for any cause, the reservation shall immediately become effective as to such tract or tracts and the minerals therein.

The reservation made by this order shall be subject to existing withdrawals affecting any of the lands.

Oscar L. Chapman,
Secretary of the Interior.

March 7, 1952.

[F. R. Doc. 52-2902; Filed, Mar. 11, 1952; 9:01 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 874, Amdt. 2]

Part 95—Car Service

REQUIREMENTS FOR LOADING OF GRAIN PRODUCTS AND BYPRODUCTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of March A. D. 1952.

Upon further consideration of the provisions of Revised Service Order No. 874 (16 F. R. 2040, 3133, 9249), and good cause appearing therefor: *It is ordered,* That:

Section 95.874 Revised Service Order No. 874, *Requirements for loading of grain products and byproducts* be, and it is hereby, amended by substituting the following paragraph (h) hereof for paragraph (h) thereof:

(h) *Expiration date.* This order shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. Bartel,
Secretary.

[F. R. Doc. 52-2858; Filed, Mar. 11, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 943]

[Docket No. AO 231–A1]

NORTH TEXAS MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO THE ORDER REGULATING THE HANDLING OF MILK

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Junior Ball Room, Jefferson Hotel, 312 South Houston Street, Dallas, Texas, beginning at 10:00 a. m., c. s. t., March 17, 1952, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the North Texas marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the North Texas marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order for the North Texas marketing area have been proposed as follows:

By the North Texas Producers Association, Arlington, Texas:

1. Amend § 943.51 (a) to raise the differential from $2.00 over basic formula during all months of the year to $2.35 over basic formula during all months of the year.

2. Amend the provisions of the pricing section of this order to provide for the immediate use of the supply-demand adjustment factor, as a factor in computing the Class I price rather than the utilization of this factor on October 1, 1952, as currently provided in this order.

3. Consider the adoption of an emergency pricing provision for a period of twelve (12) months from date, to provide that the Class I price shall not in effect be less than $6.91 per 100 lbs. for 4 percent milk.

By Hugo Swan, Dallas, Texas, on behalf of Tennessee Dairies, Oak Farms Dairy Products, Inc., and Cabell's, Inc., et al.:

4. Amend § 943.51 paragraph (b) to read as follows:

(b) *Class II milk.* 50 cents per hundredweight less than the lower of the prices computed pursuant to § 943.50 (b) or (c) for the current month.

By Lamar Creamery Company, Paris, Texas:

5. Amend § 943.7 so as to limit the definition of "approved plant" to the facilities approved by health authorities for the handling of Grade A milk or milk products.

6. Consider such amendment of § 943.44 with respect to transfers of skim milk and butterfat as may be appropriated if the above proposal or any modification thereof is adopted.

By the Dairy Branch, Production and Marketing Administration:

7. Consider the amendment of § 943.73 so as to provide that the uniform price for base milk shall not exceed the Class I price, and that the uniform price for excess milk shall be the Class II price plus any amount which would otherwise serve to increase the uniform price for base milk above the Class I price.

8. Delete from § 943.50 (c) the following: "Fairmont Foods Co., Wichita Falls, Texas."

9. Make such other changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 6619 Denton Drive, Dallas, Texas, or the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: March 10, 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 52–2943; Filed, Mar. 11, 1952; 8:53 a. m.]

[7 CFR Part 951]

[Docket No. AO 135–A3]

HANDLING OF TOKAY GRAPES GROWN IN CALIFORNIA

NOTICE OF POSTPONED HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Notice is hereby given that the public hearing with respect to proposed amendments to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951) regulating the handling of Tokay grapes grown in the State of California, has been postponed until March 31, 1952, beginning at 10:00 a. m., P. s. t., in the American Legion Hall, Lodi, California.

Such public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments which were set forth in the notice of hearing issued on February 12, and published in the FEDERAL REGISTER issue of February 16, 1952 (17 F. R. 1506). The hearing was originally scheduled on March 13, 1952, but was postponed to avoid conflict with other hearings to be held on the Pacific Coast.

Done at Washington, D. C., this 6th day of March 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 52–2830; Filed, Mar. 11, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 15268, Amdt.]

CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS ET AL.

In re: Debts owing to and scrip owned by Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandschulden, and/or others. F–28–1781–G–1.

Vesting Order 15268, dated October 18, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the Free State of Bavaria, also known as Freistaat Bayern, the City of Cologne, the City of Duisburg, the City of Munich, also known as Landeshauptstadt Munchen, the City of Nuremberg and the State of Wurttemberg are and on or since December 11, 1941, and prior to January 1, 1947, were political subdivisions of a designated enemy country (Germany);

2. That the Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandschulden, and the issuers of the German dollar bond issues described in Exhibit A, set forth below and by reference made a part hereof, other than the issuers which are identified in subparagraph 1 hereof, whose last known addresses are Germany, are corporations, partnerships, associations, or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, in the aggregate amount of $56,330.02, as of March 28, 1946, represented by funds held by the aforesaid, The Chase National Bank of the City of New York, as special agent, for payment on coupons maturing between July 1, 1933, and June 30, 1934, both dates inclusive, detached from and/or appurtenant to the German dollar bond issues set forth in Exhibit A, set forth below and by reference made a part hereof, under offers of the aforesaid Conversion Office for German Foreign Debts to holders of such coupons, together with any and all accruals thereto and any and all rights to demand, enforce, and collect the same, less all lawful charges, by the said The Chase National Bank of the City of New York, against the said funds, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended, and

b. Those certain Reichsmark Certificates of Indebtedness of Conversion Office for German Foreign Debts, in the aggregate amount of approximately 253,075 R. M., said Certificates of Indebtedness having been offered by the said Conversion Office for German Foreign Debts along with the cash fund referred to in subparagraph 3a above in settlement of coupons, maturing between July 1, 1933, and June 30, 1934, both dates inclusive, detached from and/or appurtenant to the German dollar bond issues set forth in Exhibit A, set forth below and by reference made a part hereof, and being those Certificates of Indebtedness held for said Conversion Office by The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, and any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by said Conversion Office for German Foreign Debts, the aforesaid national of a designated enemy country, (Germany) and/or a designated enemy country (Germany) and the other persons identified in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Free State of Bavaria (Freistaat Bayern) External Loan of 1925, 6½ Percent Serial Gold Bonds.

Free State of Bavaria (Freistaat Bayern) External Twenty-Year 6½ Percent Sinking Fund Gold Bonds due August 1, 1945.

Schleisische Landschaftliche Bank zu Breslau (Bank of Silesian Landowners Association in Breslau), First Mortgage Collateral 6 Percent Sinking Fund Gold Bonds due August 1, 1947.

Brandenburg Electric Power Company (Märkisches Elektrizitatswerk Aktiengesellschaft), First Mortgage Twenty-Five Year Sinking Fund 6 Percent Gold Bonds, External Loan of 1928, due May 1, 1953.

City of Cologne, Germany, Twenty-Five Year 6½ Percent Sinking Fund Gold Bonds, Municipal External Loan of 1925, due March 15, 1950.

Certificates of Participation in Commerz- und Privat-Bank Aktiengesellschaft, Ten-Year 5½ Percent Gold Notes due November 1, 1937.

(Gesfürel) Gesellschaft für Elektrische Unternehmungen, 6 Percent Sinking Fund Gold Debentures due June 1, 1953.

Berlin Electric Elevated and Underground Railways Company (Gesellschaft für Elektrische Hoch-und Untergrundbahnen in Berlin), Thirty-Year First Mortgage 6½ Percent Sinking Fund Gold Bonds due October 1, 1956.

City of Duisburg, Germany, 7 Percent Serial Gold Bonds of 1925.

Elektrowerke Aktiengesellschaft (Electric Power Corporation), First Mortgage Sinking Fund Gold Bonds 6½ Percent Series due 1950.

Elektrowerke Aktiengesellschaft (Electric Power Corporation), First Mortgage Sinking Fund Gold Bonds 6½ Percent Series due 1953.

German Consolidated Municipal Loan of German Savings Banks and Clearing Association (Deutscher Sparkassen-und Giroverband), Sinking Fund Secured Gold Bonds 6 Percent Series due June 1, 1947.

German Consolidated Municipal Loan of German Savings Banks and Clearing Association (Deutscher Sparkassen-und Giroverband), 7 Percent Sinking Fund Secured Gold Bonds, Series of 1926, due February 1, 1947.

City of Munich, Germany (Landeshauptstadt Munchen), 7 Percent Serial Gold Bonds of 1925.

City of Nuremberg, Germany, External Twenty-Five Year 6 Percent Sinking Fund Gold Bonds due August 1, 1952.

Prussian Electric Company (Preussische Elektrizitäts-Aktiengesellschaft), 6 Percent Sinking Fund Gold Debentures due February 1, 1954.

Silesia Electric Corporation (Elektrizitatswerk Schlesien Aktiengesellschaft), Sinking Fund Mortgage Gold Bonds 6½ Percent Series due 1946.

Stettin Public Utilities Company (Oeffentliche Werkbetriebe der Stadt Stettin G. m. b. H.) First (Closed) Mortgage Sinking Fund 7 Percent Gold Bonds due April 1, 1946.

United Industrial Corporation (VIAG) (Vereinigte Industrie-Unternehmungen Aktiengesellschaft), Hydro-Electric First (Closed) Mortgage 6 Percent Sinking Fund Gold Bonds due December 1, 1945.

State of Wurttemberg, Consolidated Municipal External Loan of 1925 Seven Per Cent. Serial Gold Bonds.

Westphalia United Electric Power Corporation (Vereinigte Elektrizitätswerke Westfalen, G. m. b. H.), First Mortgage 6 Percent Sinking Fund Gold Bonds, Series "A" due January 1, 1953.

United Industrial Corporation (Germany), 6½ Percent Sinking Fund Gold Debentures due November 1, 1941.

Pommeranla Electric Company (Germany), Sinking Fund Mortgage Gold Bonds Series due May 1, 1953.

East Prussian Power Company (Germany), First Mortgage Sinking Fund Gold Bonds 6 Percent Series due June 1, 1953.

[F. R. Doc. 52-2859; Filed, Mar. 11, 1952; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 61587]

MONTANA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE MILK RIVER PROJECT

MARCH 5, 1952.

An order of the Bureau of Reclamation dated April 16, 1951, concurred in by the Associate Director, Bureau of Land Management, May 29, 1951, revoked the Departmental orders of February 2, 1903, December 30, 1903, January 19, 1904 and May 24, 1921, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Milk River Project, Montana, and provided that such revocation shall not effect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

PRINCIPAL MERIDIAN

T. 32 N., R. 23 E.,
Sec. 24, NE¼, E½NW¼, NE¼SE¼.
T. 31 N., R. 24 E.,
Sec. 3, lot 6;
Sec. 4, lot 9;
Sec. 6, lot 1;
Sec. 12, lots 5 and 8;
Sec. 13, lots 1, 2, and 3.
T. 32 N., R. 24 E.,
Sec. 31, lots 5, 6, and 7.
T. 31 N., R. 25 E.,
Sec. 5, N½SW¼;
Sec. 6, SW¼SE¼;
Sec. 8, NW¼NW¼;
Sec. 9, E½NE¼;
Sec. 10, W½NW¼, NE¼, NW¼SE¼;
Sec. 11, SE¼SW¼;
Sec. 13, N½NW¼;
Sec. 17, lot 3;
Sec. 18, lot 8;
Sec. 21, lots 2 and 5.
T. 28 N., R. 39 E.,
Sec. 3, lot 3.
T. 29 N., R. 39 E.,
Sec. 32, lots 12, 14, and 15.

The above areas aggregate 1,412.67 acres.

The lands are chiefly valuable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as

valuable or suitable for such type of application, or shall be so classified upon the consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Billings, Montana.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52–2811; Filed, Mar. 11, 1952; 8:45 a. m.]

[Misc. 61637]

OREGON

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE DESCHUTES PROJECT

MARCH 5, 1952.

An order of the Bureau of Reclamation dated April 23, 1951, concurred in by the Acting Director, Bureau of Land Management, May 16, 1951, revoked the Departmental order of April 26, 1909, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Deschutes Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

WILLAMETTE MERIDIAN

T. 23 S., R. 6 E., unsurveyed, all Township.

The above areas aggregate approximately 23,040 acres.

The lands are in the Deschutes and Willamette National Forests, and subject to valid existing rights and the provisions of existing withdrawals, will become subject to the public-land laws relating to National forest lands at 10:00 a. m. on the 35th day from the date of this order.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52–2813; Filed, Mar. 11, 1952; 8:45 a. m.]

[Misc. 62663]

WYOMING

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE KENDRICK PROJECT

MARCH 5, 1952.

An order of the Bureau of Reclamation dated October 25, 1951, concurred in by the Assistant Director, Bureau of Land Management, November 20, 1951, revoked the Departmental orders of September 6, 1934 and October 6, 1933, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Kendrick Project, Wyoming, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

SIXTH PRINCIPAL MERIDIAN

T. 30 N., R. 81 W.,
Sec. 5, E½SW¼.
T. 32 N., R. 81 W.,
Sec. 18, S½.
T. 33 N., R. 81 W.,
Sec. 18, W½SE¼.
T. 30 N., R. 82 W.,
Sec. 11, N½NW¼.
Sec. 9, lots 5 and 6 (SW¼SE¼).

The above area aggregates 600 acres.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application.

The following-described lands were designated as subject to the act of August 11, 1916 (39 Stat. 506; 43 U. S. C. 621 et seq.) as amended by section 3 of the act of May 15, 1922 (42 Stat. 541; 12 U. S. C. 773) by section 18 of a contract dated August 3, 1935, between the United States of America and the Casper Alcova Irrigation District, and any disposal of such lands authorized by the public land laws will be subject to any lien for assessments under said contract:

T. 32 N., R. 81 W.,
Sec. 18, NW¼SW¼.
T. 33 N., R. 81 W.,
Sec. 18, W½SE¼.
T. 30 N., R. 82 W.,
Sec. 9, lots 5 and 6 (SW¼SE¼).

The following-described land is included in a Federal land exchange program, and has been classified as suitable for exchange purposes only:

T. 33 N., R. 81 W.,
Sec. 18, W½SE¼.

The land last above described is included in Casper-Alcova Irrigation District contract.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284),

as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52-2812; Filed, Mar. 11, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

FREMONT NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Fremont National Forest, State of Oregon; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of land in the Fremont National Forest:

Temporary closure from livestock grazing. (a) The Fremont National Forest is hereby closed for the period March 15, 1952, to June 30, 1953, to the grazing of horses, excepting those that are lawfully grazing on or crossing land in such national forest pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Fremont National Forest is located.

Done at Washington, D. C., this 6th day of March 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2829; Filed, Mar. 11, 1952; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 123]

CROTON TRADING CO., INC., ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of: Croton Trading Co., Inc., William E. Bialick, Croton Trading Company, 136 Liberty Street, New York 6, New York, respondents; Case No. 123.

This proceeding was begun by the issuance of a charging letter, dated July 12, 1951, and amended February 1, 1952, wherein the Office of International Trade charged the above-named respondents, and two former officers of Croton Trading Co., Inc. (neither of whom is identified by name herein as compliance action is still pending against one and the other has been absolved of the charges), with having violated section 6 of the act of July 2, 1940, and the Export Control Act of 1949, as amended, and the regulations issued thereunder.

The amended charging letter of February 1, 1952, alleged that Croton Trading Co., Inc., William E. Bialick, and said other officers, exported to Canada between March and May 1948, a total of 2,467 reels of barbed wire, valued at $23,761, with the knowledge and intention that such barbed wire was to be reexported from Canada to Cuba, when respondents knew that such exportation to Cuba required a validated export license and that they did not possess any such license. It was alleged that respondents, in order to effect the aforesaid exportations, made and caused to be made false statements and representations in Shipper's Export Declarations: To wit, that the ultimate consignees and purchasers were the parties in Canada named therein and that the country of ultimate destination was Canada.

It was further alleged that from June 1948 through April 1949, respondents submitted and caused to be submitted to the Office of International Trade a number of applications for validated licenses to export various steel and tinplate products to two designated companies in Caracas, Venezuela, as the purported ultimate consignees and purchasers. Respondents in each instance, in pretended compliance with the export control regulations, submitted and caused to be submitted with each of the applications documents which were represented to be accepted orders from each of the alleged Venezuelan firms, when respondents knew that both such Venezuelan firms were nonexistent, mere names conceived and used by them for the purpose of attempting to export such licensed commodities from the United States to representatives of Croton Trading Co., Inc., then in Venezuela. In reliance on the representations contained in the applications, the Office of International Trade issued two validated licenses, and exportations pursuant thereto were made to Venezuela. By such actions, respondents knowingly failed to state the true nature of the export transactions and submitted documents containing false representations and certifications to the Office of International Trade.

It was further alleged that said William E. Bialick, doing business as Croton Trading Company (successor to Croton Trading Co., Inc., which began liquidation November 1950) in July 1951 knowingly submitted two applications to the Office of International Trade to export a total of 30,900 pounds of galvanized wire to Peru without having specific orders for export for each transaction supported by documentary evidence thereof, and without any basis for making the end-use statements set forth in those applications.

Respondents William E. Bialick, Croton Trading Company, and Croton Trading Co., Inc., which corporation is now in liquidation, after receiving the said amended charging letter, and following discussions by their counsel and

Mr. Bialick with officials of the Office of International Trade and with Compliance Commissioner Paul M. Greene, submitted to the Office of International Trade, with the advice of and through their counsel, a statement in which they admitted, for the purposes of this compliance proceeding only, the charges set forth in the aforesaid letter of February 1, 1952, waived all right to an oral hearing on such charges, and consented to the entry of an order, the terms of which are set forth hereinbelow. The case against the former officer of Croton Trading Co., Inc., is presently being considered and will be the subject of a separate order.

The amended charging letter, evidentiary material relating to the charges set forth therein, and the above-mentioned proposal for a consent order have been submitted to the Compliance Commissioner for review. Upon the basis of such review, and upon the informal presentation of the facts, including mitigating circumstances claimed by respondents, at the conference with counsel for the Office of International Trade and with said respondents and their counsel, the Compliance Commissioner has found the terms and conditions of the proposed order as consented to by the respondents to be fair and reasonable, and he has recommended that such order be issued.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material, and the proposals for a consent order. It appears therefrom that such findings and recommendations are in accordance with the evidence and that such recommendations are reasonable and should be adopted. *Now, therefore, it is ordered,* As follows:

(1) Respondents Croton Trading Co., Inc., William E. Bialick, Croton Trading Company, and each of them, are hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination pursuant to validated export licenses. Such denial of export privileges is deemed to include and prohibit direct or indirect participation (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of validated export licenses and any export control documents relating thereto, (c) in the receiving of any exportation from the United States exported pursuant to a validated export license, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States to any destination pursuant to any validated export license. Respondents are further prohibited from participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to Canada. They are not prohibited hereby from participating in any general license exportations from the United States.

(2) Such denial of export privileges shall extend not only to the named respondents, but also to any person, firm, corporation or other business organization with which they or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States to Canada, or exports to other destinations under validated export licenses, or services connected therewith.

(3) This order shall extend for a period of eighteen (18) months from the date hereof: *Provided, however,* That upon the expiration of six (6) months from the date of this order, the order shall be suspended for the balance of the eighteen (18) months and the export privileges denied herein shall be restored to respondents. In the event, however, that respondents or any one of them shall at any time during the eighteen (18)-month period covered by this order knowingly violate any of the provisions of this order or any of the regulations of the Office of International Trade, the Office of International Trade may summarily at such time as it determines such violation occurred, issue an order which denies to the respondent or respondents who have violated all export privileges for the full twelve (12)-month period which has been suspended, without limiting thereby the Office of International Trade from instituting any further action based on such violation.

(4) No person or business organization shall knowingly (a) apply for or obtain any validated license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States to Canada or to any other destination under a validated license, to or for any of the afore-stated respondents or those persons and business organizations covered in paragraph (2) hereinabove; or (b) order, receive, service, or otherwise act as a party or as a representative of a party to any exportation of commodities from the United States to Canada or to any other destination under a validated license, in such manner that any of the afore-stated respondents or those persons and business organizations covered in paragraph (2) hereinabove will directly or indirectly obtain any benefit therefrom, without prior disclosure of such facts to, and the specific authorization of the Office of International Trade.

Dated: March 7, 1952.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 52-2862; Filed, Mar. 11, 1952; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5124 et al.]

NATIONAL AIRLINES, INC., ET AL.; NEW ENGLAND-SOUTHERN STATES MERGER INVESTIGATION

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 408, 1001, and 1002 (b) of said act, that public hearings in the above-entitled proceedings are hereby assigned to be held on April 15, 1952, at 10:00 a. m., e. s. t., in Conference Room B, Departmental Auditorium, between Twelfth and Fourteenth Streets on Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues involved in these proceedings, particular attention will be directed to the following matters:

1. Whether any one or more of the following actions, upon just and reasonable terms and conditions, would be in the public interest and in accordance with the public convenience and necessity as defined in section 2 of the aforesaid Civil Aeronautics Act:

(a) The combination of National Airlines, Inc., with Colonial Airlines, Inc., and/or Northeast Airlines, Inc., by means of merger, consolidation, acquisition of control, route transfer or in any other lawful manner;

(b) The combination of Delta Air Lines, Inc., with Northeast Airlines, Inc., and/or Colonial Airlines, Inc., with the transfer to one of said combined carriers, or a corporation resulting from the combination, of the authority of Capital Airlines, Inc., to engage in air transportation on all or part of Routes Nos. 55 and 51; by means of merger, consolidation, acquisition of control, route transfer or in any other lawful manner.

2. Whether the joint application, as amended, of Delta Air Lines, Inc., and Northeast Airlines, Inc., Docket No. 4717, under sections 408 and 401 (i) of the Civil Aeronautics Act and such other sections thereof as may be applicable, for approval of merger agreement, dated October 17, 1950, should be approved;

3. Whether the joint application of Colonial Airlines, Inc., and National Airlines, Inc., Docket No. 5258, under sections 408 and 412 of the Civil Aeronautics Act and such other sections thereof as may be applicable, for approval of an agreement to combine said two carriers, should be approved.

Notice is further given that any person not a party of record desiring to be heard in support or opposition to questions involved in these consolidated proceedings must file with the Board on or before May 15, 1952, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearings in accordance with § 302.6 (a) of the Board's procedural regulations under Title IV of the Civil Aeronautics Act, as amended.

For further details regarding these proceedings and the issues involved therein all interested parties are referred to the applications under Dockets Nos. 4717 and 5258, Board Orders Serial Nos. E-5703, E-5681, E-5979 and E-6030, and the Examiner's Report of Prehearing Conference, served December 11, 1951. Each of the foregoing documents is on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D. C., March 7, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-2860; Filed, Mar. 11, 1952; 8:52 a. m.]

[Docket No. 5376]

BRANIFF-MID-CONTINENT MERGER CASE

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (i), 408, 412, and 1001 of said act that a public hearing in the above-entitled proceeding is assigned to be held on March 19, 1952, at 10:00 a. m. in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Without limiting the scope of the issues presented by the pleadings in this proceeding, particular attention will be directed to whether the merger of Braniff Airways, Inc., and Mid-Continent Airlines, Inc., and the transfer of the certificates of public convenience and necessity, now held by each carrier to the merged company, are consistent with the public interest.

For further details of the issues involved, interested parties are referred to the documents on file with the Civil Aeronautics Board in the above-entitled docket number.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before March 19, 1952, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., March 7, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-2898; Filed, Mar. 11, 1952; 8:53 a. m.]

[Docket No. 2375]

TRANS WORLD AIRLINES, INC.; TRANS-ATLANTIC MAIL RATE

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Trans World Airlines, Inc., in its transatlantic operations, and the Board's show cause order Serial No. E-5696.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 27, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 7, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-2861; Filed, Mar. 11, 1952; 8:52 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 28]

REQUEST TO SPECIFIED FINISHES, INC., TO OPERATE AS SMALL BUSINESS ENTERPRISE PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Specified Finishes, Inc., to operate as a small business enterprise production pool, and the request to the companies listed below to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration. The voluntary program in accordance with which the pool shall operate has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO SPECIFIED FINISHES, INC.

You are requested to operate as a small business enterprise production pool in accordance with the Voluntary Program set forth in the papers submitted to the Department of Commerce, Pooling Section, Office of Small Business, Washington, D. C., as amended by your letters of January 9, 1952, and February 1, 1952.

In my opinion, the operations of your corporation as a small business enterprise production pool will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program, as amended, and find it to be in the public interest as contributing to the national defense. You may commence your operations as a small business enterprise production pool upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved Voluntary Program, as amended.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

REQUEST TO COMPANIES

You are requested to participate in the operations of Specified Finishes, Inc., which will operate as a small business enterprise production pool in accordance with the voluntary program, as amended, set forth in the papers submitted by Specified Finishes, Inc., to the Department of Commerce, Pooling Section, Office of Small Business, Washington, D. C.

In my opinion, your participation in the operations of this small business enterprise production pool will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program, as amended, and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the operations of this production pool and your participation therein are within the limits set forth in the approved voluntary program, as amended.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

Specified Finishes, Inc., accepted the request set forth above to operate as a small business enterprise production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Bradley & Vrooman Co., 2629 South Dearborn Street, Chicago, Ill.

The Clinton Co., 1210 Elston Avenue, Chicago, Ill.

V. J. Dolan & Co., Inc., 1830 North Laramie Avenue, Chicago, Ill.

Elliott Paint & Varnish Co., 4525 Fifth Avenue, Chicago, Ill.

Jewell Paint & Varnish Co., 345 North Western Avenue, Chicago, Ill.

G. J. Nickolas & Co., Inc., 2800 Washington Boulevard, Bellwood, Ill.

Frederick A. Stresen-Reuter, Inc., 2113 Medill Avenue, Chicago, Ill.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Supp. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: March 10, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-2974; Filed, Mar. 11, 1952; 11:23 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9345]

JAMES CULLEN LOONEY (KURV)

ORDER CONTINUING HEARING

In re application of James Cullen Looney (KURV), Edinburg, Texas, for construction permit; Docket No. 9345, File No. BP-6473.

The Commission having under consideration the date on which further hearing upon the above-entitled application is scheduled to commence, namely, March 13, 1952;

It appearing, that on February 26, 1952, the Chief of the Commission's Broadcast Bureau filed a formal request for clarification of the issues governing the proceeding, as set forth in the Commission's remanding order herein which was released on December 19, 1951;

It appearing further, that it is appropriate to continue the said further hearing without date, pending Commission action upon the request aforementioned;

It is ordered, This 3d day of March 1952, upon the Commission's own motion, that the hearing on the above-entitled application, which is presently scheduled for March 13, 1952, is continued until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2846; Filed, Mar. 11, 1952; 8:49 a. m.]

[Docket No. 9967]

PEOPLES BROADCASTING CORP. (WOL)

ORDER CONTINUING HEARING

In re application of Peoples Broadcasting Corporation (WOL), Washington, D. C., for renewal of license of synchronous amplifier located in Silver Spring, Maryland; Docket No. 9967, File No. BR-1130.

The Commission having under consideration a petition, filed March 4, 1952, by Peoples Broadcasting Corporation (WOL), Washington, D. C., for a continuance of approximately ninety days from the presently scheduled hearing date of March 10, 1952, in the above-entitled matter; and

It appearing, that applicant has pending before the Commission an application (File No. BP-7873) requesting a construction permit to operate Station WOL on the frequency 1060 kc with 5 kw power, from a new transmitter site and employing a directional antenna day and night; that recently this application was amended and removed from the hearing docket and is presently at or near the head of the Commission's processing line; that if this application for construction permit is granted, the instant proceeding involving the renewal of license of the synchronous amplifier will be rendered moot since there will be no need for such an amplifier with the proposed 5 kw application; that it would conduce to the ends of justice and to the dispatch of the Commission's business to continue the hearing in the above-entitled proceeding until after action by the Commission upon the aforesaid application of petitioner for construction permit; and

It further appearing, that there are no other parties involved in this proceeding, no person would be adversely affected by a grant of the continuance as requested and counsel for the Broadcast Bureau of the Commission has consented to a waiver of § 1.745 of the Commission's rules so as to permit immediate consideration of this petition and has consented to a grant thereof:

Wherefore, it is ordered, This 5th day of March 1952, that the petition of Peoples Broadcasting Corporation (WOL) for continuance is granted, and the hearing in the above-entitled matter, now scheduled for March 10, 1952, is continued to 10:00 a. m., Monday, June 9, 1952, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2847; Filed, Mar. 11, 1952; 8:50 a. m.]

[Docket No. 10142]

CORN BELT PUBLISHERS, INC. (WAAF-FM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Corn Belt Publishers, Inc. (WAAF-FM), Chicago, Illinois, for renewal of license; Docket No. 10142, File No. BRH-521.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of February 1952;

The Commission having under consideration the above-entitled application of Corn Belt Publishers, Inc. for renewal of license of Station WAAF-FM, Chicago, Illinois; and

It appearing, that the said licensee responded to the Commission's "Questionnaire Concerning the Broadcasting of Horse Racing Information" that it broadcasts horse racing information on a regular basis during afternoon broadcast hours; and

It further appearing, that these broadcasts of horse racing information during the afternoon hours may be of aid to illegal gambling activities; and

It further appearing, that these broadcasts of horse racing information may preclude the rendition by the above licensee of a well-rounded program service which meets the needs and interests of the community it is licensed to serve; and

It further appearing, that, in view of the foregoing, the Commission is unable to determine whether a grant of the said application would be in the public interest;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine whether, to what extent, and the manner in which the subject station has broadcast, is currently broadcasting and proposes to broadcast the following information relating to horse racing:

(a) Entries.
(b) Scratches.
(c) Probable jockeys.
(d) Jockey changes.
(e) Winning jockey.
(f) Weights.
(g) Selections.
(h) Off-time.
(i) Next post time.
(j) Track conditions.
(k) Weather conditions.
(l) Time of race.
(m) Mutuels or prices paid.
(n) Results of race.
(o) Results in code.
(p) Post positions.
(q) Running account of race.
(r) Pre-race betting odds.

2. To determine the manner in which the station obtains the above information.

3. To determine whether the broadcast of horse racing information by this station appears likely to be of substantial use to, or is used by persons engaged in illegal gambling activities.

4. To determine (a) the sponsorship, if any, of programs offering horse racing information, (b) the arrangements between the sponsors and the licensee for the handling of the broadcasts of horse racing information, and (c) whether and to what extent these arrangements have been or are being carried out.

5. To determine the arrangements, or commitments, if any, entered into by this station with persons engaged in illegal gambling activities for the broadcast of horse racing information, and the extent to which those arrangements or commitments are being met.

6. To ascertain whether the licensee in this proceeding has had discussions or dealings with any other broadcast station, with respect to the manner in which broadcasts of horse racing information should be handled, and to determine the outcome of such discussions or dealings.

7. To determine what instructions, if any, have been given by the licensee to its employees concerning the manner in which horse racing information is to be handled.

8. To determine what steps, if any, have been taken, and the manner in which such steps were taken by the licensee to ascertain the nature of the listening interests being served by the broadcast of horse racing information.

9. To determine the effect of the broadcast of horse racing information upon the station's overall programming.

10. To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-entitled renewal application would be in the public interest.

It is further ordered, That a temporary extension of license is granted for operation of Station WAAF-FM until June 1, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2848; Filed, Mar. 11, 1952; 8:50 a. m.]

[Docket No. 10143]

SCHOOL OF RADIO ARTS (KSRT)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Don C. Martin tr/as School of Radio Arts (KSRT), for modification of construction permit to change class of station from A to B and to change location; Docket No. 10143, File No. BMPH-4322.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 27th day of February 1952;

The Commission having under consideration the above-entitled application to modify the construction permit (BPH–1105) which authorized a new Class A FM station at Beverly Hills, California, to change Class of Station from A to B and change location from Beverly Hills to Los Angeles, California and to make certain other changes; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KSRT as proposed, that no interference would be caused to any existing or proposed station but that the proposed station may not comply with the Standards of Good Engineering Practice; particularly with reference to coverage of the City of Los Angeles, California and the Los Angeles Metropolitan District;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be designated in a subsequent order, upon the following issue:

To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning FM Broadcast Stations with particular reference to coverage of the City of Los Angeles, California and the Los Angeles Metropolitan District.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–2849; Filed, Mar. 11, 1952; 8:50 a. m.]

[Docket No. 10144]

LAFOLLETTE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of LaFollette Broadcasting Company, Inc., LaFollette, Tennessee, for construction permit; Docket No. 10144, File No. BP–8033.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of February 1952.

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1450 kc, with 250 w power, unlimited time, at LaFollette, Tennessee.

It appearing, That the applicant is legally, technically, financially, and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WCRK, Morristown, Tennessee, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Cherokee Broadcasting Corporation, licensee of Station WCRK, Morristown, Tennessee, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–2850; Filed, Mar. 11, 1952; 8:50 a. m.]

[Docket Nos. 10145, 10146]

INDIAN RIVER BROADCASTING CO. AND JAMES ROBERT MEACHEM (WEAT)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Indian River Broadcasting Company, Vero Beach, Florida, Docket No. 10145, File No. BP–8337; James Robert Meachem (WEAT), Palm Beach, Florida, Docket No. 10146, File No. BP–8179; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of February 1952;

The Commission having under consideration the above-entitled application of Indian River Broadcasting Company for construction permit for a new standard broadcast station to operate on 1490 kc, with 100 watts, unlimited time, at Vero Beach, Florida; and the application of James Robert Meachem for a construction permit to move station WEAT, 1490 kc, 250 watts, unlimited time from Lake Worth, Florida to Palm Beach, Florida;

It appearing, That James Robert Meachem and the Indian River Broadcasting Company are presently broadcast licensees and that their legal qualifications have previously been established.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be later specified upon the following issues:

1. To determine the technical, financial and other qualifications of James Robert Meachem and the Indian River Broadcasting Company, its officers, directors, and stockholders to construct and operate the proposed Palm Beach and Vero Beach stations respectively.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed Vero Beach station would involve objectionable interference with Station WEAT, Lake Worth, Florida, as licensed, and Station WMOG, New Brunswick, Georgia, or any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference, in the application of James Robert Meachem, to excessive blanket area populations and the devious and the public path of the transmission line between the transmitter and antenna.

7. To determine whether the proposed move of Station WEAT from Lake Worth, Florida, to Palm Beach, Florida, would result in a fair, efficient and equitable distribution of radio service to the communities concerned as provided in section 307 (b) of the Communications Act of 1934, as amended.

8. To determine the overlap, if any, which would exist between the service areas of the station proposed by the Indian River Broadcasting Company and of Station WIRA, Fort Pierce, Florida, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.25 of the Commission's rules.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Coastal Broadcasting Company, licensee of Station WMOG, Brunswick, Georgia, is made a party to this proceeding, with regard to the Indian River Broadcasting Company application only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–2851; Filed, Mar. 11, 1952; 8:50 a. m.]

[Docket No. 10147, 10148]

CHARLES D. MCNAMEE AND FRANCES FRIERSON MCNAMEE, AND WIHL BROADCASTING CO. (WIHL)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATING HEARING ON STATED ISSUES

In re applications of Charles D. McNamee and Frances Frierson McNamee, New Orleans, Louisiana, Docket No. 10147, File No. BP–7492; Sidney S. Rosenblum and Forrest E. Curnutt, d/b as WIHL Broadcasting Company (WIHL), Hammond, Louisiana, Docket No. 10148, File No. BP–8355; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of February 1952;

The Commission having under consideration the above-entitled application of Charles D. McNamee and Frances Frierson McNamee for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at New Orleans, Louisiana, contingent on the cessation of station WLCS operation on 1400 kc, and the application of Sidney S. Rosenblum and Forrest E. Curnutt, d/b as WIHL Broadcasting Company to change facilities of Station WIHL, Hammond, Louisiana from 730 kc, 250 w, daytime only, to 1400 kc. 250 w, unlimited time.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership (BP–7492) and its partners to operate the proposed station and the technical, financial and other qualifications of the applicant partnership (BP–8355) and its partners to operate Station WIHL as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and Station WIHL as proposed, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and Station WIHL as proposed would involve objectionable interference with Stations WFOR, Hattiesburg, Mississippi, WPCF, Panama City, Florida, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the operations of the proposed station and Station WIHL as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installations and operations of the proposed station and Station WIHL as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, Forrest Broadcasting Company, Incorporated, licensee of Station WFOR, Hattiesburg, Mississippi, is made a party to this proceeding with respect to the WIHL application only and Bay County Broadcasting Company, Inc., licensee of Station WPCF, Panama City, Florida, is made a party to this proceeding with respect to the New Orleans application only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–2852; Filed, Mar. 11, 1952; 8:50 a. m.]

[Docket No. 10149]

WILLIAM C. GROVE

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of William C. Grove, Wheatland, Wyoming, for reinstatement of construction permit; Docket No. 10149, File No. BP–8338.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of February 1952;

The Commission having under consideration the above-entitled application William C. Grove requesting reinstatement of construction permit for a new standard broadcast station to operate on 800 kc, with 1 kw power, daytime only, at Wheatland, Wyoming.

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, except as to matter covered by Issue No. 1 below, and that no interference would be caused to any existing or proposed station.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified by subsequent order, upon the following issue:

1. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KFBC, Cheyenne, Wyoming, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–2853; Filed, Mar. 11, 1952; 8:51 a. m.]

[Designation Order 67]

DESIGNATION OF MOTIONS COMMISSIONER

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 27th day of February 1952;

It is ordered, Pursuant to § 0.111 of the Statement of Delegations of Authority, that Robert F. Jones, Commissioner, is hereby designated as Motions Commissioner for the month of March 1952.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–2854; Filed, Mar. 11, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1336, G–1573, G–1614, G–1808, G–1839, G–1848]

EAST TENNESSEE NATURAL GAS CO. ET AL.

ORDER REOPENING PROCEEDINGS, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

FEBRUARY 26, 1952.

In the matters of East Tennessee Natural Gas Company, Docket No. G–1336; Tennessee Gas Transmission Company, Docket No. G–1573; Tennessee Gas Transmission Company and United Natural Gas Company, Docket No. G–1614; The Manufacturers Light and Heat Company and United Fuel Gas Company, Docket No. G–1808; Republic Light, Heat and Power Company, Inc., Docket No. G–1839; City of Clarksville, Tennessee, Docket No. G–1848.

On March 7, 1950, East Tennessee Natural Gas Company (East Tennessee), a Tennessee corporation having its principal place of business at Chattanooga, Tennessee, filed an application, as amended on July 5 and July 30, 1951, in Docket No. G–1336, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 100 miles of 16-inch O. D. natural-gas transmission

pipeline extending from a point of connection with its existing 16-inch pipeline near Knoxville, Tennessee, to a point located approximately 8 miles south of Kingsport, Tennessee, and approximately 63½ miles of 4-inch I. D., 8-inch I. D., and 12¾-inch O. D. lateral pipelines, together with other appurtenant facilities. By means of said facilities East Tennessee proposes to deliver and sell natural gas for resale in the communities of Morristown, Johnson City, Elizabethton, Bristol, Jefferson City, Greenville and Kingsport, Tennessee, and in Bristol, Virginia, and to deliver and sell natural gas directly to 10 industrial customers. Said natural-gas facilities are fully described in East Tennessee's application and the amendments thereto on file with the Commission and open to public inspection. Due notice of the filing of East Tennessee's original application has been given, including publication in the FEDERAL REGISTER on March 15, 1950 (15 F. R. 1470). Due notice of the filing of the amended application filed with the Commission on July 5, 1951, has been given, including publication in the FEDERAL REGISTER on July 25, 1951 (16 F. R. 7304).[1]

On January 17, 1952, Tennessee, a Delaware corporation having its principal place of business at Houston, Texas, filed a petition to reopen the consolidated proceedings at Docket Nos. G–1573 and G–1614 for the purpose of:

(a) Presenting new and additional evidence in Docket No. G–1573, thereby amending the original application in said docket and seeking, in the reopened proceedings, a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of: Approximately 591 miles of parallel loop pipeline along Tennessee's presently authorized natural-gas transmission system, consisting of approximately 323 miles of 30-inch O.D., 167 miles of 26-inch O.D., and 101 miles of 24-inch O.D. pipeline; approximately 304 miles of 24-inch O. D. natural-gas pipeline, to be known as the Mercer-Utica line, extending from Tennessee's presently authorized compressor station near Mercer, Pennsylvania, in a northeasterly direction to Tennessee's presently authorized compressor station near Utica, New York; new compressor units aggregrating approximately 137,000 horsepower, together with other related facilities, to be installed in Tennessee's presently existing or authorized compressor stations; new compressor stations with approximately 28,000 horsepower capacity installed; and approximately 250 miles of miscellaneous lateral pipelines; and

(b) Applying for the reissuance of the certificate of public convenience and necessity issued to Tennessee by the terms of the Commission's order issued on June 1, 1951, as modified by the order issued August 27, 1951, in Docket No. G–1614.[2]

The proposed new facilities will increase the daily design delivery capacity of Tennessee's system from the presently authorized total of 1,310,000 Mcf of natural gas to approximately 1,515,000 Mcf, and will increase the peak-day delivery capacity of Tennessee's system to 1,715,000 Mcf. Said increased system capacity provides, among other things, up to an additional 40,000 Mcf of natural gas per day for East Tennessee in order to enable that company to serve the utility requirements of its so-called Bristol market area as applied for in Docket No. G–1336. Said proposed natural-gas facilities are fully described in Tennessee's petition to reopen proceedings and amended application on file with the Commission and open to public inspection. Due notice of the filing of Tennessee's petition to reopen proceedings and amended application has been given, including publication in the FEDERAL REGISTER on January 30, 1952 (17 F. R. 900–901).

On February 4, 1952, United Natural, a Pennsylvania corporation having its principal place of business at Oil City, Pennsylvania, filed a petition to reopen the proceeding in Docket No. G–1614 upon an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the facilities of Hebron Storage, as described in the original application filed jointly by United Natural and Tennessee in said Docket No. G–1614, and a request for an order directing Tennessee to deliver to United Natural 15,000 Mcf of natural gas per day, in the same manner as provided in said order of the Commission issued August 27, 1951, in Docket Nos. G–1573 and G–1614. Said petition to reopen and application, filed by United Natural, are on file with the Commission and open to public inspection. Due notice of the filing of United Natural's petition to reopen and application for certificate has been given, including publication in the FEDERAL REGISTER on February 19, 1952 (17 F. R. 1532–1533).

On October 5, 1951, The Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation having its principal place of business at Pittsburgh, Pennsylvania, and United Fuel Gas Company (United Fuel), a West Virginia corporation having its principal place of business at Charleston, West Virginia, both being subsidiaries of The Columbia Gas System, Inc., filed a joint petition in Docket No. G–1808 purportedly pursuant to sections 7 and 16 of the Natural Gas Act, for an order directing Tennessee to transfer, on a temporary basis, during the period through August 31, 1952, delivery of 25,000 Mcf of natural gas per day from its Eastern Rate Zone to its Northern Rate Zone, which volume of gas Tennessee has been delivering to United Fuel for the account of Manufacturers in accordance with an agreement between said companies.[3]

In accordance with advice received from The Columbia Gas System, Inc., to the effect that an emergency exists on its system, the Commission, by telegram dated December 17, 1951, advised Tennessee, that pursuant to § 157.14 of its regulations under the Natural Gas Act, it would interpose no objection to the transfer of delivery of said 25,000 Mcf of natural gas per day for the duration of the current emergency.

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[1] By its order issued March 15, 1950, the Commission consolidated for the purpose of hearing East Tennessee's application of March 7, 1950, in Docket No. G–1336 with the proceedings in Docket Nos. G–1248, G–1267, G–1277, G–1210, G–1236, G–1264, G–1306, G–1290, and G–1311, and fixed a date of hearing for March 29, 1950, or as soon thereafter as practicable.

By its order issued April 12, 1950, the Commission granted East Tennessee's motion to sever the proceeding on the application in Docket No. G–1336 from the aforesaid consolidated proceedings and withdraw its intervention in Docket No. G–1248. By said order, the hearing upon East Tennessee's application was postponed to a date to be fixed by further order of the Commission.

[2] By its order issued April 4, 1951, the Commission consolidated for the purpose of hearing the proceedings in Docket Nos. G–1573 and G–1614, and fixed a date for hearing. By order issued April 16, 1951, the Commission consolidated for the purpose of hearing proceedings on the application filed by National Gas & Oil Corporation pursuant to section 7 (a) of the Natural Gas Act in Docket No. G–1599 with Docket Nos. G–1573 and G–1614. After hearings held, the Commission issued its order of June 1, 1951, issuing certificates of public convenience and necessity to Tennessee and United Natural Gas Company (United Natural) in said Docket Nos. G–1573 and G–1614 and, among other things, denied authorization to construct and operate certain facilities applied for, as described in Finding (5) of said order, and dismissed the application of National Gas & Oil Corporation at Docket No. G–1599.

By its order issued July 5, 1951, in Docket Nos. G–1573 and G–1614, the Commission granted the separate applications filed by Tennessee and United Natural for rehearing and modification of the order issued June 1, 1951. After rehearing held in said proceedings, the Commission issued its order of August 27, 1951, modifying in part said order issued June 1, 1951. Said order issued June 1, 1951, provided that the certificate issued therein should not become effective unless Tennessee accepted "the same in writing, under oath, and without qualification, within 30 days from the issuance" of said order. The order issued August 27, 1951, did not affect said provision except to make the 30-day period operate from the date of its issuance. By letter dated September 25, 1951, Tennessee notified the Commission of its refusal to accept the certificate as issued by said order issued August 27, 1951.

[3] In its original application, as amended, in Docket No. G–1573, Tennessee requested authority to make such transfer of delivery on a permanent basis. By its said order issued June 1, 1951, in Docket Nos. G–1573 and G–1614, the Commission at paragraph (A) (v) thereof, directed Tennessee to make said transfer of delivery. By its order issued July 5, 1951, in said dockets, the Commission granted Tennessee's request for rehearing and modification of said order issued June 1, 1951, but specifically determined that the provision of its said order issued June 1, 1951, permitting the transfer of delivery of said 25,000 Mcf of gas per day should remain in full force and effect. The Commission's order issued August 27, 1951, after rehearing, modifying in certain respects its order issued June 1, 1951, in said dockets, did not affect the provisions of said order issued June 1, 1951, pertaining to the transfer of delivery of said 25,000 Mcf of natural gas per day. However, in accordance with the condition in said orders requiring Tennessee to accept the certificates issued therein without qualification, its refusal to accept the certificates was inclusive of the authorization to make said transfer of delivery.

By telegram dated February 15, 1952, the Commission granted Tennessee's telegraphic request of February 14, 1952, for a temporary certificate of public convenience and necessity under Docket No. G-1573 authorizing the said transfer of delivery. Said temporary certificate was issued for a period of 60 days from February 15, 1952, without prejudice to further action by the Commission thereon.

On November 15, 1951, Republic Light, Heat and Power Company (Republic), a New York corporation having its principal place of business at Buffalo, New York, filed an application in Docket No. G-1839, purportedly pursuant to sections 7 and 16 of the Natural Gas Act, for an order directing Tennessee to furnish to Republic, at the point of delivery on Republic's system located in Chautauqua, New York, a daily volume of 1,000 Mcf of natural gas in addition to the daily volume of 600 Mcf of natural gas which Tennessee is presently authorized to deliver to Republic. Said application is on file with the Commission and open to public inspection. Due notice of the filing of Republic's application has been given, including publication in the FEDERAL REGISTER on January 25, 1952 (17 F. R. 778-779).[4]

On December 3, 1951, the City of Clarksville, Tennessee (Clarksville), a municipal corporation of the State of Tennessee, filed an application in Docket No. G-1848 pursuant to section 7 (a) of the Natural Gas Act, for an order of the Commission directing Tennessee to extend and improve its transportation facilities and to establish physical connection of its transportation facilities with the facilities to be installed by, for and on behalf of Clarksville, and for an order directing Tennessee to supply and sell gas to Clarksville from its transmission line located approximately 25 miles southeast from Clarksville. (See Footnote 4). Said application is on file with the Commission and open to public inspection. Due notice of the filing of Clarksville's application has been given, including publication in the FEDERAL REGISTER on January 3, 1952 (17 F. R. 96).

The Commission finds:

(1) It is in the public interest and it is appropriate for carrying out the provisions of the Natural Gas Act to reopen the proceedings in Docket Nos. G-1573 and G-1614 for the purpose of receiving evidence relative to a determination of whether a certificate of public convenience and necessity should be issued pursuant to the applications as amended in Docket Nos. G-1573 and G-1614.

(2) Orderly procedure requires that said proceedings in Docket Nos. G-1573 and G-1614 as hereinafter reopened, and the proceedings in Docket Nos. G-1336, G-1808, G-1839, and G-1848 be consolidated for the purpose of hearing.

The Commission orders:

(A) The proceedings in Docket Nos. G-1573 and G-1614 be and the same are hereby reopened for the purpose stated in Finding (1) above.

(B) Said reopened proceedings in Docket Nos. G-1573 and G-1614 be and they are hereby consolidated with the proceedings in Docket Nos. G-1336, G-1808, G-1839, and G-1848 for the purpose of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing in the reopened and consolidated proceedings be held on April 1, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the proceedings consolidated in paragraph (B) hereof.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 5, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-2815; Filed, Mar. 11, 1952; 8:45 a. m.]

[Docket Nos. G-1116,. G-1152, G-1240, G-1317, G-1344, G-1379, G-1415, G-1417, G-1457, G-1509, G-1616, G-1625, G-1659]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER POSTPONING HEARING

MARCH 4, 1952.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417; City of Port Huron, City of Marysville, City of St. Claire, Michigan, municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant v. Panhandle Eastern Pipe Line Company, Docket No. G-1379; Northern Indiana Fuel and Light Company, Docket No. G-1457; Missouri Central Natural Gas Company, Docket No. G-1509; The Central West Utility Company, Docket No. G-1616; Michigan Gas Utilities Company, Docket No. G-1625; City of Auburn, Illinois, Docket No. G-1659.

On December 11, 1951, the Presiding Examiner recessed the hearing of the above-docketed matters until March 11, 1952.

The Commission finds: Good cause exists and it would be in the public interest to postpone the resumption of the hearing of the proceedings to the date and place hereinafter ordered.

The Commission orders: The public hearing in these proceedings now scheduled to be resumed March 11, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., be and the same is hereby postponed to commence on April 22, 1952, at 10:00 a. m., e. s. t., at the same place.

Date of issuance: March 5, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-2816; Filed, Mar. 11, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1387, 7-1388, 7-1390—7-1400]

ALLIS-CHALMERS MFG. CO. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

MARCH 6, 1952.

In the matter of applications by the San Francisco Stock Exchange for unlisted trading privileges in Allis-Chalmers Manufacturing Company, Common Stock, No Par Value, 7-1387; Armco Steel Corporation, Common Stock, $10 Par Value, 7-1388; Allen B. du Mont Laboratories, Inc., Class A Common Stock, $.10 Par Value, 7-1390; Eastern Air Lines, Inc., Common Stock, $1 Par Value, 7-1391; General Public Utilities Corporation, Common Stock, $5 Par Value, 7-1392; International Paper Company, Common Stock, $7.50 Par Value, 7-1393; Montana-Dakota Utilities Company, Common Stock, $5 Par Value, 7-1394; Philco Corporation, Common Stock, $3 Par Value, 7-1395; Remington Rand Inc., Common Stock, $.50 Par Value, 7-1396; St. Regis Paper Company, Common Stock, $5 Par Value, 7-1397; Schenley Industries, Inc., Common Stock, $1.40 Par Value, 7-1398; Sylvania Electric Products, Inc., Common Stock, No Par Value, 7-1399; Tri-Continental Corporation, Common Stock, $1 Par Value, 7-1400.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application to extend unlisted trading privileges to each of the above-mentioned securities, each of which is registered and listed on the New York Stock Exchange except the Class A Common Stock, $0.10 Par Value, of Allen B. Du Mont Laboratories, Inc., which is registered and listed on other national securities exchanges, including the Los Angeles, the Midwest and the New York Curb exchanges.

Rule X-12F-1 provides that the applicant shall furnish a copy of each application to the issuer and to every ex-

[4] The Commission's order issued June 1, 1951, in Docket Nos. G-1573 and G-1614 determined, among the other things herein noted, that of the 40,000 Mcf of natural gas per day additional system capacity authorized Tennessee in Docket Nos. G-962 and G-1248 for sale and delivery to small towns and communities along its pipe line, there remains a volume of 4,519 Mcf per day which is unsold and unallocated, and directed that Tennessee shall make available to Republic, 1,000 Mcf per day of said unsold and unallocated system capacity, and to Clarksville, the remaining 3,519 Mcf per day. The Commission's order issued August 27, 1951, modifying the order issued June 1, 1951, in said Docket Nos. G-1573 and G-1614, did not affect the provisions of said order issued June 1, 1951, pertaining to the disposition of said unsold and unallocated volume of 4,519 Mcf of gas per day. However, Tennessee's refusal to accept the certificates, was also inclusive of the Commission's disposition of said volume of gas.

change on which the security is listed or already admitted to unlisted trading privileges. Each application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 21, 1952, the Commission will set the matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on these applications by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing, these applications will be determined by order of the Commission on the basis of the facts stated in the applications, and other information contained in the official files of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2819; Filed, Mar. 11, 1952; 8:46 a. m.]

[File No. 7-1402—7-1404]

PITTSBURGH FORGINGS CO. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of March A. D. 1952.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in: Pittsburgh Forgings Company, Capital Stock, $1 Par Value, 7-1402; National Container Corporation, Common Stock, $1 Par Value, 7-1403; Pittsburgh Screw & Bolt Corporation, Capital Stock, No Par Value, 7-1404.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock, $1 Par Value, of Pittsburgh Forgings Company, listed and registered on the Pittsburgh and the New York Stock Exchanges; the Common Stock, $1 Par Value, of National Container Corporation, listed and registered on the Midwest and the New York Stock Exchanges; and the Capital Stock, No Par Value, of Pittsburgh Screw & Bolt Corporation, listed and registered on the New York and the Pittsburgh Stock Exchanges. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to April 1, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2818; Filed, Mar. 11, 1952; 8:46 a. m.]

[File No. 70-2796]

UTAH POWER AND LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING BANK BORROWINGS

MARCH 6, 1952.

Utah Power and Light Company ("Utah"), a registered holding company and operating company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof with respect to the following proposed transactions:

Utah proposes to enter into a credit agreement with certain banks pursuant to which Utah may borrow from time to time during the year 1952 not to exceed in the aggregate $10,000,000 as money is required for its construction program. Such loans will be evidenced by promissory notes maturing on December 15, 1952 and bearing interest at the rate of 3 percent per annum.

The declaration states that the proceeds from the loans will be used in connection with the construction program of Utah and its subsidiary, The Western Colorado Power Company, which, it is estimated, will require the expenditure of approximately $17,000,000 in the year 1952. The declaration further states that it is the present intention of Utah to repay the loans from the proceeds of permanent financing during the year 1952, which permanent financing will maintain the present capital structure of Utah at approximately the existing debt-equity ratios.

Said declaration having been filed on February 11, 1952, notice of said filing having been given in the form and in the manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate to permit said declaration to become effective, forthwith, without the imposition of terms or conditions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2817; Filed, Mar. 11, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination 38, Amdt. 1]

BARSTOW, CALIFORNIA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated March 4, 1952 (17 F. R. 1956), that the Barstow, California, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 38 (17 F. R. 1369) is hereby amended to apply to the area described as:

Barstow, California (this area consists of Barstow Township and the area within the United States Marine Corps Depot Military Reservation, all in San Bernardino County, California).

ROGER L. PUTNAM, *Administrator.*

MARCH 7, 1952.

[F. R. Doc. 52-2903; Filed, Mar. 10, 1952; 1:22 p. m.]

[Determination 80, Amdt. 1]

UMATILLA-HERMISTON, OREGON, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated March 4, 1952 (17 F. R. 1956), that the Umatilla-Hermiston, Oregon, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, Section 2 of Economic Stabilization Agency Determination No. 80 (17 F. R. 1375) is hereby amended to apply to the area described as:

Umatilla-Hermiston, Oregon (this area consists of Precincts 28, 29, 30, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41, including the Cities of Stanfield, Hermiston, Umatilla and Echo, all in Umatilla County).

ROGER L. PUTNAM, *Administrator.*

MARCH 7, 1952.

[F. R. Doc. 52-2904; Filed, Mar. 10, 1952; 1:22 p. m.]

Office of Price Stabilization

[Delegation of Authority 11, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 5, Revision, (16 F. R. 11875) Delegation of Authority 11, Revision 1 is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization:

(a) To request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under section 9 (a), 12 (f) or 17 (b), or with respect to certificates filed under section 12 (e), of Distribution Regulation 1, Revision 1.

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under section 15, 16, or 19 of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

(c) To grant, deny, request further information or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under section 9, 13 or 14 of Distribution Regulation 1, Revision 1.

(d) To grant, deny, request further information or take other appropriate action with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

(e) To grant relief, pursuant to section 19 of Distribution Regulation 1, Revision 1, in the form of registration as a Class 2 slaughterer, to a person who, prior to December 16, 1951, filed an application under section 4 of the old Distribution Regulation 1, issued February 1, 1951, and who meets the criteria for registration specified in that section.

(f) To take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b) and 20 (d) of Distribution Regulation 1, Revision 1.

2. The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

3. This Delegation of Authority 11, Revision 1, supersedes Delegation of Authority 11, issued July 2, 1951, and all amendments thereto.

4. This delegation of authority shall take effect on March 17, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 11, 1952.

[F. R. Doc. 52-2977; Filed, Mar. 11, 1952; 11:32 a. m.]

[Delegation of Authority 12, Revision 1]

DIRECTOR OF PRICE OPERATIONS

DELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 5, Revision, (16 F. R. 11875) this Delegation of Authority 12, Revision 1 is hereby issued.

1. Authority is hereby delegated to the Director of Price Operations, Office of Price Stabilization:

(a) To request further information or take other appropriate action with respect to statements, reports, notices or forms filed by Class 1, Class 1A, Class 2 or Class 2A slaughterers under section 9 (a), 12 (f), 17 (b), 18 (d) or 18 (e) or with respect to certificates filed under section 12 (e) of Distribution Regulation 1, Revision 1.

(b) To grant, deny, request further information, or take other appropriate action with respect to applications made under section 9, 13, 14, 15, 16 or 19 of Distribution Regulation 1, Revision 1 by persons who are, wish to be, or desire an adjustment as Class 1, Class 1A, Class 2 or Class 2A slaughterers.

(c) To take appropriate action with respect to Class 1, Class 1A, Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b) and 20 (d) of Distribution Regulation 1, Revision 1.

(d) To take appropriate action under sections 18 (d) and 18 (e) of Distribution Regulation 1, Revision 1.

2. The authority hereby delegated may be redelegated to the Director, Food and Restaurant Division, Office of Price Operations, with the authority to redelegate to the Chiefs of the Branches of the Food and Restaurant Division.

3. This Delegation of Authority 12, Revision 1, supersedes Delegation of Authority 12, issued July 2, 1951, and all amendments thereto.

4. This delegation of authority shall take effect on March 17, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 11, 1952.

[F. R. Doc. 52-2978; Filed, Mar. 11, 1952; 11:33 a. m.]

[Delegation of Authority 12, Revision 1, Supp. 1]

DIRECTOR, FOOD AND RESTAURANT DIVISION

DELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of Price Operations, Office of Price Stabilization by Delegation of Authority No. 12, Revision 1, this Supplement 1 to that Delegation of Authority is hereby issued.

1. Authority is hereby delegated to the Director, Food and Restaurant Division, Office of Price Operations:

(a) To request further information or take other appropriate action with respect to statements, reports, notices or forms filed by Class 1, Class 1A, Class 2 or Class 2A slaughterers under section 9 (a), 12(f), 17 (b), 18 (d) or 18 (e) or with respect to certificates filed under section 12 (e) of Distribution Regulation 1, Revision 1.

(b) To grant, deny, request further information, or take other appropriate action with respect to applications made under section 9, 13, 14, 15, 16 or 19 of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 1, Class 1A, Class 2 or Class 2A slaughterers.

(c) To take appropriate action with respect to Class 1, Class 1A, Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b) and 20 (d) of Distribution Regulation 1, Revision 1.

(d) To take appropriate action under sections 18 (d) and 18 (e) of Distribution Regulation 1, Revision 1.

2. The authority hereby delegated may be redelegated to the Chiefs of the Branches of the Food and Restaurant Division.

3. This Delegation of Authority 12, Revision 1, Supplement 1, supersedes Delegation of Authority 12, Supplement 1, issued July 2, 1951, and all amendments thereto.

4. This delegation of authority shall take effect on March 17, 1952.

EDWARD F. PHELPS, Jr.,
Director of Price Operations.

MARCH 11, 1952.

[F. R. Doc. 52-2979; Filed, Mar. 11, 1952; 11:33 a. m.]

[Delegation of Authority 12, Revision 1, Supp. 2]

CHIEF, LIVESTOCK AND MEAT DISTRIBUTION BRANCH

DELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director, Food and Restaurant Division, Office of Price Stabilization, by Delegation of Authority No. 12, Revision 1, Supplement 1, this Supplement 2 to that Delegation of Authority is hereby issued.

1. Authority is hereby delegated to the Chief, Livestock and Meat Distribution Branch, Food and Restaurant Division, Office of Price Operations:

(a) To request further information or take other appropriate action with respect to statements, reports, notices or forms filed by Class 1, Class 1A, Class 2 or Class 2A slaughterers under sections 9 (a), 12 (f), 17 (b), 18 (d) or 18 (e) or with respect to certificates filed under section 12 (e) of Distribution Regulation 1, Revision 1.

(b) To grant, deny, request further information, or take other appropriate action with respect to applications made under section 9, 13, 14, 15, 16 or 19 of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire

an adjustment as Class 1, Class 1A, Class 2 or Class 2A slaughterers.

(c) To take appropriate action with respect to Class 1, Class 1A, Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b) and 20 (d) of Distribution Regulation 1, Revision 1.

(d) To take appropriate action under sections 18 (d) and 18 (e) of Distribution Regulation 1, Revision 1.

2. This Delegation of Authority 12, Revision 1, Supplement 2, supersedes Delegation of Authority 12, Supplement 2, issued July 12, 1951, and all amendments thereto.

3. This delegation of authority shall take effect on March 17, 1952.

GEORGE L. MEHREN,
Director, Food and Restaurant Division.

MARCH 11, 1952.

[F. R. Doc. 52-2980; Filed, Mar. 11, 1952; 11:33 a. m.]

[Delegation of Authority 56]

MEAT DISTRIBUTION BOARD OF APPEALS AND HEARING OFFICERS

ESTABLISHMENT AND DELEGATIONS OF AUTHORITY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, (16 F.R. 11620) and Economic Stabilization Agency General Order 5, Revision (16 F. R. 11875), this delegation of authority is hereby issued.

Preamble. Distribution Procedural Regulation 1 prescribes procedures to be followed by the Meat Distribution Board of Appeals and Hearing Officers in proceedings arising under meat regulations in the Distribution Regulation series. This delegation of authority establishes the Meat Distribution Board of Appeals and the positions of Hearing Officers and delegates authority to issue subpenas, administer oaths and affirmations and to act in accordance with the provisions of Distribution Procedural Regulation 1.

Sec.
1. Meat Distribution Board of Appeals.
2. Hearing Officers.
3. Delegations of Authority.

SECTION 1. *Meat Distribution Board of Appeals*—(a) *Establishment of the Board.* There is hereby established in the Office of Price Stabilization the Meat Distribution Board of Appeals, hereafter referred to as the Board of Appeals.

(b) *Members of the Board.* The Board of Appeals shall have three members to be appointed by the Director of Price Stabilization. One of the three members shall be designated by the Director to be Chairman of the Board of Appeals and shall be appointed for a fixed term. The other two members may be appointed for a fixed term or for a particular case in the discretion of the Director.

(c) *What shall constitute a quorum.* Three members shall constitute a quorum. If for any reason a quorum cannot be constituted for a particular case the Director will appoint, for the purposes of that case only, a sufficient number of alternate members to constitute a quorum.

(d) *How decisions shall be arrived at.* All decisions of the Board of Appeals shall be arrived at by majority vote.

SEC. 2. *Hearing Officers.* The Board of Appeals may appoint Hearing Officers to conduct hearings and take oral testimony in accordance with the provisions of Distribution Procedural Regulation 1. Such Hearing Officers shall be appointed from among attorneys employed by the Office of Price Stabilization who are not working primarily on meat regulations.

SEC. 3. *Delegations of authority*—(a) *Board of Appeals.* There is hereby delegated to the Board of Appeals authority:

(1) To act in accordance with the provisions of Distribution Procedural Regulation 1;

(2) To issue subpenas requiring the attendance of a witness or the production of tangible evidence including documents or both from any place in the United States, at any designated place;

(3) To administer oaths or affirmations.

(b) *Hearing Officers.* There is hereby delegated to any Hearing Officer, designated by the Board of Appeals to conduct a hearing in a particular case, authority, with respect to such hearing:

(1) To act in accordance with the provisions of Distribution Procedural Regulation 1;

(2) To issue subpenas requiring the attendance of a witness or the production of tangible evidence including documents or both from any place in the United States, at any designated place;

(3) To administer oaths or affirmations.

This delegation of authority shall become effective on March 17, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 11, 1952.

[F. R. Doc. 52-2981; Filed, Mar. 11, 1952; 11:34 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 457, Amdt. 2]

CROWN FASTENER CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 457, under section 43 of Ceiling Price Regulation 7, issued on August 16, 1951, established ceiling prices for sales at retail of slide fasteners manufactured by Crown Fastener Corporation under the brand name "Crown."

The special order required the manufacturer to mark each article listed in the special order with the retail ceiling price fixed under the special order, or to attach to each article a label, tag, or ticket, stating the retail ceiling price. Applicant was required to comply wit this preticketing provision on and afte October 16, 1951.

Thereafter Amendment 1 to Specia Order 457 was issued on December 1951, under which amendment the appli cant Crown Fastener Corporation wa granted an extension of time up to an including April 16, 1952 to comply wit the provisions of the special order t label, tag, or ticket retail ceiling price of the articles listed in the special orde Crown Fastener Corporation has file another application dated February 1952 for an amendment to its specia order to allow it up to and includin June 30, 1952 to meet the requiremen of the special order to label, tag, o ticket the articles covered by the specia order.

The applicant points out that eac article covered by the special order labeled, but the label does not have th precise language required by the speci order. The applicant has submitted a alternative method of labeling its ac cumulated inventory, which method sub stantially meets the marking requir ments of the regulation. However, th labels on all new merchandise shall be the exact language required by th special order.

Under the special circumstances s forth by the applicant the Director h determined that the requested amen ment should be granted.

Amendatory provisions. Special O der 457 under Ceiling Price Regulation section 43, is amended in the followin respects:

1. In paragraph 3, substitute for th mark or statement

OPS—Sec. 43—CPR 7
Price $--------

the following mark or statement:

$--------

2. Add to paragraph 3, following th last sentence appearing therein, th following:

On and after June 30, 1952, Crow Fastener Corporation must mark eac article listed in paragraph 1, of this sp cial order with the retail ceiling pri under this special order, or attach to th article a label, tag, or ticket stating th retail ceiling price. This mark or stat ment must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after June 30, 1952, no retail may offer or sell the article unless it marked or tagged in the form stat above. Prior to June 30, 1952, unless th article is marked or tagged in this for the retailer shall comply with the mar ing, tagging and posting requirements the regulation which would apply in th absence of this special order.

Effective date. This amendment sh become effective March 5, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 5, 1952.

[F. R. Doc. 52-2733; Filed, Mar. 5, 19 3:52 p. m.]

[Ceiling Price Regulation 7, Section 43, Revocation of Special Order 536]

NUTONE, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 536, issued to Nutone, Inc., issued August 21, 1951, effective August 22, 1951, established ceiling prices at retail for door chimes having the brand name Nutone."

Nutone, Inc., has applied for a revocation of this special order, stating that it is unable to comply with the provisions of the special order. The Director has determined that sufficient reasons have been shown for revocation of the special order.

This order of revocation requires the applicant to send a copy thereof to all purchasers for resale who have received notice of the Special Order.

Revocation. 1. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, Special Order 536, issued to Nutone, Inc., on August 21, 1951, effective August 22, 1951, establishing ceiling prices at retail for door chimes, having the brand name "Nutone," shall be, and the same hereby is, revoked in all respects.

2. Nutone, Inc., must, within 15 days after the effective date of this order of revocation, send a copy of this order of revocation to all purchasers for resale to whom it has given notice of Special Order 536.

Effective date. This order of revocation shall become effective March 5, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 5, 1952.

F. R. Doc. 52-2734; Filed, Mar. 5, 1952; 3:52 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 625, Amdt. 1]

FORTUNE CRAVATS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 625 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's pure silk ties manufactured by Fortune Cravats, Inc., having the brand name "Fortune Cravats."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 7, 1952.

This amendment also adds bow ties to the special order.

Amendatory provisions. Special Order 625 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words the retail prices listed in your supplier's application" insert the words "dated July 11, 1951, as supplemented and amended by your supplier's application dated January 7, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated January 7, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 30, 1952.

3. In paragraph 1 following the words "men's pure silk ties" add the words "and bow ties."

Effective date. This amendment shall become effective March 5, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 5, 1952.

[F. R. Doc. 52-2735; Filed, Mar. 5, 1952; 3:52 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 833]

MACGREGOR GOLDSMITH, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, MacGregor Goldsmith, Inc., 4861 Spring Grove Avenue, Cincinnati 32, Ohio (hereafter called wholesaler), has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of golf clubs sold at wholesale by MacGregor Goldsmith, Inc., 4861 Spring Grove Avenue, Cincinnati 32, Ohio, having the brand name(s) "MacGregor" shall be the proposed retail ceiling prices listed by MacGregor Goldsmith, Inc. in its application dated October 24, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than April 7, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after May 6, 1952, MacGregor Goldsmith, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after June 5, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to June 5, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in Paragraph 1 of this special order. Copies shall also be sent to all other purchasers

on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The wholesaler shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. / dozen. / etc.	Terms {net. / percent EOM. / etc. $--------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the wholesaler with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the wholesaler had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

6. The provisions of this special order establish the ceiling prices for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 6, 1952.

[F. R. Doc. 52-2797; Filed, Mar. 6, 1952; 4:16 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 834]

KESTENMAN BROS. MFG. CO.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Kestenman Bros. Mfg. Co., 280 Kinsley Avenue, Providence 3, Rhode Island has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of watch bands and identification bracelets sold through retailers and wholesalers and having the brand name(s) "Kestenmade" and "Peerless" shall be the proposed retail and wholesale ceiling prices listed by Kestenman Bros. Mfg. Co., 280 Kinsley Avenue, Providence 3, Rhode Island, hereinafter referred to as the "applicant" in its application dated September 27, 1951 and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 6, 1952, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and and after May 6, 1952, Kestenman Bros. Mfg. Co., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in th following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after June 5, 1952, no retail may offer or sell the article unless it marked or tagged in the form state above. Prior to June 5, 1952, unle the article is marked or tagged in th form, the retailer shall comply with th marking, tagging and posting provisio of the regulation which would apply the absence of this special order.

Upon issuance of any amendment this special order which either adds a article to those already listed in the a plication or changes the retail ceilin price of a listed article, the applica named in this special order must comp as to each such article with the pr ticketing requirements of this paragra within 60 days after the effective date the amendment. After 90 days from th effective date, no retailer may offer sell the article unless it is ticketed accordance with the requirements of th paragraph. Prior to the expiration the 90 day period, unless the article so ticketed, the retailer must comp with the marking, tagging, and posti provisions of the regulation which wou apply in the absence of this special orde

3. *Notification to resellers*—(a) *Notic to be given by applicant.* (1) After r ceipt of this special order, a copy this special order and the notice d scribed below shall be sent by the a plicant to each purchaser for resale on before the date of the first delivery any article covered in paragraph 1 this special order.

(2) Within fifteen days after t effective date of this special order, t applicant shall send a copy of this speci order and the notice described below each purchaser for resale to wh within two months immediately pr to the receipt of this special order t applicant had delivered any article co ered by paragraph 1 of this special ord

(3) The applicant must notify ea purchaser for resale of any amendme to this special order in the same mann annexing to the amendment an appr priate notice as described below.

(4) The applicant shall annex to t special order or amendment a noti listing the style or lot number, name, other description of each item cove by this special order or amendment a its corresponding retail ceiling price a corresponding wholesale ceiling pri The notice shall be in substantially t following form:

(Column 1)	(Column 2)	(Column 3)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1	Wholesaler's c ing price for a cles listed i column 1
----------	$----------	$----------

(5) Within 15 days after the effect date of this special order or any amen ment thereto, two copies of the ceili price nctice above described must be fi by the applicant with the Distributi Branch, Consumer Soft Goods Divisi Office of Price Stabilization, Washingt 25, D. C.

(6) The applicant must supply each rchaser for resale other than a re- iler with sufficient copies of this special der, amendment and notices to permit ch purchasers for resale to comply th the notification requirements of is special order.

(b) *Notices to be given by purchasers resale (other than retailers).* (1) copy of this special order, together th the annexed notice of ceiling prices scribed in sub-paragraph 3 (a) (4) of is section, shall be sent by each pur- aser for resale (other than retailers) each of his purchasers on or before e date of the first delivery after re- pt of a copy of this special order.

(2) Within 15 days of receipt of this ecial order and the annexed notice, ch purchaser for resale (other than tailers) shall send a copy of the order d notice to each of his purchasers to om, within two months prior to re- pt of this special order, his records dicate he had delivered any article vered by paragraph 1 of this special der.

(3) Each purchaser for resale (other an retailers) must notify each pur- aser of any amendment to this special der in the same manner, annexing to e amendment an appropriate notice as scribed above.

Reports. Within 45 days of the ex- ation of the first 6-month period fol- ing the effective date of this special der and within 45 days of the expira- n of each successive 6-month period, e applicant shall file with the Distribu- n Branch, Consumer Soft Goods Di- ion, Office of Price Stabilization, shington 25, D. C., a report setting th the number of units of each arti- covered by this special order which has delivered in that 6-month period.

Other regulations affected. The visions of this special order establish ceiling price for sales at retail of articles covered by it, regardless of ether the retailer is otherwise subject Ceiling Price Regulation 7 or any other ulation.

Revocation. This special order or y provisions thereof may be revoked, pended, or amended by the Director Price Stabilization at any time.

Applicability. The provisions of s special order are applicable in the ited States and the District of lumbia.

Effective date. This special order ll become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 6, 1952.

[R. Doc. 52-2798; Filed, Mar. 6, 1952; 4:17 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 835]

LUBER-FINER INC.

CEILING PRICES AT RETAIL

Statement of considerations. In ac- dance with section 43 of Ceiling Price ulation 7, the applicant named in the ompanying special order, Luber-Fin- Incorporated, 2514 South Grand Ave- nue, Los Angeles 7, California, has ap- plied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Appli- cant has submitted the information re- quired under this section and has pro- duced evidence which in the judgment of the Director indicates that the appli- cant has complied with other stated re- quirements.

The Director has determined on the basis of information available to him, including the data and certified con- clusions of fact submitted by the appli- cant, that the retail ceiling prices re- quested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send pur- chasers of the article a copy of this spe- cial order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires appli- cant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has de- livered during the reporting period. This requirement conforms with the provi- sions of section 43, Ceiling Price Regula- tion 7.

Special provisions. For the reasons set forth in the statement of considera- tions and pursuant to section 43 of Ceil- ing Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of fishing lures sold through wholesalers and retailers and having the brand name(s) "Russelure" shall be the proposed retail ceiling prices listed by Luber-Finer Incorporated, 2514 South Grand Avenue, Los Angeles 7, California, hereinafter referred to as the "applicant" in its application dated Oc- tober 3, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 6, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after May 6, 1952. Luber-Finer, Incorporated, must mark each article for which a ceil- ing price has been established in para- graph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after June 5, 1952, no re- tailer may offer, or sell the article un- less it is marked or tagged in the form stated above. Prior to June 5, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the ap- plication or changes the retail ceiling price of a listed article, the applicant named in this special order must com- ply as to each such article with the pre- ticketing requirements of this para- graph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is tick- eted in accordance with the require- ments of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tag- ging, and posting provisions of the reg- ulation which would apply in the ab- sence of this special order.

3. *Notification to resellers.*—(a) *Notices to be given by applicant.* (1) After re- ceipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any ar- ticle covered in paragraph 1 of this spe- cial order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by para- graph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same man- ner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice list- ing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amend- ment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribu- tion Branch, Consumer Soft Goods Di- vision, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a re- tailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with

the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in sub-paragraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first six-month period following the effective date of this special order and within 45 days of the expiration of each successive six-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that six-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 6, 1952.

[F. R. Doc. 52-2799; Filed, Mar. 6, 1952; 4:17 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 836]

UNCLE JOSH BAIT CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Uncle Josh Bait Company, Fort Atkinson, Wisconsin, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of fishing bait sold through wholesalers and retailers and having the brand name(s) "Uncle Josh" shall be the proposed retail ceiling prices listed by Uncle Josh Bait Company, Fort Atkinson, Wisconsin, hereinafter referred to as the "applicant" in its application dated October 24, 1951 and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 6, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after May 6, 1952, Uncle Josh Bait Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after June 5, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to June 5, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the pretick eting requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers—(a) Notices to be given by applicant.* After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant has delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to the special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for cles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling pri

described in sub-paragraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 6, 1952.

[F. R. Doc. 52-2800; Filed, Mar. 6, 1952; 4:17 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 837]

EDDIE POPE & CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Eddie Pope & Company, 2527 Community Avenue, Montrose, California, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of fishing lures sold through wholesalers and retailers and having the brand name(s) "Hot Shot" shall be the proposed retail ceiling prices listed by Eddie Pope & Company, 2527 Community Avenue, Montrose, California, hereinafter referred to as the "applicant" in its application dated October 29, 1951 and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 6, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after May 6, 1952, Eddie Pope & Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after June 5, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to June 5, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each

of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 6, 1952.

[F. R. Doc. 52-2801; Filed, Mar. 6, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 838]

ARCTIC FEATHER & DOWN CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Arctic Feather & Down Co., 83 Columbia Street, Seattle 4, Washington.

Brand names: "Arctic Down".

Articles: Men's and women's jackets, vests, trousers, hats, caps.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rule apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of this order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. dozen. etc.}	Terms{net. percent EOM. etc.} $_____

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

nstead of marking the article you may ttach a label, tag or ticket containing ne same information.

10. *Sales volume reports.* Within 45 ays of the expiration of the first 6- ionth period following the effective date f this special order and within 45 days f the expiration of each successive 6- ionth period, you shall file with the istribution Branch, Office of Price tabilization, Washington 25, D. C., a eport setting forth the number of units f each article covered by this special rder which you have delivered in that -month period.

This special order may be amended or evoked at any time.

Effective date. This special order hall become effective on March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 6, 1952.

F. R. Doc. 52-2802; Filed, Mar. 6, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 839]

C. H. MASLAND & SONS

CEILING PRICES AT RETAIL

Statement of considerations. This is n order establishing uniform retail rices issued upon the basis of an ap- lication filed by a supplier under section 3 of CPR 7. This section gives a manu- acturer or wholesaler the right to apply or uniform retail ceiling prices for cer- ain of his branded articles. This sec- on requires that the articles must cus- omarily have been sold at substantially niform prices, and the ceiling prices ap- lied for must not raise the general level f prices under CPR 7. The order may, f course, be amended or revoked if fur- ner review shows that the requirements f the regulation have not been fully met.

This special order requires each article o be tagged or marked with the retail eiling price. The supplier must send to ach retailer a copy of this special order, s well as a list of ceiling prices for each rticle or cost line and notice of all mendments. The order requires the upplier to file certain sales reports with PS.

Retailers will be concerned with sec- ons 1 through 6 of this special order hich contain provisions applying to nem. The rest of the order is of inter- st primarily to the applicant.

Order. For the reasons set forth in ne statement of considerations and ursuant to section 43 of CPR 7, it is dered that the following provisions be effect:

Provisions for retailers—1. *What this der does.* Sections 1 through 6 apply o you and establish uniform ceiling rices if you sell at retail the articles entified below:

Name and address of applicant: C. H. lasland & Sons, Springs Road, Carlisle, ennsylvania.

Brand names: "Masland".

Articles: Men's sports clothes.

2. *Retail ceiling prices for listed ar- cles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your sup- plier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in re- tail ceiling prices. The ceiling prices contained in any such amendment be- come your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the ab- sence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order es- tablishes your ceiling prices for the ar- ticles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Noti- fication to retailers.* As the manufactur- er or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old cus- tomers.* Within 15 days after the effec- tive date of this special order, you shall send a copy of this order, together with a copy of the list referred to in Section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had de- livered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amend- ment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amend- ment, you had delivered any article in- cluded in such amendment. Within 15 days after any amendment, the amend- ment shall also be included with the noti- fication to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabiliza- tion, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the or- der and shall contain the cost and dis- count terms to retailers for each article covered by this special order and the cor- responding retail ceiling prices fixed by the order. The notice shall be in sub- stantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit. / dozen. / etc.} Terms {net. / percent EOM. / etc.}
$_____

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article cov- ered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each succes- sive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 6, 1952.

[F. R. Doc. 52-2803; Filed, Mar. 6, 1952; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 840]

LAND-O-NOD CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: The Land-O-Nod Company, 945 N. E. Broadway Ave., Minneapolis 13, Minnesota.

Brand names: "Land-O-Nod."

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling Price List.* The ceiling price list must be annexed to a copy of the order and shall contain the cost a discount terms to retailers for each art cle covered by this special order and t corresponding retail ceiling prices fix by the order. The notice shall be substantially the following form:

(Column 1) Price to retailers	(Column 2) Retailer's ceilings for artic of cost listed in column 1
$_____ per_____{unit. dozen. etc.	Terms{net. percent EOM. etc. $_____

9. *Pre-ticketing requirements.* As t applicant to whom this special order issued, you must, within 60 days aft the effective date of this order (or in t case of an amendment within 60 da after the effective date of that amen ment), mark each article covered by t order with a statement in the followi form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you m attach a label, tag or ticket containi the same information.

10. *Sales volume reports.* Within days of the expiration of the first month period following the effective da of this special order and within 45 da of the expiration of each successive month period, you shall file with the D tribution Branch, Office of Price Stabi zation, Washington 25, D. C., a rep setting forth the number of units each article covered by this special o der which you have delivered in th 6-month period.

This special order may be amended revoked at any time.

Effective date. This special order sh become effective on March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization

MARCH 6, 1952.

[F. R. Doc. 52-2804; Filed, Mar. 6, 19 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43 Special Order 841]

REMINGTON RAND, INC.

CEILING PRICES AT RETAIL AND WHOLES

Statement of considerations. In cordance with section 43 of Ceiling Pr Regulation 7, the applicant named in t accompanying special order, Remingt Rand, Inc., Electric Shaver Division, Main Street, Bridgeport 2, Connectic has applied to the Office of Price Stab zation for maximum resale prices retail and wholesale sales of certain its articles. Applicant has submitted information required under this secti and has produced evidence which in t judgment of the Director indicates th the applicant has complied with ot stated requirements.

The Director has determined on basis of information available to him th the retail ceiling prices requested a which are established by this spec order are no higher than the level

eiling prices under Ceiling Price Regu-ation 7.

The special order contains provisions equiring each article to be marked by ne applicant with the retail ceiling price stablished by the accompanying special rder. The applicant and intermediate istributors are required to send pur-hasers of the articles a copy of this ecial order, a notice listing retail ceil-ig prices for each cost line and, in speci-ed cases, of subsequent amendments of is special order.

The special order also requires appli-ant to file with the Distribution Branch egular reports setting forth the number f units of each article covered by this ecial order which applicant has de-vered during the reporting period. his requirement conforms with the pro-isions of section 43, Ceiling Price Regu-tion 7.

Special provisions. For the reasons t forth in the statement of considera-ons and pursuant to section 43 of Ceil-g Price Regulation 7, this special order hereby issued.

1. *Ceiling prices.* The ceiling prices for les at retail and wholesale of clocks ld through retailers and wholesalers id having the brand name(s) "Schatz" all be the proposed retail and whole-le ceiling prices listed by Remington and, Inc., Electric Shaver Division, 60 ain Street, Bridgeport 2, Connecticut, reinafter referred to as the "appli-nt" in its application dated October , 1951 and filed with the Office of Price abilization, Washington 25, D. C.

A list of such ceiling prices will be filed the Office of Price Stabilization with e Federal Register as an appendix to is special order as soon as practicable. n and after the date of receipt of a py of this special order, with notice of ices annexed, but in no event later an May 6, 1952 no seller at retail or holesale may offer or sell any article vered by this special order at a price gher than the ceiling price established this special order. Sales may be ade, of course, at less than the ceiling ices.

2. *Marking and tagging.* On and after ay 6, 1952, Remington Rand, Inc. must ark each article for which a ceiling ice has been established in paragraph of this special order with the retail iling price under this special order or tach to the article a label, tag, or cket stating the retail ceiling price. is mark or statement must be in the llowing form:

OPS—Sec. 43—CPR 7
Price $--------

On and after June 5, 1952, no retailer ay offer or sell the article unless it is rked or tagged in the form stated ove. Prior to June 5, 1952, unless the ticle is marked or tagged in this prices effective 10 days after you receive this der and the ceiling price list but in no ent later than 60 days after the date is order is issued. You shall not sell ove these ceiling prices. You may, of urse, sell below these prices.

3. *Retail ceiling prices for unlisted ms.* Some or all of the retail ceiling ces in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in Section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling Price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. dozen. etc.	Terms{net. percent EOM. etc. $--------

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 6, 1952.

[F. R. Doc. 52-2805; Filed, Mar. 6, 1952; 4:18 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 13, Amdt. 1]

FORD MOTOR CO.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 13 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Ford Motor Co. Subsequent to the issuance of Special Order 13 the Ford Motor Co. has introduced new items of factory installed extra, special and optional equipment on its Lincoln Cosmopolitan automobiles.

Special Order 13 is, therefore, amended to include charges for the new items of factory installed extra, special and optional equipment. In addition several errors which appeared in Special Order 13 are corrected by this amendment.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 13 is hereby issued.

1. The following charges for factory installed extra, special or optional equipment are added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 13.

LINCOLN COSMOPOLITAN AUTOMOBILES

Curb buffer (customline 4-door sedan and sport coupe only)	$24.12
Grill guard (all lines and series)	20.00
Window lifts, electric, four, and seat adjuster (all lines and series)	120.00

2. The following corrections are made in the list of factory installed extra, special or optional equipment for Ford automobiles listed in paragraph 2 of Special Order 13;

The item for Ford Automobiles which reads as follows:

"Tires (5) 7.10 x 5, 4 ply black sidewall, 5 wheels (Victoria and Sunliner) ---------- No charge"

is corrected to read as follows:

"Tires (5) 7.10 x 5, 4 ply black sidewall, 5 wheels (Victoria and Sunliner, equipped with Fordomatic Drive) ---------- No charge"

The item for Mercury Automobiles which reads as follows:

"Glove compartment light (all lines and series except Station Wagons) - $1.11"

is corrected to read as follows:

"Glove compartment light (all lines and series) ---------- $1.11"

The item for Mercury Automobiles which reads as follows:

"Luggage compartment light (all lines and series) ---------- $1.32"

is corrected to read as follows:

"Luggage compartment light (all lines and series except station wagons) - $1.32"

The item for Lincoln Cosmopolitan Automobiles which reads as follows:

"Trim, leather (all lines and series except Hard Top and Convertibles) ---------- $54.17"

is corrected to read as follows:

"Trim, leather (Capri Hard Top only) ---------- $54.17"

3. Appendix "A" of Special Order 13 is corrected in the following respects:

The items on Mercury Passenger Automobiles which reads as follows:

Tires, 5 (7.10 x 15, 4 ply): All Mercurys except 6-passenger station wagon and 8-passenger station wagon.

Tires, 5 (7.60 x 15, 4 ply): 6-passenger station wagon and 8-passenger station wagon.

are corrected to read as follows:

Tires, 5 (7.10 x 15, 4 ply): All Mercurys except 6-passenger station wagon, 8-passenger station wagon and convertible.

Tires, 5 (7.60 x 15, 4 ply): 6-passenger station wagon, 8-passenger station wagon and convertible.

Effective date. This Amendment 1 to Special Order 13 shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2863; Filed, Mar. 7, 1952; 4:54 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26870]

VARIOUS COMMODITIES BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MARCH 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to the schedules listed in exhibit A of the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities, carloads.

Between: Points in official territory.

Grounds for relief: Circuitous routes and competition with rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2841; Filed, Mar. 11, 1952; 8:49 a. m.]

[4th Sec. Application 26871]

SAND FROM VINCENNES, IND., TO HARRISBURG, ILL.

APPLICATION FOR RELIEF

MARCH 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for The New York Central Railroad Company.

Commodities involved: Sand, carloads.

From: Vincennes, Ind.

To: Harrisburg, Ill.

Grounds for relief: Wayside pit co petition.

Schedules filed containing propos rates: NYC RR. tariff I. C. C. No. 11 Supp. 5.

Any interested person desiring t Commission to hold a hearing upon su application shall request the Comm sion in writing so to do within 15 d from the date of this notice. As p vided by the general rules of practice the Commission, Rule 73, persons oth than applicants should fairly discl their interest, and the position they tend to take at the hearing with resp to the application. Otherwise the Co mission, in its discretion, may proc to investigate and determine the matt involved in such application with further or formal hearing. If beca of an emergency a grant of tempor relief is found to be necessary bef the expiration of the 15-day period hearing, upon a request filed within t period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary

[F. R. Doc. 52-2842; Filed, Mar. 11, 19 8:49 a. m.]

[4th Sec. Application 26872]

SPENT SULPHURIC ACID FROM BALDW ARK., TO ST. LOUIS, MO., AND EAST LOUIS, ILL.

APPLICATION FOR RELIEF

MARCH 7, 195

The Commission is in receipt of above-entitled and numbered appli tion for relief from the long-and-sh haul provision of section 4 (1) of Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, the Missouri Pacific Railroad Comp and St. Louis Southwestern Rail Company.

Commodities involved: Spent phuric acid, in tank-car loads.

From: Baldwin, Ark.

To: St. Louis, Mo., and East St. Lo Ill.

Grounds for relief: Competition rail carriers, circuitous routes, and apply over short tariff routes rates structed on the basis of the short distance formula.

Schedules filed containing propo rates: F. C. Kratzmeir's tariff I. C No. 3908, Supp. 90.

Any interested person desiring Commission to hold a hearing upon s application shall request the Comm sion in writing so to do within 15 d from the date of this notice. As p vided by the general rules of practic the Commission, Rule 73, persons ot than applicants should fairly disc their interest, and the position they tend to take at the hearing with res to the application. Otherwise Commission, in its discretion, may p ceed to investigate and determine matters involved in such applica without further or formal hearing. because of an emergency a grant temporary relief is found to be ne

FEDERAL REGISTER

VOLUME 17 NUMBER 51

Washington, Thursday, March 13, 1952

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON MARKETING AREA

TERMINATION OF CERTAIN PROVISIONS

The current provisions of the Greater Boston milk marketing order (7 CFR Part 904) for payments to cooperative associations of producers have been found by the Supreme Court of the United States in Brannan v. Stark, decided on March 3, 1952, to be invalid in respect to the conditions of eligibility for such payments. Therefore, the provisions of §§ 904.71 to 904.74, inclusive, and § 904.51 (d) of the Greater Boston milk marketing order are hereby terminated, effective immediately, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The aforesaid decision of the Supreme Court of the United States renders notice of proposed rule making and public procedure thereon impractical, unnecessary, and contrary to the public interest. It is necessary to make this termination effective immediately because of the actions under the terminated provisions which otherwise must be taken under the Greater Boston milk marketing order on March 12, 1952.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C., and Sup., 608c)

Issued at Washington, D. C., this 7th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-2954; Filed, Mar. 12, 1952; 8:48 a. m.]

PART 965—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

TERMINATION OF CERTAIN PROVISIONS

The current provisions of the Cincinnati, Ohio, milk marketing order (7 CFR Part 965) for payments to cooperative associations of producers appear, under the relevant circumstances, to have the same significant attributes of invalidity in respect to the conditions of eligibility for such payments as were found by the Supreme Court of the United States in Brannan v. Stark decided on March 3, 1952, to be present in the provisions of the Boston milk order for payments to cooperative associations of producers. Therefore, the provisions in §§ 965.76 and 965.64 (a) (3) of the Cincinnati milk marketing order are terminated effective immediately pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The aforesaid decision of the Supreme Court of the United States renders notice of proposed rule making and public procedure thereon impractical, unnecessary, and contrary to the public interest. It is necessary to make this termination effective immediately because of the actions under the terminated provisions which otherwise must be taken under the Cincinnati, Ohio, milk marketing order on or before March 20, 1952.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 7th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-2952; Filed, Mar. 12, 1952; 8:48 a. m.]

PART 971—MILK IN THE DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

TERMINATION OF CERTAIN PROVISIONS

The current provisions of the Dayton-Springfield, Ohio, milk marketing order (7 CFR Part 971) for payments to cooperative associations of producers appear, under the relevant circumstances, to have the same significant attributes of invalidity in respect to the conditions of eligibility for such payments as were

(Continued on p. 2161)

CONTENTS

Agriculture Department Page
See Production and Marketing Administration.

Army Department
See Engineers Corps.

Civil Aeronautics Administration
Rules and regulations:
Airplane airworthiness, normal, utility, and acrobatic categories; simplified flutter prevention criteria for personal type aircraft 2161
Danger areas; alteration 2162
Standard instrument approach procedures; miscellaneous amendments 2162

Civil Aeronautics Board
See also Civil Aeronautics Administration.
Notices:
American Air Transport and Flight School, Inc.; hearing 2200
Proposed rule making:
Required aids for IFR and night VFR flights, and flight plans 2197

Coast Guard
Rules and regulations:
Safety measures; atomic attack instructions for merchant vessels in port 2183

Commerce Department
See Civil Aeronautics Administration; National Production Authority; National Shipping Authority.

Defense Department
Notification to the Department and General Services Administration of placement of procurement in areas (*see* Defense Mobilization, Office of).
Notices:
Girl Scouts of America; donation of personal property 2201

Defense Mobilization, Office of
Notices:
Determination and certification of a critical defense housing area; Yuma, Ariz 2210

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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OCTOBER 1951–MARCH 1952 EDITION

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Mobilization, Office of—Continued Page
Notices—Continued
Notification to Department of Defense and General Services Administration, placement of procurement in areas:
Asheville, N. C. 2203
Brockton, Mass. 2204
Cumberland, Md. 2209
Detroit, Mich. 2201
Fall River, Mass. 2207
Flint, Mich. 2208
Grand Rapids, Mich. 2210
Herrin - Murphysboro - West Frankfort, Ill. 2204
Iron Mountain, Mich. 2207
Lawrence, Mass. 2205
Lowell, Mass. 2208
Manchester, N. H. 2206
New York, N. Y. 2209
Pottsville, Pa. 2205

CONTENTS—Continued

Defense Mobilization, Office of—Continued Page
Notices—Continued
Notification to Department of Defense and General Services Administration, placement of procurement in areas—Continued
Providence, R. I. 2201
Scranton, Pa. 2203
Wilkes-Barre, Pa. 2202

Economic Stabilization Agency
See Price Stabilization, Office of.

Engineers Corps
Rules and regulations:
Bridge regulations; miscellaneous amendments. 2183

Federal Communications Commission
Notices:
Hearings, etc.:
Allen, W. Gordon, et al. 2198
Taylor, O. L., et al. 2198
Rules and regulations:
Application for renewal of radio licenses. 2192

General Services Administration
Notification to Department of Defense and the Administration of placement of procurement in areas (*see* Defense Mobilization, Office of).

Indian Affairs Bureau
Proposed rule making:
Fort Peck Indian Irrigation Project, Mont.; operation and maintenance charges. 2194

Interior Department
See also Indian Affairs Bureau; Land Management, Bureau of.
Notices:
Designation of Virgin Islands National Historic Site at Christiansted, St. Croix, Virgin Islands. 2200

Internal Revenue Bureau
Rules and regulations:
Tax, income, taxable years beginning after Dec. 31, 1941; time extended for filing income and excess profits tax returns of members of a group of affiliated corporations for taxable years ending after March 31, 1951, and before April 1, 1952. 2161

Land Management, Bureau of
Notices:
Alaska; small tract classification. 2199

Maritime Administration
See National Shipping Authority.

National Production Authority
Rules and regulations:
Chemical wood pulp (M–72). 2175
Iron and steel-alloying materials and alloy products (M–80). 2178

National Shipping Authority
Rules and regulations:
Authority of General Agents to provide for American Merchant Marine Library Service. 2182

CONTENTS—Continued

Post Office Department Page
Rules and regulations:
Provisions applicable to the several classes of mail matter; miscellaneous amendments. 2184

Price Stabilization, Office of
Notices:
Ceiling prices at retail:
Brearley Co. 2219
Buxton, Inc. 2217
Copeland & Thompson, Inc. 2216
Ecuadorian Panama Hat Co., Inc. 2215
Fischer & Co., Inc. 2218
Forstmann Woolen Co. 2218
General Electric Co., Small Appliance Division, Clock Department. 2220
Gibson, Inc. 2221
Glendale Knitting Corp. 2219
Gruen Watch Co. 2216
Hoffman Radio Corp. 2217
International Latex Corp. 2215
Josiah Wedgwood & Sons, Inc. 2216
Libbey Glass, Division of Owens-Illinois Glass Co. 2218
Mendel-Drucker, Inc. 2216
Nan Buntly, Inc. 2220
North Star Woolen Mill Co. 2214
Rainfair, Inc. 2215
Royal China, Inc. 2217
Rudolph Wurlitzer Co. 2220
S. Buchsbaum & Co. 2220
Samuel Kirk & Son, Inc. 2219
Tex Tan of Yoakum. 2221
Westinghouse Electric Corp. 2218
William Hollins & Co., Ltd., et al. 2215
Wooster Rubber Co. 2217
Ceiling prices at retail and wholesale:
Blue Bell, Inc. 2219
Gemex Co. 2220
Rival Mfg. Co. 2218
General Motors Corp.; basic prices and charges for new passenger automobiles. 2221
Rules and regulations:
Area milk price adjustments; miscellaneous amendments:
Central Western Washington milk marketing area, Washington (GCPR, SR 63, AMPR 7). 2171
Los Angeles County marketing area, California (GCPR, SR 63, AMPR 10). 2172
Los Angeles District (other than Los Angeles County marketing area) (GCPR, SR 63, AMPR 11). 2174
Ceiling prices for certain processed vegetables of the 1951 pack; Eastern Shore area and Virginia canned tomato adjustment pricing provisions for items for which dollars-and-cents prices are not fixed (CPR 55, SR 10). 2168
Manufacturers' general ceiling price regulation; modifications and alternative provisions for manufacturers of chemicals (CPR 22, SR 7, Coll. 1). 2169

CONTENTS—Continued

Production and Marketing Administration Page

Proposed rule making:
Hops grown in Oregon, California, Washington, and Idaho, and products produced therefrom in these States 2195
Rules and regulations:
Milk handling, marketing areas:
Cincinnati, Ohio 2159
Dayton-Springfield, Ohio 2159
Greater Boston 2159

Securities and Exchange Commission

Notices:
Hearings, etc.:
Home and Foreign Securities Corp. et al 2213
Lamson Corp. of Delaware 2211
New England Electric System et al 2211
South Jersey Gas Co 2212
West Penn Electric Co. and West Penn Power Co 2212
Proposed rule making:
Fees and charges by the Commission 2198

Treasury Department

See Internal Revenue Bureau; Coast Guard.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7 Page
Chapter IX:
Part 904 2159
Part 965 2159
Part 971 2159
Part 986 (proposed) 2195
Title 14
Chapter I:
Part 3 2161
Part 42 (proposed) 2197
Chapter II:
Part 608 2162
Part 609 2162
Title 17
Chapter II:
Proposed rule making 2198
Title 25
Chapter I:
Part 130 (proposed) 2194
Title 26
Chapter I:
Part 29 2161
Title 32A
Chapter III (OPS):
CPR 22, SR 7 2169
CPR 55, SR 10 2168
GCPR, SR 63, AMPR 7 2171
GCPR, SR 63, AMPR 10 2172
GCPR, SR 63, AMPR 11 2174
Chapter VI (NPA):
M-72 2175
M-80 2178
Chapter XVIII (NSA):
AGE 7 2182
Title 33
Chapter I:
Part 122 2183

CODIFICATION GUIDE—Con.

Title 33—Continued Page
Chapter II:
Part 203 2183
Title 39
Chapter I:
Part 35 2184
Title 47
Chapter I:
Part 1 2192
Part 7 2192
Part 8 2192
Part 9 2192
Part 10 2192
Part 11 2192
Part 12 2192
Part 16 2192
Part 19 2192
Part 20 2192

found by the Supreme Court of the United States in Brannan v. Stark decided on March 3, 1952, to be present in the provisions of the Boston milk order for payments to cooperative associations of producers. Therefore, the provisions in §§ 971.80 to 971.83, inclusive, and § 971.62 (c) of the Dayton-Springfield milk marketing order are terminated effective immediately pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The aforesaid decision of the Supreme Court of the United States renders notice of proposed rule making and public procedure thereon impractical, unnecessary, and contrary to the public interest. It is necessary to make this termination effective immediately because of the actions under the terminated provisions which otherwise must be taken under the Dayton-Springfield, Ohio, milk marketing order on or before March 12, 1952.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 7th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-2953; Filed, Mar. 12, 1952; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5890]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TIME EXTENDED FOR FILING INCOME AND EXCESS PROFITS TAX RETURNS OF MEMBERS OF A GROUP OF AFFILIATED CORPORATIONS FOR TAXABLE YEARS ENDING AFTER MARCH 31, 1951, AND BEFORE APRIL 1, 1952

Pursuant to the authority contained in section 53 (a) (2) of the Internal Revenue Code, the time for filing the return for a taxable year ending after March 31, 1951, and before April 1, 1952, by a corporation having the privilege of making a consolidated return for such taxable year under section 141 of the Code is hereby extended to and including July 15, 1952.

Inasmuch as this Treasury decision cannot effectuate its purpose unless it is promulgated prior to March 15, 1952, it is found that it is impracticable to issue this Treasury decision with notice of public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791. Interprets or applies 53 Stat. 28; 26 U. S. C. 53)

JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved:

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3025; Filed, Mar. 12, 1952; 10:35 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 13]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

SIMPLIFIED FLUTTER PREVENTION CRITERIA FOR PERSONAL TYPE AIRCRAFT

The following policies are hereby adopted:

§ 3.311–1 *Simplified flutter prevention criteria (CAA policies which apply to § 3.311 (a) and (b)).* Compliance with the rigidity and mass balance criteria presented on pages 4 through 12 of CAA Airframe and Equipment Engineering Report No. 45, as corrected February 1952, "Simplified Flutter Prevention Criteria for Personal Type Aircraft",[1] is considered to be an acceptable means of meeting the flutter prevention requirements of § 3.311 (a) and (b) with the following limitations:

(a) The wing and aileron flutter prevention criteria as represented by the wing torsional stiffness and aileron balance criteria are limited to aircraft which do not have large mass concentrations located along their wing span. For example, these criteria are not applicable for wings carrying engines, floats, fuel in outer-panels, etc.

(b) The elevator and rudder balance criteria are limited in application to tail surface configurations which include a fixed fin surface and a fixed stabilizer surface.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009, 49 U. S. C. 553)

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-2948; Filed, Mar. 12, 1952; 8:47 a. m.]

[1] Airframe and Equipment Engineering Report No. 45 has been distributed under Aviation Safety Release No. 330, dated December 2, 1949. Copies of the report are available from the Civil Aeronautics Administration

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 17]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.33, a Lake City, Missouri, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
LAKE CITY (Kansas City Chart).	A circular area having a radius of 2 miles, centered at lat. 39°06'00" N, long. 94°13'40" W.	Surface to 3,000 feet.	Continuous.	Lake City Arsenal, Independence, Mo.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 12, 1952.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-2957; Filed, Mar. 12, 1952; 8:49 a. m.]

[Amdt. 15]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

MISCELLANEOUS AMENDMENTS

Sections 609.5, 609.8, 609.10 and 609.12 are hereby revised to read:

§ 609.5 *Radio range procedures determination*—(a) *General.* The policies set forth in this section will be used by the Civil Aeronautics Administration in formulating and approving all radio range procedures including those prescribed in §§ 609.6 and 609.7.

(1) *Deviations.* The criteria outlined in this section will normally be adhered to in formulating and approving all radio range procedures; however, if any deviation is necessary, a note will be included on the procedure stating that a deviation has been authorized.

(2) *Number of procedures established.* (i) More than one radio range procedure may be established for a particular airport when a different direction of approach is involved. An instrument approach procedure may be established when a fan marker, compass locator or intersection is situated within seven miles of the airport and located on (*a*) a continuation of the course which passes over or is adjacent to the airport, or (*b*) a range course other than the one serving for the approach from over the range station. To be usable for a final approach fix, an intersection may consist of a radio bearing or a range course. The station forming the fix, however, must be located within 25 miles of the intersection and the angle of intersection must be at least 45 degrees. The additional procedures will be established in the same manner as a procedure from over the radio range station and will be complete in all details including procedure turn, direction and approach altitudes.

(ii) When additional procedures are established they will be numbered in accordance with the number of radio range procedures approved for the airport.

Example. Stapleton Airport, Denver, Colorado, has two radio range procedures. Procedure No. 1 uses the north course of the Denver range for final approach, and Procedure No. 2 uses the south course of the Denver Range and the Aurora FM for final.

(b) *Initial approach procedure.* (1) The initial approach to the radio range station will normally be made from a primary fix (radio range, fan marker, reliable intersection—including bearings or "H" type radio beacon) located on a course and more than 25 miles from the radio range station to be used for the approach. Fixes located less than 25 miles from the range station will be shown as secondary fixes.

(2) Initial approaches to the radio range station will be shown only along the range course associated with the facility.

Example. Madison, Wisconsin, range has no course along any airway although the west course of the Milwaukee range lies along the center-line of an airway and across Madison range station. The initial approaches will not be shown along the airway from Milwaukee but only along courses of the Madison range.

(3) *Altitudes:* (i) Initial approach altitudes are the minimum en route cruising altitudes authorized between the last radio fix and the range station. These altitudes are based on the same criteria as used in determining minimum en route altitudes, providing at least 1,000 feet clearance above all obstructions within five miles on each side of the course except in those areas designated as mountainous areas. Normally, initial approach altitudes in mountainous areas will provide a clearance of at least 2,000 feet above obstructions within five miles on each side of the course.

(ii) Initial approach altitudes from primary fixes will be specified on the procedure for the direction involved by the term "minimum en route altitude" and will correspond to the authorized minimum en route altitude along the designated courses. The term "minimum en route altitude" will also be used to specify the initial approach altitude where no primary fix exists along the course.

(iii) Initial approach altitudes from secondary fixes will be specified on the procedure where such fixes provide for lower altitudes than from primary fixes on the same course. Reductions from established minimum en route altitudes will be made even in mountainous country provided that a minimum obstruction clearance of 1,000 feet in an area five miles on each side of the course is provided from the secondary fix to the radio range station. All altitudes specified will be computed to the nearest 100 feet (i. e., 1,150 feet will be indicated as 1,100 feet; 1,151 feet will be indicated as 1,200 feet, etc.).

(iv) The initial approach altitudes will be specified in all cases on all courses in areas outside the continental limits of the United States or its territories.

(c) *Shuttle.* Where necessary, a shuttle between two fixes or within a specified distance of the range station will be prescribed to allow for descent to a lower altitude after initial approach and prior to commencement of the final approach. Vertical and lateral clearance will be provided as in the case of initial approach.

(d) *Procedure turn.* Procedure turns will be established and specified in radio range procedures for use in a return to the final approach course (inbound). Normally, a procedure turn involves an initial left turn through the range course, followed by a turn to the right for a return to the final approach course. Direction of the turn will be specified as north, south, east, or west side of final approach course. This type of turn will be standard whenever terrain, obstructions, and traffic will permit. The degree of turn and the point at which the turn will be made is left to the discretion of the pilot, but the maneuver will be completed within the maneuvering area at or above the altitude established to provide the required obstruction clearance.

(1) *Altitudes.* A minimum altitude will be established for a procedure turn within a distance of ten miles from the radio range station and will normally provide obstruction clearance of 1,000 feet for ten miles from the center-line of the range course on the maneuvering side and for five miles on the opposite side. Altitudes based on this criteria will be established also for procedure turns at distances of 15, 20, and 25 miles from the range station and will be included in the procedure as an advisory item in the event it is necessary or advisable to go beyond the normal ten-mile limit. Where procedure turns at distances of 15, 20, and 25 miles are not desired the term "Not Authorized" (NA) will be used.

(2) *Deviations.* Deviations from the standard procedure turn will be made in the following order: When a turn cannot be made on the left side of the course due to unusually high obstructions, such as the mountain ranges on the west side of the Denver, Colorado radio range, the turn will be made on the right side of the course and an explanatory note will be included in the procedure as, "all turns will be made on the east side of the north course, high terrain west side of north course."

(e) *Final approach.* The term "final approach" as used in radio range proce-

dures is defined as beginning at the point where the procedure turn is completed, the aircraft headed back toward the range station, and ending at the point where missed approach commences. There will be only one final approach in any one procedure.

(1) *Altitudes.* The altitude over the radio range station on final approach will be based on an assumption that the procedure turn will be made within ten miles from the radio range station. The established altitude will be at least 500 feet above all obstructions between the point where the procedure turn is completed and the range station, and normally will provide this clearance for an area of five miles on each side of the center-line of the radio range course. The final approach, if commenced more than ten miles from the range station, will provide for at least 1,000 feet clearance above obstructions and will be reduced to 500 feet only when within ten miles. These altitudes will be shown to the nearest 20-foot interval (i. e., 510 feet will be indicated as 500 feet, 511 feet will be indicated as 520 feet, etc.).

(i) *Range station to airport.* (*a*) For that part of the final approach which lies between the range station and the nearest usable portion of the airport, a minimum clearance of at least 300 feet above obstructions will be provided for an approach area two miles on each side of the center-line when the range station is located at or within seven miles of the airport.

(*b*) Where the terrain features are ideal and flight from the range station to the airport would not be over thickly populated areas nor hazardous obstructions, an instrument approach procedure may be established and approved for an airport located at a distance in excess of seven miles. When there is need for establishing an instrument approach procedure to an airport located in excess of seven miles, consideration will be given to the following policy:

(*1*) *Over seven to ten miles.* When located from seven to ten miles, obstruction clearance of 400 feet will be provided for an area two miles on each side of the centerline of the proposed course.

(2) *Over ten to twelve miles.* When located from ten to twelve miles, obstruction clearance of 500 feet will be provided for an area two miles on each side of the centerline of the proposed course.

(3) *Over twelve miles.* When located more than twelve miles, operations will be conducted in accordance with visual flight rules from the radio range station.

(2) *Final approach from a fan marker or other radio aid.* For each procedure there may be one direction from which the initial approach may become the final approach with the resulting elimination of a procedure turn. This may be accomplished only if such an approach is from a fan marker or other radio aid so situated on a final radio course and close enough to the range station that it may be reasonably considered as assisting the final approach in its true sense. The distance of this fan marker or other radio aid from the range station will not normally exceed ten miles. The final approach altitude will provide at least 1,000 feet clearance up to the fan marker or other radio aid, and at least 500 feet of clearance from that point to the radio range station. This clearance will normally be provided for an area of five miles on either side of the centerline of the range course.

(3) *Magnetic course from range station to airport.* When plotting the magnetic course from the range station to the airport, two conditions will be considered. Where the bearing from the range station to the end of the runway to be used does not diverge more than 30° from the direction of that runway, and a reasonable rate of descent is possible, the magnetic course shown will correspond with the bearing from the range station to the approach end of the runway, and a straight-in approach may be authorized. Where this condition is not possible, the magnetic course from the range station toward the approximate center of the airport landing area will be shown. This bearing shall be that which bisects the angle formed by two straight lines extending from the range station to the outer ends of the airport runways.

(4) *Distance from range station to airport.* The distance from the range station to the airport is normally measured on a straight line along the magnetic course from the range station to the approach end of the runway. If, however, a straight-in approach cannot be authorized by application of subparagraph (3) of this paragraph, the distance will be measured along the magnetic course from the range station to the first point of intersection of the course with any runway on the airport. At airports where no runways exist, the distance will be measured along the magnetic course from the range station to the point of intersection with the nearest boundary of the landing area.

(f) *Missed approach procedure.* A missed approach procedure will be formulated and approved for use when necessary. The recovery will be made normally on a course which most nearly approximates a continuation of the final approach course after due consideration of obstructions, terrain, and other factors influencing the safety of the operation. A missed approach will be initiated (i) at the point where the aircraft has descended to authorized landing minimums if visual contact is not established, or (ii) if the landing has not been accomplished, or (iii) when directed by Air Traffic Control. Time limitations will not be used due to the variations in the approach speed of different types of aircraft.

(1) *Altitudes.* The altitude to which the flight will proceed in execution of a missed approach will not be less than that established for en route flight, and will normally be specified to within 25 miles of the range station.

(2) *Alternate missed approach procedures.* Consideration will be given to the establishment of an alternate missed approach procedure only when such a procedure will facilitate the handling of air traffic. When an alternate missed approach procedure is formulated, it will be approved by the local Aviation Safety Office, Civil Aeronautics Administration, and made known to the appropriate air traffic control personnel. An alternate missed approach procedure will be indicated under the missed approach item of the instrument approach procedure by the phrase "or as directed by air traffic control."

§ 609.8 *Automatic direction finding procedures determination*—(a) *General.* The policies set forth in this section will be used by the Civil Aeronautics Administration in formulating and approving all automatic direction finding procedures including those prescribed in § 609.9.

(1) *Deviations.* The criteria outlined in this section will normally be adhered to in formulating and approving all ADF procedures; however, if any deviation is necessary, a note will be included on the procedure stating that a deviation has been authorized.

(2) *Number of procedures established.* (i) More than one ADF procedure may be established for a particular airport depending upon the number of facilities available for ADF approaches and the directions of approach involved. The additional procedures will be established in the same manner as the first procedure and will be complete in all details including procedure turn, direction and approach altitudes.

(ii) When additional procedures are established, they will be numbered in accordance with the number of ADF procedures approved for the airport.

Example. Chicago Midway Airport has two ADF procedures. Procedure No. 1 uses a compass locator on the back course of the ILS localizer; frequency 248 kc, identification IH, and Procedure No. 2 uses the compass locator at the ILS outer marker, frequency 219 kc, identification CH.

(b) *Initial approach procedure.* (1) The initial approach to the radio facility will normally be made from a primary fix (radio range, fan marker, reliable intersection—including bearings or "H" type radio beacon) located on a course and more than 25 miles from the radio facility to be used for the approach. Fixes located less than 25 miles from the radio facility will be shown as secondary fixes.

(2) Magnetic courses used in ADF procedures will always be computed using the isogonic line nearest the radio facility for which the procedure is being formulated.

(3) Altitudes: (i) Initial approach altitudes are the minimum en route cruising altitudes authorized between the last radio fix and the radio facility. These altitudes are based on the same criteria as used in determining minimum en route altitudes, providing at least 1,000 feet clearance above all obstructions within five miles on each side of the course except in those areas designated as mountainous areas. Normally, initial approach altitudes in mountainous areas will provide a clearance of at least 2,000 feet above obstructions within five miles on each side of the course.

(ii) Initial approach altitudes from primary fixes will be specified on the procedure for the direction involved by the term "minimum en route altitude" and will correspond to the authorized minimum en route altitude along the

designated courses. The term "minimum en route altitude" will also be used to specify the initial approach altitude where no primary fix exists along the course.

(iii) Initial approach altitudes from secondary fixes will be specified on the procedure where such fixes provide for lower altitudes than from primary fixes on the same course. Reductions from established minimum en route altitudes will be made even in mountainous country: *Provided,* That a minimum obstruction clearance of 1,000 feet in an area five miles on each side of the course is provided from the secondary fix to the radio facility. All altitudes specified will be computed to the nearest 100 feet (i. e., 1,150 feet will be indicated as 1,100 feet; 1,151 feet will be indicated as 1,200 feet, etc.).

(iv) The initial approach altitudes will be specified in all cases on all courses in areas outside the continental limits of the United States or its territories.

(c) *Shuttle.* Where necessary, a shuttle between two fixes or within a specified distance of the radio facility will be prescribed to allow for descent to a lower altitude after initial approach and prior to commencement of the final approach. Vertical and lateral clearance will be provided as in the case of initial approach.

(d) *Procedure turn.* Procedure turns will be established and specified in ADF procedures for use in a return to the final approach course (inbound). Normally, a procedure turn involves an initial left turn through the outbound course, followed by a turn to the right for a return to the final approach course. Direction of the turn will be specified as north, south, east, or west side of final approach course. This type of turn will be standard whenever terrain, obstruction, and traffic will permit. The degree of turn and the point at which the turn will be made is left to the discretion of the pilot, but the maneuver will be completed within the maneuvering area at or above the altitude established to provide the required obstruction clearance.

(1) *Altitudes.* A minimum altitude will be established for a procedure turn within a distance of ten miles from the radio facility and will normally provide terrain and obstruction clearance of 1,000 feet for ten miles from the centerline of the course on the maneuvering side and for five miles on the opposite side. Altitudes based on this criteria will also be established for procedure turns at distances of 15, 20, and 25 miles from the radio facility and will be included in the procedure as an advisory item in the event it is necessary or advisable to go beyond the normal ten-mile limit. Where procedure turns at distances of 15, 20, and 25 miles are not desired the term "Not Authorized" (NA) will be used.

(2) *Deviations.* Deviations from the standard procedure turn will be made in the following order: When a turn cannot be made on the left side of the track due to unusually high obstructions the procedure turn will be made on the right side of the track and an explanatory note will be included in the procedure.

(e) *Final approach.* The term "final approach" as used in ADF procedures is defined as beginning at the point where the procedure turn is completed, the aircraft headed back toward the radio facility, and ending at the point where missed approach commences. It is normally the course having a bearing which most nearly approximates the magnetic course from the radio facility to the airport. Specific courses, both outbound and inbound in degrees magnetic will be indicated in the instrument approach procedure to avoid any confusion. There will be only one final approach in any one procedure.

(1) *Altitudes.* The altitude over the radio facility on final approach will be based on an assumption that the procedure turn will be made within ten miles from the facility. The established altitude will be at least 500 feet above all obstructions between the point where the procedure turn is completed and the radio facility, and normally will provide this clearance for an area of five miles on each side of the centerline of the course. The final approach, if commenced more than ten miles from the radio facility, will provide for at least 1,000 feet clearance above obstructions and will be reduced to 500 feet only when within ten miles. These altitudes will be shown to the nearest 20-foot interval (i. e., 510 feet will be indicated as 500 feet, 511 feet will be indicated as 520 feet, etc.).

(i) *Radio facility to airport.* (*a*) For that part of the final approach which lies between the radio facility and the nearest usable portion of the airport, a minimum clearance of at least 300 feet above obstructions will be provided for an approach area two miles on each side of the centerline when the radio facility is located at/or within seven miles of the airport.

(*b*) Where the terrain features are ideal and flight from the radio facility to the airport would not be over thickly populated areas nor hazardous obstructions, an instrument approach procedure may be established and approved for an airport located at a distance in excess of seven miles. When there is need for establishing an instrument approach procedure to an airport located in excess of seven miles, consideration will be given to the following policy:

(*1*) *Over seven to ten miles.* When located from seven to ten miles, obstruction clearance of 400 feet will be provided for an area two miles on each side of the centerline of the proposed course.

(*2*) *Over ten to twelve miles.* When located from ten to twelve miles, obstruction clearance of 500 feet will be provided for an area two miles on each side of the centerline of the proposed course.

(*3*) *Over twelve miles.* When located more than twelve miles, operations will be conducted in accordance with visual flight rules from the radio facility.

(2) *Final approach from a fan marker or other radio aid.* For each procedure there may be one direction from which the initial approach may become the final approach with the resulting elimination of a procedure turn. This may be accomplished only if such an approach is from a fan marker or other radio aid so situated on a final approach course and close enough to the radio facility that it may be reasonably considered as assisting the final approach in its true sense. The distance of this fan marker or other radio aid from the radio facility will not normally exceed ten miles. The final approach altitude will provide at least 1,000 feet clearance up to the fan marker or other radio aid, and at least 500 feet clearance from that point to the radio facility. This clearance will normally be provided for an area of five miles on either side of the centerline of the final approach course.

(3) *Magnetic course from radio facility to airport.* When plotting the magnetic course from the radio facility to the airport, two conditions will be considered. Where the bearing from the radio facility to the end of the runway to be used does not diverge more than 30° from the direction of that runway, and a reasonable rate of descent is possible, the magnetic course shown will correspond with the bearing from the radio facility to the approach end of the runway, and a straight-in approach may be authorized. Where this condition is not possible, the magnetic course from the radio facility toward the approximate center of the airport landing area will be shown. This bearing shall be that which bisects the angle formed by two straight lines extending from the radio facility to the outer ends of the airport runways.

(4) *Distance from radio facility to airport.* The distance from the radio facility to the airport is normally measured on a straight line along the magnetic course from the radio facility to the approach end of the runway. If, however a straight-in approach cannot be authorized by application of subparagraph (3) of this paragraph, the distance will be measured along the magnetic course from the radio facility to the first point of intersection of the course with any runway on the airport. At airports where no runways exist, the distance will be measured along the magnetic course from the radio facility to the point of intersection with the nearest boundary of the landing area.

(f) *Missed approach procedure.* A missed approach procedure will be formulated and approved for use when necessary. The recovery will be made normally on a course which most nearly approximates a continuation of the final approach course after due consideration of obstructions, terrain, and other factors influencing the safety of the operation. A missed approach will be initiated (i) at the point where the aircraft has descended to authorized landing minimums if visual contact is not established, or (ii) if the landing has not been accomplished, or (iii) when directed by Air Traffic Control. Time limitations will not be used due to the variations in the approach speed of different types of aircraft.

(1) *Altitudes.* The altitude to which the flight will proceed in execution of a missed approach will not be less than that established for en route flight, and will normally be specified to within [illegible] miles of the radio facility.

(2) *Alternate missed approach procedures.* Consideration will be given to the establishment of an alternate miss

approach procedure only when such a procedure will facilitate the handling of air traffic. When an alternate missed approach procedure is formulated, it will be approved by the local Aviation Safety Office, Civil Aeronautics Administration, and made known to the appropriate air traffic control personnel. An alternate missed approach procedure will be indicated under the missed approach item of the instrument approach procedure by the phrase "or as directed by air traffic control."

§ 609.10 *Instrument landing system procedures determination*—(a) *General.* The policies set forth in this section will be used by the Civil Aeronautics Administration in formulating and approving all instrument landing system (ILS) procedures, including those prescribed in § 609.11.

(1) *Deviations.* The criteria outlined in this section will normally be adhered to in formulating and approving all ILS procedures; however, if any deviation is necessary, a note will be included on the procedure stating that a deviation has been authorized.

(2) *Number of procedures established.* More than one ILS procedure may be established for a particular airport when a different direction of approach is involved. Where more than one procedure is established Procedure No. 1 will be that which is based on the utilization of the front course of the ILS, and Procedure No. 2 will be that which utilizes the back course of the ILS.

(b) *Initial approach procedure.* The initial approach to the ILS will normally be made on the associated primary navigation facility, radio range or radio beacon, or from an intersection thereof. Transition from the primary radio facility to the ILS localizer course will be made from the specified points (radio range, reliable intersections—including bearings, localizer courses, fan markers, or compass locators) on predetermined established courses between such fixes and the localizer course or the outer marker compass locator of the ILS. In some cases, however, it may be desirable to proceed first to the LF radio range station or VOR facility thence to the ILS localizer course to start the approach.

(1) *Altitudes.* The minimum altitude for transition to the ILS from specified fixes will not be less than the minimum published en route altitude. These published altitudes will be based solely on clearance above obstructions. Where there is no published en route altitude, the transition altitude will be established by providing at least 1,000 feet clearance above all obstructions for an area five miles on each side of the transition course. In those areas designated as mountainous areas, a clearance of at least 2,000 feet above obstructions will normally be provided. All altitudes will be computed to the nearest 100 feet (i. e. 1,150 feet will be indicated as 1,100 feet, 1,151 feet will be indicated as 1,200 feet, etc.).

(c) *Shuttle.* Where necessary, a shuttle will be prescribed within a specified distance of the outer marker or outer marker compass locator after initial approach and prior to commencement of the final approach. Vertical and lateral clearance will be provided as in the case of the initial approach.

(d) *Procedure turn.* Procedure turns will be established and specified in ILS procedures for use in a return to the final approach course (inbound). Normally, a procedure turn involves an initial left turn through the outbound localizer course within five miles of the outer marker, followed by a turn to the right for a return to the final approach course. Direction of the turn will be specified as north, south, east, or west side of the final approach course. This type of turn will be standard whenever terrain, obstructions, and traffic will permit. The degree of turn and the point at which the turn will be made is left to the discretion of the pilot, but the maneuver will be completed within the maneuvering area at or above the altitude established to provide the required obstruction clearance. A specified procedure turn need not be made when the final approach course can be established prior to commencing descent on the glide path to final approach minimums and, (i) the final approach course (inbound) can be intercepted at an angle of less than 90° and within five miles of the outer marker from an established radio fix on a course specified in the ILS procedure, or (ii) when final approach can be accomplished from an established holding pattern.

(1) *Altitudes.* (i) A minimum altitude will be established for a procedure turn within a distance of five miles from the outer marker and will not be less than the altitude of the glide path at the outer marker. The established altitude will normally provide obstruction clearance of at least 1,000 feet for five miles on each side of the center-line of the localizer course. Where necessary, an upward adjustment of the minimum altitude will be made to insure safe clearance of any prominent obstruction immediately beyond the specified area.

(ii) A procedure turn may be made between five and ten miles from the outer marker when necessary to effect proper interception with the glide path. In such instances, the minimum procedure turn altitude will not be less than the altitude of the glide path at the outer marker and will provide clearance of at least 1,000 feet above the terrain and all obstructions in an area five miles on each side of the center-line of the localizer course. Altitudes of procedure turns authorized at distances greater than five miles from the outer marker will be included in the procedure as an advisory item. Where procedure turns at distances greater than five miles are not desirable, the term "not authorized" (NA) will be used.

(2) *Deviations.* Where strict adherence to the distances specified in the preceding subparagraphs would establish an undesirable instrument approach procedure, minor deviations may be permitted provided safety will not be adversely affected.

(e) *Final approach.* The term "final approach" as used in the ILS procedures is defined as that portion of the approach (inbound) on the localizer course after the glide path has been intercepted at or immediately beyond the outer marker and descent to authorized landing minimum altitude is started.

(1) *Altitudes.* The altitude on the final approach will provide for clearance of terrain and obstructions in the approach area as hereinafter specified in "Obstruction Clearance for Final Approach."

(f) *Obstruction clearance for final approach.* The approach zone to instrument runways, together with the minimum obstruction clearances required for glide path, is defined as:

(1) *Approach surface.* The approach surface is an inclined surface located directly above the approach area. The dimensions of the approach area are measured horizontally.

(i) *Length.* The approach area has a length of 50,000 feet beginning 200 feet from the approach end of each instrument runway and extending outward on the extended centerline of the runway.

(ii) *Slope.* The slope of the approach surface along the runway centerline extended is fifty to one (50 : 1) for the inner 10,000-foot section and forty to one (40 : 1) for the outer 40,000-foot section.

(iii) *Width.* The approach area is symmetrically located with respect to the extended runway centerline, and has a total width of 1,000 feet at a point 200 feet outward from the approach end of the runway. The approach area flares uniformly to a total width of 4,000 feet at the end of the 10,000-foot section, and to a total width of 16,000 feet at the end of the additional 40,000-foot section.

(2) *Horizontal surface.* The horizontal surface is a circular plane, 150 feet above the established airport elevation, having a radius of approximately 12,000 feet from the reference point at the center of the airport and connecting with the transitional surfaces or approach surfaces as hereinafter specified.

(3) *Transitional surfaces.* (i) The transitional surfaces are inclined planes with a slope of seven to one (7 : 1) extending upward on either side of, and at right angles to, the runway centerline or the runway centerline extended.

(ii) Transitional surfaces inward from the approach end of the runway extend upward to an intersection with the horizontal surface from lines which are level with, parallel to, and 500 feet from the runway centerline.

(iii) The transitional surfaces for 200 feet outward from the approach end of the runway extend upward to an intersection with the horizontal surface from lines which are level with the runway centerline at the approach end of the runway, and are parallel to and 500 feet from the runway centerline extended.

(iv) Transitional surfaces more than 200 feet outward from the approach end of the runway extended upward from the outer edges of the approach surface to an intersection with the horizontal surface where the approach surface is below the horizontal surface, and for a lateral distance of 5,000 feet where the approach surface is outward from the horizontal surface.

(4) *Minimum obstruction clearance.* For that part of the approach from the intersection of the glide path by the air-

craft, the minimum terrain and obstruction clearance is that obtained between a two and one-half degree path passing through a point 12 feet above and 500 feet inward from the approach end of the runway and the fifty to one (50 : 1) and forty to one (40 : 1) approach surface as previously defined.[1]

(5) *Criteria.* (i) The minimum clearance in feet is a function of the distance D outward from the glide path unit as follows:

(*a*) For D less than 10,950 feet, minimum clearance $0.02366D+20$ feet,

(*b*) For D between 10,950 feet and five miles, minimum clearance $0.01866D+75$ feet.

Example. If an obstruction is 10,250 feet from the glide path unit, formula (i) would apply, and the minimum clearance above the obstruction $= (10{,}250' \times 0.02366) + 20 = 243' + 20 = 263'$.

(ii) It should be noted that the criteria provides a minimum clearance of approximately 500 feet at the interception of the glide path with a gradually reduced clearance from that point inward. This clearance is a minimum requirement. However, a greater clearance may be necessary due to terrain features adjacent to the approach area of the instrument runway or peculiarities of the installation which are revealed by flight check.

(g) *Glide path setting.* (1) Where the minimum obstruction clearance can be obtained in the approach area and adjacent transition surfaces inward from the point of interception of the glide path, the glide path will be set to the normal optimum setting of two and one-half to two and three-fourths degrees. This will result in obtaining the desirable intersection of the glide path and middle marker at an elevation of about 200 feet above the runway.

(2) Where terrain and obstruction clearances more than that established by the criteria can be provided, the glide path may be set at a lesser angle. The minimum glide path angle will be two degrees.

(3) Where necessary to obtain the minimum obstruction clearance, the glide path may be raised to a maximum angle of three degrees. Angles greater than three degrees will not normally be used. Where the minimum obstruction clearance cannot be obtained with the maximum three degree glide angle and the length of the runway permits, consideration may be given to locating the glide path unit inward from the standard location a distance necessary to obtain the specified minimum clearance.

(h) *Adjustment of ceiling minimums for obstruction clearance.* When minimum obstruction clearance cannot be obtained with a maximum three degree glide path angle, and the length of the runway does not permit a compensating adjustment, consideration will be given to establishing ceiling minimums which will afford comparable safety. In this event, the ceiling minimums will be determined by application of the following formula to all obstructions projecting above the established slope line and located in the approach area within a distance of five miles outward from the end of the runway.

(1) *Formula.* (i) Extend a line horizontally outward from the top of each obstruction and parallel with the runway centerline to a point of intersection with the established slope line and from that point extend a line vertically to a point of intersection with the glide path. The point of intersection at the highest level of the glide path as established by the foregoing formula will determine the minimum ceiling that may be considered.

(ii) Where minimum obstruction clearances cannot be met in the transitional and horizontal surfaces immediately adjacent to the approach area and when deemed necessary, consideration will be given to an adjustment in the ceiling minimums commensurate with the degree of interference presented by the particular obstruction or obstructions.

(i) *Clearance on back course of ILS.* The minimum obstruction clearance required for pull-out on the end of the runway opposite the approach end will normally be that required for take-off of all types of aircraft or for the class and weight of particular aircraft being used.

(j) *Missed approach procedure.* A missed approach procedure will be formulated and approved for use when necessary. The recovery will be made normally on a course which most nearly approximates a continuation of the final approach course after due consideration of obstructions, terrain, and other factors influencing the safety of the operation. A missed approach will be initiated (i) at the point where the aircraft has descended to authorized landing minimums if visual contact is not established, or (ii) if the landing has not been accomplished, or (iii) when directed by Air Traffic Control. Time limitations will not be used due to the variations in the approach speed of different types of aircraft.

(1) *Altitudes.* The altitude to which the flight will proceed in execution of a missed approach will not be less than that established for en route flight, and will normally be specified to within 25 miles of the associated primary navigation facility.

(2) *Alternate missed approach procedure.* Consideration will be given to the establishment of an alternate missed approach procedure only when such a procedure will facilitate the handling of air traffic. When an alternate missed approach procedure is formulated, it will be approved by the local Aviation Safety Office, Civil Aeronautics Administration, and made known to the appropriate air traffic control personnel. An alternate missed approach procedure will be indicated under the missed approach item of the instrument approach procedure by the phrase "or as directed by air traffic control."

(k) *Utilization of back course of ILS.* Utilization of the back course of an ILS may be authorized if suitable fixes exist which will allow a pilot to establish his position and proceed on the localizer back course to the airport. Use of the back course will not be authorized, however, where there is likely to be interference with another ILS located in close proximity, or where the terrain or other features make use of the back course inadvisable from a safety standpoint.

(1) *With glide path.* If the instrument approach runway is equipped with a glide path serving the back course of the ILS localizer, a separate procedure may be formulated and approved. When such a procedure is established, consideration will be given to ceiling and visibility minimums in accordance with the minimum obstruction clearance for glide path settings.

(2) *Without glide path.* Where there is no glide path but a fan marker, compass locator, or other suitable fix is located on the localizer back course within seven miles of the airport, a straight-in approach may be formulated and approved using the minimums equivalent to straight-in range minimums.

§ 609.12 *Ground controlled approach procedures determination*—(a) *General.* The policies set forth in this section will be used by the Civil Aeronautics Administration in formulating and approving all ground controlled approach (GCA) procedures, including those prescribed in § 609.13. However the safe completion of a ground controlled approach procedure involves a dual responsibility. This responsibility includes (1) the interpretation of the information received by the controller on the radar scope and the relaying of this information to the pilot of the aircraft and (2) the acceptance and compliance by the pilot with the advice received from the controller.

(1) *Number of procedures established.* More than one GCA procedure may be established for a particular airport where a different direction of approach is involved. Where the approach is to be made to the designated instrument runway, PAR (Precision Approach Radar) procedure will be established and so designated. Where approaches to other than the designated instrument approach runway are feasible they will be established and termed ASR (Airport Surveillance Radar) type instrument approach procedures. Where PAR or ASR instrument approaches are established it will be necessary to specify the particular runway which may be utilized and the types of approaches authorized for those runways.

(b) *Initial approach procedure.* The initial approach to the GCA will normally be made on the associated primary navigation facility, radio range or radio beacon, or from an intersection thereof.

(1) *Altitudes.* All altitudes pertaining to initial approach to a GCA facility will not be less than the minimum initial approach altitude established for the associated radio facility. Where it is necessary to establish an initial approach altitude from directions other

[1] This is the condition when the glide path unit is located the minimum distance of 750 feet from the runway end. The lower end of the glide path is assumed to be 12 feet above the runway at a distance of 250 feet outward from the glide path unit, at which distance the aircraft would be in contact with the runway and the aircraft antenna exactly on course.

than those for which an altitude has been prescribed, consideration will be given to providing at least 1,000 feet clearance above all obstructions within five miles on each side of the initial approach course. Normally, in designated mountainous areas this clearance will be at least 2,000 feet for five miles on each side of the initial approach course. All altitudes will be computed to the nearest 100 feet (i. e., 1,150 feet will be indicated as 1,100 feet; 1,151 feet will be indicated as 1,200 feet, etc.).

(c) *Transition to GCA.* During the approach on the associated primary facility, the pilot will notify approach control of his intention to use the GCA system. The ground controller will normally take over when the aircraft is within approximately 25 miles of the airport. When necessary to insure positive identification, and on being so advised by the ground controller, the pilot will execute turns as directed by the ground controller.

(d) *Pattern.* (1) Patterns will be established and approved by the Civil Aeronautics Administration for the completion of a GCA procedure and the guidance of the ground controllers. A pattern will normally provide for a final turn and/or interception of the final approach course at a distance of not less than five miles from the approach end of the runway to be used and whenever possible, a pattern will be designed to accommodate both right- and left-hand turns into the final approach course. The ground controller will advise the pilot of the headings and altitudes to be flown and will also issue instructions to be followed in the event radio communications with the aircraft cannot be maintained.

(2) To provide the flexibility required for air traffic control purposes, the ground controller may deviate from the pattern courses as required to provide separation from other aircraft and to make allowances for wind conditions, speed of aircraft, direction from which aircraft are approaching, or other reasons which may require deviations therefrom, provided that the minimum obstruction clearances are strictly adhered to.

(3) *Altitudes.* (i) Except as provided below, all altitudes pertaining to the GCA pattern prior to interception of the final approach course will be at least 1,000 feet above all obstructions to flight within at least three miles on each side of the pattern track, and will provide at least 500 feet above all obstructions located within an additional two miles on each side of the pattern track. When an aircraft is observed to have definitely passed an altitude limiting feature or obstruction, the ground controller may descend the aircraft to a lower altitude, provided that the lower altitude affords the minimum obstruction clearance set forth above with respect to other obstructions farther along the course to be flown.

(ii) The interception of the final approach course will normally be made at a distance not less than five miles from the approach end of the runway to be utilized, and the minimum altitude will not be less than 1,000 feet above airport elevation and not less than 500 feet above all obstructions, provided the reduction in clearance is made within five miles of the point of interception. If, due to obstructions, it is necessary to intercept the final approach course at an altitude higher than 1,000 feet above airport elevation, sufficient distance must be available along the course line to allow descent to the ceiling minimums authorized.

(2) *Partial execution of pattern.* Where the foregoing obstruction clearance can be maintained and at the discretion of the ground controller, a GCA pattern may be executed in part only, provided the final approach course can normally be intercepted not less than five miles from the approach end of the runway.

(e) *Final approach.* The term "final approach" is defined as that portion of the approach procedure where the ground controller signifies that the aircraft in-bound has intercepted the final approach course, and descent to final approach altitude is commenced.

(1) *Altitudes.* The altitude on the final approach will provide for clearance of terrain and obstructions in the approach area as hereinafter specified in "Obstruction Clearance for Final Approach."

(f) *Obstruction clearance for final approach.* The approach zone to instrument runways, together with the minimum obstruction clearances required for glide path is defined as:

(1) *Approach surface.* The approach surface is an inclined surface located directly above the approach area. The dimensions of the approach area are measured horizontally.

(i) *Length.* The approach area has a length of 50,000 feet beginning 200 feet from the approach end of each instrument runway and extending outward on the extended centerline of the runway.

(ii) *Slope.* The slope of the approach surface along the runway centerline extended is fifty to one (50 : 1) for the inner 10,000-foot section and forty to one (40 : 1) for the outer 40,000-foot section.

(iii) *Width.* The approach area is symmetrically located with respect to the extended runway centerline, and has a total width of 1,000 feet at a point 200 feet outward from the approach end of the runway. The approach area flares uniformly to a total width of 4,000 feet at the end of the 10,000-foot section, and to a total width of 16,000 feet at the end of the additional 40,000-foot section.

(2) *Horizontal surface.* The horizontal surface is a circular plane, 150 feet above the established airport elevation, having a radius of approximately 12,000 feet from the reference point at the center of the airport and connecting with the transitional surfaces or approach surfaces as hereinafter specified.

(3) *Transitional surfaces.* (i) The transitional surfaces are inclined planes with a slope of seven to one (7 : 1) extending upward on either side of, and at right angles to, the runway centerline or the runway centerline extended.

(ii) Transitional surfaces inward from the approach end of the runway extend upward to an intersection with the horizontal surface from lines which are level with, parallel to, and 500 feet from the runway centerline.

(iii) The transitional surfaces for 200 feet outward from the approach end of the runway extend upward to an intersection with the horizontal surface from lines which are level with the runway centerline at the approach end of the runway, and are parallel to and 500 feet from the runway centerline extended.

(iv) Transitional surfaces more than 200 feet outward from the approach end of the runway extend upward from the outer edges of the approach surface to an intersection with the horizontal surface where the approach surface is below the horizontal surface, and for a lateral distance of 5,000 feet where the approach surface is outward from the horizontal surface.

(4) *Minimum obstruction clearance.* For that part of the approach from the interception of the ground controller's glide path by the aircraft, the minimum terrain and obstruction clearance is that obtained between a two and one-half degree glide path passing through a point 12 feet above and 500 feet inward from the approach end of the runway, and fifty to one (50 : 1) and forty to one (40 : 1) approach surface as previously defined.[2]

(5) *Criteria.* (i) The minimum clearance in feet is a function of the distance D outward from the point at which the glide path intercepts the runway at zero altitude as follows:

(*a*) For D less than 10,950 feet, minimum clearance $0.02366D + 20$ feet,

(*b*) For D between 10,950 feet and 5 miles, minimum clearance $0.01866D + 75$ feet.

Example. If an obstruction is 10,250 feet from the glide path intersection with the runway, formula (i) would apply, and the minimum clearance above the obstruction $= (10{,}250' \times 0.02366) + 20 = 243' + 20 = 263'$.

(ii) It should be noted that the criteria provides a minimum clearance of approximately 500 feet at five miles from the runway intersection point with a gradually reduced clearance from that point inward. This clearance is a minimum requirement. However, a greater clearance may be necessary due to terrain features adjacent to the approach area of the instrument runway or peculiarities of the installation which are revealed by flight check.

(g) *Glide path setting.* (1) Where the minimum obstruction clearance can be obtained in the approach area and adjacent transitional surfaces inward from the point of interception with the controller's glide path, the glide path will be set to the normal optimum setting of two and one-half to two and three-fourths degrees. This will result in obtaining the desirable intersection of the glide path at a point approximately 200 feet above and 4,250 feet outward from the runway intersection point.

(2) Where terrain and obstruction clearances more than that established

[2] This is the condition when the glide path extended inward and downward from the point 12 feet above and 500 feet inward from the approach end of the runway intersects the runway at zero altitude 750 feet inward from the approach end of the runway.

by the criteria can be provided, the glide path may be set at a lesser angle. The minimum glide path angle will be two degrees.

(3) When necessary to obtain the minimum obstruction clearance, the glide path may be raised to a maximum angle of three degrees. Angles greater than three degrees will not normally be used. Where the minimum obstruction clearance cannot be obtained with the maximum three degree glide path angle and the length of the runway permits, consideration may be given to locating the point at which the glide path intercepts the runway inward from the standard location at a distance necessary to obtain the specified minimum clearance.

(h) *Adjustment of ceiling minimums for obstruction clearance.* When minimum obstruction clearance cannot be obtained with a maximum three degree glide path angle, and the length of the runway does not permit a compensating adjustment, consideration will be given to establishing ceiling minimums which will afford comparable safety. In this event, the ceiling minimums will be determined by application of the following formula to all obstructions projecting above the established slope line and located in the approach area within a distance of five miles outward from the end of the runway.

(1) *Formula.* (i) Extend a line horizontally outward from the top of each obstruction and parallel with the runway center-line to a point of intersection with the established slope line, and from that point extend a line vertically to a point of intersection with the glide path. The point of intersection at the highest level of the glide path as established by the foregoing formula will determine the minimum ceiling that may be considered.

(ii) Where minimum obstruction clearance cannot be met in the transitional and horizontal surfaces immediately adjacent to the approach area and when deemed necessary, consideration will be given to an adjustment in the ceiling minimums commensurate with the degree of interference presented by the particular obstruction or obstructions.

(i) *Surveillance (ASR) approach.* A ground controlled approach utilizing the surveillance scope may be authorized when the position of the aircraft can be definitely determined and the flight path controlled by means of the surveillance scope under the following conditions:

(1) The ground electronics equipment is sufficiently accurate, and free from ground clutter, to assure positive aircraft identification and azimuth course guidance.

(2) Obstruction clearance between the end of the runway to be used and a point five miles out is provided which meets the criteria presently required for standard radio ranges (300 feet clearance above all obstructions two miles each side of the center-line of the runway extended.)

(3) Satisfactory patterns are provided which will insure that the aircraft on final approach will be at or above the altitudes specified in paragraph (d) of this section at a point five miles from the approach end of the runway to be used.

(4) Weather minimums are prescribed which are equal to or better than the regular (i. e., circling) minimums approved for that particular airport.

(j) *Missed approach procedure.* A missed approach procedure will be formulated and approved for use when necessary. The recovery will be made normally on a course which most nearly approximates a continuation of the final approach course after due consideration of obstructions, terrain, and other factors influencing the safety of the operation. A missed approach will be initiated at the point where the aircraft has descended to the altitude of the authorized ceiling minimums for the type of approach being made (PAR or ASR), if (i) visual contact is not established, (ii) a landing has not been accomplished, or (iii) unless previously directed by the ground controller. In the case of a precision approach (PAR), the ground controller will not permit the aircraft to deviate below the centerline of the glide path to a distance greater than that afforded by a line of one-half degree from the beginning of the glide path. Should the aircraft continue below this line, the ground controller will advise the pilot to initiate a missed approach procedure.

(1) *Altitudes.* The altitude to which the flight will proceed in execution of a missed approach will not be less than that established for en route flight, and will normally be specified to within 25 miles of the associated primary navigation facility.

(2) *Alternate missed approach procedure.* Consideration will be given to the establishment of an alternate missed approach procedure only when such a procedure will facilitate the handling of air traffic. When an alternate missed approach procedure is formulated, it will be approved by the local Aviation Safety Office, Civil Aeronautics Administration, and made known to the appropriate air traffic control personnel. An alternate missed approach procedure will be indicated under the missed approach item of the instrument approach procedure by the phrase "or as directed by air traffic control."

(k) *Operation personnel for GCA equipment.* Normally, ground controlled approach procedures will be established at those installations operated by Civil Aeronautics Administration personnel. Before establishing a ground controlled approach procedure at an installation which is not operated by CAA the operating agent will be required to furnish a list of all personnel responsible for operating the GCA equipment, and to certify that the personnel are competent in their respective duties. The operating agency will also be required to establish a training program for the training of the personnel concerned in standardized GCA phraseology.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These sections shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-2900; Filed, Mar. 12, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 55, Amdt. 1 to Supplementary Regulation 10]

CPR 55—CEILING PRICES FOR CERTAIN PROCESSED VEGETABLES OF THE 1951 PACK

SR 10—EASTERN SHORE AREA AND VIRGINIA CANNED TOMATO ADJUSTMENT

PRICING PROVISIONS FOR ITEMS FOR WHICH DOLLARS-AND-CENTS PRICES ARE NOT FIXED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 10 to Ceiling Price Regulation 55 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 10 to Ceiling Price Regulation 55 adds a pricing provision to permit processors who take advantage of the adjustment provided by that supplementary regulation to figure adjusted ceiling prices for items of canned tomatoes for which dollars-and-cents low-end ceiling prices were not named in the supplementary regulation. The supplementary regulation as originally issued named adjusted ceiling prices for standard grade only of canned tomatoes in the most generally used container sizes. Since the issuance of this supplementary regulation it has been brought to the attention of the Office of Price Stabilization that some processors in the Eastern Shore and Virginia area are also in need of an adjustment for extra standard grade of tomatoes and that to limit the adjustment to standard grade only would distort normal price relationships between the two grades. Accordingly, this amendment adds a provision which permits processors to determine under the provisions of section 4 of Ceiling Price Regulation 55 ceiling prices for items for which low-end dollars-and-cents prices are not specifically named. For such items ceiling prices will be calculated by using as a comparison item an item for which a dollar-and-cent ceiling price is named under Supplementary Regulation 10.

The Director of Price Stabilization has consulted with representatives of the industry, including trade association representatives, to the extent practicable, and has given consideration to their recommendations. In the judgment of the Director the ceiling prices

established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 10 to Ceiling Price Regulation 55 is amended in the following respects:

1. A new section, numbered and reading as follows, is added immediately preceding the last paragraph of Supplementary Regulation 10.

SEC. 4. *Pricing items for which dollars-and-cents prices are not fixed.* If you are a processor located in the area described in section 1 of this supplementary regulation and you can any item of tomatoes which differs from an item listed in section 2, you may calculate your ceiling price for such item under the provisions of section 4 of CPR 55 without reference to this supplementary regulation, or you may calculate your adjusted ceiling price under this supplementary regulation using the methods provided by section 4 of CPR 55. If you choose to price the item under this supplementary regulation you shall use as your comparison item in figuring your ceiling price under section 4 of CPR 55 an item for which you have adjusted the ceiling price in accordance with this supplementary regulation.

If you choose to price the item under this supplementary regulation and you are unable to use the provisions of section 4, you shall use the provisions of section 6 or 7 (in that order) of CPR 55.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C., App. Sup. 2154)

Effective date. This amendment to Supplementary Regulation 10 shall become effective March 11, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 11, 1952.

[F. R. Doc. 52-3003; Filed, Mar. 11, 1952; 4:38 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 7, Collation 1]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 7—MODIFICATIONS AND ALTERNATIVE PROVISIONS FOR MANUFACTURERS OF CHEMICALS

COLL I—INCLUDING AMENDMENTS 1–5

Supplementary Regulation 7 to Ceiling Price Regulation 22 is republished to incorporate the texts of Amendments 1 through 5, inclusive. Ceiling Price Regulation 22, Supplementary Regulation 7 was issued June 26, 1951 (16 F. R. 5981). Statements of Consideration for Supplementary Regulation 7 to Ceiling Price Regulation 22, and for Amendments 1–5, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Alternative method for computing ceiling prices for chemical joint products or by-products.
3. Alternative method of computing the cost of sulphur as a manufacturing material as of a prescribed date.
4. Maintenance and repair materials cost adjustment.
5. Chemical compounds, containing lead and zinc.
6. Cobalt chemicals.
7. Relation to other supplementary regulations to Ceiling Price Regulation 22.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 7 contained in Supplementary Regulation 7 to Ceiling Price Regulation 22, June 26, 1951 (16 F. R. 5981), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 22, June 27, 1951, 16 F. R. 5981; Amendment 1, July 31, 1951, 16 F. R. 7541; Amendment 2, September 5, 1951, 16 F. R. 8887; Amendment 3, October 24, 1951, 16 F. R. 10850; Amendment 4, January 24, 1952, 17 F. R. 756; Amendment 5, February 18, 1952, 17 F. R. 1423.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation sets forth certain modifications of CPR 22 or alternative provisions, applicable to manufacturers of chemicals, either generally or under the conditions and to the extent indicated in the later sections of this regulation. Except as otherwise provided in this supplementary regulation, however, the provisions of CPR 22 continue to be applicable to you as a manufacturer of chemicals.

SEC. 2. *Alternative method for computing ceiling prices for chemical joint products or by-products*—(a) *Applicability of this section.* This section applies to you if you are a manufacturer of chemical joint products or by-products and calculate your "materials cost adjustment", under section 22 of CPR 22, on the basis of an appropriate combined unit of production in which are represented the several joint or by-products in the proportions in which they result from the same manufacturing operation or from common materials. In that event, you may use this section 2 of this supplementary regulation as an alternative method of computing your ceiling prices under CPR 22 for such joint products or by-products.

(b) *Alternative method of computing ceiling prices.* If the application of a uniform materials cost adjustment determined under section 22 of CPR 22 for a combined unit of production, is not appropriate for the chemical joint products or by-products in that combined unit, you need not apply your labor and materials cost adjustments uniformly to each of the several chemicals represented in the combined unit of production. Instead, you may apply a non-uniform percentage increase to the base period prices of each of the commodities included in your combined unit of production in determining its respective ceiling prices, provided that the resulting aggregate dollar increase for the combined unit of production will not exceed the aggregate dollar increase which would result if you followed CPR 22 as to each chemical. For example: Suppose that your combined unit of production consisted of one ton of chemical A and two tons of chemical B, and that your base period prices were $10.00 per ton for A and $8.00 per ton for B. The base period dollar value of your combined unit of production was, therefore, $10.00 plus $16.00 or $26.00 Assume that under CPR 22 your labor and material cost adjustment together per combined unit of production was $2.60 or 10 percent. Under the provisions of Sections 3 and 22 of CPR 22 you could therefore increase the base period price for each chemical by 10 percent, or to $11.00 for A and $8.80 for B. Under this section, however, you could increase your base period price for chemical A to only $10.40. In that case, you could raise your base period price for chemical B to $9.10 instead of $8.80. This would make your increase over the base period price $.40 for one ton of A and $2.20 (two tons at $1.10 each) for B, giving an aggregate increase for the combined unit of production of $2.60, which is the amount permitted in this alternative method. You may not, however, use this alternative method unless the following conditions are complied with:

(1) Your percentage increase over your base period price for any of the commodities in the combined unit of production shall not exceed twice the permissible uniform percentage increase for the combined unit of production derived under CPR 22, unless written permission is granted by the Office of Price Stabilization.

(2) For any commodity represented in the combined unit of production which you use in the same or other departments or plants of your business, or sell or transfer to any companies with which you are directly affiliated, you may not, in making the calculations under this section, apply a lessor percentage increase over your base period price than the uniform percentage increase derived under CPR 22.

(c) *Reports.* Before selling any commodity for which you have determined a ceiling price under this section, you must file a report with the Rubber, Chemicals and Drugs Division, Office of Price Stabilization, Washington 25, D. C., setting forth your proposed ceiling prices for each of the commodities represented in the combined unit of production, the calculations you employed in arriving at these ceiling prices and your reasons for not using the uniform percentage increase derived under CPR 22. After mailing the report, you may sell the commodity at your proposed ceiling price unless and until you are notified by the Office of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required.

SEC. 3. *Alternative method of computing the cost of sulphur as a manufacturing material as of a prescribed date*—(a) *Applicability of this section.*

This section applies to you if, under CPR 22, you are figuring the change, between the prescribed dates, in the net cost to you per unit of sulphur as a manufacturing material, and you had in effect on either prescribed date a long-term contract for the purchase of sulphur. A long-term contract, for the purposes of this section, means a contract covering a period of a year or more, entered into more than 60 days prior to the prescribed date, and which does not include any provision for periodic price changes every period of three months or less.

(b) *Use of long-term contract prices for computation of cost of sulphur.* Notwithstanding the provisions of section 18 of CPR 22, to determine the net cost to you per unit of sulphur used as a manufacturing material as of a prescribed date, you may use the price stipulated in the long-term contract in effect on such prescribed date with your principal supplier at each location: *Provided, however,* That if you use such contract price for the base period date, you must also use that supplier's long-term contract price in effect on the later prescribed date: *Provided further, however,* That if prior to the later prescribed date such supplier had announced a price increase on sulphur, which was not effective as to you solely because of the existence of the long-term contract, you may use the increased price so announced.

SEC. 4. *Maintenance and repair materials cost adjustment*—(a) *Applicability of this section.* Under this section you may compute a maintenance and repair materials cost adjustment which you may add to your ceiling prices determined under section 3 of CPR 22 for chemicals. The term "maintenance and repair materials" means those materials which are of a kind which has been allowed by the Bureau of Internal Revenue as current operating expenses in your previous income tax returns. It does not include materials or subcontracted services used in the replacing or expanding of your plant or equipment.

(b) *Calculation of your maintenance and repair materials cost adjustment.* To calculate your maintenance and repair materials cost adjustment, you do the following:

(1) Determine the last fiscal year which ended not later than December 31, 1949 for which you filed an income tax return with the Bureau of Internal Revenue of the U. S. Treasury Department. If the first fiscal year for which you filed such an income tax return ended later than December 31, 1949, then use the first fiscal year for which you filed a return.

(2) Find the total current maintenance and repair materials expenditures reflected in that return which are of a kind which had been previously allowed by the Bureau of Internal Revenue as current operating expenses, for either your entire business, or for a unit of your business for which you regularly maintain separate accounts and in which the commodity being priced is produced, or for a group of such units. If under subparagraph (1) of this paragraph you are required to use the first income tax return you have filed, find from that return only those current maintenance and repair materials expenditures which would be allowable as current operating expenses under the Federal Income Tax Act and the rules and regulations of the Bureau of Internal Revenue. If you select a unit smaller than your entire business, you may not use the expenditures applicable to that unit in your calculations for your other units or the remainder of your business.

(3) Find the dollar amount of your net sales for the same year, for either your entire business, or for a unit of your business, or for a group of units, whichever you are using under subparagraph (2) of this paragraph.

(4) Divide the dollar amount of these maintenance and repair materials expenditures by your net sales figure determined in subparagraph (3) of this paragraph. This is your maintenance and repair materials cost ratio. Note that subparagraphs (1), (2), and (3) of this paragraph are only for the purpose of determining the ratio of your maintenance and repairs materials expenses to your net sales.

(5) Multiply your maintenance and repair materials cost ratio by 12 percent. This is your maintenance and repair materials cost adjustment factor.

(6) Apply this maintenance and repairs material cost adjustment factor to the base period price of each commodity in your business, or in the unit or groups of units selected by you in subparagraph (2) of this paragraph. This is your maintenance and repair materials cost adjustment, which may be added to your ceiling prices under section 3 of CPR 22. If your cost ratio was computed on a unit basis, the maintenance and repairs material cost adjustment computed for a unit of your business or a group of units may be applied only to the commodities produced in that unit or group of units.

(c) *Reports.* (1) If you wish to add a maintenance and repair materials cost adjustment to your base period prices, you must file with the Rubber, Chemicals and Drugs Division, Office of Price Stabilization, Washington 25, D. C. a statement of the maintenance and repair materials cost adjustment factor or factors which you have computed, identifying the unit of your business or groups of units for which each such factor is computed. Thereafter you may add to your ceiling prices under section 3 of Ceiling Price Regulation 22 the maintenance and repair materials cost adjustment permitted by this section.

(2) If you have previously filed a Public Form No. 8 for the chemical or chemicals involved, the statement required by this section shall be in lieu of filing an amended Public Form No. 8 under section 37 of Ceiling Price Regulation 22, unless the Public Form 8 which you previously filed reported ceiling prices for the chemical or chemicals at or below their ceiling prices established under the General Ceiling Price Regulation, and your recomputation under this section results in ceiling prices above those established under the General Ceiling Price Regulation. In the latter event, you must file an amended Form 8 as required by section 37 of Ceiling Price Regulation 22, in addition to the statement required by this section, and you are also governed by the provisions of section 48 of Ceiling Price Regulation 22.

[Paragraph (c) amended by Amdts. 1 and 2]

SEC. 5. *Chemical compounds containing lead and zinc.* (a) This section applies to you if you manufacture chemical compounds, including dry pigments, containing at least 15 percent by weight of lead or zinc, or both of these metals, and if you use primary or secondary lead or zinc, or lead or zinc scrap, oxides, residues, or ores in the making of these chemical compounds.

(b) Your ceiling prices for these lead and zinc compounds otherwise determined under Ceiling Price Regulation 22 are increased in an amount calculated as follows:

(1) Determine the increase which the current ceiling price per pound of the lead and zinc used by you in the making of the compound represents over the cost per pound to you of the lead and zinc as of March 15, 1951, which you determined under section 18 of Ceiling Price Regulation 22 in calculating your ceiling prices for the compound under that regulation.

(2) Multiply the lead and zinc content of the compound by the increase calculated in paragraph (b) (1) of this section, or 2 cents per pound, whichever is less.

(c) If you have customarily maintained uniform differentials among your prices for lead chemicals in the same category, you may elect at any time to use ceiling prices for such lead chemicals calculated as follows:

(1) Multiply the increase allowed by this section for each lead chemical in the category by the number of pounds of such lead chemical sold by you during the six months ending June 30, 1951. Add these amounts.

(2) Divide the result in (1) by the total number of pounds of lead chemicals in the category sold by you during the six months ending June 30, 1951. The result is your allowable increase per pound for each lead chemical in the category.

(3) Add the allowable increase per pound to the ceiling price per pound for each lead chemical in the category which you have otherwise determined under Ceiling Price Regulation 22 (exclusive of Supplementary Regulation 17 or Supplementary Regulation 18, or of section 3 (b) of this Supplementary Regulation). The result is your new ceiling price for each lead chemical in the category.

[Sec. 5 added by Amdt 3; amended by Amdt 5]

SEC. 6. *Cobalt chemicals.* (a) This section applies to you if you manufacture chemical compounds containing cobalt and use cobalt or cobalt oxide in the making of these chemical compounds.

(b) Your ceiling prices, which you have otherwise determined under Ceiling Price Regulation 22 (exclusive of Supplementary Regulation 17 or Supplementary Regulation 18), for any of these chemical compounds containing cobalt are increased in an amount equal to twenty-seven cents per pound of cobalt contained in the compound.

[Sec. 6 added by Amdt. 4]

SEC. 7. *Relation to other supplementary regulations to Ceiling Price Regulation 22.* (a) You may use the methods of computation permitted by sections 2 and 3 of this supplementary regulation when recalculating your ceiling prices under Supplementary Regulation 17 or Supplementary Regulation 18 to CPR 22.

(b) You may add your maintenance and repair materials cost adjustment calculated under section 4 to your ceiling prices calculated under Supplementary Regulation 18 to CPR 22. If you do so, you must report such adjustment as required by section 4 (c) (1).

(c) Your maintenance and repair materials cost adjustment factor, as calculated under section 4 (b) (5), and reported under section 4 (c), may be added to your "total cost adjustment factor" under section 3 or 4 of Supplementary Regulation 2 to CPR 22. Unless you have calculated your maintenance and repair cost adjustment factor on the basis of your entire business, you may include that factor in your "total cost adjustment factor" only if you use section 4 of Supplementary Regulation 2.

(d) You may elect to retain your ceiling prices for your lead and zinc chemicals, established by section 5 of this supplementary regulation, or for your cobalt chemicals, established by section 6 of this supplementary regulation notwithstanding the fact that you have recalculated and put into effect your ceiling prices for your other commodities pursuant to Supplementary Regulation 17 or Supplementary Regulation 18 to CPR 22. In making your calculations under Supplementary Regulation 17 or Supplementary Regulation 18, you must exclude your sales of lead, zinc and cobalt chemicals and your costs attributable to these chemicals.

[Sec. 7 added by Amdt. 5]

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director,
Office of Price Stabilization.

By: JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-3038; Filed, Mar. 12, 1952; 11:31 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 7, Amdt. 1]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 7—CENTRAL WESTERN WASHINGTON MILK MARKETING AREA, STATE OF WASHINGTON

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Area Milk Price Regulation 7 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Area Milk Price Regulation 7 has three principal objectives: First, to extend the coverage of the regulation to operators of retail stores; second, to extend the geographic coverage of the regulation to the counties of Clallam and Jefferson; third, to make certain changes in order to bring the regulation into greater harmony with industry practice. Moreover, a typographical error in section 5 has been corrected.

With respect to operators of retail stores, the language of the Statement of Considerations to Amendment 1 to Supplementary Regulation 63 to the General Ceiling Price Regulation, is applicable here and will not be repeated. Furthermore, the Statement of Considerations to Area Milk Price Regulation 7 as originally issued sets forth the principles initially applied in determining the geographic coverage of the regulation, and these principles now permit inclusion of Clallam and Jefferson Counties.

Prices for the nine listed items, when sold whole sale delivered in paper containers, have been added to section 4. Some firms did not sell in glass containers in the base period, and thus, not having a basis on which to compute paper prices, have been compelled to make filings pursuant to section 7. Other firms, particularly in the Kitsap County area, were changing from glass to paper containers during the base period. While so doing, they had no differential between glass and paper containers and temporarily priced their paper containers at the normally lower price for glass. As a consequence, these firms now find themselves with a price for paper one-half cent lower than most of the area covered by AMPR 7. Since the major demand at wholesale, for resale through retail stores, has for some time been for fluid milk products in paper containers, the addition of paper prices at wholesale delivered has been considered necessary.

It has been found that the effect of section 11, *Rounding of Fractions,* has created some conflict with industry practice. This amendment provides that henceforth ceiling prices of pint and half-pint containers of cream and half-and-half, are both to be rounded to one-fourth cent.

An error in section 5 (c) has been corrected in order to make clear the fact that when prices cannot be determined under sections 4 or 5, resort should be had to section 7 rather than to section 8. The changes made in section 4 have also required a change in section 5 (a) (2); processors and distributors selling at wholesale delivered, can obtain ceiling prices for the listed products when sold in other than glass and paper containers.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Seattle District Director of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Seattle District Director of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951.

The Seattle District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950 as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

AMENDATORY PROVISIONS

Area Milk Price Regulation 7 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What this area milk price regulation does.* This area milk price regulation issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (SR 63) as amended, provides dollar and cent ceiling prices at wholesale delivered and at retail home-delivered for nine listed milk products for fluid consumption in designated types and sizes of containers sold in the Central Western Washington milk marketing area. It also provides a method for determining ceiling prices on listed products sold in containers of other types and sizes and to other classes of purchasers as well as ceiling prices of unlisted products. It further provides a method of determining ceiling prices for fluid milk products sold by operators of retail stores.

2. Section 2 is amended to read as follows:

SEC. 2. *Where this area milk price regulation applies.* The provisions of this area milk price regulation are applicable to the Central Western Washington milk marketing area. This area consists of the following counties in the State of Washington: Clallam, Jefferson, King, Kitsap, Mason, Pierce and Snohomish.

3. Section 3 is amended to read as follows:

SEC. 3. *Sellers and sales covered by this area milk price regulation.* This area milk price regulation covers sales by processors and distributors, including operators of retail stores, in this marketing area of milk products for fluid consumption. Definitions of these terms may be found in sections 3 and 11 (e) of Supplementary Regulation 63. This area milk price regulation also covers sales of milk products to be delivered to a purchaser located in this area though the seller is located outside of this area, but does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area.

4. Section 4 is redesignated section 4a, and amended to read as follows:

SEC. 4a. *Ceiling prices for processors and distributors (other than operators of retail stores) for listed items.* Your ceiling prices for milk products for fluid consumption, in the designated types and sizes of containers, are set forth below. Ceiling prices at retail home-delivered apply for all types of containers. For all products the butterfat content prevailing on October 1, 1951, shall not be decreased.

Basic products	Retail home-delivered ceiling price	Wholesale delivered ceiling price (glass containers)	Wholesale delivered ceiling price (paper containers)
1. Standard milk, quarts, including homogenized	$0.22	$0.195	$0.20
2. Skim milk, quarts	.17	.15	.15
3. Buttermilk, quarts	.18	.165	.165
4. Chocolate drink, quarts	.22	.195	.20
5. Half-and-half, pints	.29	.25	.25
6. Table cream, ½ pints	.25	.21	.2125
7. Whipping cream, ½ pints	.35	.31	.315
8. Sour cream, ½ pints	.32	.28	.28
9. Cottage cheese, 16 ounces	.31	.25	.25

5. A new section designated section 4b, is added immediately after section 4a, as amended, to read as follows:

SEC. 4b. *Operators of retail stores.* Ceiling prices for operators of retail stores for all fluid milk products covered by this regulation shall be those prices determined by applying the dollar and cent difference between the ceiling price and the cost of acquisition in effect on December 20, 1951, to the current cost of acquisition. If the cost of any item of fluid milk covered by this regulation changes, due to the operation of AMPR 7, as it now reads, or as it may be amended, and you receive a notice from your supplier as provided for by section 10 (c), you may increase, and you must decrease, your ceiling prices by the dollars and cents change in acquisition cost per item. Sales of packaged cottage, pot, and bakers cheese by operators of retail stores, however, shall continue to be subject to Ceiling Price Regulations 15 and 16.

If, as an operator of a retail store, you are a new seller of any item of fluid milk covered by this regulation, your initial ceiling price shall be the same as the ceiling price of your most closely competitive seller of the same class selling the same item to the same class of purchaser.

Each operator of a retail store shall continue to observe the record-keeping provisions of section 16 of the General Ceiling Price Regulation.

6. Section 5 (a) (2) is amended to read as follows:

(2) For differences in container types at wholesale delivered, where you heretofore sold a product listed in section 4 in other than the listed types of containers of the same size, you will calculate your ceiling price by applying to the ceiling price specified in section 4 for glass or paper, the dollars and cents differential in effect on October 1, 1951 between the listed and unlisted types of containers.

7. Sections 5 (c) is amended by substituting the figure 7 for the figure 8 in the last line thereof so that section 5 (c) reads as follows:

(c) *Listed products in unlisted types or sizes of containers sold to unlisted types of purchasers.* Your ceiling price for a product listed in section 4 but in a container of a different type or size to an unlisted class of purchaser shall be the ceiling price determined for a listed class of purchaser in section 5 (a) (1) and (2) adjusted as in section 5 (b). Where you cannot compute the price of a listed product in an unlisted type or size of container to an unlisted class of purchaser because you have heretofore made no sales to a listed class of purchaser, you must price under section 7.

8. A new paragraph (c) is added to section 10 to read as follows:

(c) Whenever, as a processor or distributor, other than as an operator of a retail store, you change your ceiling price as a result of this section 10 for any item of fluid milk covered by this regulation, other than packaged cottage, pot, and bakers cheese, you shall, in making your first delivery to an operator of a retail store at such new ceiling price, notify such operator of a retail store in writing that your ceiling price has been increased or decreased in accordance with Area Milk Price Regulation 7. This notice may be given as part of any customary price list furnished by you to operators of retail stores.

9. Section 11 is amended so that the Table therein pertaining to Rounding of Fractions reads as follows:

	Milk products	Cream and half-and-half
	Cent	*Cent*
½-gallon containers or larger	1	1
Quart containers	½	1
Pint containers	¼	¼
½-pint containers or less	¼	¼

	Cottage cheese
	Cent
Bulk pounds (containers over 16 ounces)	1
16-ounce containers or less	½

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Area Milk Price Regulation 7 is effective on March 12, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

LEO H. WEISFIELD,
District Director,
Seattle District Office.

MARCH 12, 1952.

[F. R. Doc. 52-3040; Filed, Mar. 12, 1952; 11:31 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 1 to Area Milk Price Regulation 10]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 10—LOS ANGELES COUNTY MARKETING AREA, CALIFORNIA

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 as Amended (Pub. Law 774, 81st Congress, Pub. Law 96, 82d Congress) Executive Order 10161 (5 F. R. 6105) the Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment No. 1 to Area Milk Price Regulation 10 issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Since January 16, 1952, the effective date of Area Milk Price Regulation 10, it has become evident that certain changes are needed in the regulation to make it conform more closely to historical practices in pricing milk in the Los Angeles County Marketing area. This amendment has been issued to make these changes.

1. *Inter-distributor sales.* When originally issued, AMPR 10 provided a method for pricing sales made by a processor or distributor in selling to distributors but such provision has since been found inadequate in certain situations. Such a processor or distributor was required to price under section 1 (a) (2), in accordance with which he would find the price specified in Appendix I for a sale to the most nearly similar kind of purchaser and adjust that price by the dollars-and-cents difference between the seller's base period price to distributors and his base period price to the most nearly similar kind of purchaser. Certain processors or distributors who sold to a limited number of classes of purchasers found it necessary to price their sales to distributors in relation to purchasers of milk on home-delivery routes, or in a few cases in relation to other kinds of retail purchasers. Inasmuch as the retail home-delivery prices in AMPR 10 reflect the granting of margin relief, such processors or distributors who deducted a base period dollars-and-cents differential from the AMPR 10 retail home-delivery ceiling arrived at a higher maximum price than those who priced sales to distributors in relation to other classes of purchasers.

Further, retail home-deliverymen who purchased from such processors or distributors were charged a higher price than those who purchased from processors or distributors marketing through different channels. As a result of their higher milk cost, these retail home-deliverymen were denied the margin relief which was intended for all retail home deliverymen and which became available to those who purchased their milk from other suppliers.

As amended, section 1 (a) (2) provides that a processor or distributor who during the base period, sold to distributors but made no sales at wholesale

f. o. b. purchaser's business location, and is currently selling to distributors, shall price sales to distributors by using the ceiling price of his most closely competitive seller of the same class who sold to distributors and also made sales at wholesale f. o. b. purchaser's business location during the base period, and is currently making such sales. This change in section 1 (a) (2) eliminates the unintentional variation as between processors or distributors in their ceiling prices to distributors. It also provides retail home-deliverymen buying from such processors or distributors with the margin relief granted by AMPR 10 to other retail home-deliverymen.

2. *Sales in remote areas.* Since the effective date of AMPR 10, it has been learned that certain sellers who sold milk in remote areas customarily charged a higher price than the applicable area minimum price. This practice has been common in making sales in areas considered remote by reason of such factors as unusually high costs in transporting milk to the area and geographic inaccessibility or distance from a population center or source of milk supply.

Since the preservation of the price differentials charged in making sales in remote areas is considered essential to assure an adequate supply of milk in these areas, a new section has been added to Appendix I to provide a ceiling-price adjustment based upon the dollars-and-cents difference between the seller's price during the period, December 19, 1950 to January 25, 1951 and the applicable area minimum price in effect during that period.

3. *Certain kinds of fluid milk.* When first issued, Appendix I of AMPR 10 listed non-fat milk, chocolate drink, and buttermilk as "type of sale," and provided that the ceiling price for each item was the base period price plus the dollars-and-cents additions justified by parity adjustments and specified in Appendix I. Representatives of the industry have pointed out that the result of such pricing was to deny the same margin relief which AMPR 10 granted on standard milk when sold on a retail home-delivery basis.

Section 3 of Appendix I has been amended to provide that non-fat milk, chocolate drink, and buttermilk shall be priced as "other kinds of fluid milk." The seller of such "other kinds" begins with the uniform ceiling price provided in Appendix I for standard milk in the same sized container and adds or subtracts, as the case may be, the dollars-and-cents difference between the seller's base period prices for the "other kind" of milk and standard milk. So far as non-fat milk, chocolate drink, and buttermilk are concerned, the effect of the new pricing method is to extend margin relief to these products when sold on a retail home-delivery basis. Ceiling prices determined under section 3 of Appendix I are to be reported in accordance with section 3 of AMPR 10.

5. *Mathematical corrections.* This amendment also makes certain mathematical corrections in section 1 of Appendix I. For sales of standard milk in gallon bottles, the ceilings provided inadvertently specified $0.76 for wholesale sales, f. o. b. purchaser's business location, and $0.86 for retail store, carry-out sales. The mathematically correct prices are $0.75 and $0.84, respectively.

In the formulation of this amendment, the District Director of the Office of Price Stabilization has consulted with local industry representatives to the extent practicable, and has given consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to all relevant factors of general applicability.

AMENDATORY PROVISIONS

Area Milk Price Regulation No. 10 to Supplementary Regulation 63 to GCPR is hereby amended in the following respects:

1. Section 1 (a) (2) is deleted and a new section 1 (a) (2) is added to read as follows:

(2) When the sale differs by type of purchaser from those sales for which such appendix prescribes a price: The price prescribed by such appendix for a sale to the most nearly similar kind of purchaser, adjusted by the dollars-and-cents difference between the seller's base period prices (as defined in section 5 of this regulation) for the kind of sale being made and the kind of sale priced by the appendix; provided that a processor or distributor who, during the base period, sold distributors but made no sales at wholesale, f. o. b. purchaser's business location, and is currently selling to distributors shall determine his ceiling price for sales to distributors by using the ceiling price of his most closely competitive seller of the same class who did make sales to distributors and also made sales at wholesale f. o. b. purchaser's business location during the base period and is currently making such sales. The ceiling prices so determined shall be reported in accordance with the provisions of section 3 (a) of this regulation.

2. Appendix I—Los Angeles County Marketing Area is deleted and a Revised Appendix I—Los Angeles County Marketing Area is added to read as follows:

APPENDIX I (REVISION I)

LOS ANGELES COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Los Angeles County Marketing Area which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
10 gallons or more, bulk, per gallon	$0.68				
5 gallons and less than 10 gallons, bulk, per gallon	.69				
1 gallon and less than 5 gallons, bulk, per gallon	.70				
Gallon bottle	.75	$0.84	$0.90	$0.80	$0.74
Half-gallon container (fiber or glass)	.375	.42	.45	.40	.37
Quart container (fiber or glass)	.1875	.21	.225	.20	.185
Pint container (fiber or glass)	.1075	.12	.13		.11
Third-quart or three quarter-pint container (fiber or glass)	.075				
Half-pint container (fiber or glass)	.063				

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half-and-half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.32	.16	.08	.04	.02
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19¢ per quart or the retail home-delivered base period price was in excess of 20¢ per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.05 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I of Los Angeles County Order No. 47 issued by the State of California Bureau of Milk Control effective January 16, 1952.

5. "Los Angeles County Marketing Area" means that area as defined in said Los Angeles County Order No. 47.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment is effective March 12, 1952.

GEORGE J. SEROS,
District Director,
Los Angeles District Office.

MARCH 12, 1952.

[F. R. Doc. 52-3041; Filed, Mar. 12, 1952; 11:32 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 1 to Area Milk Price Regulation 11]

GCPR, SR 63—Area Milk Price Adjustments

AMPR 11—Los Angeles District (Other Than Los Angeles County Marketing Area)

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 as Amended (Pub. Law 774, 81st Congress, Pub. Law 96, 82nd Congress) Executive Order 10161 (5 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment No. 1 to Area Milk Price Regulation No. 11 issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Since January 16, 1952, the effective date of Area Milk Price Regulation 11, it has become evident that certain changes are needed in the regulation to make it conform more closely to historical practices in pricing milk in the Los Angeles County Marketing area. This amendment has been issued to make these changes.

1. *Inter-distributor sales.* When originally issued, AMPR 11 provided a method for pricing sales made by a processor or distributor in selling to distributors but such provision has since been found inadequate in certain situations. Such a processor or distributor was required to price under section 1 (a) (2), in accordance with which he would find the price specified in Appendix I or Appendix II for a sale to the most nearly similar kind of purchaser and adjust that price by the dollars-and-cents difference between the seller's base period price to distributors and his base period price to the most nearly similar kind of purchaser. Certain processors or distributors who sold to a limited number of classes of purchasers found it necessary to price their sales to distributors in relation to purchasers of milk on home-delivery routes, or in a few cases, in relation to other kinds of retail purchasers. Inasmuch as the retail home-delivery prices in AMPR 11 reflect the granting of margin relief, such processors or distributors who deducted a base period dollars-and-cents differential from the AMPR 11 retail home-delivery ceiling arrived at a higher maximum price than those who priced sales to distributors in relation to other classes of purchasers.

Further, retail home-deliverymen who purchased from such processors or distributors were charged a higher price than those who purchased from processors or distributors marketing through different channels. As a result of their higher milk cost, these retail home-deliverymen were denied the margin relief which was intended for all retail home-deliverymen and which became available to those who purchased their milk from other suppliers.

As amended, section 1 (a) (2) provides that a processor or distributor who, during the base period, sold to distributors but made no sales at wholesale, f. o. b. purchaser's business location, and is currently selling to distributors, shall price sales to distributors by using the ceiling price of his most closely competitive seller of the same class who sold to distributors and also made sales at wholesale f. o. b. purchaser's business location during the base period, and is currently making such sales. This change in section 1 (a) (2) eliminates the unintentional variation as between processors or distributors in their ceiling prices for sales to distributors. It also provides retail home-deliverymen buying from such processors or distributors with the margin relief granted by AMPR 11 to other retail home-deliverymen.

2. *Sales in remote areas.* Since the effective date of AMPR 11, it has been learned that certain sellers who sold milk in remote areas customarily charged a higher price than the applicable area minimum price. This practice has been common in making sales in areas considered remote by reason of such factors as unusually high costs in transporting milk to the area and geographic inaccessibility or distance from a population center or source of milk supply.

Since the preservation of the price differentials charged in making sales in remote areas is considered essential to assure an adequate supply of milk in these areas, a new section has been added to Appendix I and to Appendix II to provide a ceiling-price adjustment based upon the dollars-and-cents difference between the seller's price during the period, December 19, 1950 to January 25, 1951 and the applicable area minimum price in effect during that period.

3. *Certain kinds of fluid milk.* When first issued, Appendix I and Appendix II of AMPR 11 listed non-fat milk, chocolate drink, and buttermilk as type of sale and provided that the ceiling price for each such item was the base period price plus the dollars-and-cents additions justified by parity adjustments and specified in Appendix I or Appendix II. Representatives of the industry have pointed out that the result of such pricing was to deny the same margin relief which AMPR 11 granted on standard milk when sold on a retail home-delivery basis.

Section 3 of Appendix I and section 3 of Appendix II have been amended to provide that non-fat milk, chocolate drink, and buttermilk shall be priced as "other kinds of fluid milk." The seller of such "other kinds" begins with the uniform ceiling price provided in Appendix I or Appendix II for standard milk in the same sized container and adds or subtracts, as the case may be, the dollars-and-cents difference between the seller's base period prices for the "other kind" of milk and standard milk. So far as non-fat milk, chocolate drink, and buttermilk are concerned, the effect of the new pricing method is to extend margin relief to these products when sold on a retail home-delivery basis. Ceiling prices determined under section 3 of Appendix I or section 3 of Appendix II are to be reported in accordance with section 3 of AMPR 11.

In the formulation of this amendment, the District Director of the Office of Price Stabilization has consulted with local industry representatives to the extent practicable, and has given consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to all relevant factors of general applicability.

AMENDATORY PROVISIONS

Area Milk Price Regulation No. 11 to Supplementary Regulation 63 to CCPR is hereby amended in the following respects:

1. Section 1 (a) (2) is deleted and a new section 1 (a) (2) is added to read as follows:

(2) When the sale differs by type of purchaser from those sales for which such appendix prescribes a price: The price prescribed by such appendix for a sale to the most nearly similar kind of purchaser, adjusted by the dollars-and-cents difference between the seller's base period prices (as defined in section 5 of this regulation) for the kind of sale being made and the kind of sale priced by the appendix; provided that a processor or distributor who, during the base period, sold distributors but made no sales at wholesale, f. o. b. purchaser's business location, and is currently selling to distributors shall determine his ceiling price for sales to distributors by using the ceiling price of his most closely competitive seller of the same class who did make sales to distributors and also made sales at wholesale, f. o. b. purchaser's business location during the base period and is currently making such sales. The ceiling prices so determined shall be reported in accordance with the provisions of section 3 (a) of this regulation.

2. Appendix I—San Bernardino-Riverside Marketing Area is deleted and a Revised. Appendix I—San Bernardino-Riverside Marketing Area is added to read as follows:

Appendix I (Revision 1)

SAN BERNARDINO-RIVERSIDE MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the San Bernardino-Riverside Marketing Area, which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
10 gallons or more, bulk, per gallon	$0.71	-----	-----	-----	-----
5 gallons and less than 10 gallons, bulk, per gallon	.72	-----	-----	-----	-----
1 gallon and less than 5 gallons, bulk, per gallon	.73	-----	-----	-----	-----
Gallon bottle	.79	$0.88	$0.92	$0.84	$0.78
Half-gallon container (fiber or glass)	.395	.44	.46	.42	.39
Quart container (fiber or glass)	.1975	.22	.23	.21	.195
Pint container (fiber or glass)	.11	.13	.14	-----	.12
Third-quart or three quarter-pint container (fiber or glass)	.079	-----	-----	-----	-----
Half-pint container (fiber or glass)	.068	-----	-----	-----	-----

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half-and-half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.32	.16	.08	.04	.02
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5¢ per quart or the retail home-delivered base period price was in excess of 20.5¢ per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk), the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with Section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.05 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I of San Bernardino-Riverside Order No. 37 issued by the State of California Bureau of Milk Control effective January 16, 1952.

5. "San Bernardino-Riverside Marketing Area" means that area as defined in said San Bernardino-Riverside Order No. 37.

3. Appendix II—Ventura County Marketing Area is deleted and a Revised Appendix II—Ventura County Marketing Area is added to read as follows:

APPENDIX II (REVISION I)

VENTURA COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Ventura County Marketing Area, which is defined below:

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
10 gallons or more, bulk, per gallon	$0.73	-----	-----	-----	-----
5 gallons and less than 10 gallons, bulk, per gallon	.74	-----	-----	-----	-----
1 gallon and less than 5 gallons, bulk, per gallon	.75	-----	-----	-----	-----
Gallon bottle	.80	$0.88	$0.92	$0.84	$0.78
Half-gallon container (fiber or glass)	.40	.44	.46	.42	.39
Quart container (fiber or glass)	.20	.22	.23	.21	.195
Pint container (fiber or glass)	.1125	.125	.135	-----	.115
Third-quart or three quarter-pint container (fiber or glass)	.08	-----	-----	-----	-----
Half-pint container (fiber or glass)	.069	-----	-----	-----	-----

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half-and-half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.32	.16	.08	.04	.02
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5¢ per quart or the retail home-delivered base period price was in excess of 20.5¢ per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk), the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with Section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.06 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I of Ventura County Order No. 33 issued by the State of California Bureau of Milk Control effective January 16, 1952.

5. "Ventura County Marketing Area" means that area as defined in said Ventura County Order No. 33.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment is effective March 12, 1952.

GEORGE J. SEROS,
District Director,
Los Angeles District Office.

MARCH 12, 1952.

[F. R. Doc. 52-3042; Filed, Mar. 12, 1952; 11:32 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-72, as Amended Mar. 12, 1952]

M-72—CHEMICAL WOOD PULP

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950 as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-72, as amended December 29, 1951, is revised by making the following additional changes therein:

1. The references to the 95 percent limitation on consumption and to the 3 percent production reserve are deleted from section 1 because some exceptions from these requirements have been made.

2. Section 4 is amended to make inapplicable to market chemical wood pulp the provision in NPA Reg. 1 limiting inventory to a practical minimum working inventory.

3. Section 5 is amended to provide that modifications of the 95 percent limitation on consumption may be made in Schedule C and to adapt the 10 percent carry-over provision to such modifications as may be made.

4. Section 6 (b) is amended to make clear that the requirement relating to producers' offerings of market chemical wood pulp applies to each grade of pulp produced as well as to total production.

5. Schedule A on inventories is revised to permit a 90-day supply for unbleached sulphite and a 120-day supply for unbleached sulphate. The inventory table which was to become effective June 1, 1952, is deleted.

6. Schedule B on reserve production is revised to include dissolving pulp with other grades and to suspend the reserve production requirement for unbleached sulphate during the first and second calendar quarters of 1952.

7. A new Schedule C is added. It suspends the limitation on the consumption of unbleached sulphate during the first and second calendar quarters of 1952 and sets up a formula for computing authorized consumption of other grades of chemical wood pulp.

The foregoing statement of changes made by this amendment is explanatory only and is not a part of the amendment or of the order. The order, as amended herein, reads as follows:

Sec.
1. What this order does.
2. Definitions.

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 1 to Area Milk Price Regulation 11]

GCPR, SR 63—Area Milk Price Adjustments

AMPR 11—Los Angeles District (Other Than Los Angeles County Marketing Area)

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 as Amended (Pub. Law 774, 81st Congress, Pub. Law 96, 82nd Congress) Executive Order 10161 (5 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment No. 1 to Area Milk Price Regulation No. 11 issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Since January 16, 1952, the effective date of Area Milk Price Regulation 11, it has become evident that certain changes are needed in the regulation to make it conform more closely to historical practices in pricing milk in the Los Angeles County Marketing area. This amendment has been issued to make these changes.

1. *Inter-distributor sales.* When originally issued, AMPR 11 provided a method for pricing sales made by a processor or distributor in selling to distributors but such provision has since been found inadequate in certain situations. Such a processor or distributor was required to price under section 1 (a) (2), in accordance with which he would find the price specified in Appendix I or Appendix II for a sale to the most nearly similar kind of purchaser and adjust that price by the dollars-and-cents difference between the seller's base period price to distributors and his base period price to the most nearly similar kind of purchaser. Certain processors or distributors who sold to a limited number of classes of purchasers found it necessary to price their sales to distributors in relation to purchasers of milk on home-delivery routes, or in a few cases, in relation to other kinds of retail purchasers. Inasmuch as the retail home-delivery prices in AMPR 11 reflect the granting of margin relief, such processors or distributors who deducted a base period dollars-and-cents differential from the AMPR 11 retail home-delivery ceiling arrived at a higher maximum price than those who priced sales to distributors in relation to other classes of purchasers.

Further, retail home-deliverymen who purchased from such processors or distributors were charged a higher price than those who purchased from processors or distributors marketing through different channels. As a result of their higher milk cost, these retail home-deliverymen were denied the margin relief which was intended for all retail home-deliverymen and which became available to those who purchased their milk from other suppliers.

As amended, section 1 (a) (2) provides that a processor or distributor who, during the base period, sold to distributors but made no sales at wholesale, f. o. b. purchaser's business location, and is currently selling to distributors, shall price sales to distributors by using the ceiling price of his most closely competitive seller of the same class who sold to distributors and also made sales at wholesale f. o. b. purchaser's business location during the base period, and is currently making such sales. This change in section 1 (a) (2) eliminates the unintentional variation as between processors or distributors in their ceiling prices for sales to distributors. It also provides retail home-deliverymen buying from such processors or distributors with the margin relief granted by AMPR 11 to other retail home-deliverymen.

2. *Sales in remote areas.* Since the effective date of AMPR 11, it has been learned that certain sellers who sold milk in remote areas customarily charged a higher price than the applicable area minimum price. This practice has been common in making sales in areas considered remote by reason of such factors as unusually high costs in transporting milk to the area and geographic inaccessibility or distance from a population center or source of milk supply.

Since the preservation of the price differentials charged in making sales in remote areas is considered essential to assure an adequate supply of milk in these areas, a new section has been added to Appendix I and to Appendix II to provide a ceiling-price adjustment based upon the dollars-and-cents difference between the seller's price during the period, December 19, 1950 to January 25, 1951 and the applicable area minimum price in effect during that period.

3. *Certain kinds of fluid milk.* When first issued, Appendix I and Appendix II of AMPR 11 listed non-fat milk, chocolate drink, and buttermilk as type of sale and provided that the ceiling price for each such item was the base period price plus the dollars-and-cents additions justified by parity adjustments and specified in Appendix I or Appendix II. Representatives of the industry have pointed out that the result of such pricing was to deny the same margin relief which AMPR 11 granted on standard milk when sold on a retail home-delivery basis.

Section 3 of Appendix I and section 3 of Appendix II have been amended to provide that non-fat milk, chocolate drink, and buttermilk shall be priced as "other kinds of fluid milk." The seller of such "other kinds" begins with the uniform ceiling price provided in Appendix I or Appendix II for standard milk in the same sized container and adds or subtracts, as the case may be, the dollars-and-cents difference between the seller's base period prices for the "other kind" of milk and standard milk. So far as non-fat milk, chocolate drink, and buttermilk are concerned, the effect of the new pricing method is to extend margin relief to these products when sold on a retail home-delivery basis. Ceiling prices determined under section 3 of Appendix I or section 3 of Appendix II are to be reported in accordance with section 3 of AMPR 11.

In the formulation of this amendment, the District Director of the Office of Price Stabilization has consulted with local industry representatives to the extent practicable, and has given consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to all relevant factors of general applicability.

AMENDATORY PROVISIONS

Area Milk Price Regulation No. 11 to Supplementary Regulation 63 to CCPR is hereby amended in the following respects:

1. Section 1 (a) (2) is deleted and a new section 1 (a) (2) is added to read as follows:

(2) When the sale differs by type of purchaser from those sales for which such appendix prescribes a price: The price prescribed by such appendix for a sale to the most nearly similar kind of purchaser, adjusted by the dollars-and-cents difference between the seller's base period prices (as defined in section 5 of this regulation) for the kind of sale being made and the kind of sale priced by the appendix; provided that a processor or distributor who, during the base period, sold distributors but made no sales at wholesale, f. o. b. purchaser's business location, and is currently selling to distributors shall determine his ceiling price for sales to distributors by using the ceiling price of his most closely competitive seller of the same class who did make sales to distributors and also made sales at wholesale, f. o. b. purchaser's business location during the base period and is currently making such sales. The ceiling prices so determined shall be reported in accordance with the provisions of section 3 (a) of this regulation.

2. Appendix I—San Bernardino-Riverside Marketing Area is deleted and a Revised. Appendix I—San Bernardino-Riverside Marketing Area is added to read as follows:

Appendix I (Revision 1)

SAN BERNARDINO-RIVERSIDE MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the San Bernardino-Riverside Marketing Area, which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
10 gallons or more, bulk, per gallon	$0.71	-----	-----	-----	-----
5 gallons and less than 10 gallons, bulk, per gallon	.72	-----	-----	-----	-----
1 gallon and less than 5 gallons, bulk, per gallon	.73	-----	-----	-----	-----
Gallon bottle	.79	$0.88	$0.92	$0.84	$0.78
Half-gallon container (fiber or glass)	.395	.44	.46	.42	.39
Quart container (fiber or glass)	.1975	.22	.23	.21	.195
Pint container (fiber or glass)	.11	.13	.14	-----	.12
Third-quart or three quarter-pint container (fiber or glass)	.079	-----	-----	-----	-----
Half-pint container (fiber or glass)	.068	-----	-----	-----	-----

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half-and-half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.32	.16	.08	.04	.02
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5¢ per quart or the retail home-delivered base period price was in excess of 20.5¢ per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk), the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with Section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.05 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I of San Bernardino-Riverside Order No. 37 issued by the State of California Bureau of Milk Control effective January 16, 1952.

5. "San Bernardino-Riverside Marketing Area" means that area as defined in said San Bernardino-Riverside Order No. 37.

3. Appendix II—Ventura County Marketing Area is deleted and a Revised Appendix II—Ventura County Marketing Area is added to read as follows:

APPENDIX II (REVISION I)

VENTURA COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Ventura County Marketing Area, which is defined below:

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
10 gallons or more, bulk, per gallon	$0.73	-----	-----	-----	-----
5 gallons and less than 10 gallons, bulk, per gallon	.74	-----	-----	-----	-----
1 gallon and less than 5 gallons, bulk, per gallon	.75	-----	-----	-----	-----
Gallon bottle	.80	$0.88	$0.92	$0.84	$0.78
Half-gallon container (fiber or glass)	.40	.44	.46	.42	.39
Quart container (fiber or glass)	.20	.22	.23	.21	.195
Pint container (fiber or glass)	.1125	.125	.135	-----	.115
Third-quart or three quarter-pint container (fiber or glass)	.08	-----	-----	-----	-----
Half-pint container (fiber or glass)	.069	-----	-----	-----	-----

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half-and-half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.32	.16	.08	.04	.02
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5¢ per quart or the retail home-delivered base period price was in excess of 20.5¢ per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk), the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with Section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.06 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I of Ventura County Order No. 33 issued by the State of California Bureau of Milk Control effective January 16, 1952.

5. "Ventura County Marketing Area" means that area as defined in said Ventura County Order No. 33.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment is effective March 12, 1952.

GEORGE J. SEROS,
District Director,
Los Angeles District Office.

MARCH 12, 1952.

[F. R. Doc. 52-3042; Filed, Mar. 12, 1952; 11:32 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-72, as Amended Mar. 12, 1952]

M-72—CHEMICAL WOOD PULP

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950 as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-72, as amended December 29, 1951, is revised by making the following additional changes therein:

1. The references to the 95 percent limitation on consumption and to the 3 percent production reserve are deleted from section 1 because some exceptions from these requirements have been made.

2. Section 4 is amended to make inapplicable to market chemical wood pulp the provision in NPA Reg. 1 limiting inventory to a practical minimum working inventory.

3. Section 5 is amended to provide that modifications of the 95 percent limitation on consumption may be made in Schedule C and to adapt the 10 percent carry-over provision to such modifications as may be made.

4. Section 6 (b) is amended to make clear that the requirement relating to producers' offerings of market chemical wood pulp applies to each grade of pulp produced as well as to total production.

5. Schedule A on inventories is revised to permit a 90-day supply for unbleached sulphite and a 120-day supply for unbleached sulphate. The inventory table which was to become effective June 1, 1952, is deleted.

6. Schedule B on reserve production is revised to include dissolving pulp with other grades and to suspend the reserve production requirement for unbleached sulphate during the first and second calendar quarters of 1952.

7. A new Schedule C is added. It suspends the limitation on the consumption of unbleached sulphate during the first and second calendar quarters of 1952 and sets up a formula for computing authorized consumption of other grades of chemical wood pulp.

The foregoing statement of changes made by this amendment is explanatory only and is not a part of the amendment or of the order. The order, as amended herein, reads as follows:

Sec.
1. What this order does.
2. Definitions.

Sec.
3. Relation to other NPA orders and regulations.
4. Inventories.
5. Limitation on consumption.
6. Reserve production.
7. Reports.
8. Applications for adjustment or exception.
9. Communications.
10. Records.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* This order sets forth limitations on inventories of market chemical wood pulp. It also limits the consumption of market chemical wood pulp so that the anticipated decreased supply may be distributed equitably through normal channels of distribution. In order to assure the maximum production of paper and paper products and to spread the supply of pulp fairly throughout the industry, this order also provides for a production reserve of chemical wood pulp manufactured by integrated mills and of captive chemical wood pulp.

SEC. 2. *Definitions.* As used in the order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Chemical wood pulp" means all grades of wood pulp, whether bleached or unbleached, produced by the sulfite, sulfate, or soda processes for any type of wood. It does not mean semichemical, groundwood, defibrated, or exploded wood fiber pulps, or screenings from any process.

(c) "Market chemical wood pulp" means any chemical wood pulp which is sold, purchased, or otherwise exchanged between two persons irrespective of where such transactions take place, excluding captive chemical wood pulp.

(d) "Captive chemical wood pulp" means any chemical wood pulp produced by a person in the United States or elsewhere and consumed by or subject to the disposition of the same person or a person under the same ownership or control at a separate geographical location in the United States. Such captive pulp becomes market pulp when sold or otherwise transferred to a person not affiliated with its producer.

(e) "Base consumption" means one-quarter of that quantity of market chemical wood pulp used by a person during the calendar year 1950 in the manufacture of paper and paperboard: *Provided, however,* That if any person prefers to take as his base consumption, instead of the quantity provided above, that quantity of market chemical wood pulp used by such person during the first calendar quarter of the year 1951 in the manufacture of paper and paperboard, such person may elect to take such alternative quantity as his base consumption. Any person making such election shall so notify NPA in writing prior to the first quarter with respect to which such election is made. After such election has been made, it may not thereafter be changed without the prior written approval of NPA.

(f) "Producer" means any person who manufactures chemical wood pulp or any person who controls, through a foreign affiliate, deliveries of chemical wood pulp, captive or market, in the United States.

(g) "Production" means a producer's production of chemical wood pulp, his deliveries of chemical wood pulp, captive or market, in the United States from a foreign affiliate, or both.

(h) "NPA" means National Production Authority.

SEC. 3. *Relation to other NPA orders and regulations.* All provisions of any NPA regulation or any other order which are inconsistent with this order are superseded, but in all other respects such regulations and other orders shall continue to apply. Nothing in this order shall be deemed to remove wood pulp from List A of NPA Reg. 2.

SEC. 4. *Inventories.* No person who consumes market chemical wood pulp shall receive or accept delivery of any quantity of such pulp if his inventory of such pulp (including that on hand and that stored for his account) is, or by such receipt or delivery would become, greater than the supply authorized by Schedule A of this order, to the nearest carload: *Provided, however,* That the inventory restrictions of this order shall not apply to nitrating grades of dissolving pulp for ordnance purposes. Those provisions of NPA Reg. 1 which limit inventory to a practical minimum working inventory do not apply to market chemical wood pulp but other provisions of NPA Reg. 1 remain applicable.

SEC. 5. *Limitation on consumption.* (a) Except as otherwise provided in Schedule C of this order, no person shall consume, put into process, or otherwise use for the manufacture of paper or paperboard, an amount of market chemical wood pulp in any calendar quarter greater than 95 percent of his base consumption: *Provided, however,* That if in any calendar quarter a person's actual consumption of those types of market chemical wood pulp, the consumption of which is limited in that quarter, falls below his authorized consumption in that calendar quarter, he may in the next succeeding calendar quarter use an amount equivalent to such deficiency in addition to the quantity otherwise authorized in such succeeding quarter, but this additional amount shall in no event exceed 10 percent of his authorized consumption of those grades of market chemical wood pulp the consumption of which is limited in such succeeding quarter.

(b) A person who both consumes and sells market chemical wood pulp may consume all or part of the pulp that he is required by paragraph (b) of section 6 to offer for sale provided he reduces his consumption of market chemical wood pulp by an equivalent amount below the consumption otherwise authorized by this section. (See example following section 6 (f).)

SEC. 6. *Reserve production.* (a) For the calendar quarter beginning July 1, 1951, and for each calendar quarter thereafter, each producer shall reserve a percentage of his estimated production of each grade of chemical wood pulp, including deliveries of captive chemical wood pulp, equal to the percentage designated in Schedule B of this order: *Provided, however,* That any producer who manufactures several grades of chemical wood pulp, may file a written application with NPA requesting authorization to concentrate his reserve production in one or more grades of such pulp.

(b) Except as qualified by section (b) of this order, every producer shall offer for sale to unaffiliated persons in the United States, in each calendar quarter, not less than the same percentage of his total estimated production of chemical wood pulp for that quarter as that percentage of his total production of chemical wood pulp in the first calendar quarter of 1951 which he delivered in such quarter to unaffiliated persons in the United States. In making such offerings, the producer shall offer not less than the same percentage of his estimated production of each grade as that percentage of his production of that grade in the first calendar quarter of 1951 which he delivered in that quarter plus any additional quantities of those or other grades required to bring his total offerings to the above-prescribed minimum. The reserve production required by paragraph (a) of this section shall apply, by grade, to the balance of the producer's estimated production for each quarter.

(c) Each producer shall, during the month preceding the calendar quarter to which the reserve production requirement applies, and until the fifteenth day of the third month of such quarter, offer for sale to persons in the United States authorized by this order to consume market chemical wood pulp, a tonnage not less than the amount of such producer's reserve production as determined under this section.

(d) On the fifth day of each calendar month, beginning January 5, 1952, each producer shall report to NPA his reserve production on Form NPAF–140 as instructed thereon. Any consumer of market chemical wood pulp unable to obtain his minimum operating requirements may, at any time prior to the fifteenth day of the final month of each calendar quarter, request from NPA the names of producers with unsold reserve production. At any time up to and including the fifteenth day of the final month of the quarter, any reserve balances that a producer has not sold may be sold pursuant to such directives as NPA may issue with respect thereto: *Provided, however,* That tonnages directed on or after the first day of the final month of the quarter shall not exceed one-third of the total quarterly reserve of any producer. Any reserve balances which, after the fifteenth day of the final month of the quarter, have not been sold or which have not been covered by a directive from NPA at

released and may be used or otherwise disposed of by a producer.

(e) Any chemical wood pulp which a producer sells in any calendar quarter pursuant to this order shall be shipped as nearly as practicable pro rata over such quarter, and all shipments shall be completed not later than the last day of the calendar quarter to which the reserve production requirement applies.

(f) A producer who also consumes market chemical wood pulp may retain and use all or part of his reserve production provided he reduces by an equivalent amount his consumption of market chemical wood pulp below the amount he is authorized to consume by section 5 of this order.

Example showing application of sections 5 (b), 6 (b), and 6 (f): The A B C Paper Company consumed, in 1950, 12,000 tons of market chemical wood pulp and 16,000 tons of bleached sulfate produced by its subsidiary, the X Y Z Pulp Company. In the first quarter of 1951, it sold 20 percent of the X Y Z Pulp Company's total production of bleached sulfate. It estimates that, for the third quarter of 1951, its production of bleached sulfate at X Y Z Pulp Company will total 5,000 tons.

For the third quarter of 1951, the A B C Paper Company has the following options:

(1) It may consume 2,850 tons of market chemical pulp (95 percent of average quarterly consumption in 1950), sell 1,120 tons of bleached sulfate produced at X Y Z (20 percent of its estimated total production plus 3 percent of balance), and consume the remaining 3,880 tons of X Y Z's estimated production. (Estimated production of 5,000 tons less sales of 1,120 tons.)

(2) It may withdraw entirely from the sale of bleached sulfate, consume 5,000 tons of X Y Z's production (3,880 tons plus 1,120 tons), and reduce its consumption of market chemical pulp to 1,730 tons (2,850 tons minus 1,120 tons).

(3) It may withdraw from sale any amount of bleached sulfate up to 1,120 tons reserved and reduce its consumption of market chemical pulp by an equivalent amount.

(g) If, in any calendar quarter, a producer's actual production of any grade of chemical wood pulp is more or less than his estimated production for purposes of paragraphs (a) and (b) of this section, such producer's reserve production for the succeeding calendar quarter must be increased or may be decreased by the amount of such differences.

SEC. 7. *Reports.* (a) Every producer or consumer of wood pulp shall report each month his production, transfer, shipments, receipts, consumption, and inventory of pulpwood, wood pulp, waste paper, and other fibers on Census Forms M–14A and M–14E.

(b) Every consumer of wood pulp in the manufacture of paper and paperboard shall also report his consumption of all grades of wood pulp, waste paper, and other fibres for the year 1950 as instructed by NPA.

(c) Every producer who imports or controls the disposition of imported chemical wood pulp, captive or market, shall also report his receipts and deliveries to others of all grades of such pulp in the United States for each month commencing January 1, 1951, and monthly thereafter as instructed by NPA.

(d) A producer shall report to NPA on the fifth day of each month on Form NPAF–140 the information required by paragraph (d) of section 6 of this order in accordance with the instructions on that form.

(e) Every consumer of market chemical wood pulp shall report on Form NPAF–156 his estimated consumption of market chemical wood pulp during the first 6 months of 1952 in accordance with the instructions accompanying that form.

(f) All persons subject to this order shall make such other reports to the NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139f).

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–72.

SEC. 10. *Records.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use of chemical wood pulp of all grades, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of NPA, at the usual place of business where maintained.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect March 12, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE A OF NPA ORDER M–72

(REVISED MARCH 12, 1952)

AUTHORIZED INVENTORIES OF MARKET CHEMICAL WOOD PULP

I. *North American Market Chemical Wood Pulp*

(1) Bleached sulfite (including dissolving) Bleached sulfate (including dissolving) Soda	45 days' supply (one-fourth of estimated combined consumption [1] of these grades during the first 6 months of 1952).
(2) Unbleached sulfite	90 days' supply (one-half of estimated consumption [1] of this grade in the first 6 months of 1952).
(3) Unbleached sulfate	120 days' supply (two-thirds of estimated consumption [1] of this grade in the first 6 months of 1952).

II. *Northern European Market Chemical Wood Pulp*

(4) Bleached sulfite (including dissolving) Unbleached sulfite Bleached sulfate (including dissolving) Unbleached sulfate Soda	120 days' supply (two-thirds of estimated combined consumption [1] of these grades in first 6 months of 1952).

[1] Estimates of consumption, used in calculating authorized inventories, must not exceed consumption rate authorized by NPA Order M–72.

SCHEDULE B OF NPA ORDER M–72

(REVISED MARCH 12, 1952)

RESERVE PRODUCTION REQUIREMENT

Grade:	Percent
Bleached sulfite (including dissolving)	3
Unbleached sulfite	3
Bleached and semibleached sulfate (including dissolving)	3
Soda	3
Unbleached sulfate [2]	3

[2] The reserve production requirement for unbleached sulfate is suspended during the first and second calendar quarters of 1952.

SCHEDULE C OF NPA ORDER M–72

(ISSUED MARCH 12, 1952)

AUTHORIZED CONSUMPTION OF MARKET CHEMICAL WOOD PULP

1. The limitation on consumption of unbleached sulfate is suspended.

2. A person's authorized quarterly consumption of market chemical wood pulp other than unbleached sulfate is item d as determined by the following formula:

$$a \times \frac{b}{c} = d$$

where:

a is the person's authorized quarterly consumption of all grades of market chemical wood pulp (including unbleached sulfate) as computed under section 5 (including any adjustments granted by NPA prior to March 12, 1952).

b is the person's actual consumption of market chemical wood pulp excluding unbleached sulfate in the fourth calendar quarter of 1951.[3]

c is the person's actual consumption of market chemical wood pulp including unbleached sulfate in the fourth calendar quarter of 1951.[3]

d is the person's authorized quarterly consumption of market chemical wood pulp other than unbleached sulfate as established under this schedule.

3. This schedule is applicable only during the first and second calendar quarters of 1952.

[3] In figuring his actual consumption of market chemical wood pulp in the fourth calendar quarter of 1951, a person must include any chemical wood pulp of his own production which he consumed in lieu of market chemical wood pulp pursuant to sections 5 (b) and 6 (f) of NPA Order M–72.

[F. R. Doc. 52–3036; Filed, Mar. 12, 1952; 10:58 a. m.]

[NPA Order M–80 as Amended Mar. 12, 1952]

M–80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this amended order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

NPA Order M–80 of August 15, 1951, is affected as follows:

1. The definition of "alloy product" in section 2 (d) is changed to include "low-alloy high-strength steel" and "nickel anodes."

2. The definition of "alloy steel" in section 2 (d) (1) is changed to include steel containing 50 percent or more of iron and steel, and to set forth particulars respecting operations beginning with the second quarter of 1952.

3. The definition of "stainless steel" in section 2 (d) (2) is changed editorially, and to remove the reference to "stainless-clad steel."

4. The definition of "low-alloy high-strength steel" in section 2 (d) (3) is changed to include Navy high-tensile steel of a certain type.

5. The definition of "tool steel" in section 2 (d) (5) is changed to except plain carbon steel.

6. Sections 3 and 6 are changed to specify columbium, molybdenum, nickel, and tantalum procured from scrap as alloying materials in connection with melting and processing.

7. Section 10 (d) is changed to allow certain relaxation of use restrictions under conditions of impracticality.

8. Section 11 (a) is changed to permit extension of allocation authorizations under certain conditions.

9. A new paragraph (b) is added to section 11 setting forth certain alternative procedures for placing purchase orders.

10. Section 18 is amended by changing the 45-day provision respecting inventory to 60 days.

11. Sections 20, 21 (b), 21 (c), 22, and 23 are changed to conform to comparable wording in other NPA orders and regulations.

As amended, NPA Order M–80 reads as follows:

INTRODUCTORY

Sec.
1. What this order does.
2. Definitions.

PRODUCTION OF ALLOY PRODUCTS BY MELTING

3. Restrictions on melt.
4. Applications and reports from melters.
5. Changes in melting schedules.

PRODUCTION OF PROCESSED PRODUCTS BY MEANS OTHER THAN MELTING

6. Restrictions on processing.
7. Applications and report from processors.
8. Changes in processing schedules.

ALLOCATIONS OF ALLOYING MATERIALS

9. Alloying materials subject to complete allocation.
10. Restrictions on deliveries and exceptions thereto.
11. Allocation authorizations.

PROHIBITED PRODUCTS AND USES

12. Prohibited uses of alloying materials.
13. Prohibited uses of alloy products or processed products.

GENERAL PROVISIONS

14. Schedules.
15. Conservation required.
16. Imports.
17. Relation to other NPA orders and regulations.
18. Limitation on inventories of alloying materials.
19. Export of alloying materials.
20. Applications for adjustment or exception.
21. Records and reports.
22. Communications.
23. Violations.

AUTHORITY: Sections 1 to 23 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101 E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281 Aug. 28, 1951, 16 F. R. 8789.

INTRODUCTORY

SECTION 1. *What this order does.* This order in general covers alloying materials and alloy products. It requires all melters and processors to file proposed melting or processing schedules and data concerning inventories. It requires authorization of melting or processing schedules by National Production Authority (hereinafter called "NPA") and permits NPA to make changes therein. Certain schedules issued under this order require complete allocation of certain alloying materials and provide for the filing of applications with NPA for allocation authorizations; and these schedules also prohibit certain uses of specified alloying materials and alloy products. The order provides for the issuance of additional schedules when and if other alloying materials are to be made subject to allocation or to use limitations or the use of any other alloy product is to be limited or prohibited. It contains provisions incidental to the effectuation of the foregoing in support of the Controlled Materials Plan and other programs requiring these alloying materials.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government. A person who keeps separate inventory records

for any separate operating or producing unit shall treat each such separate operating or producing unit as a separate person for the purposes of this order, unless NPA otherwise directs or permits upon application of such person.

(b) "Alloying material" means any one of the forms or compounds of the elements as listed and defined in List I appearing at the end of this order. This term does not include pure tungsten or pure molybdenum, both of which are covered by NPA Order M–81.

(c) "Restricted alloying material" means any alloying material made subject to complete allocation under the provisions of this order.

(d) "Alloy product" means and includes those kinds of steel or iron hereafter defined as "alloy steel," "stainless steel," "low-alloy high-strength steel," or "tool steel," and "nonferrous wrought or cast alloys," including high temperature heat- and corrosion-resisting alloys, and nickel anodes:

(1) "Alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheets and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying element, in any amount specified or known to have been added to obtain a desired alloying effect. For operations beginning with the second calendar quarter of 1952, clad steels which have an alloy steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

(2) "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements.

(3) "Low-alloy high-strength steel" means only the proprietary grades promoted and sold for this purpose, and Navy high-tensile steel Grade HT Specification Mil–S–16113 (Ships).

(4) "Nonferrous wrought or cast alloys" means nickel, cobalt, copper, aluminum, and other alloys containing one or more of the elements defined in List I of this order, and with less than 50 percent iron.

(5) "Tool steel" means any steel, except plain carbon steel, used for the manufacture of tools for use in mechanical fixtures, precision gages, or for hand or power hacksaws. This term includes the high-speed steels defined in Schedule B of this order.

(e) "Melter" means a person who produces alloy products by melting.

(f) "Alloying material supplier" means a person who produces alloying materials.

(g) "Processed product" means a product derived wholly or partially from an alloying material, by any means or process other than melting.

(h) "Processor" means a person who produces a processed product.

All definitions contained in this section 2 or List I of this order shall be applicable to the schedules at any time issued under the provisions of this order. The word "order" as used herein may include all schedules and lists issued as parts of this order.

PRODUCTION OF ALLOY PRODUCTS BY MELTING

SEC. 3. *Restrictions on melt.* No melter, who melts during any calendar month a greater quantity of any alloying material than shown on List II of this order, shall melt any such alloying material into an alloy product, except in accordance with a melting schedule which has been duly authorized by NPA under section 5 of this order. For the purpose of the preceding sentence, any columbium, molybdenum, nickel, or tantalum, procured from scrap (except when present at residual contamination) shall be considered an alloying material. Whenever an allocation authorization for the same period authorizes the use of a lesser amount of any alloying material (which is a restricted alloying material) than permitted by the melting schedule, then the use of any such restricted alloying material shall be governed by the allocation authorization rather than by the melting schedule.

SEC. 4. *Applications and reports from melters.* Each melter, who uses during any calendar month a greater quantity of any alloying material than shown in List II of this order, is hereby required to apply to NPA for approval of any proposed melting schedule on Form NPAF–60. Such application shall be filed with NPA not later than the first day of the month preceding the melt month, commencing September 1, 1951. Each melter, who uses during any calendar month a greater quantity of any alloying material than shown in List II, shall also file with NPA not later than September 7, 1951, a statement on Form NPAF–113 indicating the quantities of each alloying material in his inventory on certain dates, and shall furnish all other data required by that form. If any melter requires delivery or use of any restricted alloying material, he shall also file, simultaneously with Form NPAF–113, an application on Form NPAF–114. He shall file a separate application for each restricted alloying material required by him. Applications for allocation of restricted alloying materials are required whether or not a proposed melting schedule is approved. Authorization of a melting schedule does not carry with it authorization of an application for allocation. Whenever it is necessary in order to complete any of the above forms required to be filed under the provisions of this section, any person who orders alloy products from a melter shall state in his order the end use (by classification and specific part name) for which such alloy product will be used. A melter may file an additional melting schedule or schedules for authorization at any time.

SEC. 5. *Changes in melting schedules.* NPA may make such changes, modifications, postponements, or deletions in any proposed melting schedule filed by a melter as, in the discretion of NPA, may be deemed necessary or advisable in order to bring about the maximum possible conservation of alloying materials in the interest of national defense. Modifications or changes required by NPA in the alloy content of a product shall be binding upon a melter whether the alloy content of such product is procured from alloying materials, as defined in List I of this order, and/or from scrap containing usable quantities of such alloying material. Upon completion of the review of any proposed schedule or modification thereof as provided in this section, the approval of the melting schedule as originally filed or as modified will be mailed on Form GA–35, the Melting Schedule Metallurgical Authorization, to each melter at least 10 days prior to the first day of the melt month.

PRODUCTION OF PROCESSED PRODUCTS BY MEANS OTHER THAN MELTING

SEC. 6. *Restrictions on processing.* No processor, who processes during any calendar month a greater quantity of any alloying material than shown on List II of this order, shall incorporate any such alloying material into any processed product, except in accordance with a processing schedule which has been duly authorized by NPA under section 8 of this order. For the purpose of the preceding sentence, any columbium, molybdenum, nickel, or tantalum, procured from scrap (except when present as residual contamination) shall be considered an alloying material. Whenever an allocation authorization for the same period authorizes the use of a lesser amount of any alloying material (which is a restricted alloying material) than permitted by the processing schedule, then the use of any such restricted alloying material shall be governed by the allocation authorization rather than by the processing schedule.

SEC. 7. *Applications and reports from processors.* Each processor, who uses during any calendar month a greater quantity of any alloying material than shown in List II of this order, is required to apply to NPA for approval of any proposed processing schedule on Form NPAF–102. Such application shall be filed with NPA not later than the first day of the month preceding the processing month, commencing with September 1, 1951. Each processor who uses during any calendar month a greater quantity than shown on List II of any alloying material, shall also file with NPA on the seventh day of the month preceding the processing month, commencing September 7, 1951, a statement on Form NPAF–113 indicating the quantities of each alloying material in his inventory on certain dates, and shall furnish all other data required by that form. If any processer requires delivery of use of any restricted alloying material, he shall also file simultaneously with Form NPAF–113, an application for allocation on Form NPAF–114. He shall file a

separate application for each restricted alloying material required by him. Applications for allocation of restricted alloying materials are required whether or not a proposed processing schedule is authorized. Authorization of a processing schedule does not carry with it authorization of an application for allocation. Whenever it is necessary in order to complete any of the above forms required to be filed under the provisions of this section, each person who orders processed products from a processor shall state in his purchase order the end use (by classification and specific part name) for which such processed product will be used. A processor may file an additional processing schedule or schedules for authorization at any time.

SEC. 8. *Changes in processing schedules.* NPA may make such changes, modifications, postponements, or deletions in any proposed processing schedule filed by a processor, as in the discretion of NPA, may be deemed necessary or advisable in order to bring about the maximum possible conservation of alloying materials in the interests of national defense. Modifications or changes required by NPA in the alloy content of a product shall be binding upon a processor whether the alloy content of such product is procured from alloying materials, as defined in List I of this order, and/or from scrap containing usable quantities of such alloying materials. Upon completion of the review of any proposed processing schedule or modification thereof as provided in this section, the approval of the processing schedule, as originally filed or as modified, will be mailed on Form GA–41, Processing Schedule Authorization, to each processor prior to the first day of the processing month.

ALLOCATION OF ALLOYING MATERIALS

SEC. 9. *Alloying materials subject to complete allocation.* Schedules 1 through 5, inclusive, of this order continue complete allocation of nickel, cobalt, tungsten, molybdenum, and columbium and tantalum. These alloying materials are termed "restricted alloying materials." Separate schedules numbered consecutively from 6 upwards will be issued under this order for each alloying material to be made subject to complete allocation after the effective date of this order. Each numbered schedule makes a particular alloying material subject to complete allocation and contains any special requirements, exemptions, prohibited uses, or provisions pertaining to the particular alloying material that are not contained in this order.

SEC. 10. *Restrictions on deliveries and exceptions thereto.* (a) No alloying material supplier shall deliver to any person any restricted alloying material, except in accordance with the terms of an NPA directive, an allocation authorization issued to such alloying material supplier by NPA, or except upon receipt of the certification for users of limited quantities as required by the schedules of this order.

(b) No person shall accept delivery of a restricted alloying material from an alloying material supplier except in accordance with the terms of an allocation authorization or except upon delivery of the certificate for users of limited quantities as required by the schedules of this order.

(c) No alloying material supplier shall deliver any alloying material if he knows or has reason to believe that the person receiving the alloying material may not accept delivery thereof under this order or that he will use the alloying material in violation of this order.

(d) No melter or processor shall use in any calendar month a greater quantity of a restricted alloying material than that shown in List II of this order, or the quantity he is authorized to use for that month by Form NPAF-114 issued by NPA: *Provided,* That commencing with any calendar month in which a melter's or processor's method and rate of operations for that month did not make it practicable for him to use the total quantity of any restricted alloying material which he was authorized to use for such month by Form NPAF–114 issued by NPA, he may, during the immediately ensuing two consecutive calendar months, exceed his authorized monthly use of such restricted alloying material during each of such 2 months up to a maximum of 130 percent of the quantity authorized for use during each such month by Form NPAF–114: *Provided further,* That no person shall use in any period of three consecutive calendar months, commencing with January 1, 1952, a greater quantity of any restricted alloying material than the total weight of such material which he is authorized to use during such 3-month period by Form NPAF–114 issued by NPA. Any person who, pursuant to this paragraph, varies his actual monthly use from the authorized monthly use of a restricted alloying material over a successive 3-month period, or any portion thereof, shall by the seventh day of the month following each month of such 3-month period, report to NPA on Form NPAF–113 the exact quantity of the restricted alloying material used during each preceding month. When the amount of a restricted alloying material contained in the melting schedule authorization or processing schedule authorization is not the same as the amount allocated for use on Form NPAF–114, the lesser of the authorized amounts must not be exceeded, except as herein provided.

(e) The foregoing restrictions of this section with respect to deliveries shall not apply to deliveries of restricted alloying materials made to General Services Administration or to any other duly authorized Government agency of the United States for the purpose of stock piling.

SEC. 11. *Allocation authorizations.* (a) As set forth in sections 4 and 7 of this order, each melter and processor desiring to receive an allocation authorization for any restricted alloying material is required, commencing September 7, 1951, to file with NPA an application on Form NPAF–114. This form is required to be filed simultaneously with Form NPAF–113 on or before the seventh day of the month preceding the month in which delivery of the restricted alloying material is required. NPA may grant the application in whole or in part or may reject the application. Whenever an application is granted, in whole or in part, an authorization will be issued at least 10 days prior to the first day of the delivery month to the appropriate alloying material supplier and a copy furnished to the applicant. The copy returned to the applicant will show the amount of restricted alloying material he is authorized to use and the amount he is allowed for inventory purposes to permit continuous operation from month to month. The alloying material supplier to whom the allocation authorization is issued shall fill orders of the applicant within the limits of the allocation authorization. No person receiving any restricted alloying material may use such restricted alloying material except in accordance with an allocation authorization. An allocation authorization issued by NPA to any person shall terminate at the close of the calendar month for which such allocation authorization was granted except where a person varies his use of the restricted alloying material allocated, pursuant to section 10 (d) of this order.

(b) Notwithstanding the provisions of sections 4 and 7 of this order, any melter or processor (except a supplier) who requires nickel anodes, nickel salts, chemicals, oxides, and catalysts or ceramic grades of cobalt, shall place, unless otherwise instructed by NPA, a purchase order therefor with his usual supplier, in lieu of filing Form NPAF–113, Form NPAF–114, and Form NPAF–60 or Form NPAF–102. The supplier shall then make application to NPA, pursuant to section 4 or 7 of this order, on the applicable form, for allocation of the total quantity of nickel anodes, nickel salts, chemicals, oxides and catalysts, or ceramic grades of cobalt represented by such purchase orders received from all of his melter and processor customers, together with his own requirements. Whenever such an application is approved by NPA, the supplier shall then allot among his melter or processor customers (in all cases however, within the limit of the quantity approved by NPA, on Form GA–35 or Form GA–41, for melting or processing purposes by each such customer) the nickel anodes, nickel salts, chemicals, oxides, and catalysts or ceramic grades of cobalt, as the case may be, in the same proportion that the total quantity of such nickel anodes, nickel salts, chemicals, oxides, and catalysts or ceramic grades of cobalt, as the case may be, allocated to such supplier by NPA on Form NPAF–114, bears to the total quantity of such nickel anodes, nickel salts, chemicals, oxides, and catalysts or ceramic grades of cobalt, as the case may be, approved by NPA for melting or processing purposes on Form GA–35 or Form GA–41. Each melter or processor who, during any calendar month, obtains any restricted alloy material from his supplier pursuant to the provisions of this paragraph, shall be deemed to have received an approved melting or processing schedule and allocation authorization for such month, from NPA covering the quantity of such material allotted to him

by his supplier, and he shall use the restricted alloying material so acquired only in conformance with the provisions of this order and the schedules thereto.

PROHIBITED PRODUCTS AND USES

SEC. 12. *Prohibited uses of alloying materials.* If the use of any alloying material for any particular purpose or product is to be prohibited, the provisions concerning such prohibition are, or will be, set forth in a schedule issued with or pursuant to this order concerning that alloying material. No person shall use any alloying material in violation of the provisions of any schedule issued with this order or which may be issued by NPA from time to time under this order.

SEC. 13. *Prohibited uses of alloy products or processed products.* Separate schedules lettered alphabetically may be issued under this order from time to time covering additional classes of alloy or processed products. Each schedule will contain specific prohibitions or restrictions as to specific classes of alloy products or processed products and additional requirements that are not now covered in this order. No person shall use or manufacture any alloy product or processed product in violation of the provisions of any schedule issued or which may be issued by NPA from time to time under this order.

GENERAL PROVISIONS

SEC. 14. *Schedules.* Schedules issued under this order shall be numbered consecutively beginning with "1" or lettered alphabetically beginning with "A", and shall be designated according to number or letter as "Schedule _____ of NPA Order M–80." A schedule may be issued or amended without any change in the text of this order, and without any republication of this order or of any provision of this order. All provisions of any schedule shall be deemed to be incorporated into and made a part of this order as of the effective date of the schedule or amendment thereto, as the case may be. In the event of an inconsistency or conflict between the provisions of any schedule issued or which may be issued by NPA from time to time under this order and the provisions of this order, the provisions of the schedule shall govern. Schedules may be issued or amended at any time and from time to time and shall remain in full force and effect until individually amended, superseded, or revoked. This order may be amended without any change in the text of any schedule issued from time to time under this order.

SEC. 15. *Conservation required.* No person shall use a restricted alloying material in the production, processing, or manufacture of an alloy or processed product when it is commercially feasible to substitute some material therefor other than a restricted alloying material. No person shall use a greater quantity or higher quality of an alloying material in the production, processing, or manufacture of any alloy or processed product than is necessary to produce, process, or manufacture any such alloy or processed product on a commercially feasible basis, unless required to meet military material specifications.

SEC. 16. *Imports.* Nothing contained in this order shall prohibit the importation of any restricted alloying material: *Provided,* That any such restricted alloying material after importation and delivery to or for the account of the importer shall not be further delivered, used, or consumed except in accordance with the provisions of this order.

SEC. 17. *Relation to other NPA orders and regulations.* All provisions of any NPA regulation or order are superseded to the extent that they are inconsistent with this order or with the schedules issued from time to time under this order, but in all other respects the provisions of such regulations and orders shall remain in full force and effect. Except as otherwise directed in writing by NPA, restricted alloying material shall be delivered only under an allocation authorization pursuant to the provisions of this order and, accordingly, DO rated orders or other preference orders shall have no effect, except to the extent that NPA takes such DO or preference rating into account in granting an allocation authorization.

SEC. 18. *Limitation on inventories of alloying materials.* No melter or processor, notwithstanding any allocation authorization received by him, shall place an order for any alloying material (except ferro-manganese and ferro-silicon) calling for delivery of, and no such person shall accept delivery of, any such alloying material at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, 60 calendar days' requirements at his then scheduled rate and method of operation. Any melter or processor who at any time has outstanding orders for any alloying material calling for delivery earlier than, or in quantities greater than, he would be permitted to receive under this section, shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and such orders shall be adjusted accordingly. Imported as well as domestic alloying materials are subject to this order and are to be included in computing inventory: *Provided,* That any alloying material acquired prior to landing may be imported even though a person's inventory thereby becomes in excess of the amount herein permitted, but, that in such event, such person may not receive further deliveries from domestic sources until his inventory is reduced to permitted levels. Any alloying material which has been processed to any degree, but has not yet been actually incorporated into a finished or partially finished product is likewise to be included in computing inventory. The provisions of NPA Reg. 1 shall continue to apply to ferro-manganese, and, for the purposes of this order, shall also be deemed applicable to ferro-silicon.

SEC. 19. *Export of alloying materials.* Alloying materials exported from the United States, its territories or possessions, pursuant to a validated export license issued by the Office of International Trade, Department of Commerce, are exempt from all provisions of this order and of the schedules issued or which may be issued by NPA from time to time under this order, except for the provisions of section 9, and paragraphs (a) and (b) of section 10 of this order, and the provisions of this order requiring the keeping of records and the making of reports.

SEC. 20. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 21. *Records and reports.* (a) Commencing September 1, 1951, every person who, at any time in a calendar month, had in his possession or under his control or who, during a calendar month, consumed any restricted alloying material in greater quantities than the minimum permitted by List II of this order shall report to NPA on Form NPAF–113 on or before the seventh day of the following month. However, if he applies on such form for an allocation of restricted alloying material for delivery during the succeeding month, his application serves also as the required report.

(b) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(c) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(d) Persons subject to this order shall make such records and submit such additional reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U.S.C. 139–139F).

SEC. 22. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-80.

SEC. 23. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect March 12, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST I—DEFINITIONS OF ALLOYING MATERIALS

1. *Boron* means ferro-boron, boron metal, and all other alloys used as sources of boron.
2. *Calcium* means calcium-silicon, calcium-manganese-silicon, and metallic calcium.
3. *Chromium* means all forms of ferro-chromium including those alloys known as ferro-silicon chromium and ferro-chromium silicon, chromium nickel, chromium metal, and all other compositions containing more than 25 percent chromium, which are used as sources of chromium in commercial manufacture or processing.
4. *Cobalt* means and includes cobalt metal, cobalt oxide, cobalt fines, cobalt powder, and all other primary compounds, as well as scrap containing more than 5 percent cobalt, which are used as sources of cobalt in commercial manufacture and processing.
5. *Columbium and tantalum* mean ferro-columbium and ferro-columbium tantalum.
6. *Manganese* means ferro manganese, manganese metal, silicomanganese, silicospiegel, spiegeleisen, and all other compositions used as sources of manganese in the manufacture of any alloy products.
7. *Molybdenum* means ferro-molybdenum, all grades of molybdenum oxide, and all primary molybdates and other molybdenum compounds used as a source of molybdenum in commercial manufacture and processing. It does not include the molybdenum present in steel scrap or pure molybdenum metal or scrap molybdenum metal.
8. *Nickel* means only the following forms of primary nickel: electrolytic nickel, ingots, pigs, rondelles, cubes, pellets and powder, rolled and cast anodes, shot, oxides, salts, and chemicals and residues derived directly from new nickel, including residues containing nickel derived as a byproduct from copper refinery operations.
9. *Silicon* means all grades of ferro-silicon including silvery iron or silicon pig, all grades of silicon metal, and all other compositions containing more than 6 percent metallic silicon, which are used as sources of silicon in the manufacture of any alloy products.
10. *Titanium* means all grades of ferro-titanium, titanium metal, and other alloys used to add titanium in the manufacture of any alloy products.
11. *Tungsten* means ferro-tungsten, tungsten scrap, and tungsten ores and concentrates. It does not include pure tungsten metal.

(a) Tungsten scrap means steel or alloy scrap containing 1 percent or more tungsten.

(b) Tungsten ores and concentrates means any ore or concentrate, either natural or synthetic, when used as a source of tungsten in the manufacture of any alloy products.

12. *Vanadium* means all forms of ferro-vanadium, vanadium pentoxide, and all other alloys and compositions used as sources of vanadium in commercial manufacture and processing.
13. *Zirconium* means zirconium metal, ferro-aluminum-zirconium, zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

LIST II—QUANTITIES OF CONTAINED METALS IN ALLOYING MATERIALS EXEMPTED PER MONTH

1. Boron—100 pounds.
2. Calcium—1,000 pounds.
3. Chromium—2,000 pounds; except chromium metal—50 pounds.
4. Cobalt—25 pounds.
5. Columbium and tantalum—10 pounds.
6. Manganese—15 tons; except manganese metal—100 pounds.
7. Molybdenum—200 pounds.
8. Nickel—100 pounds.
9. Silicon—15 tons; except silicon metal—100 pounds.
10. Titanium—200 pounds.
11. Tungsten—25 pounds.
12. Vanadium—500 pounds.
13. Zirconium—200 pounds.

[F. R. Doc. 52-3037; Filed, Mar. 12, 1952; 10:59 a. m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 62 (AGE-7)]

AGE-7—AUTHORITY OF GENERAL AGENTS TO PROVIDE FOR AMERICAN MERCHANT MARINE LIBRARY SERVICE

Sec.
1. What this order does.
2. General Agents' authority; form of agreement.
3. Rate of compensation.
4. Period of the agreement.

AUTHORITY: Sections 1 to 4 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order authorizes each General Agent to enter into an agreement with the American Merchant Marine Library Association to furnish GAA vessels with library books; prescribes the rate of compensation to be paid; and adopts a standard form of agreement to be executed by each General Agent.

SEC. 2. *General Agents' authority; form of agreement.* Each General Agent is authorized to enter into an agreement with the American Merchant Marine Library Association, an educational association incorporated and existing under the laws of the State of New York, to furnish and maintain standard libraries on board vessels operated by each General Agent under Service Agreement "GAA 3-19-51". The form of the agreement shall be as follows:

AGREEMENT BETWEEN UNITED STATES OF AMERICA AND AMERICAN MERCHANT MARINE LIBRARY ASSOCIATION

This agreement, made as of the 20th day of March 1951, by and between the United States of America (herein called the "United States") acting by and through the Department of Commerce, Maritime Administration, National Shipping Authority, and represented by its General Agent _____, a corporation organized and existing under the laws of _____ (herein called the "General Agent") and the American Merchant Marine Library Association, an educational association incorporated and existing under the laws of the State of New York and having its principal office and place of business in the Borough of Manhattan, City, County and State of New York (herein called the "Association").

Witnesseth:

Whereas the Association was incorporated for the purpose of establishing and maintaining on board merchant vessels of the United States, small libraries for the use of the officers and crews. The standard library unit of the Association contains approximately 40 bound books, 30 pocket books and pamphlets, and a bundle of magazines packed in a suitable case; and

Whereas the United States is desirous of having the Association furnish and maintain standard libraries on board vessels operated by the General Agent for the account of the United States.

Now, therefore, in consideration of the reciprocal undertakings and promises, the United States and the Association agree as follows:

ARTICLE 1. The Association agrees to deliver to each vessel operated by the General Agent under Service Agreement "GAA 3-19-51" at any one of the ports where the Association now has, or may hereafter have a duly established agent, one of its standard library units, and to allow said unit to remain on the vessel for the balance of the calendar year, or until replaced by another standard library unit. The Association agrees to replace the library units on the vessels from time to time during the year with standard library units as requested by the General Agent whenever practicable when the vessel is in a port where the Association maintains a duly established agent.

ART. 2. The Association agrees to deliver the standard library units to the vessels at its own risk and expense, and to remove them from any vessel within 5 days of the receipt of notice from the General Agent to do so. If the Association fails to remove a library unit within 5 days of the receipt of notice to remove, the General Agent may remove the library unit at the risk and expense of the Association. The library units shall be maintained on the vessels at the risk of the Association, and neither the United States nor the General Agent shall be liable to the Association for any loss or damage to any library unit whatsoever or to any book, pamphlet, magazine, case or other article of whatsoever nature contained in or as a part of the library unit, regardless of the cause of the loss or damage.

ART. 3. The United States agrees to pay the Association $50.00 per vessel per year for each vessel furnished with one or more standard library units during each calendar year, provided such unit is on board the vessel for a period of at least 45 days during such calendar year. The Association agrees to submit vouchers to the General Agent showing the number of standard library units furnished during each calendar year

and listing the names of the vessels and the dates of delivery of standard library units to the vessels.

ART. 4. No member of or delegate to Congress or Resident Commissioner is, or shall be, admitted to any share or part of this contract or to any benefit that may arise therefrom, except as provided in Section 116 of the Act of Congress approved March 4, 1909 (35 Stat. 1109).

ART. 5. The Association warrants that it has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or fee, contingent or otherwise. Breach of this warranty shall give the United States the right to terminate the contract, or at its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or fee. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the Association for the purpose of securing business.

ART. 6. This agreement shall be deemed to contain all the provisions required by Section 104 of the Renegotiation Act of 1951. The contractor (which term as used in this sentence means the party contracting to perform the work or furnish the materials required by this agreement) shall, in compliance with said Section 104, insert the provisions of this Article in each subcontract and purchase order made or issued in carrying out this agreement.

ART. 7. This agreement shall be in effect for the calendar years 1951 and 1952. It may be renewed thereafter by mutual agreement as authorized by the Director, National Shipping Authority.

In witness whereof the parties hereto have executed this agreement in quadruplicate the day and year first above written.

[SEAL] UNITED STATES OF AMERICA, DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION, NATIONAL SHIPPING AUTHORITY,

By ----------
General Agent

By ----------
(Title)

Attest:

Secretary

[SEAL] AMERICAN MERCHANT MARINE LIBRARY ASSOCIATION,

By ----------

Attest:

Secretary

SEC. 3. *Rate of compensation.* The American Merchant Marine Library Association shall be paid $50.00 per vessel per year for each vessel furnished with one or more standard library units during each calendar year, provided such unit is on board the vessel for a period of at least 45 days during such calendar year.

SEC. 4. *Period of the agreement.* The agreement shall be in effect for the calendar years 1951 and 1952. It may be renewed thereafter by mutual agreement as authorized by the Director, National Shipping Authority.

Approved: March 5, 1952.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 52-2942; Filed, Mar. 12, 1952; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter K—Security of Vessels

[CGFR 52-11]

PART 122—SAFETY MEASURES

ATOMIC ATTACK INSTRUCTIONS FOR MERCHANT VESSELS IN PORT

Pursuant to the authority of 33 CFR 6.14-1 in Executive Order 10173 (15 F. R. 7007, 3 CFR, 1950 Supp.) as amended by Executive Order 10277 (16 F. R. 7537), the Commandant may prescribe such conditions and restrictions relating to vessels in port as he finds to be necessary under existing circumstances to achieve the purposes of the regulations relating to the safeguarding of vessels, harbors, ports, and waterfront facilities of the United States. The purpose of the new regulations designated as 33 CFR Part 122, regarding safety measures, is to require certain additional safety precautions for vessels. A placard containing atomic attack instructions for merchant vessels in port has been prepared and its initial distribution by the Coast Guard to inspected merchant vessels is now being done. Copies of the placard are to be posted in conspicuous places on board vessels in order that operating personnel will be aware of what to do in an emergency. Because of the urgency in having these instructions available to personnel on board merchant vessels, it is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended by Executive Order 10277, the following regulations are added to Chapter I of 33 CFR and shall become effective on and after date of publication of this document in the FEDERAL REGISTER:

Sec.
122.01 General.
122.10 Atomic attack instructions for merchant vessels in port.

AUTHORITY: §§ 122.01 and 122.10 issued under sec. 1, 40 Stat. 220, as amended; 50 U. S. C. 1; E. O. 10173, Oct. 18, 1950, 15 F. R. 7005, 3 CFR, 1950 Supp., E. O. 10277, Aug. 1, 1951, 16 F. R. 7537.

§ 122.01 *General.* The regulations in this part require additional safety precautions for vessels in accordance with § 6.14-1 of this chapter.

§ 122.10 *Atomic attack instructions for merchant vessels in port.* A placard (Form CG 3256) containing atomic attack instructions for merchant vessels in port has been prepared for the information and assistance of persons on board merchant vessels. When given to the master of a vessel by the Coast Guard, the placards (Form CG 3256) shall be posted in conspicuous places in the pilothouse, engine room, and in the seamen's, firemen's and steward's departments of the vessel.

Dated: March 7, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 52-2950; Filed, Mar. 12, 1952; 8:47 a. m.]

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of certain drawbridges where constant attendance of draw tender is not required over navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, is amended, and §§ 203.490 and 203.509 are revoked, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) *Waterways discharging into Chesapeake Bay.* * * *

(3) Dorseys Creek, Md.; Maryland State Roads Commission bridge and Baltimore and Annapolis Railroad Company bridge at Annapolis. At least five hours' advance notice required.

(4) Weems Creek, Md.; Anne Arundel County highway bridge at West Annapolis. From October 1 to April 30, inclusive, and between sunset and sunrise from May 1 to September 30, inclusive, at least five hours' advance notice required.

(5) South River, Md.; Anne Arundel County highway bridge at Riva. Between sunset and sunrise, at least five hours' advance notice required: *Provided,* That any notice is sufficient if given directly to the draw tender while on duty.

* * * * *

(8-a) Patuxent River, Md.; Maryland State Roads Commission bridge at Benedict. Between 6:00 p. m. and 6:00 a. m. (local time), advance notice required, to be given verbally or by telephone to the Toll Captain at the Administration Building at the east end of the bridge before 6:00 p. m. The owner of or agency controlling the bridge shall keep a complete record of all openings of the draw in such form as may be prescribed by the District Engineer, Corps of Engineers, and shall report to him all cases where the draw has been required to be kept open for an unreasonable length of time.

* * * * *

(18) Appomattox River, Va.; Seaboard Air Line Railway Company bridge near Hopewell. Between 4:00 p. m. and 8:00 a. m., at least 30 minutes' advance notice required.

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* * * *

(12) Altamaha River, Ga.; all drawbridges. At least 24 hours' advance notice required.

(12–a) Oconee River, Ga.; drawbridges downstream from Central of Georgia Railroad Company bridge at Oconee. At least 24 hours' advance notice required.

(12–b) Oconee River, Ga.; Central of Georgia Railway Company bridge at Oconee. At least seven days' advance notice required. Paragraph (e) of this section shall not apply to this bridge.

(12–c) Ocmulgee River, Ga.; all drawbridges. At least 24 hours' advance notice required.

* * * * *

(19) Kissimmee River, Fla.; Seaboard Air Line Railway Company bridge near Basinger. At least 24 hours' advance notice required.

(20) Kissimmee River, Fla.; State Road Department of Florida bridge near Basinger (at Fort Bassenger). At least 96 hours' advance notice required. Paragraph (e) of this section shall not apply to this bridge.

NOTE: This bridge is now under construction.

(21) Kissimmee River, Fla.; State Road Department of Florida bridge near southerly end of Lake Kissimmee. At least 24 hours' advance notice required.

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(18–a) Tombigbee River, Ala.; Southern Railway Company bridge near Epes. At least 24 hours' advance notice required, to be given to the railroad company's station agent at Epes between 8:00 a. m. and 4:00 p. m. on any day except Saturdays and Sundays, either by telephone maintained on the bridge by the railroad company for the purpose or in any other manner convenient to the operator of the vessel.

* * * * *

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* (1) Bayou Lafourche, La.; Texas and New Orleans Railroad Company bridge at Lafourche. At least 48 hours' advance notice required.

* * * * *

§ 203.490 *Tombigbee River, Ala.; Alabama Great Southern railroad bridge at Epes, Ala.* (Revoked).

§ 203.509 *Calcasieu River, La.; State of Louisiana Department of Highways bridge at Lake Charles.* (Revoked).

[Regs., Feb. 26, 1952, 823.01–ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-2044; Filed, Mar. 12, 1952; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

MISCELLANEOUS AMENDMENTS

a. In § 35.13 *Nonmailable articles and compositions* add the following new paragraph:

(c) *Matter of harmful nature.* (1) Post cards, postal cards, and envelopes, bearing particles of glass, metal, mica, sand, tinsel, or other similar substances, are unmailable, except when enclosed in envelopes tightly sealed to prevent the escape of such particles, or when treated in such manner as will prevent the objectionable substance from being rubbed off.

(2) Matter liable to destroy, deface, or otherwise damage the contents of mail bags or harm the person of anyone engaged in the postal service, such as caustic poisons (acids and alkalies), oxidizing materials, or flammable solids with ignition point under 250° F., or which are likely under conditions incident to transportation to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from the manufacturing or processing; explosives or containers previously used for shipping high explosives having a liquid ingredient (such as dynamite), ammunition; fireworks; highly flammable liquids or substances with flash point under 20° F. (Tag. closed tester); radioactive materials except as provided in § 35.16a; matches; or articles exhaling a bad odor.

(3) The matter listed in subdivision (i) of this subparagraph is classed as nonmailable. The fact that certain matter is not listed does not signify that it is mailable, as all matter which is outwardly or of its own force dangerous or injurious to life, health or property is classed as nonmailable under this section. It should also be understood that while some chemicals in pure form are nonmailable, such chemicals when present in a solvent or otherwise diluted, may be mailable in certain concentrations and in specified limited amounts, subject also to packaging specifications, as prescribed by the Bureau of Transportation.

(i) *Nonmailable matter (partial list).* Matter of lesser concentrations indicated by an asterisk below may be mailable with quantity restrictions and specification packaging. Consult post office.

Acetal.
*Acetic acid (20 percent or above).
Acetic anhydride.
Acetone.
Acetonitrile.
Acetyl chloride.
Acid digestion mixture (Hartman-Leddon, Leitz).
Acidified indicator solution (Hartman-Leddon).
Acid proofing solutions Nos. 1 and 2 (Hartman-Leddon).
Alcoholic potash (concentrated).
Aldrin.
Alkaline alcohol wash reagent (Leitz).
Alkaline copper solution (Folin and Wu).
Alkaline potassium iodide solution (Hartman-Leddon).
Alkaline potassium permanganate solution (Hartman-Leddon).
Alkaline pyrogallol orsat.
Allyl bromide.
Allyl chloride.
Allyl ethyl ether.
Allyl iodide.
Aluminum bromide, anhydrous.
Aluminum chloride, anhydrous.
Aluminum metal (dust).
Aluminum sulfide.
*Ammonia water (5 percent or above).
*Ammonium hydroxide (5 percent or above)
Ammonium nitrate.
Ammonium perchlorate.
Ammonium persulfate.
Ammonium picrate.
Ammonium sulfide.
Amylanthracene.
Amylene.
Amyl Mercaptan.
Amyl Nitrite.
Di-sec-amylphenol.
Di-sec-n-amyl phenol.
Otho sec-n-amyl phenol.
Para secondary amyl phenol.
Poly secondary amyl phenol.
Anhydrone (Sargent).
Antiformin:
  No. 1. Sodium hypochlorite.
  No. 2. Sodium hydroxide.
Arsenic chloride.
Barium chlorate.
Barium dioxide, powder.
Barium perchlorate.
Batteries, electric storage, wet.
Benedict color reagent (Hartman-Leddon).
Benzal chloride.
1,2-benzanthracene.
Benzene (benzol).
Benzenesulfonyl chloride.
Benzidin reagent for occult blood test (acet acid).
Benzine.
Benzoyl chloride.
Benzyl diethylamine.
Beryllium fluoride lumps.
Beryllium metal powder.
Beryllium nitrate crystals.
Beryllium oxide crucible shapes.
Beryllium oxide powder.
Beryllium solid shapes and lumps.
Beryllium sulfate crystals.
Bial reagent (Hartman-Leddon).
Bromine.
Di-iso-butylamine.
Mono butylamine.
Butyl chloride.
iso-butyl chlorocarbonate.
n-butyl chlorocarbonate.
di-iso-butylene.
Butyl ether.
Calcium hypochlorite.
Calcium phosphide.
Carbol fuchsin—Czaplewiski stain (5 perce carbolic acid).
Carbolic acid.
Carbol xylol weigert (strength in phenol).
Carbon disulfide.
Chloral.
Chloral cyanohydrin.
Chlorates:
  Barium chlorate.
  Potassium chlorate.
  Sodium chlorate.
  Strontium chlorate.
Chlorine.
Cleaning solution (acid chromate).
Cleaning solution (Ulm-Sheftel reagent 17).
Collodion.
Collodion U. S. P. flexible.
Collodion, cotton (pyroxylin).
Creolin.
Cresol.
Creosote.
Cresylic acid.

Cuprammonium solution (Hartman-Leddon).
Cuprous chloride orsat (acid solution).
Cuprous cyanide.
Cyanide chloride mixture.
Cyanide, urea solution Folin.
Cyanogas.
Cyclohexene.
Decalcifying fluid (Hartman-Leddon).
Desicchlora (barium perchlorate, anhydrous).
Diacetone alcohol.
Diamino anisole dihydrochloride.
Diamino toluene sulfate.
Diamyl sulfide.
1,2,5,6,-dibenzanthracene.
Dibutyl tin diacetate.
Dibutyl tin dichloride.
Dibutyl tin maleate.
a-b-dichloroethyl ether.
s-dichloromethyl ether.
3,4-dichloronitrobenzene.
2,6-dichloro-4-nitroaniline.
Dieldrin.
Diethylamine.
Beta-diethylaminoethyl chloride hydrochloride.
Diethylene triamine.
b,b¹-dihydroxyethyl sulfide.
Dilauryl tin dichloride.
Dilute Standards (manganese) (Hartman-Leddon).
Beta-dimethylaminoethyl chloride hydrochloride.
Beta-dimethylaminoisopropyl chloride hydrochloride.
Dimethyl ketone.
Dimethyl sulfate.
2,4-dinitroaniline.
o-, or m-, or p-dinitrobenzene.
2,4-, or 3,5-dinitrobenzoic acid.
3,5-dinitrobenzoyl chloride.
2,4-dinitrochlorobenzene.
2,6-dinitro-4-chlorophenol.
4,4¹-dinitrodiazoaminobenzene.
2,4-dinitrodiethylaniline.
2,4-, or 2, 6-dinitrophenol.
2,4-dinitrophenol sodium salt.
2,4-dinitrophenylacetic acid.
Dipicrylamine.
Ehrlich aldehyde reagent Nos. 1 and 2.
Epichlorohydrin.
Ether.
Ether petroleum.
Ethyl acetate reagent anhydrous.
Ethylene thiourea.
Ethyl pentachlorophenyl carbonate.
Ethyl bromide.
Ethyl chlorocarbonate.
Ethyl dibromoacetate.
2-ethylhexylamine.
Ethyl iodide.
Ethyl thiocyanate.
Ethylthioglycolic acid.
Fehling solution No. 1 alkaline.
Fluorescent tubes containing beryllium.
Formaldehyde.
Formic acid.
Gasoline.
Gies Biuret reagent.
Glycerine alpha dichlorohydrin.
Glycerine formal.
Glycerine furfural.
Glyceryl alpha, gamma di-isoamyl ether.
Glyceryl alpha, gamma dimethyl ether.
Glyceryl alpha, gamma diphenyl ether (solid).
Glyceryl alpha mono-n-butyl ether.
Glyceryl alpha monoisoamyl ether.
Glyceryl alpha monomethyl ether.
Glyceryl alpha monophenyl ether (sol).
n-heptylamine.
Hydriodic acid.
Hydrobomic acid.
Hydrochloric acid (above 5 percent).
Hydrochlorides of various nitrogen mustards.
Hydrofluoric acid.
Hydrofluosilicic acid.
Hydrogen peroxide (above 3½ percent).
Hydrogen sulfide in water.
Hypobromite.
Hypochlorous acid.
Iodine A. C. S., reagent, resublimed.
Iodine U. S. P., resublimed.
Iodine hanus solution.
Iodine Wijs solution.
Di-isopropylfluorophosphate.
Lacto-phenol solution (strength in phenol).
Lead tetra-acetate.
Liquor, intoxicating.
Lye.
Lysol.
Magnesium metal, powder or ribbon.
Magnesium perchlorate anhy. (anhydrone).
Maleic anydride.
Manganese dibutylphthalamate.
Matches, strike—anywhere.
Meta or para cresol.
Methanol.
p-methoxybenzoyl chloride.
Methyl acetate.
Methyl alcohol.
Methyl bromide.
Methyl n-butyl ether.
Methyl cholanthrene.
Methyl iodide.
Methyl isothiocyanate.
Million reagent.
Acid molybdate.
Molybdate reagent (14.7 percent H_2SO_4).
Molybdic-sulfuric acid reagent.
Molybdophosphoric solution.
Acid monochloracetic (reagent) (Hartman-Leddon).
*Muriatic acid (above 5 percent).
Nessler's reagent.
Newman's stain (No. 2 formula).
Nicotine (alkaloid or sulfate).
*Nitric acid (5 percent or above).
Nitrobenzene.
p-nitrobenzyl bromide.
p-nitrobenzyl chloride.
Nitrogen mustards, hydrochlorides of.
Nitrolene (Nitroloid Co.).
Nitromethane.
Nylander reagent.
Obermayer solution.
Orthocen K.
Osmic acid.
*Oxalic acid (10 percent or above).
Oxygen (liquid).
Paraformaldehyde.
Paralith developer (Afga).
Parathion.
Pentalarm (Sharples).
Perchlorates:
  Ammonium perchlorate.
  Anhydrone (magnesium perchlorate anhy.).
  Barium perchlorate.
  Desicchlora (barium perchlorate Anhy.).
  Perchloric acid.
  Potassium perchlorate.
Perosmic acid.
*Phenol (5 percent or above).
Phenol disulphonic acid solution.
di nitro secondary butyl phenol.
Phloroglucinol.
Acid phosphoric, meta glacial, anhydride, or ACS ortho.
Phosphoric-sulfuric acid mixture.
Phosphorus, white, yellow.
Phosphorus amorphous.
Phosphorus oxychloride.
Phosphorus pentachloride.
Phosphorus pentasulfide.
Phosphorus pentoxide.
Phosphorus trichloride.
Picric acid.
Pitch, liquid oil.
Potassium bromate.
Potassium chlorate.
Potassium cyanide.
*Potassium hydrate (10 percent or above).
*Potassium hydroxide (10 percent or above).
Potassium 3-hydroxybutyldithiocarbamate.
Potassium metal.
Potassium perchlorate.
Propionaldehyde.
Propionitrile.
di-iso-propylamine.
Rags, oily.
Resin cresol grade B and grade C.
Resin cresylic acid.
Rice solutions:
  No. 1. Hypobromite.
  No. 2. Sodium hydroxide.
Robert reagent.
Schmidt's reagent.
Schweitzer reagent (cuprammonium hydroxide).
Scott-Wilson reagent.
Sellwanoff reagent.
Silver cyanide.
Silver nitrate.
Sodamide.
Soda lime.
Sodium amalgam.
Sodium calcium hydrate dry (4-, 8-, 12-, or 60-mesh).
Sodium chlorate.
Sodium chloride-trichloracetic acid solution (Leitz).
Sodium cyanide.
Sodium fluoroacetate.
*Sodium hydroxide (10 percent or above).
Sodium 3-hydroxybutyldithiocarbamate.
Sodium hypochlorite.
Sodium metal.
Sodium peroxide.
Sodium selenate.
Sodium sulfide solution.
Solozone (Dupont).
Stannic chloride anhydrous fuming.
Stannous chloride solution.
Storage batteries containing acid.
Strontium chlorate.
Sulfosalicylic acid.
Sulfur dioxide.
*Sulfuric acid (above 5 percent).
Sulfur chloride.
Tetrabutyl tin.
Tetraethyl pyrophosphate.
Tetranitroaniline.
Tetranitromethylaniline.
Thallium sulfate.
o-, m-, or p-thiocresol.
Thioglycolic acid.
Thionyl chloride.
Thiophene.
Thiophenol.
Thiovanic acid.
Thorium oxide (thoria).
Titanium tetrachloride.
Trichloracetic acid.
Trinitrocresol.
Trinitroluene (titron).
Trinitronaphthalene.
2,4,6,-trinitrophenylhydrazine.
Weedex (arsenical).
Weed Killer (phenol) (Dow).
Wood alcohol.
Zinc phosphide.

b. In § 35.14 *Inflammable substances* make the following changes:

1. Amend paragraphs (a) and (b) to read as follows:

(a) *When mailable.* Flammable liquids having a flash point between 20° F. (Tag. closed tester) and 80° F. (Tag. open tester) which are not poisonous or explosive or unmailable for reasons other than their inflammability, shall be accepted for transmission in the domestic continental mails, except the Air Service, when in quantities of not more than 6 ounces in securely closed strong glass or earthenware containers, or not more than 12 ounces in securely closed good quality metal containers. At least 2 percent of the capacity of such containers shall be left vacant. They shall be surrounded by approved absorbent material in quantity sufficient to take up all the liquid in case of breakage and shall be cushioned in a strong, tightly closed outside container of metal, wood, or fiberboard. Such parcels shall be marked "Flammable" and "Flash point between

20° F. and 80° F., not over 6 ounces in glass container, or not over 12 ounces in metal container." They shall be dispatched inside of mail bags. Liquids with flash point below 20° F. (Tag. closed tester) are prohibited in the mails.

(b) *Packing and marking.* Flammable liquids mentioned in paragraph (a) of this section in larger quantities with flash point over 40° F. (Tag. closed tester) but not over 80° F. (Tag. open tester) shall be accepted for transmission in the domestic continental mails except the Air Service when in quantities not exceeding 1 gallon in securely closed strong glass or earthen containers, or not exceeding 5 gallons in securely closed good quality metal containers. At least 2 percent of capacity of such containers shall be left vacant. They shall be individually cushioned to prevent breakage or leakage in a strong, tightly closed outside container of metal, wood, or fiberboard bearing name of contents and an approved bright red caution label. When in extra strong metal containers, with handle or bail, of 1-gallon size or larger, the boxing may be omitted. They shall be dispatched outside of mail bags. The caution label shall be diamond-shaped, each side 4 inches long with wording painted in black letters inside of a black lined border measuring 3½ inches on each side, such wording to be as follows:

Keep away from fire, heat, and open-flame lights. Caution. Leaking packages must be removed to safe place. Do not drop. Flash point over 40° F. (Tag. closed tester) to 80° F. Contents: If in glass container—over 6 ounces but not over 1 gallon. If in metal container—over 12 ounces but not over 5 gallons. This is to certify that contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Post Office Department.

(Shipper's name)

2. Insert new paragraph (c) to read as follows:

(c) *Flammable liquids (nontoxic) in polyethylene bottles*—(1) *Quantity.* No more than 64 fluid ounces of mailable liquid which will not permeate through the bottle or cause the bottle to deteriorate, and which has a flash point between 70° (Tag. open tester) and 80° F., may be enclosed in one parcel.

(2) *Bottle specifications.* Capacity of bottles shall not exceed 8 ounces. They must be tear resistant and will, including closure, withstand a temperature of 200° F., and a load pressure of 300 pounds at room temperature (73.5° F.) with bottle in a vertical position, without leakage. The closure on such bottles shall consist of a properly fitting good quality cap of such design as will provide a secure closure and will not leak regardless of deformation of neck of bottle.

(3) *Packing and labeling.* When quantity does not exceed 6 fluid ounces in one parcel the packing prescribed in paragraph (a) of this section shall apply and the parcel shall be marked "Flammable—Flash Point between 70° and 80° F.—not over 6 ounces in polyethylene container." When quantity exceeds 6 fluid ounces, the packing and labeling prescribed in paragraph (b) of this section shall apply except that the caution label shall be modified to show flash point range, quantity and type of container.

(4) *Combustible liquids (nontoxic) in polyethylene bottles; quantity.* No more than 1 gallon of mailable liquid which will not permeate through the bottle or cause the bottle to deteriorate and which has a flash point of 150° F. or lower but above 80° F., may be enclosed in one parcel.

(5) *Bottle specifications.* Same as in paragraph (d) (6) of this section.

(6) *Packing and labeling.* When quantity does not exceed 24 fluid ounces in one parcel the packing shall be in accordance with § 35.18 (d) (2) and endorsement in accordance with § 35.29 (d) (7). When quantity exceeds 24 fluid ounces in one parcel, the packing prescribed in § 35.18 (d) (4) and the outside mail endorsement shown in § 35.29 (d) (4) shall apply together with further endorsement of "Combustible—Flash Point Above 80° F."

3. Amend paragraph (e) *Nitrate of soda and potassium,* to read as follows:

(e) *Nitrate of soda and nitrate of potassium.* (1) Nitrate of soda and nitrate of potassium in quantities not to exceed 8 ounces shall be accepted for mailing when in strong glass bottles cushioned in approved mailing tubes or cartons with the word "flammable" and the proper name of the article plainly marked on the outside of the package.

(2) These substances in packages not exceeding 25 pounds shall be admitted to the domestic surface mails when prepared as provided for larger quantities of inflammable substances (see paragraph (b) of this section) or when packed in strong cotton bags lined with two thicknesses of kraft paper cemented together with asphaltum and cemented to the outside cotton bags. Care shall be taken to avoid any of the product getting on the outside of the parcels, and the package shall be capable of withstanding a drop of 4 feet without any escaping of contents. Each parcel shall bear the yellow caution label shown in paragraph (b) of this section.

4. Amend paragraph (f) *Matches* to read as follows:

(f) *Matches*—(1) *General prohibitions.* Matches in sealed envelopes are not mailable. No matches of any kind shall be accepted in the mails for transmission to any foreign country including Canada and Mexico or between continental United States and the overseas possessions and Territories of the United States, including Alaska, or overseas APO's or FPO's, or for transmission between any such possession or Territory and any other such possession or Territory. "Strike-anywhere" matches are not mailable.

(2) *Carton requirements.* (i) Safety matches (strike-only-on-box or book variety) with ignition temperature as determined in the oven test of not less than 170° C. (338° F.) shall be accepted for transmission in the domestic surface mails to destinations within the continental United States only, when packed in tightly closed metal containers, or in strong containers of other nonfragile material having a securely glued inside lining consisting of either aluminum foil 0.0004-inch thick, or long fiber asbestos paper 0.006-inch thick, or other equivalent fire retardant material approved by the Postmaster General, which lining must be continuous with no holes therein and leave no portion of the container unprotected. The wall strength of the lined container must test at least 90 points (Mullen or Cady tester, with foil lined side away from rubber diaphragm in the tester or with asbestos-lined side next to the rubber diaphragm). The aluminum-foil or asbestos-lined containers must be completely filled with safety matches and the flaps reinforced with kraft gummed paper tape (not less than 35 pound) or with good quality cellulose tape. On the smaller containers of not more than 10 regular-size books of matches, the gummed label, if of good quality, may be extended over the tuck-in tab ends of the container at least 1 inch to securely seal the end flaps. On containers with flaps more than 2¾ inches long, the flaps shall be securely fastened to the container with approved tape so as to leave no opening in which other mail might become fastened.

(ii) Taped flaps are not required when container has locking end flaps of a type approved by the Postmaster General and the wall strength of carton tests at least 175 points.

(iii) When two caddies of 50 boxes of regular-size books each or the maximum amount of other size books are enclosed in one container, a full-size separator of 0.015-inch thick cardboard covered on both sides with aluminum foil at least 0.004-inch thick, or the equivalent asbestos-covered board, or other equivalent fire retardant material approved by the Postmaster General, shall be placed between the two caddies.

(3) *Quantity restrictions.* (i) No more than 100 regular-size books (2 sticks) in one carton. To be contained in two caddies of 50 books each when maximum amount is shipped.

(ii) Fifty billboard size (40 sticks) to be contained in two caddies of 25 books each when maximum amount is shipped.

(iii) Forty jumbo size (12 oversize sticks in a single row) to be in caddies of 20 books each when maximum amount is shipped.

(4) *Safety matches (strike-only-on-the-book variety).* Safety matches of the giant or jumbo book type are acceptable in single books holding not more than 12 match sticks in a single row enclosed in envelopes approximately 4 by 3¾ inches lined with not less than 0.006-inch thick long fiber asbestos paper or not less than 0.00035-inch thick aluminum foil with a bursting strength of not less than 50 points (Mullen or Cady tester). The envelopes shall not crack at the folds; and if the end flap is not closed by a metal clasp or fiber board buttons with strong twine, it must fold inside the envelope at least 1 inches.

(5) *Approved pull-and-light types of safety matches.* Approved pull-and-light types of safety matches (each match head individually embedded

the striking panels) shall be accepted for transmission in the domestic mails to destinations within the continental United States only, when in small amounts packed in completely filled, securely sealed strong cardboard containers. Large numbers of cards or more than three circular refills must be packed in strong fiberboard cartons. A small number of cards (not more than 12) of these matches may be accepted for mailing in a strong securely fastened mailing envelope such as a strong kraft open-end envelope with flap closed by a metal clasp or fiberboard buttons with strong twine. One or two cards may be mailed with advertising matter in good quality envelopes of the loose-end flap type. This type match presents little fire hazard and a foil-or-asbestos-lined container is not considered necessary.

(6) *Not mailable to overseas destinations.* (i) Safety matches must not be enclosed in parcels of other items unless in an approved carton.

(ii) They must not be included in parcels addressed to overseas destinations.

(iii) Due to lack of suitable material to recondition damaged cartons, such damaged cartons are treated as nonmailable matter and destroyed at office at which detected.

c. In § 35.15 *Mailable nonintoxicating, noninflammable, and noninjurious matter* make the following changes:

1. Amend paragraph (h) *Fire extinguishers and other cylinders containing compressed gas or acid not mailable with exceptions as noted herein,* by adding the following subdivisions to subparagraph (3):

(v) Aerosol type not exceeding 16.6 fluid ounce capacity charged with nonliquefied carbon dioxide or other nonliquefied gas approved for mailing to not over 55 pounds per square inch at 70° F., and equipped with a fusible plug safety device approved by the Bureau of Explosives which will prevent explosion of the charged cylinder when placed in a fire. An approved content of nontoxic, nonflammable or matter not of a nature which might damage other mail must be used. The words "Compressed Gas", and the proper name of the article shall be plainly marked on the outside of the parcel. There is a limit of six 16.6 ounce size cans, or twelve 10 ounce size cans in one parcel.

(vi) Aerosol or spray type in good quality metal container charged with a gas approved for mailing to less than 40 pounds per square inch at 70° F. is not classed as a compressed gas, but the contents must be nontoxic, nonflammable and not of a nature which might damage other mail, in order to be acceptable for mailing. Such containers must be individually cushioned and packed in accordance with subdivision (i) of this subparagraph, and labeled in accordance with subparagraphs (6) and (7) of 35.29 (d). The proper name of the article shall be plainly marked on the outside of the parcel.

(vii) Empty cylinders which last contained nonmailable acids, solvents, etc., are acceptable provided they are within the size and weight limit; are without sharp edges which might damage other mail or injure employees; and bear a label certifying that the tank is empty, has been thoroughly cleaned both inside and out and is in proper condition for mailing. The name of the last hazardous substance contained in the cylinder must also be noted on the label. All old labels or markings must be removed or covered.

2. Add two new paragraphs to read as follows:

(k) *Safety-razor blades.* Safety-razor blades in double individual wrappers are acceptable when securely glued or taped to a piece of stiff cardboard or its equivalent which when folded over and stapled or taped extends beyond the blade or blades on all sides and is enclosed in a good quality envelope. These mailings must bear return postage guarantee, if not sent first class.

(l) *Return postage guarantee on matter containing cutting edges.* Mail matter of the third class containing sample safety-razor blades, small samples of other metals, or any similar matter which is liable to injure postal employees assigned to destroy such mail in the dead letter branches in case of nondelivery, shall not be accepted for mailing unless it not only is properly protected to carry safely in the mails, but bears the name and address of the sender in the upper left corner together with the pledge "Return Postage Guaranteed."

d. Amend § 35.16 *Motion-picture films* by adding the following paragraph:

(l) *Amateur roll film (nitrate).* This film (usually 35 mm. or other small size) has the same hazardous properties as motion picture film except that it is in short lengths. However, a film processing plant may receive or dispatch a considerable quantity at one time. Such film requires a metal container such as the metal cartridge in which it was originally contained provided the cartridge is tightly closed with no exposed end of inflammable film, in accordance with paragraph (c) of this section or a substantial fiber carton. These rolls after being processed and printed must also be packed in accordance with the preceding sentence. Photographic supply houses or film-processing plants may buy ends of 35 mm. nitrate film which are less than 500 feet long and sell cartridges thereof, or exchange cartridges for exposed film which is processed by them. In this way large quantities of nitrate film may be mailed and some processors may not understand what type film is being handled. As a corrective measure, concerns buying the so-called "Trail—ends" could specify safety films.

e. § 35.17a *Television picture tubes (cathode ray)* is rescinded.

f. In § 35.18 *Special packing of certain matter* make the following changes:

1. In paragraph (d), redesignate present subparagraph (4) as subparagraph (3) and insert a subparagraph (4) to read as follows:

(4) *Gallon bottles.* (i) Not more than four 1 gallon bottles of noncombustible and nontoxic liquids may be contained in one carton. For four bottles a 325-pound test carton is required with 2 inches of firmly packed excelsior on all four sides, top and bottom and between the bottles; or a 275-pound test carton with a full sized good quality double wall corrugated partition with each bottle held in a fixed position not less than three-quarters of an inch from the walls of the shipping carton and not less than 1½ inches from each other by corner pads of good quality doublefaced corrugated board. At least 1½ inches of air space should be provided on top and bottom by rat-trap-type pads. Combustible liquids are restricted to 1 gallon in a parcel.

(ii) Single gallon bottles should have about 2 inches of excelsior on the bottom and 1 inch on top plus 1 inch on the sides, or be held at least three-quarters of an inch from the sides by corner pads of good quality fiberboard, and 1 inch from the bottom by a rat-trap-type pad with similar space on top if a plastic cap is used. If a cork or metal cap is used, protection on top may be afforded by a pad of doublewall corrugated board. A 275-pound test carton is indicated for the foregoing. In case the bottle is held in a fixed position at least three-quarters of an inch from the walls of the shipping carton by means of an inner scored sheet of 275-pound test doublewall corrugated board, a 200-pound test carton is adequate but protection on top and bottom must be as heretofore described.

(iii) Plastic bottle caps some of which have poor impact resistance, contribute to a large percentage of damage, especially the black phenolic type, and the use of a cork in addition thereto is recommended on the larger size bottles. Plastic caps on bottles without corks must be cushioned to prevent breakage or cracking.

2. Redesignate subparagraphs (5) and (6) of paragraph (d) as (6) and (7) and insert a new subparagraph (5) to read as follows:

(5) *Good quality polyethylene bottles.* Polyethylene bottles of good quality, not exceeding 16 fluid ounce capacity with tightly fitting good quality caps which will not leak regardless of deformation of the neck of the bottle, are acceptable for admissible liquids which will not permeate through the bottle or cause it to deteriorate. They must be packed and labeled under the same requirements as set forth in paragraph (d) (6) of this section for metal cans. (See § 35.14.)

3. Amend paragraph (l) *Fragile articles,* to read as follows:

(l) *Fragile articles.*—(1) *Endorsement.* All parcels containing articles easily breakable are required to be marked "Fragile" before being acceptable for mailing. Articles consisting wholly or in part of glass, or contained in glass, may be marked "Glass" in lieu of "Fragile," in addition to any other required endorsements. Parcels consisting of non-fragile articles shall not be marked "Fragile." Among articles classed as fragile are amber, cameras, chinaware, cigars, clocks, compotes, crockery, delicate mechanisms, dolls, drawings, electrical appliances, fans, flowers, fluorescent tubes, fountain pens (not unbreakable),

glassware, incandescent lamps, instruments of precision, jewelry, lamps and shades, maps, millinery, musical instruments, paintings, pipes, plaster-of-paris or clay articles, certain plastic articles or items having a plastic case; pottery, porcelain, plumes, radios and tubes, television picture tubes, easily broken phonograph records, photographic and sensitive paper, thermometers, certain toys, watches, and wax articles.

(2) *Packing fragile articles.* Articles easily broken or marred must be securely packed in strong shipping boxes of metal, wood, or fiberboard, with ample approved cushioning material completely surrounding each article, when necessary to prevent damage. A 200-pound test fiberboard carton is usually adequate for fragile articles under 30 pounds in gross weight while a 175-pound test carton may be adequate when gross weight does not exceed 5 pounds, provided the inner packing strengthens the carton. Lightweight items such as stemware, millinery, and the like, or heavy hardware items, may require a stronger carton. While the amount of required cushioning material will vary with the nature of the item or items packed, generally a minimum of ¾ of an inch between the items and on the sides of the box is necessary with more cushioning required on bottom and top. Air space formed by corrugated molds, or individual compartments formed by good quality corrugated partitions with extended tips and top and bottom pads or trays, are acceptable in lieu of cushioning material for some articles. An inner liner of double wall or possibly double-faced corrugated fiberboard is acceptable for some articles in lieu of the extended tips of partitions. Nontest corrugated fiberboard is not approved for partitions or liners used to strengthen the shipping box. The following general instructions in subdivisions (i) through (xxi) of this subparagraph apply to good quality articles, as articles of poor quality or inferior manufacture may be subject to excessive damage and it is considered impracticable to write packaging instructions relating thereto. Furthermore, the strength of carton required and amount of cushioning needed will vary with the weight, size and nature of the article or articles shipped as well as distance involved in the shipment and amount of handling involved. A parcel addressed to a distant zone which may be handled at several transfer points, possibly over mechanical conveyor systems, will ordinarily require better packaging than a parcel addressed to a nearby point. The general instructions should be considered accordingly and are to be used only as a guide by the mailer who is required to properly package his shipments to prevent loss or damage in transit.

(i) *Cameras.* Cameras must be individually cushioned in a strong shipping carton as outlined in this subparagraph.

(ii) *Television picture tubes (cathode ray).* (*a*) Good quality television tubes not containing beryllium or other toxic phosphors and contained in cartons within the 100-inch size limit, are classed as mailable. They must be properly cushioned and positioned in a strong shipping carton which cannot be penetrated by flying glass in case of breakage of the tube, such as a carton of 200-pound test double-faced corrugated fiberboard with all flaps touching and securely fastened.

(*b*) The face of the tube, which is usually carried face down in cartons of the larger sizes, should be protected by a pad of wadding and two spring type supports of the same stock material as the shipping carton arranged so that the ends of the supports fill in all four sides of the bottom of the carton, or by other equivalent interior packing of corrugated fiberboard. If the inner flaps of the shipping carton do not touch, this deficiency must be compensated for in the inner fiberboard packing. The spring type supports or other packing must provide not less than 1 inch of air space between the face of the tube and the bottom of the shipping carton; not less than ¾ of an inch air space on the sides, and not less than 1½ inches of air space on top. If excelsior is used to cushion the face of the tube and sides thereof, the thickness of excelsior must be twice the air space specified. Shredded or crumpled newspapers or other similar cushioning agents are not approved in lieu of excelsior on tubes of 10 inch size or larger.

(*c*) The tube must be held in a fixed position in the carton by means of a full-sized support of the same stock material as the shipping carton or by other equivalent inner packing. This support may be die cut to fit snugly over the tube, and folded back so as to form a triangular-shaped pad fitting snugly on all sides of the box, or the equivalent in partitions, pads, molds, etc., of corrugated fiberboard of same stock or shipping carton may be used. Use of corrugated partitions, protruding 1½ inches above the base of the tube as a protective measure is recommended.

(*d*) The Radio and Television Manufacturers Association has devised cartons similar to the ones described herein which have been approved for mailing after being subjected to certain laboratory tests.

(iii) *Chinaware or earthenware.* Chinaware or earthenware must be individually cushioned. If hay or straw is used, at least ¾ inch cushioning should be used on the four sides of the box, about 1 inch on top and 1½ inches on the bottom. Each piece must be properly spaced and cushioned to avoid strain or damage to other pieces. Breakage of one article when packed with straw or similar cushioning material may result in general loosening of other articles in the carton with further damage. If corrugated interior packing is used such as trays, pads, partitions, compartments, etc., such cells or partitions must form complete compartments so items do not touch wall of shipping carton or each other. Flexible packing pads between each item of the same size may be used in nesting. The more fragile items such as cups should be in cells with extended tips. The weight of the upper compartments should be borne by the corrugated packing and not by the articles in the lower compartments. About a 1-inch space should be provided on the bottom by rat-trap-type trays, or corrugated pads. Protection on top may be provided in a similar manner. The articles should not fit tightly in the cells as some play should be allowed such as ⅛ or ⅛ of an inch. The fragility of these articles is dependent on composition and manufacture, and therefore some articles, especially low-priced pottery, will break very easily and require packing similar to that for stemware shown in subdivision (x) of this subparagraph.

(iv) *Cigars.* Cigars must be in good shipping condition (not too dry) and be firmly packed in the box. Partially filled boxes should have cushioning material therein to prevent shifting of contents. The boxes should be enclosed in a strong corrugated fiberboard shipping carton to prevent damage by crushing or shock.

(v) *Electrical appliances.* Electrical appliances such as toasters of the pop-up type should be packed in accordance with requirements for radios in subdivision (xvii) of this subparagraph. Grills, waffle irons, etc., should be packed similar to requirements for chinaware in subdivision (iii) of this subparagraph.

(vi) *Glass.* Glass, flat, or mirrors should be protected on each side by strong corrugated pads, boards, or other stiff material, and then cushioned in a strong shipping carton, similar to packing shown in subdivision (xv) of this subparagraph. Packing shown in paragraph (m) of this section may be adequate for small window glass.

(vii) *Auto glass.* A new type interior packing for auto glass consisting of multiwall corrugated board or heavy kraft board mold protecting all edges of the glass and providing about ¾ inch of air space on either side of the glass appears to carry successfully provided a strong shipping carton such as a one-piece folder of 350-pound test corrugated board with overlapping flaps on three sides is used and the flaps are securely fastened together to form a strong, rigid parcel which will not place a strain on the glass.

(viii) *Glass refrigerator trays.* Glass refrigerator trays must be adequately cushioned on all sides and on top and bottom. Corrugated cardboard trays on top and bottom and corrugated spring pads, rat-trap-type pads or molds on the sides may be used. About 1-inch air space is desirable or 1½ inches of cushioning material. A 200-pound test corrugated carton is usually adequate, if supported by full-length inner packing. If the inner packing consists of soft cushioning material or short lengths of corrugated material, a stronger carton may be indicated.

(ix) *Glassware.* Glassware may be packed in accordance with requirements for chinaware in subdivision (iii) of this subparagraph if of similar fragility. Good quality tumblers may require as inner packing, corrugated partitions with extended tips and top and bottom corrugated pads, while more fragile items may require packing indicated in following subdivision (x) of this subparagraph.

(x) *Stemware.* Stemware may be very fragile and in case of faulty manufacture may be affected by temperature or climatic changes. About 1½ inches of air

space on bottom and 1 inch on top, and ¾ inch on sides is preferable. Corrugated flanged fiberboard trays are usually required on the bottom rather than rat-trap-type pads which may transmit shock, while a reverse slotted carton will protect the sides. Strong corrugated compartments may be used to separate the individual items, or they may be rolled in cushioning material. If hay or straw is used as interior packing, see packing for chinaware in subdivision (iii) of this subparagraph. Due to bulky lightweight nature of stemware, an exceptionally strong shipping carton is required such as a 200-pound test corrugated box if supported by good-quality interior corrugated compartments, or a 275-pound test carton if hay or straw is used or if interior packing does not reinforce the carton.

(xi) *Lamps, fluorescent tubes (48-inch) containing non-toxic phosphors.* These tubes are usually packed 24 to a carton of corrugated fiberboard. They must be protected by two thicknesses thereof, such as a 200-pound test corrugated carton with overlapping side flaps and full length corrugated pads of the same stock protecting the other two sides, with not less than three thicknesses of corrugated pads (nontext) protecting the ends. The tubes must be individually separated by means other than the paper sleeve usually placed around each tube and be kept away from the walls of the shipping carton. The separation may be effected by corrugated or pulpboard trays properly spaced and formed which hold the tubes in a fixed position, or by pads of cushioning material. A 275-pound test double-wall corrugated carton with top and bottom pads is approved in lieu of the 200-pound test carton with overlapping flaps and two inner pads.

(xii) *Incandescent lamps.* Such lamps are usually packed in a paper sleeve and a number thereof placed in a light paperboard carton. Due to the bulky, lightweight nature of these lamps, an exceptionally strong carton is required. Furthermore, the paperboard cartons should not touch the walls, top, or bottom of the shipping carton. An inner liner of corrugated board plus top and bottom corrugated pads or cushioning material is most effective.

(xiii) *Millinery or men's felt hats.* Due to the lightweight bulky nature of hats, an exceptionally strong shipping carton such as a 275-pound test corrugated fiberboard carton is preferable. This must be of sufficient size to permit proper spacing and cushioning of the hats therein. A 200-pound test carton might be adequate for local mailings and a 175-pound test inner liner could be used to reinforce such carton for more distant shipments. Fragile trimmings such as feathers must be properly cushioned and protected against shifting or weight of other hats. Pasteboard boxes are not acceptable as shipping containers. Due to the highly seasonal nature of some millinery it is advisable that shipments to distant zones be sent special handling or special delivery.

(xiv) *Musical instruments.* Musical instruments must be well cushioned in wooden or strong solid or double-faced corrugated fiberboard boxes. When rigid individual containers or cases are used, the instruments must first be cushioned in these separate containers when possible, before being packed in the outside container.

(xv) *Framed photographs, pictures, drawings, paintings, and maps.* Such articles with glass fronts must be protected on both sides with stiff material, preferably boards, and packed in strong wooden or fiberboard (solid or double-faced corrugated) boxes, cushioned with excelsior or crushed paper, or preferably with air spaces formed by double-faced fiberboard molds or cells at least 2 inches wide by 1½ inches high, placed so they will not shift, four each on the top and bottom and one over and one under each flat surface of the frame. (To afford better protection to rare or valuable pictures, the glass may be packed at the back of the frame so as to prevent damage to the picture in case of breakage of the glass.)

(xvi) *Flat unframed mounted photographs, pictures, drawings, paintings, maps.* Such articles which would be damaged by folding or bending, or by weight of other mail, must be protected by strong stiffening material preferably a board which must project beyond all sides of the article itself, or be enclosed between two sheets of strong double-faced corrugated fiberboard the full size of the article with the corrugations in one board running at right angles to the corrugations in the other board. Sheets of paperboard may suffice for small, somewhat flexible matter, including X-ray film. Similar matter, when rolled, must be enclosed in a strong mailing tube or carefully rolled around a strong, smooth, round stick of greater length than the matter itself and be well wrapped and fastened.

Matter which would not be damaged by folding or bending, or weight of other mail, does not require stiffening material but must not be marked "Do not Bend or Fold."

(xvii) *Radios.* Radios must be packed in strong containers such as a fiberboard box with at least 2 inches of firmly packed cushioning material such as shredded paper or excelsior on all six sides completely surrounding the radio unless a factory carton approved for shipment by parcel post with approved inner cushioning by means of spring pads, molds, etc., is used. Better packing would be two containers, each of doublefaced corrugated fiberboard, one within the other, the inside container holding the radio to be cushioned with a form or mold of doublefaced corrugated fiberboard to form a 2-inch cushion of air on all six sides. In lieu of such forms or molds, shredded paper or excelsior may be used in sufficient quantity to keep the inner container 2 inches from all inner walls of the outside container. Portable or other radios with plastic or lightweight cases which contain a dry battery are acceptable only if the battery is held in a fixed and immovable position therein by means other than the radio case and if it cannot damage the radio regardless of the position thereof. If not so constructed, the battery must be removed from the case and packed so that it cannot shift or damage the radio in transit. A separate compartment is indicated for the battery which compartment must keep the weight of the battery off the radio regardless of the position of the shipping carton.

(xviii) *Shell lamps, figurines.* The packing requirements for stemware in subdivision (x) of this subparagraph shall apply to such articles. These articles must be packed to withstand handling in any position without damage.

(xix) *Silverware.* Silverware must be individually wrapped if subject to damage from scratching. Cabinets must be cushioned in a strong corrugated fiberboard carton or its equivalent to avoid damage. Cabinet hinges are usually weak points, and the packaging must eliminate strain therefrom.

(xx) *Spectacles, fountain pens, and watches.* Such articles must be completely surrounded with cushioning material and enclosed in a strong rigid box such as a strong doublefaced corrugated fiberboard box or one of equal strength. For fountain pens and watches, when an inside container is used and space permits, soft cushioning material must also be placed next to the article. For spectacles a fully telescoping cardboard box or one of equal strength lined on top and bottom and the two long sides with double-faced corrugated fiberboard with the top lining resting on the upper edges of the side lining, or a strong fully telescoping fiberboard box or a wooden box must be used as the outside container. The spectacles must be cushioned in the metal case or other inside container with soft cushioning material, and the inside container cushioned in the outside container so that the spectacles and the inside container will have no loose motion but remain in fixed position. Adequate air space formed by molds or trays of fiberboard is satisfactory in lieu of cushioning material. Rimless spectacles usually carry best when the metal case is omitted and they are packed in ample soft cushioning material in an outside container such as described above.

(xxi) *Fountain pens, ball point pens, and mechanical pencils.* Such articles of the nondestructible type (represented by their manufacturers to be unbreakable) may be accepted for mailing when wrapped in a roll of single-faced corrugated board to form a round firm parcel and securely fastened. A fragile label may not be used.

(3) *Other articles, packing of.* (i) The following general instructions as to packaging in subdivisions (ii) through (viii) of this subparagraph are printed as a guide for the mailer who is required to properly package his shipments to prevent loss or damage in transit.

(ii) New books in quantities should have the edges well protected with stiff material and be packed to prevent shifting in the carton with possible resulting damage to other books. A strong fiberboard carton with inner liner, or the equivalent, is required. Single lightweight books may be protected on top and bottom by strong corrugated pads or other stiffening material and then

wrapped in strong paper and fastened. They may also be enclosed in a strong mailing folder of fiberboard. Used books in small quantities may be wrapped in several thicknesses of newspaper and then wrapped in strong kraft paper and securely fastened.

(iii) Clothing such as coats, dresses, suits, and the like, is not acceptable in the flimsy paperboard cartons in which the item is usually placed by the store. These cartons, if contents are firmly packed therein may be accepted if wrapped in substantial paper and securely fastened, or if enclosed in a strong fiberboard carton.

(iv) Articles such as towels, slips, dresses and blouses of nominal value which do not have sharp pins, buckles, buttons, and the like, which might be damaged or might damage other mails or injure personnel may be shipped in a strong kraft envelope testing not less than 60 points (Mullen or Cady tester) and measuring not more than 12 by 16 inches, provided the glued flaps are reinforced with gummed paper tape. These parcels should be pressed flat when being sealed to permit the escape of air. These and similar articles may also be wrapped in substantial wrapping paper and securely fastened. Ordinary paper bags are not approved as mailing containers for these articles.

(v) Folding kraft board cartons with the open seams sealed with tape afford better protection than kraft envelopes, while fiberboard cartons are indicated for larger or more expensive articles.

(vi) Suitcases and handbags should be wrapped in flexible corrugated fiberboard and then in strong kraft paper and fastened, or boxed, if protection from abrasion or scuffing is desired. To prevent damage, such as creasing or splitting on corners, to some types of these items, it is necessary that they be cushioned in a shipping carton of sufficient strength to withstand the weight of other mail. (See subdivision (viii) of this subparagraph as to using an address tag, with a second address slip inside the item, if it is desired to ship without wrapping or boxing.)

(vii) Umbrellas, canes, golf sticks, brooms, mop handles, and similar articles must be reinforced by strips of wood or other suitable material sufficiently strong to prevent breakage in handling and transportation. Mop handles, etc., in considerable quantity and firmly fastened together at a number of points, may not require further reinforcement.

(viii) Laundry cases of fiber construction, and metal cases to a lesser extent, are frequently damaged due to lightweight construction and air space contained therein, and address cards are occasionally lost with the result that the case goes to the dead Parcel Post Branch. Light fiber cases should be boxed to insure arrival in good condition. A canvas-covered case with straps around both ends and lengthwise seems to carry satisfactorily, provided the address card is securely glued or secured in the flanged label holder by metal clasps fastened on the inside of the case or by other suitable means. An address holder similar to that used on trunks and suitcases, with a second address inside the case, is suggested.

4. Add the following new paragraphs to § 35.18:

(n) *Heavy hardware items.* Heavy hardware items such as machinery, parts, castings, bearings, wrenches, and the like, should have the closure, if of gummed tape, reinforced when the gross weight exceeds 15 pounds. Mailers are urged to use strong cloth or canvas sacks or strong boxes securely closed for small articles such as bolts, washers, etc., when in considerable quantity, before placing in the shipping box which should be exceptionally strong. Longer items such as wrenches, rods, which have a tendency to cut through the end of the shipping box, should be well packed to prevent shifting, with the ends of the shipping box reinforced if necessary. Other matter which might cut through the walls of the shipping carton must be padded or boxed. The use of adequate cushioning material to reduce the weight of these shipments to less than 60 pounds per cubic foot is recommended. Items of this nature which do not have sharp points or edges; which would not be damaged by weight of other mail; and which can be readily handled by employees, may be accepted without boxing or wrapping.

(o) *Bakery goods.* Bakery goods must be adequately cushioned in a strong shipping carton to withstand handling in the mail sacks. Window type cartons are not acceptable.

(p) *Flat printed matter.* Flat printed matter or other similar matter which is not securely fastened or boxed but is wrapped and taped, should have the tape closure reinforced when the gross weight exceeds 5 pounds. Bending and shifting contents may cut through the outer wrapper and the use of rigid material securely fastened to the printed matter before it is wrapped to prevent buckling or shifting thereof is recommended. Printed matter which would be damaged by weight of other mail by being bent, dented, or having corners or edges marred, must be protected by adequate stiffening material or be boxed. The use of kraft envelopes fastened only with a metal clasp, or fiber buttons and twine, is not permitted when contents are heavy or shifting. The metal clasps are responsible for considerable loss of printed matter from envelopes and are the source of injury to personnel. The end flaps should be reinforced with gummed tape or the envelope securely tied. The use of fiberboard boxes is indicated for this matter when in substantial quantity.

g. Add a new § 35.29 to read as follows:

§ 35.29 *Containers, packing, closures, labeling and indorsements; general requirements*—(a) *Containers*—(1) *Boxes.* The use of good quality solid or double-faced corrugated fiberboard boxes is recommended. Wood or metal boxes or cases are preferable for some materials. A box of poor quality or which is improperly packed or fastened often results in damage to or loss of contents. A good average size box has the certificate of the boxmaker printed on the side or bottom which gives the bursting test per square inch. (The size limit and gross weight limit, also shown in the certificate, do not apply to parcel post mail.) These boxes must be firmly packed or they will crush under pressure, but if overpacked they may also burst under pressure. In either case, gummed paper tape applied on the seams of the box will not hold the contents together as would strong twine or other approved banding material. The carton in which an article is received is not necessarily acceptable for a return shipment since such carton may have been weakened on the outward trip or might not have been originally devised for parcel post in accordance with postal regulations.

(2) *Mailing tubes.* Mailing tubes must be of sufficient strength to withstand the weight of other mail and protect contents. Metal ends, if used, must be securely affixed to the tube to prevent loosening and exposure or loss of contents. Metal screw covers, if used, must have sufficient screw threads to require at least one and one-half complete turns before coming off. Telescoping tubes shall be securely held together by gummed tape or its equivalent.

(b) *Packing materials*—(1) *Absorbent materials.* Commonly used as absorbent materials are absorbent cotton or cotton padding; cellulosic materials such as kimpack or tufflex; pulverized paper (not shredded paper); wadded short lengths of soft twine or cord; wiping tissue; blotting paper (for small amounts of liquid), and sawdust. (Sawdust will sift out of a damaged carton, permitting contents to shift with possible further damage.)

(2) *Cushioning materials.* Commonly used as cushioning materials are wood wool or excelsior in pads or loose; shredded paper; cellulosic materials such as kimpack or tufflex; straw; macerated paper in pads; tissue paper or crumpled newspaper (not recommended for heavy items); sponge rubber (uncontaminated); and felt, in addition to the absorbent materials previously mentioned. Air space formed by corrugated molds, or corrugated compartments is acceptable in lieu of soft cushioning material for some articles.

(3) *Popcorn.* Popcorn is not approved as a packing agent for toxic materials, nor as an absorbent agent since it is not considered to have satisfactory absorbent properties, and must not be used in these two categories in shipments by mail. Popcorn as a packing material might be contaminated with spillage of poisonous materials, or it might be contaminated with filth and bacteria in shipping rooms since it would not be handled with the sanitary precautions characterizing the handling of food, and it might be disposed of as edible popcorn after reaching the destination or if lost from damaged parcels. Popcorn comes within the scope of the Federal Food, Drug and Cosmetic Act and its use as a packing medium would not necessarily remove it from the requirements of that act which is administered by the Food and Drug Administration, Federal Security Agency, Washington 25, D. C.

(c) *Closures*—(1) *Glue.* Glue, if used, should be of good quality and applied preferably with a brush to cover the sur-

face of the inner flaps of fiberboard boxes.

(2) *Twine, heavy cord, or rope.* Twine, heavy cord, or rope should be of good quality with a tensile strength equal to 2½ to 5 times the weight of the parcel to be tied. The parcel should be encircled twice each way and the tie securely knotted. Small securely wrapped parcels whose length does not exceed 12 to 15 inches should be encircled both lengthwise and crosswise, while additional crossbands or lengthwise bands should be used for each 8 inches in length or width over 12 inches. The two crossbands or lengthwise bands should be about 3 inches from the ends or sides of the parcel and whenever the twine intersects itself, a loop or knot should be formed to hold the twine in its correct position on the package. If the parcel is over 12 inches high, a sideband may be necessary depending on the nature of the contents and firmness of the parcel.

Ordinary cord used in stores to tie small packages is not suitable for parcel post.

(3) *Wire.* Wire must be of proper strength; be machine applied with proper tension and with approved tie wherein the ends of the wire are cut at the end of the tie, are not sharp pointed and are on the underside. Parcels having exposed ends of wire or wire with nicked or burred surfaces which might cause injury to personnel or damage to other mail matter or equipment are nonmailable. Should not be used on parcels it will cut into.

(4) *Metal staples or stitches.* Wire staples or stitches must be of sufficient size and strength for the box and a sufficient number properly spaced must be used to insure that the flaps are held in place. Considerable damage is caused by failure of metal staples to hold and they have been the source of some injury to personnel.

(5) *Metal strapping.* Due to a considerable number of injuries from flat unwrapped metal strapping both from exposed ends and sharp sides, the use thereof, while not prohibited provided there are no sharp or burred sides or exposed ends, cannot be recommended either to reinforce the closure or to tie two or more parcels together. These parcels are considered sealed and in order to be acceptable as parcel post they must bear the printed indicia authorizing postal inspection of contents if necessary. This strapping is intended primarily for heavier matter than is handled in parcel post with its 70-pound limit.

(6) *Pressure-sensitive heavy duty filament tape.* Such tape has proved a good strapping medium since it is of the required strength and does not cut into cartons or cause injuries to personnel. (Water activated filament tape is not approved as a strapping agent.) For use of gummed tape as closure on mail matter see § 35.6a.

(d) *Labeling and endorsements; matter for dispatch outside of mail bags; acceptance and endorsement; (air parcel post not included in these instructions)* — (1) *General.* Parcels properly prepared for mailing which require handling outside of mail bags are those which by reason of their size, weight, nature, or condition, cannot be safely handled inside of mail sacks without damaging them or other mail matter. Such parcels shall be plainly marked by individual mailers or labeled by firm mailers, when necessary, as to contents. Such parcels from individual mailers shall be stamped "outside mail" by the accepting employee as provided in § 35.11a. The dispatch of parcels outside of mail bags due to inadequate packing is not permissible.

(2) *Unmarked outsides.* Parcels handled outside of mail bags which do not require the "outside mail" stamp or label since the nature of contents is plainly evident, consists in part of:

(i) Eggs in standard shipping crates.

(ii) Baby fowl in standard shipping boxes.

(iii) Cut flowers in standard shipping boxes.

(iv) Honeybees in cages.

(v) Queen bees when 24 or more individual cages are fastened together to form one parcel.

(vi) Metal cans of liquid of 1-gallon size or larger.

(vii) Heavy wooden or metal cans, boxes, or crates.

(viii) Heavy castings and machinery parts which are not boxed.

(ix) Brooms, tubs, pails, baskets, and similar matter which is not boxed or wrapped.

(x) Matter which is obviously too large or too long to go in a sack.

(xi) Parcels with red or yellow caution label. (See § 35.14.)

(3) *Marked outsides.* Parcels from individual mailers which should be stamped "outside mail" by the accepting employee, or from firm mailers which must bear the "outside mail" label as outlined in subparagraph (4) of this paragraph consist in part of:

(i) Small wooden or metal boxes weighing over 10 pounds which have corners or edges which might damage other sacked mail.

(ii) Parcels weighing over 35 pounds of sackable size.

(iii) Small exceptionally heavy parcels weighing over 15 pounds (weight per cubic foot must be over 60 pounds).

NOTE: The use of adequate cushioning material may reduce the weight to less than 60 pounds per cubic foot and eliminate need for special labeling.

(iv) Parcels containing soft fruits and berries.

(v) Cut flowers not in standard shipping boxes.

(vi) Fragile phonograph records with 16-inch diameter or larger, and flexible phonograph records with 21-inch diameter or larger.

(vii) Window or picture glass, or mirrors, or similar articles with a wide expanse of glass, in parcel measuring more than 15 by 19 inches (size of glass or mirror must be over 12 by 16 inches). However, this does not apply to all parcels of similar size marked "fragile" or "glass."

(viii) Parcels containing liquids in glass containers with total content over 24 fluid ounces.

(ix) Parcels containing liquids in metal containers with total content of 1 gallon or more.

(x) Umbrellas, canes, maps, levels, and similar articles over 25 inches in length unless mailed in quantity to the same destination when length must be over 30 inches.

(xi) Fluorescent tubes, candles, and similar articles over 25 inches in length.

(4) *Outside label.* Parcels from firm mailers, and mentioned in the preceding paragraph as requiring handling outside of mail bags, may be accepted if an approved label is securely attached thereto adjacent to the address. The label shall be rectangular in shape, approximately 1½ by 2½ inches in size, and the background shall be of dull red color (color similar to red caution label). It shall bear in black print the inscription "outside mail" and, in a space provided under these words, shall bear an approved endorsement as to contents. The colors specified in this label (black print on a red background) shall not be used on labels on matter which is not classed as outside matter under the regulations in this part. The stamp "outside mail" mentioned in subparagraph (3) of this paragraph shall not be used by either firm or individual mailers as its use is restricted to postal employees.

(5) *Sample labels.* Samples of labels required to be used by firm mailers on matter shown in subparagraph (3) of this paragraph are: "Outside mail—Weight over 35 pounds"; "Outside mail—Weight over 15 pounds (weight per cubic foot over 60 pounds)"; "Outside mail—Soft fruits or berries"; "Outside mail—Fragile—Phonograph records—Diameter 16 inches or larger"; "Outside mail—Fragile—Mirror or glass-dimensions larger than 12 by 16 inches." An endorsement on a label such as "Contents meet the requirements for handling outside of mail bags" is not permitted. The "outside mail" label does not eliminate need for the "perishable" or "fragile" endorsement unless such endorsement is incorporated in the label. The label "this side up" may be used in conjunction with the label "outside mail," if desired by mailers, on parcels containing liquids or other matter which would present less of a hazard to other mails if carried in a certain position.

(6) *Liquids; outside parcels.* Parcels containing mailable liquids (nonflammable and nontoxic) with total content exceeding 24 fluid ounces in glass container or containers, or 1 gallon or more in metal container or containers, may be labeled "Outside mail—Fragile—Liquid—Over 24 ounces in glass container or 1 gallon or more in metal container." However, concerns mailing only liquids in glass should use a label showing type of container. If preferred, the actual liquid content and type of container may be stated in addition to "Outside mail—Fragile—Liquid."

(7) *Liquids; sacked parcels.* Parcels containing mailable liquids (nonflammable and nontoxic) with total content less than that noted in the preceding paragraph may be labeled "Fragile—Liquid—Not over 24 ounces in glass container or less than 1 gallon in metal container." If preferred, the actual liq-

uid content and type of container may be stated. The use of a separate label for this quantity of liquid is not required when the desired information is incorporated on the address label. When not more than 8 ounces of liquid are contained in a small parcel of corresponding size, the endorsement "Fragile—Liquid" is considered sufficient. Parcels from individual mailers containing liquids in quantities which are to be sacked, may be stamped "Fragile—Liquid" by the accepting clerk. A red label with black print as mentioned in subparagraph (4) of this paragraph must not be used on parcels containing this quantity of liquid.

(8) *Labels or markings.* Labels and markings printed on cartons, on gummed tape, or on the wrappers of parcels are not permitted in lieu of the required label shown in subparagraph (4) of this paragraph or in lieu of the red or yellow caution label.

(9) *Acceptance.* Parcels improperly marked or labeled for handling outside of mail bags are not acceptable and will be held to be called for by firm mailers. Periodic checks are made of firm mailings to insure proper labeling thereof. Improper markings or labeling must be obliterated by the mailer before the parcel may be accepted.

(e) *Other endorsements*—(1) *Manner of endorsing.* (i) It is essential that certain types of mailings such as fragile or perishable be marked accordingly in order that proper handling may be afforded. Parcels improperly labeled as to nature of contents are not acceptable. Fragile or perishable labels printed on sealing tape, or on cartons unless nature of contents is obvious, are not permitted in lieu of the endorsements or labels required by regulation.

(ii) Proper labeling of flammable matter is shown in § 35.18.

(iii) Obsolete labels or markings should be covered or obliterated.

(ix) The notations "Do Not Bend, Fold, or Crush" must not be used unless the matter is properly protected by stiffening material.

(v) Parcels of fourth-class matter should not bear endorsements such as "Rush," "Do Not Delay" or other inscriptions indicating that expeditious service or special treatment is desired, unless the prescribed fees for special delivery or special handling are prepaid. Inscriptions such as "Important—Open Immediately" or "For Immediate Attention" are permissible.

(2) *Parcels sent as special delivery or special handling.* Parcels sent as special delivery or special handling should bear an endorsement indicating the service desired. The words "Special Delivery" or "Special Handling" should appear in the space immediately below the stamps and above the address.

(3) *Sealed parcels.* Any inscription placed on a parcel by the mailer instructing the addressee to refuse the parcel if the seal is broken or to examine the contents before accepting delivery is inconsistent with the regulations in this part and may not be used. All articles enclosed in sealed wrappers and accepted as fourth-class matter are subject to postal inspection and shall bear printed indicia authorizing such inspection.

(R. S. 161, 396, 3921, sec. 24, 20 Stat. 361, sec. 2, 33 Stat. 440, secs. 12, 13, 39 Stat. 162, sec. 5, 41 Stat. 583, secs. 304, 309, 42 Stat. 24, 25, sec. 5, 41 Stat. 583, secs. 304, 309, 42 Stat. 24, 25, sec. 206, 43 Stat. 1067, sec. 6, 45 Stat. 941, 46 Stat. 264, 526, 62 Stat. 781; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250, 273, 291, 291a, 295, 365, 370)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-2905; Filed, Mar. 12, 1952; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 7—COASTAL AND MARINE RELAY SERVICES

PART 8—SHIP SERVICE

PART 9—AERONAUTICAL SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 12—AMATEUR RADIO SERVICE

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 19—CITIZENS RADIO SERVICE

PART 20—DISASTER COMMUNICATIONS SERVICES

APPLICATION FOR RENEWAL OF RADIO LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of March 1952;

In the matter of Adoption of FCC Form 405–A Application for Renewal of Radio License (Short Form)[1] and amendment of Parts 1, 7, 8, 9, 10, 11, 12, 16, 19, and 20 of the Commission's rules.

The Commission having under consideration the adoption of FCC Form 405–A, Application for Renewal of Radio License (Short Form) and the implementation thereof by adoption of appropriate amendments to Parts 1, 7, 8, 9, 10, 11, 12, 16, 19, and 20 of the Commission's rules; and

It appearing, that the Commission's license renewal procedure in the Safety and Special Radio Services would be expedited by the adoption of a simplified application form which could be used by licensees desiring renewal (without modification) of radio station licenses and also by amateurs when requesting renewal of amateur operator licenses, either simultaneously with renewal of the associated amateur station license or independently where the licensee holds only an amateur operator license; and

It further appearing, that adoption of FCC Form 405–A and associated rule amendments will result in substantial operating economies and promote the efficient handling of the Commission's license workload; and

It further appearing, that the changes herein ordered are procedural in nature, and involve no substantive change requiring general notice of proposed rule making under section 4 (a) of the Administrative Procedure Act; and

It further appearing, that authority for adoption of FCC Form 405–A and associated rule amendments is contained in sections 4 (i), 303 (r), 307 (d), and 308 (b) of the Communications Act of 1934, as amended.

It is ordered, That FCC Form 405–A, Application for Renewal of Radio License (Short Form) be adopted as set forth;[1] and

It is further ordered, That Parts 1, 7, 8, 9, 10, 11, 12, 16, 19, and 20 of the Commission's rules be amended as set forth below; and

It is further ordered, That this order shall be effective April 15, 1952.

Released: March 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

1. Table showing forms currently in effect, and where they are referred to in Part 1 of the rules and regulations.

a. Insert in the appropriate place in the table the following new form:

405–A ..... 1.320 (c) (5)

b. Delete reference to the following subparagraphs: Opposite 404A delete § 1.320 (c) (7); opposite 501A delete § 1.320 (c) (8); opposite 501B delete § 1.320 (c) (9); opposite 525 delete § 1.320 (c) (11); opposite 602 and 610 delete § 1.320 (c) (6).

c. Delete the following in its entirety:

502 ..... 1.320 (c) (5)

2. Delete present text of § 1.320 (c) (4) and substitute the following:

(4) "FCC Form 405, Application for Renewal of Radio Station License." To be used for requesting renewal of license for those stations authorized under Parts 5 and 6 of the Commission's rules.

3. Delete present text of § 1.320 (c) (5) and substitute the following:

(5) "FCC Form 405–A, Application for Renewal of Radio License (Short Form)." To be used for requesting renewal of those licenses issued under Parts 7, 8, 9, 10, 11, 12, 14, 16, 19, and 20 of the Commission's rules.

4. § 1.320 (c) delete subparagraphs (6), (7), (8), (9), (10), and (11) in their entirety.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

5. Delete the text of § 7.37 and substitute the following:

§ 7.37 *Renewal of license.* Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of

[1] Filed as part of the original document.

license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

6. Delete § 7.38 in its entirety.

7. Delete text of § 7.40 (a) (4) in its entirety and renumber following subparagraph as (4).

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

8. Delete present text of § 8.34 and substitute the following:

§ 8.34 *Renewal of license.* Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

9. Delete § 8.35 in its entirety.

10. In § 8.36 (a) (1), for renewal of ship station license, delete FCC Form 502 and substitute: "FCC Form 405–A."

11. In § 8.36 (a) (2), at the end of the subparagraph delete the words "or renewal"; add new instructions as follows:

For renewal of ship station license: FCC Form 405–A.

12. In § 8.36 (a) (3) for renewal of station license, delete FCC Form 502 and substitute: "FCC Form 405–A."

13. In § 8.36 (a) (4), at the end of the subparagraph, delete the words "or renewal"; add new instructions as follows:

For renewal of ship-radar station license: FCC Form 405–A.

14. In § 8.39 (a) (1) delete the words "renewal of license."

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

15. In table III showing forms currently in effect and where they are referred to in Part 9 of the rules and regulations; in the fifth column substitute "405–A" for "405," and in the sixth column, after § 9.108, delete (d) and substitute (e).

16. Delete present text of § 9.105 (a) and substitute the following:

§ 9.105 *Application for aircraft radio station license*—(a) *Application for air carrier aircraft radio station license.* Application for new or modified air carrier aircraft radio station license shall be submitted on FCC Form 404. Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

17. Delete present text of § 9.105 (b) and substitute the following:

(b) *Application for private aircraft radio station license.* Applications for new or modified private aircraft radio stations which specify only those frequencies which are regularly available for this type of service shall be submitted on FCC Form No. 404–A. Applications which include a request for frequencies or other authority not specifically set forth by FCC Form No. 404–A shall be submitted on FCC Form No. 404. Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

18. Delete present text of § 9.106 and substitute the following:

§ 9.106 *Application for aeronautical public service aircraft station.* All applications for aeronautical Public Service Aircraft Stations, new or modified, shall be submitted on FCC Form 404. Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

19. Delete present text of § 9.108 (e) and substitute the following:

(e) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083, as amended; 47 U. S. C. 303, 307)

20. Delete the present text of § 10.55 (g) and substitute the following:

(g) *Application for renewal of license.* Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 307, 48 Stat. 1082, 1083, as amended; 47 U. S. C. 303, 307)

21. Delete the present text of § 11.56 (g) and substitute the following:

(g) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

22. Delete the present text of § 12.27 (e) and substitute the following:

(e) Application for renewal of an amateur operator license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 120 days of the license term or within a period of grace of one year after the expiration date of such license. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

23. Delete present text of § 12.67 (a) and substitute the following:

§ 12.67 *Renewal of amateur station license.* (a) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 120 days of the license term or within a period of grace of one year after the expiration date of such license. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. This one year period of grace shall apply only to licenses expiring on or after January 1, 1951. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

24. Delete the text of § 16.56 (f) and substitute the following:

(f) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

25. Delete present text of 19.13 (a) and substitute the following:

§ 19.13 *Procedure for obtaining citizens radio station license.* (a) FCC Form 505, Application for Citizens Radio Station Construction Permit and License. This form shall be used when application is made for a new station or for modification of an authorization for an existing station.

26. Add new paragraph as follows:

(c) FCC Form 405–A, Application for Renewal of Radio License (Short Form). This form shall be used for requesting renewal, without modification, of radio station license.

27. Delete the text of § 19.16 and substitute the following:

§ 19.16 *Renewal of station license.* Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

28. Delete the text of § 20.13 (c) and substitute the following:

(c) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 52–2945; Filed, Mar. 12, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404—79th Congress, the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; and March 7, 1928 (38 Stat. 583; 25 U. S. C. 385; 41 Stat. 751; 44 Stat. 658; 45 Stat. 210; 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 11, 1946 (11 F. R. 10279), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 14, 1946, notice is hereby given of intention to modify §§ 130.38, 130.39 and 130.40 of Title 25, Code of Federal Regulations, dealing with irrigable lands of or adjacent to the Fort Peck Indian Irrigation Project, for the irrigation season of 1952 and thereafter until further notice, as follows:

§ 130.38 *Charges.* (a) On the Poplar River Unit and that part of the Big Porcupine Unit not served by the Wiota Pumping Plant, water, when available will be furnished upon approved application during each irrigation season at a flat rate of $2.25 per acre per annum for all irrigable lands included in the farm unit or allotment described in the application, whether water is used or not. Each application should include all irrigable lands included in the farm unit or allotment.

(b) On that part of the Big Porcupine Unit within the boundary of the originally defined Unit and which is under the service area of the Big Porcupine or Wiota Pumping Plant, water, when available, will be furnished to all irrigable lands to which water can be delivered at a minimum rate of $2.25 per acre per annum. Payment of the minimum rate entitles the water user to two acre-feet per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of $1.15 per acre-foot or fraction thereof for the first additional acre-foot, $1.50 per acre-foot or fraction thereof for the second additional acre-foot and $1.75 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot. This minimum assessment applies to all irrigable land in each farm unit or allotment to which water can be delivered regardless of whether water is used or not.

(c) For all irrigable lands situated adjacent to but outside the original boundary of the Big Porcupine Unit and that can be served with water from the Big Porcupine or Wiota Pumping Plant, surplus water, when available and not required for the irrigation of lands within the original boundary of the Big Porcupine Unit, will be furnished at a flat rate of $2.00 per acre-foot, measured and delivered at the south boundary of the original Big Porcupine Unit. Payment shall be made at time application for delivery of surplus water is approved. Supplemental applications and payments will be required before additional surplus water is delivered.

(d) On the Frazer-Wolf Point Unit (comprising all irrigable lands supplied with water from the Little Porcupine Reservoir and the Frazer Pumping Plant) water, when available, will be furnished to all irrigable lands to which water can be delivered at a minimum rate of $2.25 per acre per annum. Payment of the minimum rate entitles the water users to two acre-feet per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of $1.15 per acre-foot or fraction thereof for the first additional acre-foot, $1.50 per acre-foot or fraction thereof for the second additional acre-foot and $1.75 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot. This minimum assessment applies to all irrigable land in each farm unit or allotment to which water can be delivered regardless of whether water is used or not.

§ 130.39 *Payment.* (a) The flat rate and the minimum charges fixed in § 130.38 must be paid before water will be delivered each season and shall become due and payable on April 1st of each calendar year. The charges for excess water delivered during any irrigation season shall be included in the bill for the ensuing season and shall be due and payable on April 1st following the season in which the excess water is delivered, except in the case of excess water deliveries to lessees of Indian lands where payment is required in advance of the delivery of water.

(b) No water shall be delivered to any lands until the minimum charge shall have been paid.

(c) To all charges assessed which are not paid on or before July 1st of each year, there shall be added a penalty of one-half of one percent per month or fraction thereof from the due date, April 1st, so long as the delinquency continues.

§ 130.40 *Care of waste water.* All applicants for water will be required to construct and maintain in good order and repair upon their lands such ditches as may be necessary to catch and con-

duct to some waste canal, ditch, lateral, or natural drainage channel, any waste water flowing upon or from said lands. No waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste water ditches be constructed or maintained within 10 feet of any canal or lateral of the United States, except at points of intersection or crossing, which shall be located only by order and under the direction of the proper officers of the United States. No water will be furnished to any applicant during such time as he fails to comply with the provisions of this section.

This amended order shall be effective for the irrigation season of 1952 and until further order and supersedes all previous Operation and Maintenance Orders for the Fort Peck Indian Irrigation Project.

This order supersedes all previous orders as follows: Order published in CFR dated April 10, 1924 (page 206); amendment dated June 24, 1940 (5 F. R. 2543); amendment dated March 9, 1943 (8 F. R. 4376); amendment dated March 14, 1947 (12 F. R. 1857); amendment dated April 29, 1948 (13 F. R. 2310–11); amendment dated April 22, 1950 (15 F. R. 2273).

Interested persons are hereby given the opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to the Area Director, U. S. Indian Service, 804 North 29th Street, Billings, Montana, within 15 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 52–2949; Filed, Mar. 12, 1952; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 986]

[Docket No. AO–196–A–2]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Multnomah Hotel, 319 S. W. Pine Street, Portland, Oregon, beginning at 9:30 a. m., P. s. t., March 25, 1952, with respect to proposed amendments to the marketing agreement and order (14 F. R. 3660) regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States.

These proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing will be held for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments which are hereinafter set forth, or appropriate modifications thereof.

Various proposals to amend the aforementioned marketing agreement and order have been received. The U. S. Hop Growers Association, a nonmarketing association of growers, has requested a hearing be held on certain of the proposals which are hereafter set forth. The proposed amendments upon which such request for hearing has been made are as follows:

1. Amend the provisions of § 986.1 (f) of the order so as to read as follows:

(f) "Grower" is synonymous with "producer," and means any person who or which is engaged in a proprietary capacity in the commercial production of hops, and who or which is an individual, partnership, corporation, association, or any other business unit who or which: (1) Owns and farms land, resulting in his or its ownership of the hops produced thereon; (2) rents and farms land, resulting in his or its ownership of all or a portion of the hops produced thereon; or (3) owns land which he or it does not farm and, as rental for such land, obtains the ownership of all or a portion of the hops produced thereon. Ownership of, or leasehold interest in land, and the acquisition, in any manner other than as hereinbefore set forth, of legal title to hops grown thereon shall not be deemed to result in such owners or lessees becoming producers. For the purpose of this definition, the term "partnership" shall be deemed to include a husband and wife, and any others, with respect to land the title to which, or the leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property.

2. Amend the provisions of § 986.6 (c) (1) of the order so as to read as follows:

(c) *Apportionment of salable quantity among growers*—(1) *Determination of total production*—(i) *Determination by Growers Allocation Committee.* As the basis for apportioning equitably among growers the salable quantity of each year's crop, the Growers Allocation Committee each year as early as practicable during or after harvest, shall determine, or cause to be determined under its supervision, the total quantity of hops (net dry weight) produced by growers during that year which meet the requirements of § 986.5. Such determination shall include, for each grower, his harvested, unharvested, and total production. Such determination shall also include the quantity, if any, of such hops found to have been converted into hop products, except that lupulin sweepings shall be included in the computation only to the extent of the pounds of lupulin found to be in such quantity of lupulin sweepings. Unharvested hops shall be included only if grown to maturity and remaining unharvested on living vines which remain strung or trained, and from which hops have not been picked, and which have not been removed from the wires or poles. Such unharvested hops shall be determined by the Growers Allocation Committee on the basis of the amount of hops (net dry weight) which would have been yielded if such unharvested hops had been picked, dried, and baled or otherwise processed and packaged for market. In the event any grower does not permit the Growers Allocation Committee, or its representatives, access to any hops grown by that grower, or to any product thereof, or shall fail or refuse to make available to said committee, or its representatives, information relative to such hops or hop products which the Growers Allocation Committee finds to be desirable in order properly to make such determination in accordance with the provisions hereof, the Growers Allocation Committee shall determine, or cause to be determined, on the basis of an estimate of the grower's acreage, the average crop conditions in the area, the probable yield per acre on the grower's acreage, and from such other information as is available to it, the respective grower's production as aforesaid. After completing its determination of production by each individual grower, as aforesaid, the Growers Allocation Committee shall, by means of addition, compute the harvested, unharvested, and total production by all growers.

(ii) *Preliminary estimates.* The Growers Allocation Committee each year, prior to the start of harvest, or as soon thereafter as practicable, shall determine, or cause to be determined under its supervision, a preliminary estimate of said total quantity of hops which will be produced by all growers from that year's crop. Said preliminary estimate shall be based upon the then current Federal or Federal-State crop estimates, as the case may be, and upon such other relevant data as are available.

(iii) *Determination for and protests by members of committee.* The determinations pursuant to subdivision (i) of this subparagraph for each member or alternate member of the Growers Allocation Committee shall not be made by any member or alternate member of such committee, but shall be made, and reported in writing to the Secretary and to the Growers Allocation Committee, by such other qualified person or persons as the Control Board or its authorized representatives shall designate for that purpose. Any protest by a member or alternate member of the Growers Allocation Committee concerning such determination shall be made directly to, and be determined by, the Secretary.

(iv) *Notice to growers.* The Growers Allocation Committee shall cause to be mailed to each grower notice of the determination pursuant to subdivision (i) of this subparagraph of the respective grower's production for the respective year, and also, the computation of the

total quantity determined pursuant to subdivisions (i) and (ii) of this subparagraph, respectively, produced by all growers during that year. The committee shall also publicly announce said computations of said total quantity, both estimated and final.

(v) *Protests by growers.* Any grower who may be dissatisfied with the determinations pursuant to subparagraph (2) of this paragraph, may protest in writing to the Growers Allocation Committee within 10 days of the date of mailing of the notice and if dissatisfied with the decision in regard to such protest may appeal in writing to the Secretary.

(vi) *Determination by Secretary.* Upon expiration of the time for protest specified in subdivision (v) of this subparagraph, and after completion of action by that committee upon all protests, the Growers Allocation Committee shall report to the Secretary all findings, determinations, and computations made by or for it pursuant to subdivision (i) of this subparagraph, together with the data on which the same were based. On the basis of such findings, determinations, computations, data, and other pertinent information which the Secretary may have, the Secretary shall determine and notify the Growers Allocation Committee of the harvested, unharvested, and total quantity of hops (net dry weight) meeting the requirements of § 986.5 which were produced by each grower during that year: *Provided*, That such determinations shall include the quantity, if any, of such hops converted into hop products except that insofar as lupulin sweepings are concerned there shall be included, in the computation, only the pounds of lupulin in such quantity of lupulin sweepings, and insofar as unharvested hops are concerned, shall include (net dry weight) only hops of that respective year's crop grown to maturity and remaining unharvested on the living vines. The Secretary, after having determined each grower's production, as aforesaid, shall, by means of addition, determine the production by all growers; the total production by all growers is hereinafter referred to as the "aggregate production" for that respective year. Immediately upon receipt of notice thereof from the Secretary, the Growers Allocation Committee shall publicly announce the aforesaid determination by the Secretary.

3. Amend first three sentences of § 986.6 (c) (2) (i) of the order so as to read as follows:

(2) *Computation of growers' allotments*—(i) *Salable percentage.* The "salable percentage" of the aggregate production, determined pursuant to subparagraph (1) of this paragraph, shall be computed by dividing the salable quantity of that year's crop, determined pursuant to paragraph (b) of this section, by the aforesaid aggregate production, and multiplying the quotient by 100. After computing such salable percentage on this basis, it shall be adjusted to the nearest tenth of a percent. Each grower's maximum allotment of the salable quantity of that year's crop shall be that same salable percentage applied to his production as determined pursuant to subparagraph (1) of this paragraph, except that if any such grower fails to harvest a quantity from that crop equal to such maximum salable allotment so computed for him, his salable allotment shall be the quantity which he actually harvested: *Provided*, That, if prior to the determination by the Secretary of the aggregate production of hops by all growers in any year, the Growers Allocation Committee finds that the harvested quantity exceeds the salable quantity, but, nevertheless, the aforementioned salable percentage will not result in the availability in marketing channels of the salable quantity of hops fixed for that year's crop, such percentage may be established by the Secretary at an amount necessary to result in the availability in marketing channels of the salable quantity of hops fixed for that year's crop: *And provided also*, That, if, prior to the determination by the Secretary of the aggregate production of hops by all growers in any year, the Growers Allocation Committee finds that the aggregate quantity of hops harvested from that year's crop, and meeting the minimum standards of quality prescribed herein, will be less than the salable quantity fixed for such year's crop, such salable percentage shall, with the approval of the Secretary, be increased to 100 for that year's crop: *And provided further*, That, in lieu of the aforementioned method of computing growers' allotments, the Secretary may make effective, at the beginning of any marketing season, the following procedure pursuant to a recommendation of the Control Board to that effect (such recommendation of the Board to be pursuant to and in accordance with a prior recommendation to it by the Growers Allocation Committee): Each grower's allotment of the maximum salable quantity of that year's crop shall be computed by first subtracting from said grower's poundage of credited production, the leaf and stem content thereof and applying the salable percentage to the remainder, then dividing the resulting quantity by the average percentage of clean hops (hops exclusive of leaf and stem content) in the aggregate production of hops for the preceding marketing season.

4. Amend the provisions of §§ 986.6 (c) (2) (ii) (*a*) and (*b*) of the order so that they will read as follows:

(*a*) *Preliminary.* In order to assist growers to avoid delays in their individual harvesting and marketing, the Control Board, or its authorized representative, each year shall compute an "estimated salable percentage" of estimated aggregate production and shall compute and issue, or cause to be computed and issued, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a preliminary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 50 percent of that grower's estimated salable allotment for that year's crop. Said estimate shall be based upon physical examination of the hop yard, or yards, upon the historical production thereof, upon official crop estimates, and upon such other relevant data as are available.

(*b*) *Supplementary*—(*1*) *Eighty percent basis.* The Control Board, or its authorized representative, shall each year issue, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a supplementary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 80 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon adequate, but not complete, crop production information available to the Growers Allocation Committee, or its authorized representatives, including, but not limited to bale count data or other reasonably accurate information as to such grower's hop production for that year.

(*2*) *Ninety percent basis.* The Control Board, or its authorized representative, shall issue, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a supplementary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 90 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon complete crop production information available to the Growers Allocation Committee, or its authorized representatives, including, but not limited to, complete weight data on such grower's harvested hop production and the recommended determination by the Growers Allocation Committee, or its authorized representatives, as to any unharvested hop production for that year, and Federal-State Inspection Service evidence of the meeting of all minimum standard requirements for quality provided for therein, by all harvested hops of such grower for that year.

5. Amend the provisions of § 986.6 (f) of the order so as to read as follows:

(f) *Diversion privilege.* In the event harvested hops in the control of the respective grower thereof, are destroyed or are so damaged or so deteriorated as, in the judgment of the grower to be unmarketable, or, if, because of quality or type, such hops are unsatisfactory to the grower, such grower may replace such hops (if the lupulin has not been removed therefrom) within the limits of his salable allotment for that year's crop, by acquiring uncertificated harvested hops of that year's crop from the growers thereof: *Provided*, That such purchasing grower shall first submit a written statement to the Growers Allocation Committee, setting forth the year of production, the location, and the

quantity of hops he desires so to replace, (and, if the hops to be replaced have been destroyed, the time, place, and cause of such destruction, together with proof of such destruction satisfactory to the Growers Allocation Committee, or its authorized representatives), and the name and address of each grower from whom he proposes to acquire uncertificated hops for that purpose, and makes arrangements with the Growers Allocation Committee, or its authorized representatives, whereby the unmarketable, or unsatisfactory hops which are thus to be replaced will be effectively diverted from or disposed of out of the normal channels of trade, and such disposal or diversion shall be in such manner as may be prescribed by the Control Board: *And provided further,* that, any hops so diverted shall not be diverted or disposed of as hop products as defined in § 986.1 (e). The selling grower shall not be regarded as handling such hops within the meaning of this order, nor shall the hops sold be considered a part of such selling grower's salable allotment. The Growers Allocation Committee shall prepare, and from time to time shall revise, a list of the names and addresses of growers who report to the Growers Allocation Committee that they have uncertificated hops for sale pursuant to this paragraph; and a list of the names and addresses of growers who report to the Growers Allocation Committee that they desire to purchase or acquire uncertificated hops pursuant to this paragraph. The Growers Allocation Committee shall make such lists available to any grower or handler of hops at each office of the Control Board.

6. Amend the provisions of § 986.9 of the order by adding the following at the end thereof:

(c) *Reports by growers*—(1) *Holdings of uncertificated hops and hop products.* Each grower shall report to the Growers Allocation Committee, prior to June 15 of each marketing season, the quantities (by years of production stated separately) and locations of all uncertificated hops and hop products owned or controlled by him as of the preceding June 1, and each grower shall also furnish to the Growers Allocation Committee reports containing such information as of such other date or dates as the Growers Allocation Committee may specify.

(2) *Supervision of disposition.* Any grower who desires to dispose of any uncertificated hops or hop products in his possession or control shall first arrange with the Growers Allocation Committee, or its authorized representatives, for supervision of such disposition. The Growers Allocation Committee, or its authorized representatives, shall thereupon provide such supervision at the mutual convenience of such grower and of the committee, or its authorized representatives. The requirements set forth in this subparagraph shall cover any disposition including, but not limited to, sale pursuant to the provisions of § 986.6 (f).

7. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing. In accordance with the present practice, it is intended that the term "grower" in § 986.6 will also mean that a joint grower operation will continue to be treated as a single production unit for purposes of production determination and computation of salable allotment and that the salable allotment may then be segregated pursuant to the Joint Ownership subparagraph of the Order. Testimony on this matter will be given at the Hearing so that authority will be provided to make any changes in the Order necessary to preserve the present practice.

The following amendments are proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture:

1. Renumber the sections, paragraphs, subparagraphs, and subdivisions throughout the marketing order in accordance with the revised FEDERAL REGISTER regulations, and make similar conforming changes in the numbering of the provisions of the marketing agreement.

2. Amend the provisions of § 986.1 of the order by adding the following at the end thereof:

Part and subpart. "Part" means the order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States shall be a "subpart" of such part.

Copies of this notice of hearing may be obtained from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected, or from any of the Western Marketing Field Offices, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture: 515 Southwest Tenth Avenue, Portland 5, Oregon; 335 Fell Street, San Francisco 2, California; and Old Post Office Building, 701 K Street, Sacramento 14, California.

Issued at Washington, D. C., this 10th day of March 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-2951; Filed, Mar. 12, 1952; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 42]

REQUIRED AIDS FOR IFR AND NIGHT VFR FLIGHTS, AND FLIGHT PLANS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Part 42 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by April 15, 1952. Copies of such communications will be available after April 17, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Part 42 of the Civil Air Regulations does not at present require either the use of navigational aids or the making of position reports when on a night VFR flight. As the regulations do not prohibit off-airways flights, a correct track over the ground becomes increasingly important with respect to minimum altitudes. Since a deviation of more than five miles from the planned route is entirely possible in off-airways flying, the great danger exists that the airplane not only will be below the required minimum flight altitude but may even be flown into unexpected high terrain.

In order to minimize such dangers, this proposed amendment will require the same use of navigational aids for night VFR flights in large passenger-carrying airplanes as are required by § 42.58 for all IFR operation. It will also require a radio listening watch to be maintained as well as requiring position reports at designated reporting points. The Bureau considers that night operations, especially in marginal VFR conditions, are so comparable to IFR operations as to require identical treatment with respect to navigational aids and position reports.

An additional problem is raised with respect to the filing of flight plans. At the present time, § 42.61 provides that no large aircraft may be taken off unless a VFR or IFR flight plan has been filed with the proper authorities, except when required by lack of ground facilities to file in the air. Although the intent of this section was to require either a VFR or IFR flight plan to be in effect during an entire flight, in practice pilots who filed IFR flight plans could cancel them en route when improved weather conditions warranted and continue the flight without any flight plan whatsoever. In the event the pilot thereafter elected to proceed to a destination other than that specified in his original flight plan, or substantially altered his route, the location of the airplane for the remainder of the flight would be unknown. Therefore, if the airplane should crash no one with the possible exception of a few company personnel would realize that the plane was overdue or missing.

In order to insure that search and rescue facilities may be alerted and dispatched with a minimum of delay in the event a large airplane is overdue at its destination, it is proposed to require either a VFR or IFR flight plan to be in effect during the entire flight. Accordingly, when a pilot cancels an IFR flight plan while en route, it will be incumbent on him to refile a VFR flight plan for the remainder of the flight.

It is therefore proposed to amend Part 42 as follows:

1. By amending § 42.58 to read as follows:

§ 42.58 *Navigational aids for IFR and night VFR flight; radio communications for night VFR flight.* (a) Night VFR passenger operations in large aircraft and all IFR operations shall be conducted only over civil airways and at airports equipped with radio ranges or equivalent facilities, unless the Administrator has found that navigation can be conducted by the use of radio direction finding equipment installed in the aircraft or by other specialized means and has approved or otherwise authorized such operation in the air carrier operating certificate.

(b) During night VFR passenger operations the pilot in command of the aircraft shall ensure that a continuous watch is maintained on the appropriate radio frequencies and shall report by radio as soon as possible the time and altitude of passing each designated reporting point, together with weather conditions which have not been forecast, and other information pertinent to the safety of flight.

NOTE: Designated reporting points are noted in publications of aids to air navigation. The reporting of unanticipated weather encountered en route, such as icing or extreme turbulence, may be of importance to the safety of other aircraft anticipating flight within the area.

2. By adding a sentence at the end of § 42.61 as follows: "An IFR or VFR flight plan must thereafter be in effect for all portions of the flight."

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposed amendments may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated: March 10, 1952 at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 52–2955; Filed, Mar. 12, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 201, 230, 240, 250, 260, 270, 275]

FEES AND CHARGES BY THE COMMISSION

NOTICE OF PROPOSED RULE MAKING

Chairman Donald C. Cook of the Securities and Exchange Commission today announced that the Commission had received several requests for postponement of the March 14, 1952, hearing upon its proposal for the imposition of registration fees and other charges to implement Title V of the Independent Offices Appropriation Act, 1952.

Inasmuch as it is likely that various interested persons have already arranged to attend the March 14th hearing, Chairman Cook reported, the Commission has determined not to postpone the hearing. However, in order to accommodate those who desire additional time to prepare for the hearing, the Commission will hold a further hearing upon the fee proposal on Monday, March 31, 1952, at 2:00 p. m. Those who wish to be heard on the latter date should notify the Commission's secretary not later than March 28, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 10, 1952.

[F. R. Doc. 52–2998; Filed, Mar. 12, 1952; 8:49 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10152]

W. GORDON ALLEN ET AL.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of W. Gordon Allen, John B. Truhan and Justin H. Clark (KGAE), Salem, Oregon, for modification of construction permit; Docket No. 10152, File No. BMP–5740.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of March 1952;

The Commission having under consideration the above-entitled application for modification of construction permit, which authorized a new standard broadcast station at Salem, Oregon with the facilities 1430 kilocycles, 1 kilowatt power, daytime only, for approval of transmitter location, and antenna system and to specify main studio location and to change type of transmitter;

It appearing, that certain matters have come to the Commission's attention tending to show that the applicant may have constructed the proposed station without authority therefor and that a grant of said application may be in violation of section 319 (a) of the Communications Act of 1934, as amended, and further that the application may not comply with the Standards of Good Engineering Practice particularly section 4 thereof, pertaining to the requirements for the selection of a transmitter site;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified by subsequent order of the Commission upon the following issues:

1. To determine the nature and extent of the applicant's construction and installation of standard broadcast facilities at Salem, Oregon, and whether, in light of the evidence so adduced, a grant of the application herein would be consistent with the provisions of section 319 of the Communications Act of 1934, as amended.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to section 4, thereof, pertaining to the requirements for the selection of a transmitter site.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52–2947; Filed, Mar. 12, 1952; 8:47 a. m.]

[Docket Nos. 10153–10155]

O. L. TAYLOR ET AL.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of O. L. Taylor (assignor), West Central Broadcasting Company (assignee), for voluntary assignment of license of Stations KTOK and KKA–79, Oklahoma City, Oklahoma, Docket No. 10153, File Nos. BAL–1307, BALST–3; Robert S. Kerr, D. A. McGee, T. M. Kerr and Callie B. Fentem and The Liberty National Bank & Trust Company, co-executors of the estate of T. W. Fentem, deceased; Dean Terrill, Grayce B. Kerr and Geraldine H. Kerr, a partnership d/b as West Central Broadcasting Company (assignor), O. L. Taylor (assignee), for voluntary assignment of license and construction permit of Stations WEEK, KA–4974, KSA–767 and KA–3138, Peoria, Illinois, Docket No. 10154, File Nos. BAPL–72, BALRE–106, BALRY–84; O. L. Taylor (assignor), Radio Station WEEK, Incorporated (assignee), for voluntary assignment of license and construction permit of Stations WEEK, KA–4974, KSA–767 and KA–3138, Peoria, Illinois, Docket No. 10155, File Nos. BAPL–73, BALRY–85, BALRE–107.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of March 1952;

The Commission having under consideration the above-entitled applications for consent to the assignments of licenses of Stations KTOK, Oklahoma City, Oklahoma, and WEEK, Peoria, Illinois, and their auxiliaries; and

It appearing, that there may be extensive overlap of primary service areas between Stations KTOK, Oklahoma City, Oklahoma, and KRMG, Tulsa, Oklahoma, which overlap may be in contravention of § 3.35 of the Commission's rules and regulations; and

It further appearing, that from the above-entitled applications there appears to be a question of possible trafficking in the license and frequency of Station WEEK and its auxiliaries, Peoria, Illinois, by Mr. O. L. Taylor; and

It further appearing, that the above-entitled applicants are technically, financially and otherwise qualified to operate Station KTOK and WEEK as proposed, and that the proposed programming of these stations is in the public interest;

It is ordered, That, pursuant to section 310 (b) of the Communications Act, as amended, the above-entitled applications be designated for hearing in a consolidated proceeding, commencing at 10:00 a. m., on April 30 1952, at Washington, D. C., upon the following issues:

1. To determine the overlap, if any, that will exist between the service areas of Station KTOK as proposed and of Station KRMG, Oklahoma City, Oklahoma, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

2. To determine whether approval of the above-entitled assignment applications with respect to Station WEEK and its auxiliaries would give approval to trafficking in frequencies and licensed privileges.

3. To determine whether, in light of the evidence adduced under the foregoing issues, the public interest, convenience or necessity would be served by a grant of the above-entitled applications.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-2946; Filed, Mar. 12, 1952; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 54

MARCH 5, 1952.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. Sec. 682a), as amended, the following described public lands in the Anchorage, Alaska, Land District, for lease and sale:

CASWELL AREA

For home or cabin sites:

SEWARD MERIDIAN

T. 22 N., R. 4 W.,
Sec. 20; W½SE¼.

The above described area comprises 16 tracts aggregating 80 acres.

2. The lands are located along the Alaska Railroad at Caswell, Alaska, approximately 87 railroad miles north of Anchorage. Access to the area is obtainable only by railroad. The lands lie in the Susitna River Valley and are topographically level. The predominant vegetative cover consists of an open stand of birch and cottonwood with scattered spruce and alder. Adequate water for domestic uses may be obtained from wells and sewage disposal may be made by the use of cesspools. No public facilities are obtainable in the area; however, limited commercial and public services are available at Talkeetna, approximately 20 miles to the north. The climate is a favorable combination of the temperate coastal climate of south central Alaska and the extreme continental climate of interior Alaska.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed under the regulations issued pursuant to the act prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on March 25, 1952. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-one-day period for preference right filings.* For a period of 91 days from 10:00 a. m. on March 25, 1952, to close of business on June 23, 1952, inclusive, to (1) applications under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) applications under any applicable public land land laws, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on March 5, 1952, or thereafter, up to and including 10:00 a. m. on March 25, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on June 24, 1952, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on June 4, 1952, or thereafter, up to and including 10:00 a. m. on June 24, 1952, shall be treated as simultaneously filed.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938 shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than three years, at an annual rental of $5.00, payable in advance for the entire lease period. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as provided in the lease.

8. All of the land will be leased in tracts of 5 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, in compact units.

9. All sewage disposal facilities will be located not less than 75 feet from the exterior boundaries of the tract described in the lease, provided, however, that if said tract abuts upon any stream, lake or other body of fresh water, no sewage disposal facility shall be placed within 100 feet of any such water. If the tract

described in the lease is located upon sloping lands, lessee should locate any well or sewage disposal facility according to the recommendations of the Alaska Territorial Department of Health.

10. The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

HAROLD T. JORGENSON,
Chief, Division of Land Planning.

[F. R. Doc. 52-2901; Filed, Mar. 12, 1952; 8:45 a. m.]

Office of the Secretary

ORDER DESIGNATING THE VIRGIN ISLANDS NATIONAL HISTORIC SITE AT CHRISTIANSTED, ST. CROIX, VIRGIN ISLANDS

Whereas the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, has declared that the Wharf area and its buildings and the park area known as the D. Hamilton Jackson Park and the Government House and grounds in Christiansted, St. Croix, Virgin Islands, are of national historical significance as an excellent historical example of the old Danish economy and way of life in the Virgin Islands; and

Whereas the buildings in this area have effectively resisted the impact of time and man and represent a segment of America's cultural heritage in historic sites and buildings; and

Whereas a cooperative agreement has been made between the Municipality of St. Croix and the United States of America providing for the designation, preservation, and use of the area as a national historic site:

Now, therefore, I, Oscar L. Chapman, Secretary of the Interior, by virtue of and pursuant to the authority contained in the act of August 21, 1935 (49 Stat. 666), do hereby designate the said historic structures and grounds as shown upon the diagram hereto attached and made a part hereof, to be a national historic site, having the name "Virgin Islands National Historic Site."

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, at the city of Washington, this 4th day of March 1952.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.



[F. R. Doc. 52-2820; Filed, Mar. 12, 1952; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5209]

AMERICAN AIR TRANSPORT AND FLIGHT SCHOOL, INC.

NOTICE OF HEARING

In the matter of the revocation of Letter of Registration No. 4, issued to American Air Transport and Flight School, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (a) and 1005 (e) of the said act, and Part 291 of the Board's Economic Regulations, that hearing in the above-entitled proceeding is re-assigned to be held on

March 19, 1952, at 10:00 a. m., e. s. t., in Room 4823, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

For further details in this proceeding interested parties are referred to the Board's Order Serial No. E-5907, and the original Notice of February 25, 1952, assigning this proceeding for hearing.

Dated at Washington, D. C., March 10, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-2956; Filed, Mar. 12, 1952; 8:48 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

GIRL SCOUTS OF AMERICA

DONATION OF PERSONAL PROPERTY

Pursuant to section 203 (j) (3) of the Federal Property and Administrative Services Act of 1949 the Girl Scouts of America, and their affiliated organizations, are hereby determined by the Secretary of Defense to be educational activities of special interest to the Armed Services, and as such eligible to receive by donation surplus property under the control of the Department of Defense.

Donations of surplus property are to be made by the Military Departments only upon the specific request of the Girl Scouts of America or their affiliated organizations.

All such donations shall be made in accordance with the applicable regulations of the Administrator of the General Services Administration.

WILLIAM C. FOSTER,
Acting Secretary.

MARCH 6, 1952.

[F. R. Doc. 52-2899; Filed, Mar. 12, 1952; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Revised Notification 1]

PLACEMENT OF PROCUREMENT IN THE DETROIT, MICHIGAN AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

In this revision, paragraph 2 of Notification 1 is changed, paragraph 3 becomes paragraph 4, a new paragraph 3 is inserted, and paragraphs 3 and 5 of the findings have been changed. The revised notification reads as follows:

The Surplus Manpower Committee appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Detroit area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Detroit area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 4, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE DETROIT, MICHIGAN, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Detroit area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Detroit area, and by the Department of Defense, the Defense Production Administration, the National Production Authority, and the Department of Labor relative to facilities in the Detroit area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Detroit area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Detroit area suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Detroit area provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Detroit area and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Detroit area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4 provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Detroit area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Detroit area, should not be included in the application of Defense Manpower Policy No. 4 in the Detroit area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Detroit area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2925; Filed, Mar. 10, 1952; 1:22 p. m.]

[Defense Manpower Policy No. 4, Revised Notification 2]

PLACEMENT OF PROCUREMENT IN THE PROVIDENCE, RHODE ISLAND, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

In this revision, paragraphs 2 and 3 of Notification 2 have been changed and paragraphs 3 and 5 of the findings have been changed. The revised notification reads as follows:

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Providence area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Providence area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 4, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE PROVIDENCE, RHODE ISLAND, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Providence area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Providence area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Providence area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Providence area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Providence area suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Providence area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Providence area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Providence area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Providence area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Providence area, should not be included in the application of Defense Manpower Policy No. 4 in the Providence area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Providence area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2926; Filed, Mar. 10, 1952; 1:22 p. m.]

[Defense Manpower Policy No. 4, Revised Notification 3]

PLACEMENT OF PROCUREMENT IN THE WILKES-BARRE, PENNSYLVANIA, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

In this revision, paragraphs 2 and 3 of Notification 3 have been changed and paragraphs 2, 3, and 5 of the findings have been changed. The revised notification reads as follows:

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Wilkes-Barre area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Wilkes-Barre area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 4, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE WILKES-BARRE, PENNSYLVANIA, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Wilkes-Barre area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Wilkes-Barre area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Wilkes-Barre area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Wilkes-Barre area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Wilkes-Barre area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Wilkes-Barre area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Wilkes-Barre area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Wilkes-Barre area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Wilkes-Barre area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Wilkes-Barre area, should not be included in the application of Defense Manpower Policy No. 4 in the Wilkes-Barre area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Wilkes-Barre area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2927; Filed, Mar. 10, 1952; 1:22 p. m.]

[Defense Manpower Policy No. 4, Revised Notification 4]

Placement of Procurement in the Scranton, Pennsylvania, Area

Notification to Department of Defense and General Services Administration

In this revision, paragraphs 2 and 3 of Notification 4 have been changed and paragraphs 2, 3, and 5 of the findings have been changed. The revised notification reads as follows:

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Scranton area. The recommendation has been reviewed with the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Scranton area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 4, 1952, and thereafter each 30 days until further notice.

Office of Defense Mobilization,
Charles E. Wilson,
Director.

Findings and Recommendation of the Surplus Manpower Committee Concerning the Scranton, Pennsylvania, Area Under Defense Manpower Policy No. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Scranton area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Scranton area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Scranton area, the Committee makes the following findings and recommendation:

Findings

The Committee finds:

1. That the Scranton area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Scranton area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Scranton area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Scranton area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Scranton area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Scranton area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Scranton area, should not be included in the application of Defense Manpower Policy No. 4 in the Scranton area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

Recommendation

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Scranton area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

Office of Defense Mobilization,
Arthur S. Flemming,
Chairman,
Surplus Manpower Committee.

Approved:

Charles E. Wilson,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2928; Filed, Mar. 10, 1952; 1:22 p. m.]

[Defense Manpower Policy No. 4, Notification 5]

Placement of Procurement in the Asheville, North Carolina, Area

Notification to Department of Defense and General Services Administration

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Asheville area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Asheville area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

Office of Defense Mobilization,
Charles E. Wilson,
Director.

Findings and Recommendations of the Surplus Manpower Committee Concerning the Asheville, North Carolina, Area Under Defense Manpower Policy No. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Asheville area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Asheville area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Asheville area, the Committee makes the following findings and recommendation:

Findings

The Committee finds:

1. That the Asheville area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Asheville area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Asheville area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Asheville area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Asheville area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable

period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Asheville area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Asheville area, should not be included in the application of Defense Manpower Policy No. 4 in the Asheville area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Asheville area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2929; Filed, Mar. 10, 1952; 1:23 p. m.]

[Defense Manpower Policy No. 4, Notification 6]

PLACEMENT OF PROCUREMENT IN THE BROCKTON, MASSACHUSETTS, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Brockton area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Brockton area, with the exception of the textile, apparel and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE BROCKTON, MASSACHUSETTS, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Brockton area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Brockton area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Brockton area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Brockton area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of government contracts;

2. That there exist in the Brockton area a comparatively small number of suitable facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Brockton area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Brockton area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Brockton area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Brockton area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Brockton area, should not be included in the application of Defense Manpower Policy No. 4 in the Brockton area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Brockton area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman.
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2930; Filed, Mar. 10, 1952; 1:23 p. m.]

[Defense Manpower Policy No. 4, Notification 7]

PLACEMENT OF PROCUREMENT IN THE HERRIN-MURPHYSBORO-WEST FRANKFORT, ILLINOIS, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Herrin-Murphysboro-West Frankfort area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Herrin - Murphysboro - West Frankfort area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy;

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE HERRIN-MURPHYSBORO-WEST FRANKFORT, ILLINOIS, AREA UNDER DEFENSE MANPOWER POLICE NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to the

Committee, under Defense Manpower Policy No. 4, the existence of the Herrin-Murphysboro-West Frankfort area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Herrin-Murphysboro-West Frankfort area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Herrin-Murphysboro-West Frankfort area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Herrin-Murphysboro-West Frankfort area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Herrin-Murphysboro-West Frankfort area a comparatively small number of suitable facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for negotiation of available Government contracts at reasonable prices in the Herrin-Murphysboro-West Frankfort area to the extent that the facilities referred to in paragraph 2 make possible: *Provided*, That a substantial portion of the work invoived in the execution of the contracts will be performed in the Herrin-Murphysboro-West Frankfort area: *And provided further*, That contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Herrin-Murphysboro-West Frankfort area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Herrin-Murphysboro-West Frankfort area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Herrin-Murphysboro-West Frankfort area, should not be included in the application of Defense Manpower Policy No. 4 in the Herrin-Murphysboro-West Frankfort area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Herrin-Murphysboro-West Frankfort area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2931; Filed, Mar. 10, 1952; 1:23 p. m.]

[Defense Manpower Policy No. 4, Notification 8]

PLACEMENT OF PROCUREMENT IN THE LAWRENCE, MASSACHUSETTS, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Lawrence area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Lawrence area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE LAWRENCE, MASSACHUSETTS, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Lawrence area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Lawrence area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Lawrence area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Lawrence area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exists in the Lawrence area a comparatively small number of suitable facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for negotiation of available Government contracts at reasonable prices in the Lawrence area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Lawrence area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Lawrence area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Lawrence area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Lawrence area, should not be included in the application of Defense Manpower Policy No. 4 in the Lawrence area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Lawrence area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2932; Filed, Mar. 10, 1952; 1:23 p. m.]

[Defense Manpower Policy No. 4, Notification 9]

PLACEMENT OF PROCUREMENT IN THE POTTSVILLE, PENNSYLVANIA, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Pottsville area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consid-

eration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Pottsville area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE POTTSVILLE, PENNSYLVANIA, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Pottsville area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Pottsville area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Pottsville area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Pottsville area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Pottsville area a comparatively small number of suitable facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for negotiation of available Government contracts at reasonable prices in the Pottsville area to the extent that the facilities referred to in paragraph 2 makes possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Pottsville area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Pottsville area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Pottsville area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Pottsville area, should not be included in the application of Defense Manpower Policy No. 4 in the Pottsville area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Pottsville area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2933; Filed, Mar. 10, 1952; 1:23 p. m.]

[Defense Manpower Policy No. 4, Notification 10]

PLACEMENT OF PROCUREMENT IN THE MANCHESTER, NEW HAMPSHIRE, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Manchester area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Manchester area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE MANCHESTER, NEW HAMPSHIRE, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Manchester area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Manchester area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Manchester area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Manchester area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Manchester area a comparatively small number of suitable facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Manchester area to the extent that the facilities referred to in Paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Manchester area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Manchester area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Manchester area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Manchester area, should not be included in the application of Defense Manpower Policy No. 4 in the Manchester area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Manchester area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the

Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2934; Filed, Mar. 10, 1952; 1:24 p. m.]

[Defense Manpower Policy No. 4, Notification 11]

PLACEMENT OF PROCUREMENT IN THE FALL RIVER, MASSACHUSETTS, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Fall River area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Fall River area, with the exception of the textile, apparel and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE FALL RIVER, MASSACHUSETTS, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Fall River area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Fall River area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Fall River area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Fall River area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of government contracts:

2. That there exist in the Fall River area a comparatively small number of suitable facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Fall River area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Fall River area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Fall River area is considered necessary in order to effectuate the objective of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Fall River area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Fall River area, should not be included in the application of Defense Manpower Policy No. 4 in the Fall River area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Fall River area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2935; Filed, Mar. 10, 1952; 1:24 p. m.]

[Defense Manpower Policy No. 4, Notification 12]

PLACEMENT OF PROCUREMENT IN THE IRON MOUNTAIN, MICHIGAN, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Iron Mountain area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Iron Mountain area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE, MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE IRON MOUNTAIN, MICHIGAN, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Iron Mountain area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Iron Mountain area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Iron Mountain area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Iron Mountain area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Iron Mountain area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Iron Mountain area to the extent that facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will

be performed in the Iron Mountain area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Iron Mountain area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Iron Mountain area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Iron Mountain area, should not be included in the application of Defense Manpower Policy No. 4 in the Iron Mountain area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Iron Mountain area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2936; Filed, Mar. 10, 1952; 1:24 p. m.]

[Defense Manpower Policy No. 4, Notification 13]

PLACEMENT OF PROCUREMENT IN THE LOWELL, MASSACHUSETTS, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Lowell area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration. the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Lowell area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE LOWELL, MASSACHUSETTS, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Lowell area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Lowell area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Lowell area, the Committee makes the following findings and recommendation.

FINDINGS

The Committee finds:

1. That the Lowell area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Lowell area a comparatively small number of suitable facilities for the performance of additional Goverment contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for negotiation of available Government contracts at reasonable prices in the Lowell area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Lowell area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Lowell area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Lowell area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Lowell area, should not be included in the application of Defense Manpower Policy No. 4 in the Lowell area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel and shoe industries.

RECOMMENDATION

The Committe recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Lowell area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2937; Filed, Mar. 10, 1952; 1:24 p. m.]

[Defense Manpower Policy No. 4, Notification 14]

PLACEMENT OF PROCUREMENT IN THE FLINT, MICHIGAN, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Flint area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Flint area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE FLINT, MICHIGAN, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Flint area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained

the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Flint area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Flint area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Flint area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Flint area a limited number of comparatively large but highly specialized facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for negotiation of available Government contracts at reasonable prices in the Flint area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Flint area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Flint area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Flint area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Flint area, should not be included in the application of Defense Manpower Policy No. 4 in the Flint area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Flint area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2938; Filed, Mar. 10, 1952; 1:24 p. m.]

[Defense Manpower Policy No. 4, Notification 15]

PLACEMENT OF PROCUREMENT IN THE CUMBERLAND, MARYLAND, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Cumberland area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Cumberland area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE CUMBERLAND, MARYLAND, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Cumberland area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Cumberland area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Cumberland area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Cumberland area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Cumberland area a limited number of specialized facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Cumberland area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Cumberland area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Cumberland area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Cumberland area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Cumberland area, should not be included in the application of Defense Manpower Policy No. 4 in the Cumberland area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Cumberland area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2939; Filed, Mar. 10, 1952; 1:25 p. m.]

[Defense Manpower Policy No. 4, Notification 16]

PLACEMENT OF PROCUREMENT IN THE NEW YORK, NEW YORK, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the New York area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the New York area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of Section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE NEW YORK, NEW YORK, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the New York area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the New York area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the New York area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the New York area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the New York area suitable facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the New York area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the New York area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the New York area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the New York area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the New York area, should not be included in the application of Defense Manpower Policy No. 4 in the New York area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the New York area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2940; Filed, Mar. 10, 1952; 1:25 p. m.]

[Defense Manpower Policy No. 4, Notification 17]

PLACEMENT OF PROCUREMENT IN THE GRAND RAPIDS, MICHIGAN, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Grand Rapids area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting the procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Grand Rapids area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 8, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE GRAND RAPIDS, MICHIGAN, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Grand Rapids area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Grand Rapids area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Grand Rapids area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Grand Rapids area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Grand Rapids area suitable facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Grand Rapids area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Grand Rapids area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Grand Rapids area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Grand Rapids area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Grand Rapids area, should not be included in the application of Defense Manpower Policy No. 4 in the Grand Rapids area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Grand Rapids area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2941; Filed, Mar. 10, 1952; 1:25 p. m.]

[RC-35; No. 333]

YUMA, ARIZONA, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

MARCH 11, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis

of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Yuma, Arizona, Area. (The area consists of that part of Yuma County, Arizona, lying west of 114 degrees longitude and south of 33 degrees latitude.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[F. R. Doc. 52-2986; Filed, Mar. 11, 1952; 12:53 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1825]

LAMSON CORP. OF DELAWARE

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MARCH 7, 1952.

The Boston Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the 6 Percent Cumulative Prior Preferred Stock, $50 Par Value, originally listed and registered as the 6 Percent Cumulative Preferred Stock, $50 Par Value, of Lamson Corporation of Delaware.

The application alleges that the reasons for striking this security from listing and registration on applicant exchange are as follows:

(1) In May of 1948 the 6 Percent Cumulative Preferred Stock, Par Value $50, of Lamson Corporation of Delaware, was reclassified by the issuer as 6 Percent Cumulative Prior Preferred Stock, Par Value $50 per share.

(2) The Securities and Exchange Commission determined that insofar as the registration provisions of the Securities Exchange Act of 1934 are concerned, the change in this security did not constitute a new security with the result that the security continued to be registered on the applicant exchange under the provisions of section 12 of such act.

(3) The applicant exchange asked the issuer to file certain papers as a condition precedent to listing the preferred shares under their changed description.

(4) The issuer informed the exchange, under date of July 23, 1948, in part as follows:

On June 4, the Board of Directors of this company voted to withdraw the Prior Preferred Stock from the Boston Stock Exchange and not to relist it on any exchange, in the belief that the Prior Preferred Stock was not a new issue but merely the old stock renamed.

(5) Pursuant to the foregoing action of the issuer, the applicant exchange never approved the Prior Preferred Stock for its list, and the 6 Percent Cumulative Preferred Stock which had been carried on the list was suspended from trading.

(6) Since the presently outstanding security appears to be registered at the same time that it has not been approved by the applicant exchange for listing, and since the issuer has declined to file an application to withdraw this security from registration, the applicant exchange requests that the foregoing preferred shares be removed from registration.

Upon receipt of a request, prior to April 7, 1952, from any interested person for a hearing in regard to terms to be imposed upon the striking of this security from listing and registration, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-2907; Filed, Mar. 12, 1952; 8:45 a. m.]

[File No. 70-2800]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

ORDER AUTHORIZING NOTE ISSUES

MARCH 7, 1952.

In the matter of New England Electric System, Attleboro Steam and Electric Company, Beverly Gas and Electric Company, Gloucester Electric Company, Haverhill Electric Company, Malden Electric Company, Northampton Electric Lighting Company, Norwood Gas Company, Southern Berkshire Power and Electric Company, Weymouth Light and Power Company; File No. 70-2800.

New England Electric System ("NEES"), a registered holding company, and its above-named public utility subsidiary companies, hereinafter individually referred to as "Attleboro", "Beverly", "Gloucester", "Haverhill", "Malden", "Northampton", "Norwood", "Southern Berkshire" and "Weymouth" and collectively referred to as "the borrowing companies", having filed applications-declarations, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-23, U-43 (a) and U-45 (a) thereunder in respect to the following proposed transactions:

The borrowing companies propose to issue to NEES, from time to time but not later than March 31, 1952, unsecured promissory notes in an aggregate face amount up to but not exceeding $5,635,000. Said notes will mature December 1, 1952, and will bear interest at the prime interest rate charged by banks on similar notes at the time said notes are issued to NEES. It is stated in the applications-declarations that at the present time the prime interest rate charged by banks on notes similar to those proposed to be issued is 3 per cent per annum.. It is further stated that if said prime interest rate is in excess of 3¼ per cent at the time any of the proposed notes are to be issued, NEES and the specific borrowing company will file an appropriate amendment to this filing setting forth therein the amount of the proposed note and the proposed rate of interest thereon at least five days prior to the issuance of such note and NEES and the borrowing companies request that unless the Commission notifies it and the borrowing companies to the contrary within said five-day period, the amendment shall become effective at the end of such period. The applications-declarations indicate that the proposed notes may be prepaid, in whole or in part, prior to maturity without payment of a premium.

The following table shows the aggregate maximum amount of promissory notes proposed to be issued by each of the borrowing companies during the period from January 1, 1952 to March 31, 1952:

Company:	*Aggregate amount of notes proposed to be issued to NEES*
Attleboro	$275,000
Beverly	1,875,000
Gloucester	505,000
Haverhill	450,000
Malden	1,000,000
Northampton	175,000
Norwood	50,000
Southern Berkshire	805,000
Weymouth	500,000
	5,635,000

The applications-declarations further state that the proceeds of the notes proposed to be issued are to be used by the borrowing companies to pay presently outstanding notes payable to NEES in the aggregate face amount of $5,210,000. The remainder of the proceeds of the proposed notes in the aggregate face amount of $425,000 is to be used by Attleboro ($75,000), Beverly ($300,000) and Northampton ($50,000) to finance temporarily construction and conversion costs and to reimburse said companies' treasuries for prior construction and conversion costs. Upon the completion of the proposed borrowings, the only interest bearing debt of the borrowing companies will be unsecured promissory notes payable to NEES.

The applications-declarations further state that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated

service company, such cost being estimated not to exceed $100 for NEES and each of the borrowing companies, or an aggregate of $1,000.

The applications-declarations further state that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice of the filing of the applications-declarations having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested nor ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applications-declarations be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, That said applications-declarations be, and hereby are, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2909; Filed, Mar. 12, 1952; 8:46 a. m.]

[File No. 70-2802]

WEST PENN ELECTRIC CO. AND WEST PENN POWER CO.

NOTICE OF FILING RELATING TO PROPOSED ISSUANCE AND SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING AND OF ADDITIONAL COMMON STOCK

MARCH 7, 1952.

Notice is hereby given that a joint application-declaration and amendments thereto have been filed with this Commission by The West Penn Electric Company ("Electric"), a registered holding company, and its subsidiary, West Penn Power Company ("Power"), a public utility company and also a registered holding company. Applicants-declarants have designated sections 6, 7, 9, 10, and 12 (d) of the act and Rules U-43, U-44, and U-50 thereunder, as applicable to the proposed transactions which are summarized as follows:

Power proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of __ Percent First Mortgage Bonds, Series O, due 1982. The invitation for bids will provide that each bid shall specify the coupon rate for the bonds, which shall be a multiple of ⅛ percent, and the price to be paid the company, exclusive of accrued interest, which price shall be not less than 100 percent nor more than 102.75 percent of the principal amount of said bonds, plus accrued interest from April 1, 1952. The bonds will be issued under an Indenture, dated March 1, 1916, between Power and the Equitable Trust Company of New York (now succeeded by The Chase National Bank of the City of New York), as Trustee, as supplemented from time to time, the last supplement being dated October 1, 1949, and to be further supplemented by a Supplemental Indenture to be dated April 1, 1952.

Following the sale of the bonds, Power proposes to issue and sell additional shares of its common stock to its stockholders, including its parent, Electric, which owns approximately 94.6 percent of the common stock of Power, in an amount to produce approximately $8,000,000. Power proposes to offer approximately 5.4 percent of these shares for subscription by the public holders of its outstanding common stock, at a price to be fixed by Power prior to the offering. The filing states that such price will be set at or below the market price for such stock shortly prior to the time the subscription warrants are to be issued. The total number of shares to be issued and the subscription price per share will be supplied by further amendment. The rights of the public common stockholders to subscribe will be evidenced by transferable subscription warrants. The warrants will not entitle the holders thereof to subscribe for fractional shares but the holders may buy additional rights sufficient to enable them to subscribe for whole shares or may sell their rights to acquire fractional shares.

Electric proposes to purchase at the subscription price approximately 94.6 percent of the additional common stock to be issued by Power plus all shares of the additional common stock not subscribed for by the public stockholders. Electric will pledge approximately 94.6 percent of the additional common stock that is issued by Power as additional collateral security with Chemical Bank & Trust Company, Trustee, as required by the Trust Indenture dated September 1, 1949, securing the outstanding 3½ percent Sinking Fund Collateral Trust Bonds of Electric.

The net proceeds from the sale of the bonds and the additional common stock are to be used to retire Power's oustanding bank loans in the amount of $4,500,000 and for construction purposes.

The filing states that Power has applied to the Pennsylvania Public Utility Commission for approval of the proposed issuance and sale of bonds and common stock and that the Public Service Commission of Maryland has approved the acquisition of the additional common stock by Electric.

Power estimates that the fees and expenses to be incurred by it in connection with the proposed transactions will be approximately $105,000, including counsel fees of $12,200. Electric estimates that its expenses will be approximately $500.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than March 21, 1952, at 12:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the joint application-declaration as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2910; Filed, Mar. 12, 1952; 8:46 a. m.]

[File No. 70-2818]

SOUTH JERSEY GAS CO.

NOTICE REGARDING PROPOSED AMENDMENTS TO CHARTER TO PROVIDE FOR CUMULATIVE VOTING AND PRE-EMPTIVE RIGHTS; AND SOLICITATION OF STOCKHOLDERS

MARCH 7, 1952.

Notice is hereby given that a declaration has been filed with the Commission, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-62 promulgated thereunder, by South Jersey Gas Company ("South Jersey"), a subsidiary of The United Corporation, a registered holding company.

Notice is further given that any interested person may, not later than March 19, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 19, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

South Jersey proposes to adopt amendments to its Certificate of Incorporation to provide for (1) cumulative voting for the election of directors; and (2) pre-emptive rights giving stockholders the right to purchase any new or additional shares of common stock, or securities convertible into common stock, that may be offered by the company, for money, unless such offer be a public offering or

an offering to or through underwriters or investment bankers who shall have agreed promptly to make a public offering of all such shares. Such amendments will be voted on by the stockholders at the annual meeting of stockholders to be held on April 22, 1952. Declarant states that the adoption of these amendments will require the affirmative votes of at least two-thirds in interest of the stockholders. South Jersey proposes to solicit proxies from its stockholders to be used at the annual meeting of stockholders and the solicitation material to be sent to stockholders has been filed as a part of the declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2908; Filed, Mar. 12, 1952; 8:45 a. m.]

[File Nos. 812-728, 812-729, 812-767]

HOME AND FOREIGN SECURITIES CORP. ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, ORDER FOR HEARING

MARCH 7, 1952.

In the matter of Home and Foreign Securities Corporation, File No. 812-729; Oils & Industries, Inc., File No. 812-728; and Intercontinental Holdings, Ltd., File No. 812-767.

Notice is hereby given that Intercontinental Holdings, Ltd., a Delaware corporation (Intercontinental), a management investment company registered under the Investment Company Act of 1940 has made application pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940, requesting an order granting exemption from the provisions of section 17 (a) of the act to permit the issuance of common stock at book value to its parent company, Oils & Industries, Inc. (O & I), in exchange for cash and debentures of National Paper and Type Company (National) and to exchange the debentures thus received at par for an equal par value of Non-Dividend Preference Stock of the applicant held by Intercoast Petroleum Corporation (Intercoast). The cash to be received by Intercontinental would be applied to payment of its bank loan and interest thereon.

On January 31, 1952, the Commission issued its Notice of Applications, Statement of Issues and Order For Hearing in the matter of Home and Foreign Securities Corporation and Oils & Industries, Inc.,[1] which notice set forth the relief requested in those applications and set the date for hearing thereon for February 18, 1952 at 10 a. m. in the offices of the Securities and Exchange Commission, Washington, D. C.

The hearing was duly convened pursuant to notice, and the applicants, represented by counsel, requested an adjournment for a period of 30 days for the purpose of amending the applications. The hearing was adjourned by order of the Trial Examiner subject to notice being given by letter to stockholders of the companies involved, stating the reasons for such adjournment and the terms of the amended applications and, further, subject to the condition that said amended applications would be filed with this Commission on or before March 1, 1952. The amended applications have been filed, together with the application of Intercontinental, referred to above. The corporate relationship of the companies involved at the date of the amended applications is set forth in the following tabulations:

	Percentage of voting securities owned	
	At date of application	Adjusted
Pentson Corp. of New Jersey	(1)	(1)
Home & Foreign Securities Corp	49.579	49.579
Colonial Trust Co	32.055	
Oils & Industries, Inc	64.151	64.151
Colonial Trust Co	19.550	
Intercoast Petroleum Corp	52.063	52.063
National Paper & Type Co	15.681	15.681
Colonial Trust Co		51.605
Intercontinental Holdings, Ltd	[2] 53.316	[2 3] 90.833
National Paper & Type Co	35.832	35.832
Colonial Travel Bureau, Inc	70.000	70.000

[1] Controlled 100 percent by Arthur S. Kleeman or members of his family.
[2] In addition Intercoast owns and will own all of the outstanding preferred stock of Intercontinental.
[3] Assuming issuance of 4,239,379 shares of unissued Common Stock at $0.1066 per share, the book value as at Dec. 31, 1951.

The amended applications of O & I and H and F revise the original applications in these proceedings in their entirety. The applications of H and F and O & I as originally filed contemplated the delivery of a portion of the Intercoast stock held by O & I to H and F in exchange for all of the Colonial stock held by H and F and the subsequent offer by H and F and O & I of Intercoast stock to their respective preferred stockholders under exchange plans. Control of Colonial would have been held by O & I.

In the amended applications, the present investments of H and F and O & I in Colonial are proposed to be transferred to National, requiring the latter's use of its credit and cash to preserve the system's investment in the bank.

Disposition of the investment of O & I in Intercoast appears to be intended after the completion of the transactions which are the subject of the instant applications, as the letter which was required to be sent to stockholders indicates, although no definite arrangements have been made.

The system, after the divestment of Intercoast, would have investments concentrated in National and Colonial and Colonial Travel Bureau. Under the present applications H and F requests an order permitting it to transfer its holdings of Colonial Trust Company (Colonial) to National in exchange for debentures of National. O & I's subsidiary, Intercontinental, is concurrently, as stated above, making application for an order permitting it to issue common stock at book value to O & I in exchange for the cash and debentures to be received by O & I upon the transfer of the capital stock of Colonial to National and to exchange the debentures thus received at par for an equal par value of Non-Dividend Preference Stock of Intercontinental held by Intercoast.

According to the application and amended applications, it is proposed that the transactions involved be effected upon the basis of book or face values of the securities to be issued, exchanged or paid as of the last day of the month preceding the date of the Commission's orders requested in these proceedings. Based upon computations as of December 31, 1951, the values of the securities according to the applications are as follows:

	Per share
(a) Book value of Colonial capital stock	$57.79
(b) Book value of Intercontinental common stock	.1066
(c) National debentures	(1)
Intercontinental notes payable	(1)
Intercontinental nondividend preference stock	100.00

[1] Face value.

The applications state that on the foregoing basis the valuation of Colonial would entitle H and F to receive for its 12,822 shares of Colonial $740,983.38 principal amount of National debentures. O & I would be entitled in exchange (based on this valuation) for its 7,820 shares of Colonial to an aggregate of $451,917.80, consisting of $315,917.80 in cash and the balance in National debentures. Intercontinental would issue 4,239,379 shares of its common stock to O & I for the cash and debentures received by O & I.

The application further states that upon consummation of the proposed exchange by H and F and National of the Colonial shares and National debentures, it is proposed that H and F will cause the National debentures to be registered for public offering under the Securities Act of 1933 and thereupon offer such debentures under an exchange offer to the holders of outstanding shares of preferred stock of H and F or distribute said debentures publicly and apply the proceeds of the purchase of said preferred stock. At December 31, 1951, the preferred stock of H and F, which has a claim in liquidation of $55 per share plus cumulative dividends at the annual rate of $3 per share, had an aggregate liquidating claim of $1,906,006, of which $1,046,741 represented dividends in arrears since 1929. The applications filed herein do not specify the nature or basis or timing of such proposed exchange offer or the alternative described in the applications.

According to the application, upon consummation of the exchange by O & I and National of Colonial shares and National debentures and cash, it is proposed that O & I will transfer such National debentures and cash to Intercontinental in exchange for the latter's common stock pursuant to the Intercontinental application filed herein.

It is further contemplated according to the applications that Intercontinental

[1] For details of this Notice and Order for Hearing see Investment Company Act Release No. 1704.

will apply the cash received as a result of the exchange by O & I to the payment in full of its outstanding indebtedness to The First National Bank of Boston and the National debentures acquired to retirement of a like par value of Intercontinental Non-Dividend Preference Stock which is now held by Intercoast pursuant to the Intercontinental application. It is further proposed that Intercontinental would take appropriate corporate action to amend its Certificate of Incorporation, changing the outstanding Non-Dividend Preference Stock to an equal number of shares of a new preferred stock, which action, according to the application, would so change Intercontinental's capital structure to conform to the provisions of the Investment Company Act of 1940 with respect to its outstanding securities.

For a more detailed statement of matters of fact all interested persons are referred to said application and amended applications which are on file in the offices of the Commission at 425 Second Street NW., Washington 25, D. C.

The Division of Corporation Finance has advised the Commission that after an examination of the amended applications and the substituted plan contained therein, and the application filed by Intercontinental, and pursuant to a preliminary investigation conducted in connection therewith, the transactions for which the exemptions are sought appear to be integral parts of an organized over-all plan which has for its purpose the following:

1. Strengthening the position of control of Colonial and of National.

2. The concentration of the investment activities of the investment companies in the international banking and export business.

3. The eventual abandonment of the companies' investment in the oil business, represented by O & I's holdings of Intercoast stock.

4. The eventual liquidation of Intercontinental.

In furtherance of said over-all plan the controlling persons have previously caused O & I to acquire a 15.39 percent interest in National and have caused Intercoast (a producing oil company) to use its cash and credit to acquire 35.24 percent interest in National, resulting in the acquisition of control of that company. Thereafter the controlling persons caused Intercoast to create an investment company, Intercontinental, which company subsequently issued to Intercoast, an affiliated person, common stock and non-voting, non-dividend preference stock in exchange for stock of National held by Intercoast and further caused Intercoast to distribute as a dividend to its stockholders the common stock of Intercontinental which had the effect of giving voting control of Intercontinental to O & I; that immediately thereafter Intercoast was forced to resort to borrowing from Intercontinental funds derived by the latter from its holdings in National thus acquired from Intercoast.

The applications in their present form state that National will acquire Colonial stock from H and F and O & I, utilizing its cash and credit to enable O & I, by additional investment in Intercontinental to place that company in a better condition to be eventually liquidated. While the present applications are silent on the subject, Exhibit L thereto states that it is the proposal of the management to further simplify the corporate structure of the companies through the eventual sale of Intercoast and the redemption, payment or purchase of senior securities. However, the management has stated that these further steps are at the present time impossible to outline since no definite arrangements to that end have been made.

Without prejudice to the specification of additional issues on further examinations of the applications, the transactions already consummated and those proposed, the Division has advised the Commission that it deems the following issues to be raised by the applications and the related proposals:

1. Whether the over-all plan hereinbefore described is consistent with the investment policies stated in the applicants' registration statements under the act and with the general policies of the act.

2. Whether it was consistent with the stated investment policies of O & I to acquire securities of National, which is engaged exclusively in the export business.

3. Whether it was consistent with the policies of the investment companies to cause Intercoast, a producing oil company, to purchase securities of National.

4. Whether the organization of Intercontinental and the issuance of its securities was and is consistent with the investment policies of H and F and O & I as stated in their registration statements filed under the act and with the business purposes of Intercoast.

5. Whether the organization of Intercontinental, the issuance of its outstanding securities and the assumption of long-term debt of Intercoast were properly consummated in the absence of orders of the Commission, exempting those transactions from the provisions of sections 12 (d), 17 (a), 18 (a) (2) and 18 (i) of the act.

6. Whether it is consistent with the stated policies of the investment companies to cause National to acquire substantial holdings in Colonial under the terms set out in the application.

7. Whether the proposed acquisition of Colonial by National is fair and reasonable and involves overreaching on the part of any person concerned.

8. Whether, if the organization of Intercontinental and the issuance of its stock has been effected in contravention of the act, consummation of the transactions proposed in Intercontinental's application would at this time be feasible or permissible.

9. Whether the terms of the proposed transactions recited in the application and amended applications and related proposals and transactions viewed in the light of the foregoing issues, including the consideration to be paid or received are reasonable and fair and does not involve overreaching on the part of any person concerned, and whether such transactions are consistent with the general purposes of the Investment Company Act of 1940 and the stated policies of the applicants.

It appearing to the Commission that said applications present questions of law and fact common to each of said applications and that a hearing on said applications is necessary and appropriate;

It is ordered, That the proceedings on the three applications be and the same are hereby consolidated; and

It is ordered, Pursuant to section 40 (a) of said act that a public hearing on the aforesaid applications be held on March 17, 1952, at 10:00 a. m., e. s. t., Room 193 of the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

It is further ordered, That Richard Townsend or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named Home and Foreign Securities Corporation, Oils & Industries, Inc., Intercontinental Holdings, Ltd. and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any person desiring to be heard in said proceeding should file with the hearing officer or the Secretary of the Commission, on or before March 14, 1952, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid applications.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–2906; Filed, Mar. 12, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 1, Amdt. 4]

NORTH STAR WOOLEN MILL CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 1 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for wool blankets manufactured by North Star Woolen Mill Co. and having the brand name "North Star."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by

incorporating into the special order the amended application dated February 27, 1952.

Amendatory provisions. Special Order 1 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "January 30, 1952," the following date "February 27, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 27, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 5, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2864; Filed, Mar. 7, 1952; 4:54 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 32, Amdt. 1]

ECUADORIAN PANAMA HAT CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 32 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for ladies' and men's Panama hats manufactured by Ecuadorian Panama Hat Co., Inc., and having the brand name "Supernatural."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 8, 1952.

Amendatory provisions. Special Order 32 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 5, 1951," insert the words "as supplemented and amended by its application dated January 8, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 8, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 7, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2865; Filed, Mar. 7, 1952; 4:55 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 35, Amdt. 1]

RAINFAIR, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 35 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for rainwear manufactured by Rainfair, Inc., and having the brand name "Rainfair."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 12, 1951, and February 26, 1952.

Amendatory provisions. Special Order 35 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 2, 1951," insert the words "as supplemented and amended by its applications dated November 12, 1951, and February 26, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated November 12, 1951, and February 26, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 31, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2866; Filed, Mar. 7, 1952; 4:55 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 68, Amdt. 3]

WILLIAM HOLLINS & CO., LTD., ET AL.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 68 under section 43 of Ceiling Price Regulation 7 established ceiling prices for sales at retail of Viyella fabrics manufactured by William Hollins & Company, Ltd., and William Hollins & Company, Inc., having the brand name "Viyella" and men's and boys' sport shirts and men's robes and pajamas manufactured by William Hollins & Company, Inc., having the brand name "Viyella".

It has been brought to the attention of the Director that although William Hollins & Company, Inc. supervises the make, grade, quality and specifications for the men's and boys' sport shirts and men's robes and pajamas, it is not the manufacturer of those articles within the purview of the applicable OPS regulations.

The manufacturers of those articles are licensed by William Hollins & Company, Inc. to manufacture "Viyella" articles and have maintained uniform selling prices at retail. The men's sport shirts having the brand name "Viyella" are manufactured by C. F. Hathaway Co. and Bartlay, Ltd.; men's robes having the brand name "Viyella" are manufactured by Van Baalen Heilbrun & Co., Inc.; men's pajamas having the brand name "Viyella" are manufactured by Knothe Brothers Co., Inc.; and the boys' shirts having the brand name "Viyella" are manufactured by Lubell Brothers, Inc.

William Hollins & Company, Inc., the licensees C. F. Hathaway Company, Bartlay, Ltd., Van Baalen Heilbrun & Co., Inc., Knothe Brothers Co. Inc., and Lubell Brothers, Inc., have applied for a correction of the special order to conform with the methods of operation of such manufacturers.

Therefore this amendment corrects the special order by including the licensees within the coverage of the special order and by limiting the coverage of the order pertaining to William Hollins & Company, Inc., to the fabrics manufactured by that company.

Amendatory provisions. Special Order 68 is amended in the following respects:

1. In paragraph 2 delete the first complete sentence and substitute therefor the following:

2. The following ceiling prices are established for sales by any seller at retail of fabrics manufactured by William Hollins & Company, Inc., having the brand name "Viyella"; men's sport shirts manufactured by C. F. Hathaway Co. and Bratlay, Ltd. having the brand name "Viyella"; men's robes manufactured by Van Baalen Heilbrun & Co., Inc., having the brand name "Viyella"; men's pajamas manufactured by Knothe Brothers Co., Inc. having the brand name "Viyella"; and boys' shirts manufactured by Lubell Brothers, Inc. having the brand name "Viyella" and described in the manufacturers' application dated April 7, 1951, and supplemented and amended by the manufacturers' application dated August 21, 1951, October 22, 1951 and February 1, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2867; Filed, Mar. 7, 1952; 4:55 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 70, Amdt. 4]

INTERNATIONAL LATEX CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 70 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for girdles, infants' needs, pillows, tobacco pouches, swim and shower caps

and gloves manufactured by International Latex Corporation and having the brand name "Playtex."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 28, 1952.

Amendatory provisions. Special Order 70 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1 (b), insert after the date "October 17, 1951," the following dates "November 26, 1951" and "January 28, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 28, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 26, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2868; Filed, Mar. 7, 1952; 4:55 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 84, Amdt. 2]

GRUEN WATCH CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 84 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and ladies' watches manufactured by The Gruen Watch Company and having the brand name "Gruen".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 18, 1952.

Amendatory provisions. Special Order 84 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "August 20, 1951", the following date "February 18, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 18, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 5, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2869; Filed, Mar. 7, 1952; 4:56 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 90, Amdt. 2]

COPELAND & THOMPSON, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 90 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for imported Spode china and earthenware distributed by Copeland & Thompson, Inc. and having the brand name "Spode."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 24, 1952.

Amendatory provisions. Special Order 90 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 24, 1951," insert the words "as supplemented and amended by its applications dated July 17, 1951 and January 24, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the wholesalers supplemental application dated January 24, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 5, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2870; Filed, Mar. 7, 1952; 4:56 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 117, Amdt. 1]

MENDEL-DRUCKER, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 117 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for women's and men's luggage and trunks manufactured by Mendel-Drucker, Inc., and having the brand name "Mendel".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 13, 1952.

Amendatory provisions. Special Order 117 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 12, 1951," insert the words "as supplemented and amended by its application dated February 13, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 13, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 5, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2871; Filed, Mar. 7, 1952; 4:56 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 145, Amdt. 2]

JOSIAH WEDGWOOD & SONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 145 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for china and glassware manufactured by Josiah Wedgwood & Sons, Inc. and having the brand names "Wedgwood" and "Whelefriars".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 5, 1952.

Amendatory provisions. Special Order 145 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "July 19, 1951", the following date "February 5, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 5, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 4, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2872; Filed, Mar. 7, 1952; 4:56 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 200, Amdt. 1]

BUXTON, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 200 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and women's leather and plastic billfolds, key cases, pass cases, cigarette cases and wallets, and sets of billfolds and key cases manufactured by Buxton, Incorporated and having the brand names "Buxton", "Lady-Buxton", "Orleans", "Key-tainer", "Ascot", "Stitchless", "3-Way", "Card-tainer," "The Thinfold" and "Zippit".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 9, 1951.

Amendatory provisions. Special Order 200 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "July 2, 1951", the following date "November 9, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated November 9, 1951 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 2, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2873; Filed, Mar. 7, 1952; 4:57 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 213, Amdt. 2]

ROYAL CHINA, INC.

CEILING PRICES AT RETAIL

Statement of considerations.—Special Order 213 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for dinnerware, manufactured by Royal China, Inc., and having the brand names "Colonial Homestead" and "Bucks County by Royal."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated October 23, 1951.

This amendment also adds the brand name "Currier & Ives" to the brand names of dinnerware listed in the special order.

Amendatory provisions. Special Order 213 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "April 19, 1951" the following date "October 23, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

"The prices listed in the manufacturer's supplemental application dated October 23, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 7, 1952.

3. In paragraph 1, delete the word "and", which precedes the words "Bucks County By Royal" and substitute therefor a comma.

4. In paragraph 1, after the words "Bucks County By Royal", add the words "and, Currier & Ives".

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2874; Filed, Mar. 7, 1952; 4:57 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 221, Amdt. 2]

WOOSTER RUBBER CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 221 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for rubber mats, trays, and rubber car rugs, scrapers, baskets, dust pans, dishes, holders, stoppers, pads, cutting boards, drainers manufactured by The Wooster Rubber Company, and having the brand names "Rubbermaid Kar-Rugs" and "Rubbermaid."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 21, 1951.

This amendment also adds "drainboard mats, bath mats, cleaners and shelf cushions having the brand names "Rubbermaid Kar-Rugs" and "Rubbermaid" to the coverage of the special order.

Amendatory provisions. Special Order 221 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 7, 1951," insert the words "as supplemented and amended by its application dated December 21, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated December 21, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 7, 1952.

3. In paragraph 1 following the word "drainers" add the words "drainboard mats, bath mats, cleaners and shelf cushions."

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2875; Filed, Mar. 7, 1952; 4:57 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 249, Amdt. 2]

HOFFMAN RADIO CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 249 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for television receivers (table models, consoles, combinations and bases), manufactured by Hoffman Radio Corporation and having the brand name "Hoffman."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 29, 1952.

Amendatory provisions. Special Order 249 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1 (b), insert after the date "November 2, 1951," the following date "January 29, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 29, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 5, 1952."

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2877; Filed, Mar. 7, 1952; 4:57 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 225, Amdt. 3]

FORSTMANN WOOLEN CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 225 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's hosiery and sweaters manufactured by Forstmann Woolen Co., and having the brand name "Forstmann".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 13, 1952.

Amendatory provisions.—Special Order 225 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated July 2, 1951," insert the words "as supplemented and amended by its applications dated September 18, 1951, January 10, 1952, and February 13, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 13, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 3, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2876; Filed, Mar. 7, 1952; 4:57 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 331, Amdt. 2]

RIVAL MFG. CO.

CEILING PRICES AT WHOLESALE AND RETAIL

Statement of considerations. Special Order 331 under section 43, Ceiling Price Regulation 7, established retail and wholesale ceiling prices for housewaredie cast zinc and aluminum juicers and crushers, electric broilers, electric steam irons, can openers, knife-o-mats, jar-o-mats, bean slicer and pea huller manufactured by Rival Manufacturing Co., and having the brand names "Rival", "Knife-O-Mat," "Jar-O-Mat," "Bean Slicer and Pea Huller".

This amendment establishes new retail and wholesale ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail and wholesale ceiling prices are established by incorporating into the special order the amended applications dated August 21, 1951, January 9, 1952 and January 16, 1952.

Amendatory provisions. Special Order 331 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated July 6, 1951," insert the words "as supplemented and amended by its applications dated August 21, 1951, January 9, 1952, and January 16, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated January 9, 1952 and January 16, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 1, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2878; Filed, Mar. 7, 1952; 4:57 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 371, Amdt. 1]

FISCHER & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 371 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for lingerie, manufactured or distributed by Fischer & Co., Inc., and having the brand name "Heavenly Silk Lingerie by Fischer."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated December 6, 1951 and January 16, 1952.

This amendment also adds the brand name "Heavenly Lingerie by Fischer" to the brand name listed in the coverage of the special order.

Amendatory provisions. Special Order 371 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. Paragraph 1, after the words "in the manufacturer's application dated April 30, 1951 (and supplemented and amended in the manufacturer's application, dated June 26, 1951)" insert the following dates December 6, 1951 and January 16, 1952.

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental application dated December 6, 1951 and January 16, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 7, 1952.

3. Paragraph 1, after the brand name "Heavenly Silk Lingerie by Fischer" add the brand name "and Heavenly Lingeri by Fischer."

Effective date. This amendment shal become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2879; Filed, Mar. 7, 195 4:58 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 424, Amdt. 1]

LIBBEY GLASS, DIVISION OF OWENS-ILLINOIS GLASS CO.

CEILING PRICES AT RETAIL

Statement of considerations. Speci Order 424 under section 43, Ceiling Pri Regulation 7, established retail ceili prices for glass tableware manufactur by Libbey Glass, Division of Owen-Il nois Glass Co. and having the brar names "Libbey," and "L."

This amendment establishes new r tail ceiling prices for certain of the a plicant's branded articles. It appea that the ceiling prices requested are line with those already granted and a no higher than the level of ceiling pric under Ceiling Price Regulation 7. T retail ceiling prices are established incorporating into the special order t amended application dated February 1952.

Amendatory provisions. Special Orc 424 under section 43 of Ceiling Pr Regulation 7 is amended in the follo ing respects:

1. In paragraph 1, insert after the d "June 27, 1951", the following dat "February 8, 1952."

2. Insert following paragraph 1 n appearing in the special order the f lowing:

The prices listed in the manufacture supplemental application dated Feb ary 8, 1952 shall become effective on ceipt of a copy of the notice for su articles, but in no event later than Ap 3, 1952.

Effective date. This amendment sh become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilizatio

MARCH 7, 1952.

[F. R. Doc. 52-2880; Filed, Mar. 7, 1 4:58 p. m.]

[Ceiling Price Regulation 7, Section 4 Special Order 442, Amdt. 4]

WESTINGHOUSE ELECTRIC CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Spe Order 442 under section 43, Ceiling P Regulation 7, established retail cei prices for roaster-oven, broiler, t clock, irons, grills, waffle irons, co maker, griddles, hot plates, small he ers, warming pads, toaster, grinders mixers manufactured by Westingho

Electric Corporation and having the brand name "Westinghouse."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 7, 1952.

Amendatory provisions. Special Order 442 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "September 27, 1951", the following date "January 7, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 7, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 5, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52–2881; Filed, Mar. 7, 1952; 4:58 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 537, Amdt. 2]

GLENDALE KNITTING CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 537 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for children's cotton sleepers, dolls and doll suits manufactured by Glendale Knitting Corporation and having the brand name "Nitey Nite".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 22, 1952.

Amendatory provisions. Special Order 537 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "December 7, 1951," the following date "February 22, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 22, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 5, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52–2882; Filed, Mar. 7, 1952; 4:58 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 551, Amdt. 2]

BREARLEY CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 551 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for bathroom scales and baby scales manufactured by The Brearley Company and having the brand name "Counselor."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 31, 1952.

Amendatory provisions. Special Order 551 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 25, 1951," insert the words "as supplemented and amended by its applications dated October 15, 1951, October 24, 1951 and January 31, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 31, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 31, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52–2883; Filed, Mar. 7, 1952; 4:58 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 587, Amdt. 3]

SAMUEL KIRK & SON, INC.

CEILING PRICES AT RETAIL

Statement of considerations. The accompanying amendment to Special Order 587 under section 43 of Ceiling Price Regulation 7 modifies the reporting provisions required by orders of this type. The reason that the company prefers to report on a percentage basis rather than a unit basis is because such information is considered as restricted and confidential.

Amendatory provisions. Section 10 of Special Order 587 issued under section 43 of CPR 7 is amended to read as follows:

10. *Sales volume reports.* Within 45 days of the expiration of the first six months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Wholesale-Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the percentage of total sales of all articles covered by this special order bears to the total sales of all articles covered by the special order which he has delivered in that 6 months period.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52–2884; Filed, Mar. 7, 1952; 4:59 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 655, Amdt. 2]

BLUE BELL, INC.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 655 under section 43, Ceiling Price Regulation 7, established retail and wholesale ceiling prices for men's jeans and jackets, men's and boys' shirts; youths', boys', women's and girls' jeans manufactured by Blue Bell, Inc., and having the brand name "Wranglers."

This amendment establishes new retail and wholesale ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail and wholesale ceiling prices are established by incorporating into the special order the amended application dated February 1, 1952.

Amendatory provisions. Special Order 655 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "November 29, 1951," the following date "February 1, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 1, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 5, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52–2885; Filed, Mar. 7, 1952; 4:59 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 708, Amdt. 1)

S. BUCHSBAUM & Co.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 708 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's, women's, and boys' rainwear manufactured by S. Buchsbaum & Co., and having the brand name "Elasti-Glazs."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 11, 1952.

Amendatory provisions. Special Order 708 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application" insert the words "dated July 2, 1951, as supplemented and amended by your supplier's applications dated December 7, 1951, and January 11, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated January 11, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 7, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2886; Filed, Mar. 7, 1952; 4:59 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 734, Amdt. 1]

NAN BUNTLY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 734 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for ladies' lined suits, manufactured by Nan Buntly, Inc., and having the brand name "Nan Buntly".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 15, 1952.

This amendment also deletes the words "lady's lined suit" from paragraph 1, and adds the words "women's suits."

Amendatory provisions. Special Order 734 under Section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "June 11, 1951", the following date "February 15, 1952".

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 15, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 1, 1952.

3. In paragraph 1, delete the words "lady's lined suit" and add the words "women's suits" having the brand name "Nan Buntly".

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2887; Filed, Mar. 7, 1952; 4:59 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 743, Amdt. 1]

GENERAL ELECTRIC CO., SMALL APPLIANCE DIVISION, CLOCK DEPARTMENT

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 743 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for electric clocks manufactured by General Electric Company, Small Appliance Division, Clock Department and having the brand names "General G-E Electric", "General Electric" or "General Electric Company" interchangeably.

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 25, 1952.

Amendatory provisions. Special Order 743 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "October 19, 1951", the following date "February 25, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 25, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 7, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2888; Filed, Mar. 7, 1952; 5:00 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 748, Amdt. 1]

RUDOLPH WURLITZER CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 748 under section 43, Ceiling Price Regulation 7, established re ceiling prices for pianos and benc manufactured by The Rudolph Wurl er Company and having the brand na "Wurlitzer."

This amendment establishes new tail ceiling prices for certain of the plicant's branded articles. It appe that the ceiling prices requested ar line with those already granted and no higher than the level of ceiling pr under Ceiling Price Regulation 7. retail ceiling prices are established by corporating into the special order amended application dated February 1952.

Amendatory provisions. Special Or 748 under section 43 of Ceiling P Regulation 7 is amended in the foll ing respects:

1. In paragraph 2, after the words retail prices listed in your supplier's plication" insert the words "dated S tember 7, 1951, as supplemented amended by your supplier's applica dated February 13, 1952."

2. Insert following paragraph 2 appearing in the special order the lowing:

The prices listed in your suppl supplemental application dated Fe ary 13, 1952 shall become effective or ceipt of a copy of the notice for such ticles, but in no event later than A 5, 1952.

Effective date. This amendment become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilizatio

MARCH 7, 1952.

[F. R. Doc. 52-2889; Filed, Mar. 7, 5:00 p. m.]

[Ceiling Price Regulation 7, Section Special Order 760, Amdt. 1]

GEMEX CO.

CEILING PRICES AT RETAIL AND WHOL

Statement of considerations. Sp Order 760 under section 43, Ceilng Regulation 7, established retail wholesale ceiling prices for men's women's watch bracelets and w straps manufactured by Gemex C pany and having the brand n "Gemex".

This amendment establishes new tail and wholesale ceiling prices for tain of the applicant's branded art It appears that the ceiling prices quested are in line with those alr granted and are no higher than level of ceiling prices under Ceiling Regulation 7. The retail and whol ceiling prices are established by in porating into the special order amended application dated Januar 1952.

Amendatory provisions. Special der 760 under section 43 of Ceiling

Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated September 26, 1951," insert the words "as supplemented and amended by its application dated January 11, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the Manufacturer's supplemental application dated January 11, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 31, 1952.

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2890; Filed, Mar. 7, 1952; 5:00 p. m.]

[Ceiling Price Regulation 7, Section 43 Special Order 769, Amdt. 1]

TEX TAN OF YOAKUM

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 769 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and boys' belts, manufactured by Tex Tan of Yoakum, and having the brand name "Tex Tan."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 6, 1951.

This amendment also adds leather billfolds, wallets and key cases, having the brand name "Tex Tan" to the articles listed in the special order.

Amendatory provisions. Special Order 769 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application filed with the Office of Price Stabilization" insert the words "dated September 6, 1951, as supplemented and amended by your supplier's applications dated December 6, 1951.

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated December 6, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 1, 1952.

3. In paragraph 1, under articles: add after the words "men's and boys' belts" the words "ladies' billfolds, wallets and key cases".

Effective date. This amendment shall become effective March 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2891; Filed, Mar. 7, 1952; 5:00 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 11, Amdt. 2]

GENERAL MOTORS CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 11 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the General Motors Corporation. Subsequent to the issuance of Special Order 11 the General Motors Corporation has introduced new items of factory installed extra, special and optional equipment on its Oldsmobile and Cadillac new passenger automobiles and wholesale ceiling prices have been approved for these new items. Special Order 11 is, therefore, amended to include charges for the new items of factory installed extra, special and optional equipment.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 11 is hereby issued.

1. The following charges for factory installed extra, special and optional equipment are added to the list of extra, special and option equipment contained in paragraph 2 of Special Order 11:

OLDSMOBILE PASSENGER AUTOMOBILES

Autronic eye—automatic headlamp dimmer (all lines or series)	$53.65

CADILLAC PASSENGER AUTOMOBILES

Automatic headlamp control (all lines or series)	$53.36

Effective date. This Amendment 2 to Special Order 11 shall become effective March 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 12, 1952.

[F. R. Doc. 52-3039; Filed, Mar. 12, 1952; 11:31 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 842]

GIBSON, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Gibson, Inc., Kalamazoo 13, Michigan, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of guitars, mandolins, electraharps, banjos, ukeleles, and instrument cases sold through wholesalers and retailers and having the brand name(s) "Gibson" shall be the proposed retail ceiling prices listed by Gibson, Inc., Kalamazoo 13, Michigan, hereinafter referred to as the "applicant" in its application dated November 12, 1951 and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's applications dated February 6, 1952, and March 3, 1952).

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 7, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marketing and tagging.* On and after May 7, 1952, Gibson, Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after June 6, 1952, no retailer may offer or sell the article unless it is

marked or tagged in the form stated above. Prior to June 6, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the pre-ticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the sixty-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a)(4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first six-month period following the effective date of this special order and within 45 days of the expiration of each successive six-month period the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that six-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective March 8, 1952.

ELLIS ARNALL.
Director of Price Stabilization

MARCH 7, 1952.

[F. R. Doc. 52-2892; Filed, Mar. 7, 1952; 5:00 p. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
1934
OF THE UNITED STATES

VOLUME 17 NUMBER 52

Washington, Friday, March 14, 1952

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 19]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

BRAKE SYSTEM

The following policies are hereby adopted:

§ 4b.337–2 *Brake systems (CAA policies which apply to § 4b.337).* In order to obtain a minimum landing distance under § 4b.122 and at the same time meet the deceleration requirement of § 4b.337 (a) (2) in event of failure of the normal brake system, it is a common practice to provide an alternate brake system. When hydraulic (or pneumatic) brakes are used in the normal brake system, this alternate means usually consists of a duplicate hydraulic or pneumatic brake system and is commonly referred to as the "emergency brake system." The following items should be considered in the design of such systems:

(a) *Relationship between normal and emergency brake systems.* The systems for actuating the normal brake and the emergency brake should be so separated that a failure in or the leakage of fluid from one system, will not render the other system inoperative. A hydraulic brake assembly may be common to both the normal and emergency brake systems if it is shown that the leakage of hydraulic fluid resulting from failure of the sealing elements in the brake assembly would not reduce the braking effectiveness below that specified in § 4b.337 (a) (2).

(b) *Brake control valves.* In the normal brake systems of all aircraft, the brake control valves should be of a type such that the pilots may exercise variable control of the pressure to the brakes. The foregoing provision need not necessarily apply to the emergency brake systems although obviously such a provision would be desirable. Flight tests should be conducted to determine that the normal and emergency brake systems fulfill the requirements of § 4b.170 (a) and (b).

In the normal brake systems of tail wheel type aircraft or of nose wheel type aircraft equipped with non-steerable nose wheels, provisions should be made for independently controlling the brakes on either side of the main landing gear in order that directional control of the aircraft can be maintained. (See § 4b.171 (c)). In the emergency brake systems of tail wheel type aircraft and in the normal and emergency brake systems of nose wheel type aircraft, it is desirable that independent control of the brakes on either side of the landing gear be provided although such control is optional.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009, 49 U. S. C. 553)

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–2985; Filed, Mar. 13, 1952; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt 97 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.24 *Statement of past participation in exports for certain commodities,* paragraph (b) *Commodities requiring statement of past participation* is amended in the following particulars:

The last entry listed in subparagraph (4) *All controlled materials and certain additional commodities with processing code NONF:* is corrected to read as follows:

Any commodity listed in § 398.5 (f) (controlled materials).

[1] This amendment was published in Current Export Bulletin No. 661, dated March 6, 1952. The amendments to §§ 373.24, 373.27, 373.28 and to footnotes in § 373.51 were published in the reprint pages of the Comprehensive Export Schedule, dated March 6, 1952.

(Continued on next page)

CONTENTS

Agriculture Department Page

See also Production and Marketing Administration.

Notices:

Foot-and-mouth disease; finding of emergency outbreak--- 2234

Civil Aeronautics Administration

Rules and regulations:

Airplane airworthiness, transport categories; brake systems---------- 2223

Civil Aeronautics Board

See also Civil Aeronautics Administration.

Notices:

Pan American World Airways, Inc.; hearing---------- 2234

Commerce Department

See Civil Aeronautics Administration; International Trade, Office of; National Production Authority.

Customs Bureau

Notices:

Pacific Micronesian Line, Inc.; registration of house flag and funnel mark---------- 2234

Economic Stabilization Agency

See Price Stabilization, Office of.

Federal Power Commission

Notices:

Hearings, etc.:

Colorado Interstate Gas Co-- 2234

Gulf States Utilities Co------ 2234

Texas Eastern Transmission Corp. and Mississippi River Fuel Corp---------- 2235

United Fuel Gas Co. and Manufacturers Light and Heat Co---------- 2235

Foreign and Domestic Commerce Bureau

See International Trade, Office of.

General Accounting Office

Notices:

Joint regulation for small purchases utilizing imprest funds---------- 2235

General Services Administration

Notices:

Joint regulation for small purchases utilizing imprest funds---------- 2236

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Internal Revenue Bureau Page
Proposed rule making:
Taxation of personal holding companies 2231
Rules and regulations:
Excise tax on employers under the Federal Unemployment Tax Act; with respect to proof of credit in connection with contributions under a State unemployment compensation law 2225

International Trade, Office of
Rules and regulations:
Licensing policies and related special provisions; miscellaneous amendments 2223

Interstate Commerce Commission
Notices:
Applications for relief:
Coke from Chicago and Lockport, Ill., to New York and Ontario, Canada 2238
Cotton from Virginia to southeastern and Carolina points 2238

CONTENTS—Continued

Interstate Commerce Commission—Continued Page
Notices—Continued
Applications for relief—Con.
Phosphate rock from Florida to Albany, Ga 2238
New York Central Railroad Co. et al.; rerouting or diversion of traffic 2238

National Production Authority
Rules and regulations:
Cadmium (M–19) 2226
Cans (M–25) 2228
Crushing bort, diamond powder or dust, and unreclaimed diamond material (M–102) 2229
Diamond grinding wheels (M–103) 2230

Price Stabilization, Office of
Notices:
American Metal Specialties Corp.; ceiling prices at retail 2242
Landers, Frary and Clark; ceiling prices at retail and wholesale 2242
Redelegation of authority:
Directors of District Offices:
Region II; act under CPR 7 2240
Region III:
Act on pricing and reports 2240
Establish or adjust ceiling prices 2240
Make adjustments under GCPR 2241
Region VI; act under CPR 101 2241
Region VII:
Act under CPR 7 2241
Act under CPR 101 2241
Region VIII:
Act under CPR 7 2242
Act under CPR 101 2242
Region XII; act under CPR 7 2241
District Directors; Region XIII:
Act under CPR 7 2242
Act under CPR 101 2241
Territorial Directors, Region XIV; act under CPR 120 2242

Production and Marketing Administration
Proposed rule making:
Market agencies at Fort Worth Union Stock Yards; petition for modification of rate order 2232
Milk handling in Rockford-Freeport, Ill., marketing area 2233
Walnuts grown in California, Oregon and Washington 2232

Securities and Exchange Commission
Notices:
Hearings, etc.:
Arkansas Power and Light Co. and Middle South Utilities, Inc 2239
Narragansett Electric Co 2240
Southwestern Gas and Electric Co 2239

CONTENTS—Continued

Treasury Department Pa
See also Customs Bureau; Internal Revenue Bureau.
Notices:
Joint regulation for small purchases utilizing imprest funds 223

CODIFICATION GUIDE

A numerical list of the parts of the Co of Federal Regulations affected by documen published in this issue. Proposed rules, opposed to final actions, are identified such.

Title 7 Pa
Chapter IX:
Part 984 (proposed) 223
Part 991 (proposed) 223
Title 14
Chapter I:
Part 4b 222
Title 15
Chapter III:
Part 373 222
Title 26
Chapter I:
Part 29 (proposed) 223
Part 403 222
Title 32A
Chapter VI (NPA):
M–19 222
M–25 222
M–102 222
M–103 223

2. Section 373.27 *Special provision for cotton duck* paragraph (c) *Licensing policy* is amended by deleting the reference to "item 10" of the license application.

This part of the amendment shall become effective as of March 6, 1952.

3. Section 373.28 *Special provision for exports to serialized mines, smelters and mineral prospecting operations abroad* is amended by changing the reference to "item 9 (b) of the license application, Form IT–419" to read "the commodity description column of the license application, Form IT–419".

This part of the amendment shall become effective as of March 6, 1952.

4. Part 373 is amended by adding thereto a new § 373.36 to read as follows:

§ 373.36 *Special provisions for human blood plasma.* During the first and second calendar quarters, 1952, human blood plasma, Schedule B No. 812100, will be licensed for export in accordance with the following special provisions:

(a) *Licensing criteria.* The total quantity of commercial human blood plasma which will be licensed each quarter will not exceed the quarterly average of exports during 1949 and the first six months of 1950. Applications submitted for licenses to export human blood plasma will be considered for approval by the Office of International Trade only where the end use and quantity involved meet one of the following criteria:

(1) Certified requirements of facilities abroad, such as mining and oil operations, which are directly contributing to the defense effort.

(2) Reasonable quantities for armed forces of friendly nations which are ac-

tively in conflict with Communist forces and which are dependent on the United States for dried plasma to support this action.

(3) Reasonable quantities for friendly foreign governments and internationally recognized health organizations for distribution in public health programs.

(4) Reasonable quantities to friendly countries for the supply of hospitals, local clinics, or other local health organizations where there are assurances by the ministries of health as to the need, end-use and distribution; or for the needs of Americans residing abroad or for American companies operating abroad where similar assurances have been provided as to the need, end-use and distribution.

(5) Minimum quantities required by exporters for registry with foreign governments but only where consistent with subparagraphs (1) through (4) of this paragraph.

No export licenses will be granted for the export of human blood plasma for purely advertising and sales promotion purposes. No export licenses will be granted for the export of human blood plasma to Subgroup A destinations.

(b) *Justification of end use.* (1) Where the human blood plasma is to be used at facilities abroad which, like mining and oil operations, are directly contributing to the defense effort, the applicant for the export license must certify on the license application, or on an attachment thereto, that the quantities covered by the license application are not in excess of the average quarterly requirements of the facility abroad, and furnish evidence to substantiate such requirements by showing previous U. S. exports to the particular facility and its average quarterly consumption.

(2) Where the human blood plasma is to be used for the supply of hospitals, local clinics, or other local health organizations, the applicant shall attach to the license application a statement from the foreign ministry of health setting forth the need, end use, and distribution of the blood plasma covered by the license application.

(3) Where the human blood plasma is to be used for the needs of Americans residing abroad or for American companies operating abroad, the applicant shall attach to the license application a statement prepared by the applicant, the consignee, or medical personnel retained by the consignee setting forth the need, end use, and distribution of the blood plasma covered by the license application.

(4) Where the human blood plasma is to be exported to friendly foreign governments by U. S. exporters for purposes of registering or maintaining the registry of the blood plasma with the foreign government, the license applicant shall so certify on the license application.

This part of the amendment shall become effective as of March 6, 1952.

5. Part 373 is amended by adding thereto a new § 373.37 to read as follows:

§ 373.37 *Special provisions for cryolite.* Cryolite, natural and artificial, Schedule B No. 596012, will be licensed for export in accordance with the provisions of § 373.19 and the following special provisions:

(a) *Requests for purchase authorization.* National Production Authority Order M-99 provides that commencing March 1, 1952, no person shall purchase cryolite for export without specific authorization from NPA and that the application for export license to the Office of International Trade shall constitute a request for such NPA authorization. The licensing action of the Office of International Trade will be coordinated with the granting of the purchase or other specific authorization by the National Production Authority so that at the time an export license is issued it will be accompanied by the necessary National Production Authority authorization.

(b) *Outstanding licenses.* If an exporter needs a purchase or other specific authorization for cryolite covered by an outstanding validated export license, he may request such authorization by letter to the Office of International Trade, Washington 25, D. C. The letter should either include the export license or the following information: OIT Case Number, License Number, applicant's reference number, name and address of licensee, and a statement that the authorization is requested.

This part of the amendment shall become effective as of March 1, 1952.

6. Section 373.51 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

For the Fourth Quarter 1951 and First Quarter 1952, the following entry and submission date are added:

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter 1951	First quarter 1952
812100	Human blood plasma		On or before Mar. 31, 1952.

and Footnote 4, "See § 398.5 (e) for list of controlled materials", is amended to read as follows:

[4] See § 398.5 (f) of this chapter for list of controlled materials.

For the Second and Third Quarters, 1952, the following entry and submission date are added:

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Second quarter 1952	Third quarter 1952
812100	Human blood plasma	May 1-May 14, 1952	

and Footnote 3, "See § 398.5 (e) for list of controlled materials," is amended to read as follows:

[3] See § 398.5 (f) of this chapter for list of controlled materials.

This part of the amendment shall become effective as of March 6, 1952.

(Sec. 3, 63 Stat. 7, Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-2958; Filed, Mar. 13, 1952; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[Regulations 107; T. D. 5888]

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

PROOF OF CREDIT IN CONNECTION WITH CONTRIBUTIONS UNDER A STATE UNEMPLOYMENT COMPENSATION LAW

Regulations 107 (26 CFR Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (Subchapter C, Chapter 9, Internal Revenue Code), are hereby amended as follows:

PARAGRAPH 1. Section 403.401 (f) is amended by striking out "Commissioner under oath" and inserting in lieu thereof "collector (or, if the return was filed prior to January 1, 1952, the Commissioner)".

PAR. 2. Section 403.403 (a), as amended by Treasury Decision 5383, approved June 28, 1944, is further amended as follows:

(A) By striking out in the first sentence the word "Commissioner" and inserting in lieu thereof "collector (or, if the return was filed prior to January 1, 1952, the Commissioner)".

(B) By inserting in the last sentence after the word "Commissioner" the words "or the collector".

PAR. 3. Section 403.403 (b) is amended as follows:

(A) By striking out in the first sentence the word "Commissioner" and inserting in lieu thereof "collector (or, if the return was filed prior to January 1, 1952, the Commissioner)".

(B) By inserting in the last sentence after the word "Commissioner" the words "or the collector".

PAR. 4. Section 403.403 (c) is amended as follows:

(A) By striking out the heading and inserting in lieu thereof the following: "(c) *Additional credit under section 1601 (b) of the act*—(1) *Returns filed prior to January 1, 1952.*"

(B) By inserting in the first sentence immediately after the words "the tax for any calendar year" the words "with respect to which a return was filed prior to January 1, 1952,".

(C) By striking out the subparagraph designations "(1)" and "(2)" and inserting in lieu thereof "(i)" and "(ii)", respectively, and by changing the present subdivision designations (i), (ii), (iii) and (iv) to read (*a*), (*b*), (c), and (*d*), respectively.

(D) By adding at the end of such section the following:

(2) *Returns filed after December 31, 1951.* Additional credit under section 1601 (b) of the act shall not be allowed against the tax for any calendar year with respect to which a return is filed after December 31, 1951, unless there is submitted:

(i) To the Commissioner a certificate of the proper officer of each State (with respect to the law of which the additional credit is claimed) showing the highest rate of contributions applied under the State law in such calendar year to any person having individuals in his employ; and

(ii) To the collector a certificate of the proper officer of each State (with respect to the law of which the additional credit is claimed) showing for the taxpayer:

(*a*) The total remuneration with respect to which contributions were required to be paid by the taxpayer under the State law with respect to such calendar year; and

(*b*) The rate of contributions applied to the taxpayer under the State law with respect to such calendar year.

If under the law of such State different rates of contributions were applied to the taxpayer during particular periods of such calendar year, the certificate shall set forth the information called for in subdivisions (*a*) and (*b*) of this subparagraph with respect to each such period.

(iii) Such other or additional proof as the Commissioner or the collector may deem necessary to establish the right to the additional credit provided for under section 1601 (b) of the act.

Because this Treasury decision merely makes certain technical amendments made necessary by reason of the delegation of certain functions to collectors of internal revenue, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 188, 467; 26 U. S. C. 1609, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: March 11, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3002; Filed, Mar. 13, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-19 as Amended March 13, 1952]

M-19-CADMIUM

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of the order as amended has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

This amendment affects NPA Order M-19 as follows:

It places percentage limitations on some uses of cadmium, cadmium-containing items, and cadmium-plated products, and permits other uses without limitation. It adds three items to the list of cadmium-plated products now permitted to be used without limitation, deletes one item from the list of cadmium-containing items, requires records to be kept for 3 years, and effects minor editorial changes.

Sec.

1. What this order does.
2. Definitions.
3. Use of cadmium.
4. Production of certain cadmium-containing items.
5. Production of certain cadmium-plated products.
6. Delivery of cadmium, cadmium-containing items, or cadmium-plated products.
7. Rated orders for cadmium-containing items and cadmium-plated products.
8. Inventories.
9. Request for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* This order controls deliveries of cadmium from a producer or distributor. It states the purposes for which cadmium, cadmium-containing items, and cadmium-plated products may be produced without limitation, and limits such production for all other purposes. In addition, the order imposes inventory controls on cadmium.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Cadmium" means all grades of metallic cadmium, oxide, or plating salts produced directly from ores, concentrates, or other primary materials, or redistilled, remelted, or otherwise recovered from cadmium scrap or any secondary cadmium-bearing material; ar cadmium-bearing materials suitable for the manufacture of pigments.

(d) "Distributor" means any person regularly engaged in the business of buying cadmium and selling the same in forms suitable for general fabrication or electroplating. It also includes laboratory supply houses to the extent they are engaged in buying and selling cadmium in any form to laboratories.

SEC. 3. *Use of cadmium.* Except as provided in sections 4, 5, and 7 of this order, commencing March 13, 1952, no person shall put into process or otherwise use for any purpose in any month, a quantity of cadmium, any cadmium-containing items, or any cadmium-plated products, in excess of 70 percent of his average monthly use of cadmium, cadmium-containing items, or cadmium-plated products for such purpose during the base period. Notwithstanding the foregoing, a person may use cadmium for research, control analysis, synthesis, assaying, or educational work without limitation.

SEC. 4. *Production of certain cadmium-containing items.* The production of the cadmium-containing items listed in paragraphs (a) through (p) of this section, for the purposes and subject to the qualifications set forth in such paragraphs (a) through (p), is not subject to the limitation of section 3 of this order.

(a) Pigments for the following:

(1) Luminescent paint for military uses.

(2) Luminescent printing ink for military uses.

(3) Luminescent paper for military and Government Printing Office uses.

(4) Luminescent plastic for military uses.

(5) Signal and illuminating glassware for safety, religious, military, and industrial uses.

(6) Thermometer tubing.

(7) Rubber sea buoys.

(8) Dental purposes.

(9) Artists' colors.

(10) X-ray fluoroscopic screens for medical or metallurgical purposes.

(11) Luminescent coatings for cathode ray tubes, except tubes to be used in signs, lighting fixtures, or lamps.

(12) Deleted March 13, 1952.

(b) Silver brazing alloys containing no more than 25 percent by weight of cadmium (except that silver solder containing not in excess of 95 percent cadmium may be used where centrifugal stresses are encountered at operating temperatures over 500° F.).

(c) Copper-base alloys containing no more than 1.25 percent by weight of cadmium for the following:

(1) Current-carrying parts of electrical current interruption devices to the extent that sufficient contact pressure cannot be maintained in service with other less critical materials.

(2) Parts inside electronic tubes.

(3) Resistance welding electrodes.

(4) Overhead electrical contact wire in railroad (including industrial and mines), streetcar, and trolley bus systems.

(5) Multistrand railroad signal bond wire.

(6) Shunt wire leads for motors and generators.

(7) Flexible terminals of resistors, condensers, and field coils.

(d) Low melting point alloys for the following:

(1) Dry-type rectifier elements.

(2) Fire protective systems, safety devices, and electrical fuses.

(3) Plugs for screwless fasteners in rimless metal spectacles.

(4) Dental use.

(5) Seals between brass and glass parts of liquid high voltage fuses.

(e) Low melting point alloys containing no more than 10 percent by weight of cadmium for the following:

(1) Plastic fire control instruments for the mounting of optics.

(2) Gold alloy for gold-filled spectacle frames.

(3) The manufacture of inspection gauges.

(4) Bending of thin wall tubes.

(5) Bending of finished roll-formed and extruded shapes.

(f) Low melting point alloys containing no more than 6.5 percent by weight of cadmium for the following:

(1) Anchorage of punch press dies and bushings in drill jigs.

(2) Location of control points and surfaces (except floor grouting) in construction of fixtures.

(g) Zinc-base alloys, containing no more than 0.5 percent by weight of cadmium, for rolling.

(h) Type metal containing no more than 0.5 percent by weight of cadmium.

(i) Lead-base alloys, containing no more than 3 percent by weight of cadmium, for the coating of copper wire.

(j) Items classified as secret, to the extent that certification of engineering necessity accompanies orders issued by the military services of the United States, the Atomic Energy Commission, or the United States Coast Guard.

(k) Standard cells.

(l) Electrolytic testers for storage batteries.

(m) Cadmium-impregnated carbon or cadmium-silver alloys for use as contacts in electric-current interruption devices.

(n) Bearings for rolling mills, heavy duty diesel engines, and automotive replacements.

(o) Cadmium chemicals for any use other than the manufacture of pigments or for use in the manufacture of pigments permitted under paragraph (a) of this section. The manufacturer of cadmium chemicals may sell such chemicals without requiring the certificate called for in section 6 of this order: *Provided, however,* No person may sell such chemicals if he knows or has reason to know that they will be used in the manufacture of pigments not permitted by paragraph (a) of this section.

(p) High tensile copper wire containing not more than 1 percent of cadmium by weight where electric conductivity and strength are required, but only to the extent that no other material can be used.

SEC. 5. *Production of certain cadmium-plated products.* The production of the cadmium-plated products listed in paragraphs (a) through (z) of this section, for the purposes and subject to the qualifications set forth in such paragraphs (a) through (z) is not subject to the limitations of section 3 of this order.

(a) Functional parts which in service are subjected to frequent and extended periods of intermittent immersion in sea water or wet sprays of sea water.

(b) Heddles, spiders, brackets, and pin boards used in textile plants to the extent that corrosive action makes the use of other materials impracticable.

(c) Ferrous hardware parts in direct contact with fabric or leather to be used on the following:

(1) Aircraft parachutes.

(2) Aircraft safety belts.

(3) Aircraft shoulder harnesses.

(4) Aircraft bomb slings.

(5) Litter straps.

(d) Moving parts which require close tolerances for proper functioning and on parts adjacent to such moving parts to the extent that the tolerances cannot be maintained in service with other finishes because of mechanical or electrical interference by the products of corrosion or wear.

(e) Operating parts of electric controllers and switches.

(f) Functional ferrous parts subject to the combined effect of corrosion and stress which in service reach a temperature of 500° F. or higher, and all parts in contact with such ferrous parts.

(g) Parts which serve to maintain an electrical contact for the suppression of radio interference.

(h) Electrical contact parts of aircraft ignition harnesses and propeller hubs.

(i) Parts of electrical equipment to the extent that they, for performance reasons, must be soldered with the use of non-corrosive fluxes and where other finishes do not provide required corrosion protection.

(j) The following parts of electronic equipment:

(1) Surfaces involved in unsoldered butt joints which must remain constant in electrical or radio frequency spectrum resistance or both.

(2) Surfaces which require good conductivity for radio frequency spectrum current.

(3) Nonferrous parts in contact with aluminum parts for prevention of electrolytic corrosion.

(k) Ferrous nuts, bolts, screws and other threaded parts, washers, hi-shear rivets, lock bolts, and cotter pins for use in aircraft.

(l) Nuts, bolts, machine screws, and studs having threads 3/8-inch diameter and smaller and/or having 16 or more threads per inch.

(m) Parts subject to frictional contact at least one of which is a moving part to the extent that other finishes of required thickness and corrosion protective value cause gouging, seizure, or binding.

(n) Parts which in service are subjected to the corrosive action of chlorine except on items which contact chlorine only during laundry operations.

(o) Parts of items classified as secret, to the extent that certification of engineering necessity accompanies orders issued by the military services of the United States, the Atomic Energy Commission, or the United States Coast Guard.

(p) Ferrous springs (including lock washers), and parts which of necessity have been assembled with such springs before the plating operation, to the extent that other finishes do not provide necessary corrosion protection during use, and where their application causes embrittlement of the spring which cannot be removed satisfactorily by low temperature heat treatment.

(q) Carburetor, magneto, and generator parts, and parts of automotive and aircraft fuel pumps which come in contact with fuel.

(r) Hose clamps for aircraft; electrical connectors for aircraft; antifriction bearings for airframe controls, pulleys, rod-ends, and universal joints; and barrels, spiders, and electric and fluid deicing equipment for aircraft propellers.

(s) External parts of engines for combat aircraft, excluding attachments which are not integral parts of the engine proper, such as clips, clamps, lugs, and further excluding such parts on which alternative finishes have proven satisfactory in service and newly designed parts performing similar functions.

(t) Hydraulic fitting coupling sleeves made of copper-base alloys for use in aircraft.

(u) Electrical contact parts which touch parts of aluminum, magnesium, or their alloys.

(v) Threaded fittings of gray and malleable iron to the extent that other finishes do not provide required corrosion protection and tolerance, and threaded cast iron castings weighing 1 pound or less.

(w) Synthetic yarn and cotton twisters.

(x) High carbon wire for carding.

(y) Aircraft battery hold-down bars.

(z) Prosthetic devices where use of other materials is impracticable due to corrosion.

SEC. 6. *Delivery of cadmium, cadmium-containing items, or cadmium-plated products.* (a) Commencing March 13, 1952, no person may deliver cadmium, any cadmium-containing

item, or any cadmium-plated product, unless he obtains directly, or through a dealer, from the person who will receive delivery thereof, a signed certification in substantially the following form:

Certified under NPA Order M–19.

This certification constitutes a representation to the seller and to the National Production Authority that the cadmium, cadmium-containing items, and cadmium-plated products delivered will be used only as permitted by this order, and that the receipt thereof will not bring the recipient's inventory of such material above the inventory limitations of this order.

(b) The provisions of this section will not apply to deliveries of: (1) Cadmium to any agency of the United States for its stockpile of strategic materials; (2) cadmium, cadmium-containing items, or cadmium-plated products for purposes of resale only; (3) cadmium-containing items or cadmium-plated products in connection with retail sales; or (4) finished subassemblies ready for assembly by purchaser into final end-product.

SEC. 7. *Rated orders for cadmium-containing items and cadmium-plated products.* The use of cadmium, cadmium-containing items and cadmium-plated products to fill rated orders bearing as part of the DO symbol the letters A, B, C, or E followed by a digit, or Z–2, is permitted in addition to the use permitted by section 3 of this order.

SEC. 8. *Inventories.* No person obtaining cadmium, cadmium-containing items, or cadmium-plated products, for any purpose may receive or accept delivery of a quantity of such materials if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation during the succeeding 30-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less, except where it becomes necessary to exceed a 30-day inventory because of minimum purchasable quantities.

SEC. 9. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M–19.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order as amended shall take effect March 13, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–3074; Filed, Mar. 13, 1952; 11:34 a. m.]

[NPA Order M–25, Amendment 1 of March 13, 1952]

M–25—CANS

This amendment to NPA Order M–25 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M–25, as last amended January 22, 1952, is hereby further amended in the following respects:

1. Paragraph (e) of section 2 is amended to read as follows:

(e) "Tin plate" means steel sheet coated with tin, and includes electrolytic tin plate, hot-dipped tin plate, prime, seconds, unassorted, tin plate waste waste, menders, unmended menders, and unassorted temper tin plate. Tin plate (except waste-waste) is furnished as "specification production plate" or "mill accumulation plate," and each such class includes primes, seconds, and unassorted. Specification production plate is plate produced against orders for specific end uses. Mill accumulation plate is plate arising in the production of specification production plate not applicable against such orders.

2. Section 9 is amended by the addition of a new paragraph, designated paragraph (e) and reading as follows:

(e) *Special allotments of can materials.* As used in this paragraph the terms "allotment," "controlled materials," and "authorized production schedule" shall have the same meaning as in CMP Regulation No. 1. If the allotment or any supplemental allotment of controlled materials made to a can manufacturer for the first or second calendar quarter of 1952 includes in express terms a specified weight of mill accumulation plate, tin plate waste waste, unmended menders, unassorted temper tin plate, or "other coated secondaries" (as defined in NPA Order M–24, as amended), for use by him in fulfilling his authorized production schedule, then, to the extent that he orders and accepts delivery of any such secondary material and to the extent that he manufactures cans or parts of cans or both made entirely therefrom, he shall offer such cans and parts of cans so manufactured, or an equivalent quantity, among his customers on a pro rata basis. If, upon the first or any subsequent offering, any customer fails to order any cans or parts of cans representing his pro rata share, the cans and parts of cans so unordered shall also be offered by the can manufacturer among his remaining customers on a pro rata basis. Any packer purchasing such cans or parts of cans may use the same, or an equivalent quantity, during any calendar quarter or quarters of 1952 for packing any product irrespective of the quota percentage limitations and the can material specifications of this order. The can manufacturer shall deliver to each purchaser of any cans or parts of cans supplied under this paragraph a certificate reading substantially as follows:

Certified for use in accordance with section 9 (e) of NPA Order M–25.

This amendment shall take effect March 13, 1952.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3077; Filed, Mar. 13, 1952; 11:35 a. m.]

[NPA Order M-102 of March 13, 1952]

M-102—CRUSHING BORT, DIAMOND POWDER OR DUST, AND UNRECLAIMED DIAMOND MATERIAL

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Reports by importers, dealers, consumers, reclaimers, and other holders.
4. Directives.
5. Request for adjustment or exception.
6. Records and reports.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* This order applies to persons who own, control, deal in, use, process, consume, or reclaim diamond crushing bort, diamond powder or dust, or unreclaimed diamond material, each as herein defined, and requires them to file monthly reports. It provides that NPA may specifically direct or suspend deliveries of such diamond materials as in its discretion the circumstances may require.

SEC. 2. *Definitions.* As used in this order:

(a) "Crushing bort" means all types of diamonds suitable to be crushed, and includes any material recognized as crushing bort in the trade, such as fragmented bort, reclaimed bort, and diamond scrap.

(b) "Diamond powder or dust" means pulverized or powdered diamond, regardless of particle size, including reclaimed diamond powder or dust.

(c) "Diamond scrap" means all diamonds and diamond material recovered or reclaimed by any means and suitable for reuse only as crushing bort, including but not limited to material recovered from diamond cleaving operations, including "enden" or "ends," or from diamond tools or abrasive devices such as wheels, saws, bits, and drills.

(d) "Reclaimed diamond powder or dust" means all diamonds and diamond material recovered or reclaimed by any means and suitable for reuse as diamond powder or dust, including but not limited to material recovered from sludge, dust, or swarf; from cotton, rag, or belting waste; from compounds or dental instruments; from cutters' wheels or skeifs; or from diamond tools or abrasive devices such as wheels, hones, saws, bits, and drills.

(e) "Unreclaimed diamond material" means any material from which crushing bort or diamond powder or dust can be derived, and includes, but is not limited to, sludge, dust, swarf, waste, and broken or unusuable diamond tools or abrasive devices such as wheels, hones, saws, bits, and drills.

(f) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(g) "NPA" means the National Production Authority.

SEC. 3. *Reports by importers, dealers, consumers, reclaimers, and other holders.* Every person who during the month of January or February 1952 used, processed, consumed, owned, controlled, imported, bought or sold for his own account, or reclaimed, and every person who during the month of March 1952, or any calendar month thereafter, uses, processes, consumes, owns, controls, imports, buys, or sells for his own account, or reclaims, in the aggregate more than 10 carats of crushing bort, diamond powder or dust, unreclaimed diamond material, or any combination of the three, shall file with NPA, not later than the fifteenth day of the following calendar month, Form NPAF-143, properly filled in and executed: *Provided, however,* That a single report covering the months of January, February, and March 1952, shall be filed on said form not later than April 15, 1952. For purposes of this section and of Form NPAF-143, the diamond content in carats of unreclaimed diamond material shall be the recovery or the reasonably anticipated recovery of crushing bort and diamond powder or dust therefrom.

SEC. 4. *Directives.* Every person to whom NPA may from time to time issue a specific directive as to the use, delivery, suspension of delivery, receipt, or suspension of receipt, of any quantity or quantities of crushing bort, diamond powder or dust, or unreclaimed diamond material, shall comply with its provisions.

SEC. 5. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-102.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect March 13, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3076; Filed, Mar. 13, 1952; 11:34 a. m.]

[NPA Order M-103 of March 13, 1952]

M-103—Diamond Grinding Wheels

This order is found necessary and appropriate to promote the national defense and is issued under the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable because the order affects a large number of different trades and industries.

Sec.

1. What this order does.
2. Definitions.
3. Inventory restrictions on users.
4. Restrictions on users.
5. Restrictions on producers.
6. Certification by users.
7. Request for adjustment or exception.
8. Records and reports.
9. Communications.
10. Violations.

Authority: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

Section 1. *What this order does.* This order places certain restrictions on users and manufacturers of diamond grinding wheels in order to conserve diamond crushing bort which is in critically short supply.

Sec. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Diamond grinding wheel" means any abrasive wheel, stick, hone, blade, or saw, used for grinding, honing, lapping, or cutting where the abrasive grain used in the working face consists of crushed and graded diamond grain, either bonded in a matrix or mechanically held.

(c) "Producer" means a person engaged in the manufacture or production of diamond grinding wheels.

(d) "User" means any person using a diamond grinding wheel for any purpose.

(e) "Offhand grinding" means that kind of grinding where the pressure is controlled directly by hand and not by precision mechanical means.

(f) "Rough grinding" means the heavy removal of stock without regard to finish.

(g) "Finish grinding" means the final grinding to desired size and finish.

(h) "Profile grinding" means grinding to a predetermined shape controlled by a form or template.

(i) "Wet grinding" means a method whereby a flood of coolant or lubricant flows on the diamond wheel and the work.

(j) "Wick grinding" means a method whereby a sufficient quantity of coolant or lubricant is supplied to a wick in contact with a diamond grinding wheel to keep such wheel adequately wet.

(k) "Mist grinding" means a method whereby the coolant is directed onto the wheel and the work with an air blast which creates a mist of the coolant.

(l) "Resinoid" means a bond created from natural or synthetic resin or plastic.

(m) "Bond" means the material in a diamond grinding wheel which holds the abrasive grains together and supports such grains while they cut.

(n) "NPA" means the National Production Authority.

Sec. 3. *Inventory restrictions on users.* (a) On and after May 12, 1952, no user of diamond grinding wheels may receive or accept delivery of any size or grade of such diamond grinding wheels if his inventory of such size or grade thereof is, or by reason of such receipt would become, more than the smallest quantity thereof reasonably required to meet his deliveries or supply his services on the basis of his currently scheduled rate of operation during the next succeeding 60 days.

(b) No user of diamond grinding wheels may place any order or orders calling for delivery of diamond grinding wheels in excess of the amount he is permitted to receive under paragraph (a) of this section even though he intends to cancel one or more orders before delivery.

(c) Any user who, prior to March 13, 1952, placed an order or orders which call for delivery of diamond grinding wheels in excess of the amount he is permitted to receive under paragraph (a) of this section, shall cancel or modify such order or orders to such an extent as may be necessary to limit the total amount of diamond grinding wheels ordered to an amount not in excess of that which he is permitted to receive under said paragraph.

Sec. 4. *Restrictions on users.* (a) On and after April 1, 1952, no person shall use diamond grinding wheels for offhand rough grinding of cemented carbides or for the grinding of ferrous metals.

(b) On and after April 1, 1952, no person shall use a resinoid diamond grinding wheel for offhand finish grinding of cemented carbides: *Provided, however,* That this restriction does not apply to the use of resinoid diamond grinding wheels finer than 325 mesh.

(c) On and after April 1, 1952, in the use of diamond grinding wheels for the finish grinding of cemented carbides a coolant of the wet grinding, wick grinding, or mist grinding method must be used execept in the case of profile grinding. In the event it is necessary for a user to install apparatus on his machine of which the wheel is a part for applying such coolant he may continue dry grinding until the installation of such apparatus, but in no event after June 1, 1952.

Sec. 5. *Restrictions on producers.* (a) On and after May 12, 1952, no producer shall make a diamond grinding wheel having a depth of the diamond section of such wheel in excess of one-eighth inch. The measurement of depth shall be taken perpendicular to the grinding face. This limitation on the depth of the diamond section shall not apply to lens generating tools, cut-off wheels and saws with metal centers, pencil-edging wheels, wheels 1 by ¾ inch and smaller or mounted wheels and points.

(b) On and after May 12, 1952, no producer shall make a diamond grinding wheel having a maximum concentration of diamond particles in the diamond section in excess of 100. The diamond content for 100 concentration shall not exceed 72 carats of diamond particles per cubic inch.

Sec. 6. *Certification by users.* Every user placing an order with a supplier or producer of diamond grinding wheels shall certify on such order as follows:

> The undersigned, subject to statutory penalties, certifies that the receipt of the items ordered will not cause the undersigned to have an inventory in excess of that permitted by NPA Order M-103, and that the items ordered will not be used in a manner contrary to the restrictions contained in said order.

This certification shall be signed as provided in NPA Reg. 2, and shall constitute a representation to the supplier and to NPA that delivery of the items ordered may be accepted by the purchaser under NPA Order M-103 and that such items will not be used by the purchaser in violation of that order.

Sec. 7. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

Sec. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those

persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–103.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect March 13, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–3075; Filed, Mar. 13, 1952; 11:34 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

TAXATION OF PERSONAL HOLDING COMPANIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to Public Law 680 (81st Cong., 2d Sess.), approved August 9, 1950, relating to definition of personal holding company, and to section 223 of the Revenue Act of 1950 (81st Cong., 2d Sess.), approved September 23, 1950, relating to personal holding company income, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.501–1 the following:

PUBLIC LAW 680 (EIGHTY-FIRST CONGRESS, SECOND SESSION), APPROVED AUGUST 9, 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501 (b) (6) of the Internal Revenue Code is amended to read as follows:

(6) (A) A licensed personal finance company under State supervision, 80 per centum or more of the gross income of which is lawful interest received from loans made to individuals in accordance with the provisions of applicable State law if at least 60 per centum of such gross income is lawful interest (i) received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $500), and (ii) not payable in advance or compounded and computed only on unpaid balances, and if the loans to a person, who is a shareholder in such company during the taxable year by or for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by the members of his family as defined in section 503 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount; and

(B) A lending company, not otherwise excepted by section 501 (b), authorized to engage in the small loan business under one or more State statutes providing for the direct regulation of such business, 80 per centum or more of the gross income of which is lawful interest, discount or other authorized charges (i) received from loans maturing in not more than thirty-six months made to individuals in accordance with the provisions of applicable State law, and (ii) which do not, in the case of any individual loan, exceed in the aggregate an amount equal to simple interest at the rate of 3 per centum per month not payable in advance and computed only on unpaid balances, if at least 60 per centum of the gross income is lawful interest, discount or other authorized charges received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $500), and if the deductions allowed to such company under section 23 (a) (relating to expenses), other than for compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 503 (a) (2)) constitute 15 per centum or more of its gross income, and the loans to a person, who is a shareholder in such company during the taxable year by or for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by the members of his family as defined in section 503 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount.

SEC. 2. That section 501 (b) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

(8) A finance company, actively and regularly engaged in the business of purchasing or discounting accounts or notes receivable or installment obligations, or making loans secured by any of the foregoing or by tangible personal property, at least 80 per centum of the gross income of which is derived from such business in accordance with the provisions of applicable State law or does not constitute personal holding company income as defined in section 502, if 60 per centum of the gross income is derived from one or more of the following classes of transactions:

(A) Purchasing or discounting accounts or notes receivable, or installment obligations evidenced or secured by contracts of conditional sale, chattel mortgages, or chattel lease agreements, arising out of the sale of goods or services in the course of the transferor's trade or business;

(B) Making loans, maturing in not more than thirty-six months, to, and for the business purposes of, persons engaged in trade or business, secured by—

(i) Accounts or notes receivable, or installment obligations, described in subparagraph (a) above;

(ii) Warehouse receipts, bills of lading, trust receipts, chattel mortgages, bailments, or factor's liens, covering or evidencing the borrower's inventories;

(iii) A chattel mortgage on property used in the borrower's trade or business;

except loans to any single borrower which for more than ninety days in the taxable year of the company exceed 15 per centum of the average funds employed by the company during such taxable year;

(C) Making loans, in accordance with the provisions of applicable State law, secured by chattel mortgages on tangible personal property, the original amount of each of which is not less than the limit referred to in, or prescribed by, subsection (b) (6) (A) (i), and the aggregate principal amount of which owing by any one borrower to the company at any time during the taxable year of the company does not exceed $5,000; and

(D) If 30 per centum or more of the gross income of the company is derived from one or more of the classes of transactions described in subparagraphs (A), (B) and (C) of this paragraph, purchasing, discounting, or lending upon the security of, installment obligations of individuals where the transferor or borrower acquired such obligations either in transactions of the classes described in subparagraphs (A) and (C) of this paragraph or as a result of loans made by such transferor or borrower in accordance with the provisions of clauses (i) and (ii) of paragraph 6 (A) or of clauses (i) and (ii)

of paragraph 6 (B) of this subsection, if the funds so supplied at all times bear an agreed ratio to the unpaid balance of the assigned installment obligations, and documents evidencing such obligations are held by the company;

Provided, That the deductions allowable under subsection 23 (a) (relating to expenses), other than compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 503 (a) (2)), constitute 15 per centum or more of the gross income, and that loans to a person who is a shareholder in such company during such taxable year by or for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by members of his family as defined in section 503 (a) (2)) outstanding at any time during such year do not exceed $5,000 in principal amount.

PAR. 2. Section 29.501–1 is amended as follows:

(A) By striking therefrom the first sentence of paragraph (b) and inserting in lieu thereof the following:

(b) Section 501 (b) provides that the term "personal holding company" does not include corporations exempt from taxation under section 101, a bank as defined in section 104, a life insurance company, a surety company, a foreign personal holding company as defined in section 331, and a loan or investment corporation as defined in section 501 (b) (7). For taxable years ending on or before August 9, 1950, such term also does not include a licensed personal finance company, as defined in section 501 (b) (6) prior to amendment by Public Law 680, 81st Congress, 2d Session, approved August 9, 1950. For taxable years ending after August 9, 1950, the term "personal holding company" does not include a licensed personal finance company as defined in section 501 (b) (6) (A), a lending company as defined in section 501 (b) (6) (B), or a finance company (whether or not previously classified as a personal holding company) as defined in section 501 (b) (8).

(B) By striking from paragraph (b) the words "such a corporation" (appearing in the sentence beginning "If, for any prior taxable year") and inserting in lieu thereof "a loan or investment corporation as defined in section 501 (b) (7)".

PAR. 3. There is inserted immediately preceding § 29.502–1 the following:

SEC. 223. PERSONAL HOLDING COMPANY INCOME (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950)

Section 502 (f) of the Internal Revenue Code (relating to use of corporation property by a shareholder) shall not apply with respect to rents received during taxable years ending after December 31, 1945, and before January 1, 1950, if such rents were received for the use by the lessee, in the operation of a bona fide commercial, industrial, or mining enterprise, of property of the taxpayer.

PAR. 4. Section 29.502–1 (i) is hereby amended by adding at the end thereof the following new sentence: "See also section 223 of the Revenue Act of 1950, which provides that section 502 (f) shall not apply to rents received during taxable years ending after December 31, 1945, and before January 1, 1950, if such rents were received for the use by the lessee, in the operation of a bona fide commercial, industrial, or mining enterprise, of property of the corporation."

[F. R. Doc. 52–3001; Filed, Mar. 13, 1952; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 445]

MARKET AGENCIES AT FORT WORTH UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on April 10, 1951 (10 A. D. 484) authorizing respondents to file new tariffs embodying the currently effective rates and charges set out in respondents' Joint Tariff No. 9. That order provided that it should become effective on the sixth day after its date of signature and remain in effect for a period of one year unless changed by further order during the year.

On February 14, 1952, respondents filed with the Hearing Clerk a letter requesting authority to put into effect certain modifications in the rates set forth in Joint Tariff No. 9. The modified rates petitioned for are set forth below.

ARTICLE II

SCHEDULE FOR SELLING OR FOR BUYING ON ORDER

	Proposed rate per head
Bulls: 1 head or more	$1.75
Calves:	
Consignments of 1 head and 1 head only	.75
Consignments of more than 1 head:	
First 5 head in each consignment	.70
Next 10 head in each consignment	.60
Each head over 15 in each consignment	.50
Cattle:	
Consignments of 1 head and 1 head only	1.35
Consignments of more than 1 head:	
First 5 head in each consignment	1.25
Next 10 head in each consignment	1.15
Each head over 15 in each consignment	1.00
Hogs:	
Consignments of 1 head and 1 head only	.60
Consignments of more than 1 head:	
First 10 in each consignment	.50
Next 15 in each consignment	.45
Each head over 25 in each consignment	.40
Sheep:	
Consignments of 1 head and 1 head only	.50
Consignments of more than 1 head:	
First 50 head in each 250 head in each consignment	.30
Next 50 head in each 250 head in each consignment	.20
Next 75 head in each 250 head in each consignment	.15
Next 100 head in each 250 head in each consignment	.10

If authorized, the modifications will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. It appears, therefore, that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 10th day of March 1952.

[SEAL] AGNES B. CLARK,
Hearing Clerk.

[F. R. Doc. 52–2970; Filed, Mar. 13, 1952; 8:47 a. m.]

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO PACK SPECIFICATIONS AND MINIMUM STANDARDS

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth in accordance with the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR Part 984), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The proposed rule, which was adopted by the Walnut Control Board, the administrative agency under said program, will prescribe a redesignation of a size grade in the pack specifications and minimum standards for merchantable unshelled walnuts effective pursuant to said agreement and order (16 F. R. 9187).

Under the walnut pack specifications and minimum standards the Number 1 Size is defined as "walnuts of which not over 12 percent, by count, pass through a round opening 7/64 inches in diameter. This size is customarily obtained when lots of walnuts are graded for removal of Baby Size." The Walnut Control Board believes that the designation of such walnuts as Number 1 Size is misleading to the trade, and has recommended that the designation "Number 1 Size" be changed to "Standard Size."

The proposed action is to change, effective August 1, 1952, the headings in §§ 984.103 (a) (5) and 984.104 (a) (5) from *"Number 1 Size"* to *"Standard Size."*

Prior to final issuance of such administrative rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the tenth day after the date of publication of this notice in the FEDERAL REGISTER, except that if such tenth day should fall on a Saturday, Sunday, or holiday,

such submission should be received not later than the next following working day.

Issued at Washington, D. C., this 10th day of March 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-2972; Filed, Mar. 13, 1952; 8:48 a. m.]

[7 CFR Part 991]

[Docket No. AO-194-A5]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILL., MARKETING AREA

NOTICE OF REOPENING OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of a public hearing to be held at the Hotel Faust, 618 East State Street, Rockford, Illinois, beginning at 10:00 a. m., c. s. t., March 17, 1952.

The reopened hearing is for the purpose of receiving additional evidence with respect to economic and marketing conditions which relate to the handling of milk in the Rockford-Freeport, Illinois, marketing area and to the proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as now in effect, regulating the handling of milk in such marketing area or modifications thereof. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. This notice amends and expands the notice of hearing issued by the Assistant Administrator, Production and Marketing Administration, on November 27, 1951 (16 F. R. 12101) by including certain additional proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area. Such evidence will be received with respect to all proposals contained in such November 27 notice as well as to those proposals set forth below.

None of the proposed amendments to be considered has received the approval of the Secretary of Agriculture.

ADDITIONAL PROPOSALS WITH RESPECT TO ORDER NO. 91

Proposed amendments submitted by the Midwest Dairymen's Company and the Stephenson County Pure Milk Association:

Proposal No. 15. Delete §§ 991.51 and 991.52 and substitute therefor the following:

§ 991.51 *Class I milk prices.* (a) Subject to the provisions of § 991.54, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler at his plant, for Grade A producer milk received and classified as Class I milk, shall be the basic formula price as determined pursuant to § 991.50 for the preceding delivery period, plus the following amounts as indicated: May and June, $0.60; July through December, inclusive, $1.40; and all other delivery periods, $1.00: *Provided,* That for each percent that the "current supply-demand ratio" computed pursuant to § 991.55 is greater or less than the applicable percentage contained in the schedule set forth in paragraph (d) of such section, the Class I price differential computed prior to this proviso shall be increased or decreased, respectively, by the following amounts: May and June, $0.02; July through December, inclusive, $0.04; all other delivery periods, $0.03: *And provided further,* That any adjustment made pursuant to the above proviso of this section shall be limited to no change in May and June; 40 cents in July through December, inclusive; and 20 cents in all other delivery periods: *And provided also,* That in no event shall the Class I price pursuant to this section be less than the Class I price for the 55–70 mile zone as computed pursuant to § 941.52 (a) of the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area issued pursuant to the act, plus 10 cents.

(b) The minimum price per hundredweight for non-Grade A producer milk received and classified as Class I milk shall be the price computed pursuant to paragraph (a) of this section, less 10 cents.

Proposal No. 16. Amend § 991.55 (a) to read as follows:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 3 month period and divide the result by 3;

Amend § 991.55 (b) to read as follows:

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 3 month period and subtract therefrom (1) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (2) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 3 month period and divide the result by 3;

Amend § 991.55 (d) to read as follows:

(d) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 3 months' period appearing in the following schedule: *Provided,* That the percent determined for the period of July through December shall not be lower than June, and the percent determined for May and June shall not be higher than April:

3 months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
September through November	82.1	January.
October through December	80.2	February.
November through January	75.1	March.
December through February	69.3	April.
January through March	65.6	May.
February through April	63.9	June.
March through May	61.6	July.
April through June	60.2	August.
May through July	62.3	September.
June through August	68.6	October.
July through September	76.2	November.
August through October	80.7	December.

Proposed amendment submitted by Union Dairy Farms and Volken Bros. Dairy, Inc., Freeport, Illinois:

Proposal No. 17. Amend § 991.7 (definition of marketing area) to read as set forth under Proposal No. 6 of the original notice of this hearing issued November 27, 1951.

Proposed amendments submitted by the Central Dairy Company, Farm Dairy, Inc., Kishwaukee Dairy, Mueller's Union Dairy, Pinehurst Farms, Inc., and Sunlite Dairy Company, Rockford, Illinois:

Proposal No. 18. Delete §§ 991.62, 991.70 through 991.72, and 991.80 through 991.87 and substitute therefor amendments suitable to provide for "individual-handler pools" (see revisions submitted by same proponents under Proposals 7 and 8 as contained in original notice of this hearing issued November 27, 1951).

Proposed amendments submitted by Townview Dairy, Dakota, Illinois:

Proposal No. 19. Amend § 991.15 to read as follows:

§ 991.15 "Producer-handler" means any person who produces milk and operates a route in the marketing area but who receives no milk from producers, provided that a person shall not be construed to be otherwise than a producer-handler by reason of the fact that he receives milk from a producer related by blood or marriage to the producer-handler.

Proposal No. 20. Amend § 991.11 (a) to read as follows:

(a) The operator of an approved plant in his capacity as such, provided that no operator who processes less than 2,500 pounds of milk per day shall be classed as a "handler." All persons processing less than said amount if any of said amount is produced by them shall be classed as a "producer-handler"; or

Proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 21. Delete § 991.50 (b) (2) and substitute therefor the following:

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembling points as reported by the United States Department of Agriculture for the trading days during the delivery period, subtract 1.3 cents, and multiply by 2.4;

Copies of this notice of hearing, the original notice of this hearing issued November 27, 1951, and of the said order as now in effect, may be procured from the Market Administrator, 73 W. Monroe Street, Chicago 3, Illinois, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 10, 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52–2971; Filed, Mar. 13, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

JOINT REGULATION FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

CROSS REFERENCE: For joint regulation for small purchases utilizing Imprest Funds jointly issued by General Services Administration, Department of the Treasury and General Accounting Office, see F. R. Doc. 52–3044, General Services Administration, *infra*.

Bureau of Customs

[T. D. 52946]

PACIFIC MICRONESIAN LINE, INC.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

MARCH 7, 1952.

The Commissioner of Customs, by virtue of the authority vested in him by law and in accordance with § 3.81 (a), Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered the house flag and funnel mark of the Pacific Micronesian Line, Inc., as described below:

(a) The house flag is rectangular in shape. The hoist is 4 feet; the fly, 6 feet. The field is royal blue. Superimposed on the royal-blue field in the upper-left-hand corner is an orange bear insignia, 15 inches in height and 25 inches in length. Running diagonally across the flag from the lower-left-hand corner to the upper-right-hand corner is an orange strip, 15 inches in width. Superimposed on the orange strip are the gothic letters P M L in royal blue, 10 inches in height. In the lower-right hand corner is an orange-colored palm tree, 24 inches in height and 19 inches in width at its base.

(b) The funnel mark is to appear on a funnel approximately 7 feet in diameter and 10 feet 10 inches in height. Around the top of the funnel is a black band 3¼ inches in width, below which is a royal-blue band 22¾ inches in width. Below the royal-blue band is an orange band, 2 feet 2 inches in width. Superimposed on the orange band centered in a fore-and-aft direction on either side of the stack are the gothic letters P M L in royal blue. The letters are equal in height to three-fifths of the width of the orange band and the stroke of the letters is equal to one-sixth of the letter height. The remainder of the stack, which is 6 feet 6 inches in height, is of royal blue.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52–3000; Filed, Mar. 13, 1952; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FOOT-AND-MOUTH DISEASE

NOTICE OF FINDING OF EMERGENCY OUTBREAK

Whereas there has occurred in Canada an outbreak of foot-and-mouth disease; and

Whereas this outbreak threatens the livestock industry of this country; and

Whereas truck and rail movements and other trade channels provide avenues of spread of infection; and

Whereas present measures for the prevention of the spread of animal diseases from Canada under normal trade conditions must be supplemented to protect the livestock industry of this country; and

Whereas the institution of protective measures designed to enforce the Canadian border quarantine against ruminants, swine, and materials which might harbor the virus of foot-and-mouth disease, together with intensification of inspection of materials permitted entry under restrictions to assure required procedures are carried out, will tend to greater economy by preventing the outbreak of the disease in this country;

Now, therefore, in accordance with the provisions of the appropriation item in the Department of Agriculture Appropriation Act, 1952 (65 Stat. 225), entitled "Eradication of Foot-and-Mouth Disease and Other Contagious Diseases of Animals and Poultry", I find an emergency arising out of the existence of the said foot-and-mouth disease, which, in my opinion, threatens the livestock industry of the country and I authorize the use of the funds appropriated or authorized under the said appropriation item for all proper purposes in efforts to prevent the introduction of the disease into this country and to arrest and eradicate it wherever found within the United States.

Issued this 10th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–2973; Filed, Mar. 13, 1952; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3308]

PAN AMERICAN WORLD AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Pan American World Airways, Inc., over its Latin American routes.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing on the Order to Show Cause, E–6097, in the above-entitled proceeding is assigned to be held on March 17, 1952, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., March 11, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52–2999; Filed, Mar. 13, 1952; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6415]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

MARCH 10, 1952.

Take notice that on March 5, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Company, a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance and sale of such number of whole shares of its presently authorized but unissued Common Stock as will yield an aggregate price to the Company of $6,500,000 before payment of expenses of issuance, at competitive bidding to underwriters who will agree to make a public offering of all such shares. Applicant proposes to issue said Common Stock on or about April 29, 1952; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 26th day of March 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–2959; Filed, Mar. 13, 1952; 8:45 a. m.]

[Docket No. G–1115]

COLORADO INTERSTATE GAS CO.

ORDER ON APPEAL FROM RULING OF PRESIDING EXAMINER

MARCH 6, 1952.

On February 26, 1952, Staff Counsel filed an appeal from the ruling of the Presiding Examiner granting to Colorado Interstate Gas Company (Colorado Interstate) a recess of the hearings herein from February 20, 1952, to April 8, 1952.

On February 29, 1952, Colorado Interstate filed its answer to said appeal of Staff Counsel.

The Commission finds: On the record in this proceeding, including the matters set forth in the pleadings above mentioned, it would not be in the public interest to recess this hearing for the length of time fixed by the Presiding Examiner.

The Commission orders:

(A) The public hearing in this proceeding shall reconvene, commencing on March 25, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW, Washington, D. C.

(B) Colorado Interstate Gas Company shall be prepared on said date to proceed with cross-examination of Staff rebuttal evidence and the presentation of evidence in response to Staff's rebuttal evidence.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: March 7, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-2961; Filed, Mar. 13, 1952; 8:45 a. m.]

[Docket Nos. G-1761, G-1762]

UNITED FUEL GAS CO., AND MANUFACTURERS LIGHT AND HEAT CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MARCH 6, 1952.

In the Matters of United Fuel Gas Company, Docket No. G-1761; United Fuel Gas Company, and The Manufacturers Light and Heat Company, Docket No. G-1762.

On August 13, 1951, United Fuel Gas Company (United), a West Virginia corporation having its principal place of business at 1033 Quarrier Street, Charleston, West Virginia, filed an application, as supplemented on January 9, 1952, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition by purchase of certain natural-gas facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

On August 13, 1951, United and The Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed an application, as amended on January 2, 1952, and supplemented on February 6, 1952, pursuant to section 7 of the Natural Gas Act. United requests that the Commission issue an order authorizing it to abandon, by sale to Manufacturers, certain natural-gas facilities as described in said application on file with the Commission and open for public inspection. Manufacturers requests the Commission to issue a certificate of public convenience and necessity authorizing the acquisition, by purchase from United, and operation of certain natural-gas facilities, as described in said application.

Applicants request that the aforementioned applications be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure. No request to be heard or protest has been filed subsequent to giving due notice of the filing of the applications, including publication in the FEDERAL REGISTER on August 31, 1951 (16 F. R. 8857).

The Commission finds:

(1) Orderly procedure requires that the applications in the above-docketed proceedings be consolidated for purpose of hearing.

(2) The proceedings are proper ones for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The proceedings in Docket No. G-1761 and Docket No. G-1762 be and the same are hereby consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on March 21, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by said applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 7, 1952

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-2962; Filed, Mar. 13, 1952; 8:46 a. m.]

[Docket No. G-1894]

TEXAS EASTERN TRANSMISSION CORP. AND MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

MARCH 6, 1952.

Take notice that on February 18, 1952, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware Corporation having its principal place of business at Shreveport, Louisiana, and Mississippi River Fuel Corporation (Mississippi), a Delaware corporation having its principal place of business at St. Louis, Missouri, filed a joint application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing them to exchange gas, and for such purpose authorizing them to construct, own, maintain, and operate certain facilities, all as hereinafter described.

Texas Eastern, pursuant to § 157.14 of the Commission's regulations under the Natural Gas Act, has constructed facilities for the exchange and measurement of natural gas at the point of interconnection between its Waskom-Jefferson line and Mississippi's Woodlawn-Perryville line in Harrison County, Texas, in order to receive emergency gas from Mississippi. Estimated cost of such facilities is $8,000.

Texas Eastern proposes to construct facilities for the exchange and measurement of gas at the point of interconnection of its Waskom-Jefferson line and the gathering system to be installed by Mississippi in the north end of the Woodlawn Field, in Harrison County, Texas, at an estimated cost of $8,000.

Texas Eastern and Mississippi will exchange gas at the above points, and also at points in Lincoln Parish, Louisiana, and at Bald Knob, Arkansas, where there are existing exchange facilities.

Said exchange at the aforementioned points of interconnection will take place under an exchange agreement between the parties, dated January 5, 1952. By the terms of said agreement, Mississippi will deliver to Texas Eastern to the extent gas is available for delivery over and above gas required by Mississippi in its own operations to meet its firm commitments to its customers, quantities of gas of at least 35,000 Mcf per day until November 1, 1952. Commencing on December 1, 1952, and ending on December 1, 1957, Texas Eastern will be obliged to deliver to Mississippi a total quantity of gas equal to the quantity delivered to Texas Eastern through November 1, 1952; and as to gas delivered by Mississippi to Texas Eastern in Louisiana, Mississippi reserves the option to require Texas Eastern to pay for such gas at the highest price per Mcf which Texas Eastern is paying in Louisiana or Texas as of December 1, 1952, in lieu of receiving gas from Texas Eastern.

Applicants ask that their application be considered under the shortened procedure provided by the Commission's rules. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of March 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-2960; Filed, Mar. 13, 1952; 8:45 a. m.]

GENERAL ACCOUNTING OFFICE

JOINT REGULATION FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

CROSS REFERENCE: For joint regulation for small purchases utilizing Imprest Funds jointly issued by General Services Administration, Department of the Treasury and General Accounting Office, see F. R. Doc. 52-3044, General Services Administration, *infra.*

GENERAL SERVICES ADMINISTRATION

JOINT REGULATION FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

1. *Purpose.* The purpose of this regulation is to establish principles, standards and related requirements with respect to small purchases of articles and services other than personal, through the use of Imprest Funds. This regulation is issued jointly by the General Services Administration, the Treasury Department, and the General Accounting Office in connection with the respective responsibilities of these three agencies from a Government-wide standpoint in the areas of procurement, the custody and payment of money, and accounting and auditing.

2. *Scope.* This regulation is applicable to all executive agencies whose operations would be benefited and simplified by adoption of the procurement and payment methods herein authorized. Any office, agency, or other establishment in the legislative or judicial branches of the Government, or the municipal government of the District of Columbia, may take advantage of the provisions of this regulation to the extent consistent with law.

3. *Definitions*—a. *Imprest Fund.* A fund established, without appropriation charge, by the advance of cash from a disbursing officer to a designated cashier for the purpose of making immediate payments of comparatively small amounts, to be replenished on a revolving basis.

b. *Agency.* Any executive department, agency, commission, authority, administration, board, or independent establishment in the executive branch of the Government, including any corporation wholly or partly owned by the United States which is an instrumentality of the United States.

PART I—ESTABLISHMENT OF IMPREST FUNDS

4. *Designation of Imprest Fund Cashier.* Heads of agencies or their designees will determine the locations at which Imprest Funds are required and request the agency or office responsible for making disbursements to designate named individuals to serve as Imprest Fund Cashiers at specified locations as agents of the disbursing officers who are to advance them the necessary funds. The maximum advance, within authorized limitations, which may be carried by each Imprest Fund Cashier and the penal sum of the bond to be furnished as required by paragraph 14 also should be specified. If considered necessary or desirable, two or more Imprest Fund Cashiers may be named in order that one may serve as alternate during the absence of the other.

5. *Advance of Imprest Funds.* Agency officials as authorized in administrative regulations or instructions issued by each agency as required by paragraph 19 of this regulation will request advance of funds from the appropriate disbursing officer by letter furnishing the following information:

a. Name, address, and official station of Imprest Fund Cashier.

b. Maximum advance authorized to be carried.

c. Amount of fund to be advanced.

d. Name of surety, date, and amount of bond.

e. If amount to be advanced is by check, the number and amounts of checks required. (This request will be made where for security reasons it is not desirable to hold the entire advance in currency or coin).

PART II—UTILIZATION

6. *General.* a. Agency officials responsible for procurement should study their agency practices to insure that full advantage is taken of all small procurement processes such as requisitioning from agency or other Government stocks, using local term contracts, using blanket purchase orders, etc.

b. Since only a post-expenditure validation is to be made of Imprest Fund transactions, local authority to make purchases for payment from Imprest Funds must be carefully defined to provide adequate protection of the interests of the Government and of Imprest Fund Cashiers.

c. Each agency using Imprest Funds shall have the responsibility of determining whether there is a continuing need for each fund established and seeing that amounts of Imprest Funds are not in excess of actual needs. Such agencies should take prompt action to have Imprest Funds discontinued or adjusted to a level more commensurate with demonstrated needs, whenever circumstances warrant such action.

7. *Availability.* a. The small procurement and cash payment processes described herein should be used whenever such use will be advantageous to the Government. Usually such processes will be found to be advantageous in the following circumstances:

(1) When vendors are reluctant to honor small purchase orders;

(2) When vendors are not equipped to bill agencies for purchases in accordance with normal business practices;

(3) When articles or services other than personal are needed at locations not served by a purchasing office or when the established sources of issue are not conveniently accessible to point of use;

(4) When provisions for local credit arrangements and monthly billings by vendors are impracticable.

b. The following are typical of the types of procurement for which the use of Imprest Funds would be particularly suitable:

(1) Emergency, fill-in, occasional, or special purchases of articles or services;

(2) Items such as postage stamps, transportation tokens or passes, and taxi fares;

(3) Repairs to equipment;

(4) Perishable foodstuffs;

(5) Parcel post or drayage.

8. *Limitations.* a. The amount of any Imprest Fund shall not exceed $500 and the maximum dollar amount of articles or services procured from one vendor at one time shall not exceed $50. Agencies requiring exception to these limitations may request exception with justification on the basis of procurement needs and the particular reimbursement cycle. Such request shall be submitted to the Bureau of Accounts, Treasury Department, Washington 25, D. C., for approval.

b. Articles or services, particularly repetitive items, which are available from the established source of supply of the agency or other Government stocks should continue to be obtained in the usual manner.

c. Except in justified emergencies, purchases of articles or services in quantities or amounts covered by mandatory contracts or mandatory sources of supply are to be made from the appropriate contractor or source in accordance with established procedures and not under the procurement provisions of this regulation. However, Imprest Funds may be used to make payments for articles and services obtained from such mandatory contracts or sources of supply.

d. Articles or services which under any provision of law are subject to restrictions may not be purchased except under conditions which fully comply with statutory requirements.

e. Imprest Funds shall not be used for payments of salaries and wages (personal services as defined in Budget-Treasury Regulation No. 1 Revised), for payment of transportation charges on bills of common carriers, for advances other than authorized herein, for cashing of checks or other negotiable instruments, or any other payment that is not for authorized disbursements in payment of small purchases contemplated in this regulation. Imprest Funds may not be deposited in any bank.

9. *Procurement and payment.* a. Procurement for payment from Imprest Funds may be made only by authorized employees. No purchase order need be issued for local purchases, where contact may be personal or by telephone, unless required by the vendor or to obtain Government discounts or for tax exemption purposes. When required, any authorized purchase order form may be used and will be endorsed "Payment to be made in cash" if the vendor is to make delivery, or "Ship C. O. D." if shipment is to be made by parcel post.

b. It is required that receipts be secured for each payment from Imprest Funds pursuant to the provisions of General Regulation No. 103, as revised, issued by the General Accounting Office.

c. The Imprest Fund Cashier may either reimburse employees for amounts paid by them for authorized purchases or furnish the cash necessary to consummate such purchases. The Imprest Fund Cashier will be accountable for cash advanced to consummate purchases. Agency regulations will prescribe a fixed reasonable time limit for the consummation of purchases for which cash is furnished in advance.

10. *Sales taxes.* It is the general rule that where the legal incidence of a tax is upon vendors and the amount thereof is included in the stipulated purchase price, the United States is required to pay the amount thereof, not as a tax but as a part of the agreed price for the goods received. Where the legal incidence of the tax is upon vendees, the United States is not liable for the payment thereof on purchases made by it.

In these instances, and where the vendor or dealer requires evidence of the tax-exempt sale, such evidence will be issued in accordance with regulations of the General Accounting Office.

PART III—ACCOUNTING

11. *General.* It is the intention of this regulation to provide the simplest possible accounting for Imprest Funds consistent with effective control of cash. The principles to be followed in accounting for Imprest Funds are set forth below.

12. *Agency accounts.* a. The amount of each Imprest Fund established will be recorded in the accounts of the agency.

b. Reimbursements to the Imprest Fund will be obtained by submitting a reimbursement voucher as often as administratively determined necessary but not less than once each month and the reimbursement voucher should be prepared in accordance with the requirements of General Regulations No. 103, as revised, issued by the General Accounting Office. It will be unnecessary for the Imprest Fund Cashier to maintain formal records of his transactions and the maintenance of memorandum copies of reimbursement vouchers will suffice for his records. Reimbursements should be accomplished near the close of each month so that transactions will be reflected in the accounts for the month in which purchases were made. At the close of each fiscal year, a reimbursement voucher must be submitted promptly for all expenditures made through June 30, not previously claimed.

c. Agencies will take steps to prevent the use of Imprest Funds from resulting in an over-obligation or over-expenditure of available funds and should include in the agency regulations required by paragraph 19 the procedures to be followed with respect thereto. These procedures should be consistent with the agency regulations established as a result of section 3679 Revised Statutes as amended (31 U. S. C. 665). It is not necessary that each purchase result in an individual obligation, liquidation, etc., prior to reimbursement of the Imprest Fund nor that estimated obligations be established in the accounts except in cases where the greater portion of the purchase transactions completed during the month have not been covered by a reimbursement voucher.

d. Imprest Funds will be advanced on a no-year basis so that it will not be necessary to return such funds to the disbursing officer at the close of each fiscal year.

PART IV—ACCOUNTABILITY

13. *Accountability for disbursements.* The Imprest Fund Cashier, in the performance of his duties, is personally accountable and responsible for custody of, and payments made from the fund. Administrative regulations should authorize the Imprest Fund Cashier, when doubt exists as to the propriety of any transactions, to require written acceptance of responsibility for such transaction from the authorizing official to provide him recourse to such official if the transaction is later disallowed. The Imprest Fund Cashier may also request an advance written opinion from the certifying officer with respect to doubtful transactions.

14. *Bonding.* Each person designated as an Imprest Fund Cashier (and his alternate) must, unless specifically exempted by law, furnish an acceptable bond in favor of the United States in the form prescribed by the Secretary of the Treasury. Such bond shall be maintained currently and shall be in a sum sufficient to protect the interests of the United States but in a penal sum not less than the amount of the Imprest Fund. The bond must be approved by the head of the agency involved, or by an official designated for that purpose, and before the Imprest Fund can be established, such bond must be forwarded through the disbursing officer for filing in the office in which his bond is filed.

15. *Audit of Imprest Funds*—a. *Administrative agency—internal audit.* Unannounced audits should be made of each Imprest Fund by the administrative agency having use of the funds as frequently as necessary to protect the interests of the Government, but at least annually. A copy of such audit report (or signed excerpt from a general audit report) shall be furnished at least once annually to the disbursing officer from whom the advance is obtained in the case of agencies using the disbursing facilities of the Treasury Department, or to the chief fiscal officer of the installation in the case of agencies maintaining their own disbursing facilities. Any unauthorized use of, irregularities in connection with, or improper accounting for an Imprest Fund disclosed by agency internal audits or examination of reimbursement vouchers or subvouchers shall be reported promptly to the officer to whom audit reports are submitted. The agency head shall also promptly advise the Comptroller General of the United States of such irregularities, etc., and may request an audit by the General Accounting Office. As of the close of each fiscal year, each executive agency using Imprest Funds under the authority of this regulation shall report promptly to the Treasury Department any shortages which may have been incurred in such funds and recoveries thereof during the fiscal year. Such reports should be directed to the Bureau of Accounts, Treasury Department, Washington 25, D. C.

b. *General Accounting Office—external audit.* The Comptroller General of the United States, upon request, will report to the Secretary of the Treasury, to enable the Secretary to carry out his responsibilities for the custody of public funds, irregularities on the part of Imprest Fund Cashiers with respect to the custody of, or payment from Imprest Funds which may be disclosed by audits or investigations of the General Accounting Office.

c. *Disbursing officers.* Disbursing officers will not require regular reports, except as provided in paragraph 15-a above, nor make routine audits of Imprest Funds, but they have the right to inquire into the status and authorized use of Imprest Funds and make or request inspections when necessary to assure that funds advanced to Imprest Fund Cashiers from their accounts are adequately protected.

16. *Changes in Imprest Funds.* Requests for increases in the authorized amounts of Imprest Funds within the limitations prescribed herein shall be made by the heads of agencies or their designees in the same manner as described above for the initial advance. The authorized amount of Imprest Funds will be decreased or withdrawn upon written request of the heads of agencies or their designees. Decreases in amounts advanced may be made by one or a combination of the following processes:

a. Applying reimbursement vouchers in whole or in part to liquidate the advance. If the entire amount of the voucher is to be applied, a statement should be placed thereon reading "Draw no check—apply to advance." If only part of the voucher is to be applied, the statement should read "Apply to Advance $_____—draw check for $_____."

b. Returning uncashed advance or reimbursement checks for cancellation and application to the advance.

c. Submitting currency, bank draft, or money order remittances. Currency, if mailed, must be transmitted by registered mail.

If on the basis of experience or because of changed conditions on excessive amount of cash is being maintained in an Imprest Fund or the need no longer exists for the fund, the administrative agency concerned shall take action to have the fund reduced to a level commensurate with operating needs or to have the fund discontinued. The Secretary of the Treasury may require the return of a portion of an Imprest Fund sufficient to reduce the fund to a level more consistent with demonstrated needs and may require the return by an Imprest Fund Cashier of the entire amount of cash in his custody if irregularities occur on the part of such cashier with respect to his custody or use of the Imprest Fund.

17. *Change of cashiers.* In the event that a new Imprest Fund Cashier is designated to replace a cashier, an advance should be requested as provided for in paragraph 5. The account of the Imprest Fund Cashier who is replaced should be dissolved in accordance with the processes outlined in paragraph 16.

18. *Safeguarding of cash.* It will be the responsibility of each agency to provide Imprest Fund Cashiers with appropriate physical facilities and safeguards for the protection of cash advanced to them in accordance with individual circumstances. Cashiers shall not commingle Imprest Funds with other funds and shall maintain separately each Imprest Fund.

PART V—GENERAL PROVISIONS

19. *Agency regulations covering use of Imprest Funds.* Each agency having need for Imprest Funds shall develop and issue internal administrative regulations, consistent with this regulation, including but not limited to the following:

a. Purpose of the funds.

b. Areas within which Imprest Funds may be utilized (see Part II—Utilization).

c. Kinds, quantities, and values of articles or services for which purchase and payment can be made.

d. Circumstances under which issue from stock or procurement or payment by other methods will not be required.

e. Appropriate safeguards for controlling and accounting for purchases and payments.

f. A fixed reasonable time limit for the consummation of purchases for which cash is furnished in advance by the Imprest Fund Cashier.

g. Requirements for internal controls and audits.

20. *Distribution.* Since this regulation sets forth the principles and guide lines under which the operating agency regulations for the establishment and utilization of Imprest Funds will be written, only a limited number of copies has been printed and distributed for the use of the heads of agencies and their immediate staffs. If for any special reason additional copies are needed, agencies will be expected to reproduce such additional copies.

21. *Inquiries.* Requests for information concerning this regulation should be addressed, as indicated below, to the agency having responsibility for the particular area set forth in paragraph 1 of this regulation:

General Services Administration
Federal Supply Service

Treasury Department
Bureau of Accounts

General Accounting Office
Accounting Systems Division

22. *Effective date.* The provisions of this regulation are effective immediately.

JESS LARSEN,
Administrator of General Services.
LINDSAY C. WARREN,
Comptroller General of the United States.
JOHN W. SNYDER,
Secretary of the Treasury.

MARCH 10, 1952.

[F. R. Doc. 52–3044; Filed, Mar. 13, 1952; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26874]

COTTON FROM POINTS IN VIRGINIA TO POINTS IN CAROLINA AND SOUTHEAST

APPLICATION FOR RELIEF

MARCH 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1266.

Commodities involved: Cotton, carloads and less-than-carloads.

From: Southern Railway stations, Lynchburg, Va., through Altavista, Va., Virso, Va., through Burkeville, Va., Norfolk, Pinners Point, and Portsmouth, Va.

To: Southeastern and Carolina points.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1266, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52–2966; Filed, Mar. 13, 1952; 8:47 a. m.]

[4th Sec. Application 26875]

PHOSPHATE ROCK FROM POINTS IN FLORIDA TO ALBANY, GA.

APPLICATION FOR RELIEF

MARCH 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and Albany and Northern Railway Company.

Commodities involved: Phosphate rock, ground or not ground, slush and floats, and soft phosphate, not acidulated or ammoniated, carloads.

From: Points in Florida.

To: Albany, Ga.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B–3232, Supp. 55.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52–2967; Filed, Mar. 13, 1952; 8:47 a. m.]

[4th Sec. Application 26876]

COKE FROM CHICAGO AND LOCKPORT, ILL., TO POINTS IN NEW YORK, AND ONTARIO, CANADA

APPLICATION FOR RELIEF

MARCH 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers listed in appendix A of the application.

Commodities involved: Pitch coke and petroleum coke, coke breeze and screenings, carloads.

From: Chicago, Ill., and points grouped therewith, and Lockport, Ill.

To: Suspension Bridge and Niagara Falls, N. Y., Chippewa, Niagara Falls, Port Colborne, Thorold, and Welland, Ont.

Grounds for relief: Competition with water-rail and rail-water-truck routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52–2968; Filed, Mar. 13, 1952; 8:47 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 63]

NEW YORK CENTRAL RAILROAD CO. ET AL.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, The New York Central Railroad Company, west of Buffalo, New York, and the Terminal Railroad Association of St. Louis, because of work stoppage,

are unable to transport traffic routed over their lines in those territories: *It is ordered,* That:

(a) Rerouting traffic: The New York Central Railroad Company, the Terminal Railroad Association of St. Louis, and their direct connections, being unable to transport traffic in accordance with shippers' routing, because of work stoppage, are hereby authorized to disregard shippers' routing and reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: Railroads desiring to divert or reroute traffic over the line or lines of another carrier under this order, shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a. m., March 9, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., April 9, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., March 10, 1952.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 52-2969; Filed, Mar. 13, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2815]

ARKANSAS POWER AND LIGHT CO. AND MIDDLE SOUTH UTILITIES, INC.

NOTICE OF FILING REGARDING SALE BY SUBSIDIARY TO PARENT OF COMMON STOCK FOR CASH CONSIDERATION

MARCH 10, 1952.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South") and one of its electric utility subsidiaries, Arkansas Power and Light Company ("Arkansas"), have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (b), 7, 9 (a), 10 and 12 (f) thereof, and Rule U-43 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Arkansas has authorized 5,000,000 shares of $12.50 per share par value common stock of which 3,060,000 shares are outstanding, all of which are owned by Middle South. Arkansas proposes to issue and sell and Middle South proposes to acquire 800,000 additional shares of the Arkansas common stock at the par value thereof, resulting in an aggregate cash consideration of $10,000,000 to be paid to Arkansas by Middle South. Proceeds from the sale of the stock will be used by Arkansas to finance, in part, its construction program. Additional funds necessary to finance the construction program will be raised from the sale of such other securities as may be appropriate, and which will be the subject of further applications before this Commission.

Notice is further given that any interested person may, not later than March 20, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with this Commission for a full statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-2963; Filed, Mar. 13, 1952; 8:46 a. m.]

[File No. 70-2799]

SOUTHWESTERN GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO ISSUANCE AND SALE OF FIRST MORTGAGE BONDS

MARCH 10, 1952.

Southwestern Gas and Electric Company ("Southwestern"), a public utility subsidiary of Central and South West Corporation, a registered holding company, having filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

Southwestern proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $6,000,000 principal amount of First Mortgage Bonds, Series E, due March 1, 1982. The interest rate to be borne by the bonds, the redemption premium applicable to the bonds, and the price at which the bonds will be issued and sold by Southwestern will be determined through competitive bidding. The bonds will be issued under an indenture dated February 1, 1940, between Southwestern and City National Bank and Trust Company of Chicago and Arthur T. Leonard, as Trustees, as modified by indentures supplemental thereto and by a supplemental indenture to be dated March 1, 1952, to be executed by Southwestern to said Trustees. The proceeds from the sale of the new bonds will be used to pay for a part of Southwestern's construction program for the period January 1, 1952, to December 31, 1953, estimated to cost approximately $19,000,000.

Southwestern has requested that the Commission shorten the ten-day period for inviting bids pursuant to Rule U-50 to six days. The issuance and sale of the proposed bonds by Southwestern were approved by the Arkansas Public Service Commission and the Corporation Commission of the State of Oklahoma by orders dated February 26, 1952, and February 28, 1952, respectively. Fees and expenses to be incurred by Southwestern in connection with the proposed transaction are estimated at $39,000, including the amounts of $6,000 payable to Middle West Service Company, $3,650 payable to the Trustees, and $7,500 for printing. The fees of independent counsel for the underwriters are stated to be in the amount of $5,000 payable to Isham, Lincoln & Beale, Chicago, Illinois, and will be paid by the successful bidder.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms

and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That the ten-day period for inviting sealed bids pursuant to Rule U-50 with respect to said bonds be, and hereby is, shortened to six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-2964; Filed, Mar. 13, 1952; 8:46 a. m.]

[File No. 70-2789]

NARRAGANSETT ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF SERIES C BONDS

MARCH 10, 1952.

The Narragansett Electric Company ("the Company"), an electric utility subsidiary of New England Electric System, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-23 and U-50 thereunder with respect to the following proposed transaction:

The Company proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $7,500,000 principal amount of Series C Bonds, to be dated March 1, 1952, to mature on March 1, 1982, and to be secured, equally and ratably with the presently outstanding Series A and Series B bonds, by the Company's First Mortgage Indenture and Deed of Trust dated September 1, 1944, as supplemented by its First Supplemental Indenture dated as of May 1, 1948, and by its Second Supplemental Indenture dated as of March 1, 1952. The terms and conditions relating to bids provide that each bid shall specify the coupon rate (to be a multiple of ⅛ of 1 percent) to be borne by the Bonds, and the price (exclusive of accrued interest) to be paid to the Company therefor, which shall be not less than the principal amount nor more than 102¾ percent thereof.

The Company states that the proceeds of the sale, exclusive of accrued interest and expenses of issuance, will be applied to the payment of short-term notes payable to five banks evidencing borrowings made for construction, which aggregated $7,200,000 on January 22, 1952. The Company anticipates that short-term note indebtedness incurred in connection with construction presently in progress will be increased to $7,900,000 prior to the issuance of the Series C Bonds.

The Company estimates that its expenses in connection with the issuance and distribution of said Bonds, except underwriting discounts and commissions, will aggregate $75,000, of which approximately one-half will consist of stamp taxes, registration and recording fees, and printing, engraving, and advertising costs, and the balance will consist of fees charged for the services rendered by the system service company and the Trustee and for legal, engineering and accounting services.

By amendment of its application the Company has requested that the ten-day waiting period prescribed in Rule U-50 be shortened to not less than six days.

Due notice having been given of the filing of said application, and no hearing having been requested of or ordered by the Commission; and

It appearing to the Commission that the issue and sale of said Bonds are solely for the purpose of financing the Company's business; that such issue and sale have been expressly authorized by the Public Utility Administrator, Department of Business Regulation, of the State of Rhode Island, the regulatory agency of the State in which the Company is organized and doing business; and

The Commission finding with respect to said application as amended that the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application as amended be granted, subject only to the terms and conditions hereinafter stated, and that the order granting same become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and the same hereby is, granted and permitted to become effective forthwith, and that for the purposes of this proceeding the ten-day period for the invitation of bids as prescribed by Rule U-50 be, and it hereby is, shortened to a period of not less than six days, all subject, however, to the provisions of Rule U-24 and to the following terms and conditions:

1. That the sale of said Bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

2. That jurisdiction be and hereby is reserved with respect to all fees for service rendered by the system service company and the Trustee, and for legal, engineering and accounting services, including the fees of independent counsel to the underwriters.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-2965; Filed, Mar. 13, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region II, Redelegation of Authority No. 27]

DIRECTORS OF DISTRICT OFFICES, REGION II

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 8 OF SR 1 OF CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. II, pursuant to delegation of authority No. 54 (17 F. R. 1831), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse and Albany, New York and the Newark and Trenton, New Jersey Offices of Price Stabilization to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority is effective March 11, 1952.

JAMES G. LYONS,
Director of Regional Office No. II.

MARCH 10, 1952.

[F. R. Doc. 52-2990; Filed, Mar. 11, 1952; 3:00 p. m.]

[Region III, Redelegation of Authority No. 25]

DIRECTORS OF DISTRICT OFFICES, REGION III

REDELEGATION OF AUTHORITY TO ACT ON PRICING AND REPORTS UNDER CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 28, Amendment 1 (16 F. R. 11703; 17 F. R. 330), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to adjust ceiling prices under the provisions of section 20 (a) of Ceiling Price Regulation 34, as amended.

This redelegation of authority shall take effect as of February 21, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

MARCH 10, 1952.

[F. R. Doc. 52-2987; Filed, Mar. 11, 1952; 3:00 p. m.]

[Region III, Redelegation of Authority No. 26]

DIRECTORS OF DISTRICT OFFICES, REGION III

REDELEGATION OF AUTHORITY TO ESTABLISH OR ADJUST CEILING PRICES UNDER CPR 93

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 44 (16 F. R. 12802), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to authorize, establish, adjust, revise, or disapprove ceiling prices, ceiling fees, ceiling markups and rates or request further information in connection therewith, or otherwise act to administer individual reporting or adjustment provisions of CPR 93, in accordance with the specific provisions thereof.

This redelegation of authority shall take effect as of February 21, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

MARCH 10, 1952.

[F. R. Doc. 52-2988; Filed, Mar. 11, 1952; 3:00 p. m.]

[Region III, Redelegation of Authority No. 27]

DIRECTORS OF DISTRICT OFFICES, REGION III

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SR 39 TO THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 25 (16 F. R. 11406), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39 to the General Ceiling Price Regulation relating to intrastate operations;

2. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39 to the General Ceiling Price Regulation relating to intrastate operations.

This redelegation of authority shall take effect as of February 21, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

MARCH 10, 1952.

[F. R. Doc. 52-2989; Filed, Mar. 11, 1952; 3:00 p. m.]

[Region VI, Redelegation of Authority No. 15, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 38, Amendment 1 (16 F. R. 12299; 17 F. R. 1784) this Amendment 1 to Redelegation of Authority 15 (16 F. R. 12745), is hereby issued.

Redelegation of Authority 15 is amended by redesignating the present paragraph 1 as paragraph 2 and inserting a new paragraph 1 to read as follows:

1. Authority to act under section 12 of CPR 101, as amended. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices of the Office of Price Stabilization to act under section 12 of CPR 101, as amended.

This Amendment 1 to Redelegation of Authority No. 15 shall take effect as of March 7, 1952.

SYDNEY A. HESSE,
Director of Regional Office No. VI.

MARCH 10, 1952.

[F. R. Doc. 52-2991; Filed, Mar. 11, 1952; 3:00 p. m.]

[Region VII, Redelegation of Authority No. 25]

DIRECTORS OF DISTRICT OFFICES, REGION VII

REDELEGATION OF AUTHORITY UNDER CPR 101, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region VII, pursuant to Delegation of Authority No. 38, dated December 4, 1951 (16 F. R. 12299), as amended by Amendment No. 1, dated February 27, 1952 (17 F. R. 1784), this redelegation of authority is hereby issued:

1. Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII to act under sections 7, 21 (a), 21 (b), 42 (a), 42 (h), 46 (c), and 49 (a) of Ceiling Price Regulation 101.

2. Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII to act under section 12 of Ceiling Price Regulation 101, as amended.

This redelegation of authority shall take effect March 11, 1952.

MICHAEL J. HOWLETT,
Director of Regional Office No. VII.

MARCH 10, 1952.

[F. R. Doc. 52-2992; Filed, Mar. 11, 1952; 3:00 p. m.]

[Region VII, Redelegation of Authority No. 26]

DIRECTORS OF DISTRICT OFFICES, REGION VII

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 8 OF SR 1 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region VII, pursuant to the provisions of Delegation of Authority No. 54, dated February 28, 1952 (17 F. R. 1831), this redelegation of authority is hereby issued:

Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect March 11, 1952.

MICHAEL J. HOWLETT,
Director of Regional Office No. VII.

MARCH 10, 1952.

[F. R. Doc. 52-2993; Filed, Mar. 11, 1952; 3:00 p. m.]

[Region XII, Redelegation of Authority No. 32]

DIRECTORS OF DISTRICT OFFICES, REGION XII

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 8 OF SR 1 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority No. 54 (17 F. R. 1831), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of March 9, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

MARCH 10, 1952.

[F. R. Doc. 52-2994; Filed, Mar. 11, 1952; 3:00 p. m.]

[Region XIII, Redelegation of Authority No. 15]

DISTRICT DIRECTORS, REGION XIII

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 12 OF CPR 101, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. XIII, pursuant to Delegation of Authority No. 38, as amended (16 F. R. 12299, 17 F. R. 1784), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to act under section 12 of Ceiling Price Regulation 101, as amended.

This redelegation of authority shall become effective March 10, 1952.

JOHN L. SALTER,
Director of Regional Office No. XIII.

MARCH 10, 1952.

[F. R. Doc. 52-2995; Filed, Mar. 11, 1952; 3:00 p. m.]

[Region XIII, Redelegation of Authority No. 16]

DISTRICT DIRECTORS, REGION XIII

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 8 OF SR 1 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. XIII, pursuant to Delegation of Authority No. 54 (17 F. R. 1831), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority shall become effective March 10, 1952.

JOHN L. SALTER,
Director of Regional Office No. XIII.

MARCH 10, 1952.

[F. R. Doc. 52-2996; Filed, Mar. 11, 1952; 3:01 p. m.]

[Region XIV Redelegation of Authority No. 10, Revision 1]

TERRITORIAL DIRECTORS, REGION XIV

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 120

By virtue of the authority vested in me as Acting Director of Region XIV, Office of Price Stabilization, pursuant to Delegation of Authority No. 7, Revised (16 F. R. 10752), this redelegation of authority is hereby issued.

1. *Authority to act under CPR 120.* Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands, respectively,

(a) To exercise the authority granted under section 12 of CPR 120;

(b) To approve applications for permission to institute an entertainment or cover charge for such entertainment under section 7 (b) of CPR 120;

(c) To approve or disapprove applications of non-profit clubs for exemption under section 14 (e) of CPR 120.

This redelegation of authority is effective March 11, 1952.

EDWIN S. VILLMOARE,
Acting Director of Region No. XIV.

MARCH 10, 1952.

[F. R. Doc. 52-2997; Filed, Mar. 11, 1952; 3:01 p. m.]

[Region VIII, Redelegation of Authority No. 15, Amdt 1]

DIRECTORS OF DISTRICT OFFICES
REGION VIII

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Amendment 1 to Delegation of Authority 38, dated February 27, 1952 (17 F. R. 1784), this Amendment 1 to Redelegation of Authority No. 15 (17 F. R. 262) is hereby issued.

Redelegation of Authority No. 15 is amended by adding a new paragraph 2 to read as follows:

2. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under section 12 of CPR 101, as amended.

This redelegation of authority shall take effect as of March 5, 1952.

LOUIS G. DENAYER,
Acting Regional Director, Region VIII.

MARCH 12, 1952.

[F. R. Doc. 52-3053; Filed, Mar. 12, 1952; 4:35 p. m.]

[Region VIII, Redelegation of Authority No. 27]

DIRECTORS OF DISTRICT OFFICES,
REGION VIII

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 8 OF SR 1 TO CPR 7

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 54, dated February 28, 1952 (17 F. R. 1831), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of March 5, 1952.

LOUIS G. DENAYER,
Acting Regional Director, Region VIII.

MARCH 12, 1952.

[F. R. Doc. 52-3054; Filed, Mar. 12, 1952; 4:35 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 398, Amdt. 2]

LANDERS, FRARY AND CLARK

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 398 under section 43, Ceiling Price Regulation 7, established retail and wholesale ceiling prices for electric blankets, food mixers, choppers, juicers, percolators, heating pads, table stoves, irons, toasters, blenders, combination sandwich grill and waffle makers; vacuum bottles, food jars, lunch kits, vacuum bottle fillers, vacuum pitchers, outing sets, motor luncheon sets, sportsmen's sets, ice cube jars, leather carrying cases, jugs, cork packages, health scales, minute timers, corn mills manufactured by Landers, Frary and Clark and having the brand names "Universal," "Landers" and "Stanley."

This amendment establishes new retail and wholesale ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail and wholesale ceiling prices are established by incorporating into the special order the amended applications dated January 7, 1952.

Amendatory provisions. Special Order 398 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 21, 1951," insert the words "as supplemented and amended by its applications dated January 7, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated January 7, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

Effective date. This amendment shall become effective March 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 12, 1952.

[F. R. Doc. 52-3057; Filed, March 12, 1952; 4:36 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 807, Amdt. 1]

AMERICAN METAL SPECIALTIES CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 807 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for doll furniture manufactured by American Metal Specialties Corporation and having the brand name "Amsco."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated February 5, 1952, February 11, 1952, and February 18, 1952.

Amendatory provisions. Special Order 807 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "January 2, 1952," the following dates "February 5, 1952, February 11, 1952, and February 18, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated February 5, 1952, February 11, 1952, and February 18, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 3, 1952.

Effective date. This amendment shall become effective March 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 12, 1952.

[F. R. Doc. 52-3058; Filed, Mar. 12, 1952; 4:36 p. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 53

Washington, Saturday, March 15, 1952

TITLE 3—THE PRESIDENT

REORGANIZATION PLAN NO. 1 OF 1952

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, January 14, 1952, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949 [1]

BUREAU OF INTERNAL REVENUE

SECTION 1. *Abolition of existing offices.* There are abolished the offices of Assistant Commissioner, Special Deputy Commissioner, Deputy Commissioner, Assistant General Counsel for the Bureau of Internal Revenue, Collector, and Deputy Collector, provided for in sections 3905, 3910, 3915, 3931, 3941, and 3990, respectively, of the Internal Revenue Code. The provisions of the foregoing sentence shall become effective with respect to each office abolished thereby at such time as the Secretary of the Treasury shall specify, but in no event later than December 1, 1952. The Secretary of the Treasury shall make such provisions as he shall deem necessary respecting the winding up of the affairs of any officer whose office is abolished by the provisions of this section.

SEC. 2. *Establishment of new offices.* (a) New offices are hereby established in the Bureau of Internal Revenue as follows: (1) three offices each of which shall have the title of "Assistant Commissioner of Internal Revenue," (2) so many offices, not in excess of 25 existing at any one time, as the Secretary of the Treasury shall from time to time determine, each of which shall have the title of "District Commissioner of Internal Revenue," and (3) so many other offices, not in excess of 70 existing at any one time, and with such title or titles, as the Secretary of the Treasury shall from time to time determine.

(b) There is hereby established in the Department of the Treasury a new and additional office which shall have the title "Assistant General Counsel."

[1] Effective March 15, 1952, under the provisions of section 6 of the act; published pursuant to section 11 of the act (C3 Stat. 203; 5 U. S. C. Sup. 133z).

SEC. 3. *Appointment and compensation.* Each assistant commissioner and district commissioner, the assistant general counsel, and each other officer provided for in section 2 of this reorganization plan shall be appointed by the Secretary of the Treasury under the classified civil service and shall receive compensation which shall be fixed from time to time pursuant to the classification laws, as now or hereafter amended, except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended (5 U. S. C. 1105).

SEC. 4. *Transfer of functions.* There are transferred to the Secretary of the Treasury the functions, if any, that have been vested by statute in officers, agencies, or employees of the Bureau of Internal Revenue of the Department of the Treasury since the effective date of Reorganization Plan No. 26 of 1950 (15 F. R. 4935).

[F. R. Doc. 52-3169; Filed, Mar. 14, 1952; 11:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 157]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.567 *Grapefruit Regulation 157*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of ship-

(Continued on p. 2245)

CONTENTS

THE PRESIDENT

Reorganization Plan — Page

Internal Revenue Bureau (Reorganization Plan 1) ---------- 2243

EXECUTIVE AGENCIES

Agriculture Department

See Production and Marketing Administration.

Commerce Department

See National Production Authority.

Defense Department

Notification to the Department and General Services Administration of placement of procurement in areas (*see* Defense Mobilization, Office of).

Defense Materials Procurement Agency

Notices:

Administrator of General Services Administration; delegation of authority to purchase mica of domestic origin ------ 2291

Defense Mobilization, Office of

Notices:

Finding and determination of a critical defense housing area:

Laredo Air Force Base, Texas, area, et al ---------- 2293

New London, Conn ---------- 2293

Notification to Department of Defense and General Services Administration of placement of procurement in areas:

Ionia-Greenville, Mich ------ 2294

New Bedford, Mass ---------- 2294

Uniontown-Connellsville, Pa. 2295

Economic Stabilization Agency

See Price Stabilization, Office of; Rent Stabilization, Office of.

Federal Housing Administration

Rules and regulations:

Mutual mortgage insurance, eligibility requirements of mortgage covering one- to four-family dwellings; temporary limitation upon maximum amount of mortgage ---------- 2247

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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(For use during 1952)

The following Pocket Supplement is now available:

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission Page

Notices:
Hearings, etc.:
Dairyland Power Cooperative 2291
Ketchikan, Alaska 2291
Louisiana Natural Gas Corp. and Texas Northern Natural Gas Corp 2292
Lyles Ford Tri-County Power Authority 2291
Niagara Mohawk Power Corp. 2291
Ohio Fuel Gas Co 2292
Pacific Northwest Pipeline Corp 2292
Public Utility District No. 1 of Pend Oreille County, Washington 2291
Wabash Natural Gas Co. and Consumers Gas Co 2292
Wunderlich, Martin, et al 2292

General Services Administration

Delegation of authority to the Administrator to purchase mica of domestic origin (*see* Defense Materials Procurement Agency).

CONTENTS—Continued

General Services Administration—Continued Page

Notification to Department of Defense and the Administration of placement of procurement in areas (*see* Defense Mobilization, Office of).
Rules and regluations:
Mica, domestic; purchase programs 2279

Housing and Home Finance Agency

See also Federal Housing Administration.
Notices:
Director, Division of Slum Clearance and Urban Development; delegation of authority 2293
Field organization 2293
Rules and regulations:
Relaxation of residential credit controls; regulation governing process and approval of exceptions and terms for critical defense housing areas 2281

Interior Department

See Land Management, Bureau of.

Internal Revenue Bureau

Reorganization (*see* Reorganization Plan 1).
Notices:
Commissioner of Internal Revenue; delegation of authority with respect to disposition of real estate 2290
Rules and regulations:
Tax, income, taxable years beginning after Dec. 31, 1941; deduction allowable for attorney's fees paid for production or collection of alimony includible in gross income 2282

Interstate Commerce Commission

Notices:
Applications for relief:
Can ends, iron, steel, or tin, from Pennsylvania, Ohio and Indiana to Houston, Tex 2301
Caustic soda from Houston, Tex., to St. Louis, Mo., and East St. Louis, Ill 2301
Liquid caustic soda from Huntsville and Redstone Arsenal, Ala., to Hamilton, Ohio 2301
Piling (foreign woods) from the east to southern territory 2301
Scrap iron or steel:
Milwaukee, Wis., to Hamilton, Ontario 2301
Southern territory to Burlington, N. J 2302
Silica sand from Guion, Ark., to Talladega, Ala 2302
Railroads; rerouting or diversion of traffic 2302

Labor Department

See Wage and Hour Division.

CONTENTS—Continued

Land Management, Bureau of Page

Notices:
Hearings, etc.:
California; stock driveway reduced, lands classified 2288
Idaho:
Opening of public lands 2289
Opening of public lands restored from Mountain Home Project 2289
Wyoming; air navigation site withdrawal 2290
Rules and regulations:
Alaska; partially revoking public land orders 2283

National Production Authority

Rules and regulations:
Cars, passenger (M–68) 2279

Post Office Department

Rules and regulations:
Classification and rates of postage 2282
Free matter in the mails 2282
Postal service, international 2282
Provisions applicable to the several classes of mail matter 2282
Settlement of accounts, legal proceedings, compromises 2282
Treatment of registered matter at post offices of delivery 2282

Price Stabilization, Office of

Notices:
Ceiling prices at retail:
Fashioncraft Products 2296
Herbert Sondheim, Inc 2297
Keystone Chemical Co., Inc 2298
McKettrick-Williams, Inc 2297
Counsel, Office of Chief Counsel, National and Field; delegation of authority 2296
Nash-Kelvinator Corp.; basic prices and charges for new passenger automobiles 2299
Rules and regulations:
Ceiling prices:
Horsemeat products (CPR 129) 2275
Pacific Northwest Douglas Fir, True Fir, and West Coast Hemlock lumber (CPR 128) 2248
Pacific Northwest logs; addition of accredited graders and scalers (CPR 97) 2247
Hawaiian retail grocery regulation; ceiling prices for retail grocery sales (CPR 69) 2271

Production and Marketing Administration

Proposed rule making:
Flaxseed, official grain standards of the U. S 2284
Peanuts; intention to amend marketing quota regulations for 1951 crop 2285
Rules and regulations:
Limitation of shipments:
Lemons grown in California and Arizona 2247
Oranges, grapefruit, and tangerines grown in Florida (3 documents) 2243, 2245, 2246

CONTENTS—Continued

Rent Stabilization, Office of Page
Rules and regulations:
Oregon and California, defense-rental areas:
Hotels 2281
Housing 2281
Rooms 2281

Securities and Exchange Commission
Notices:
Hearings, etc.:
Middle South Utilities, Inc. 2295
Middle South Utilities, Inc. and Mississippi Power & Light Co. 2295

Treasury Department
See Internal Revenue Bureau.
Reorganization of Internal Revenue Bureau (*see* Reorganization Plan 1).

Wage and Hour Division
Notices:
Employment of handicapped clients by sheltered workshops; issuance of special certificates 2290
Proposed rule making:
Puerto Rico, Special Industry Committee No. 11; public hearing on minimum wage recommendations for certain industries 2285

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
8979 (see PLO 812) 2283
Chapter III (Presidential documents other than proclamations and Executive orders):
Reorganization Plan 1, 1952 2243

Title 7
Chapter I:
Part 26 (proposed) 2284
Chapter VII:
Part 729 (proposed) 2285
Chapter IX:
Part 933 (3 documents) 2243, 2245, 2246
Part 953 2247

Title 24
Chapter II:
Part 221 2247

Title 26
Chapter I:
Part 29 2282

Title 29
Chapter V:
Part 657 (proposed) 2285
Part 670 (proposed) 2285
Part 672 (proposed) 2285
Part 674 (proposed) 2285
Part 675 (proposed) 2285
Part 684 (proposed) 2285

Title 32A
Chapter III (OPS):
CPR 69 2271
CPR 97 2247
CPR 128 2248
CPR 129 2275

CODIFICATION GUIDE—Con.

Title 32A—Continued Page
Chapter VI (NPA):
M–68 2279
Chapter XIV (GSA) 2279
Chapter XVII (HHFA):
CR 3 2281
Chapter XXI (ORS):
RR 1 2281
RR 2 2281
RR 3 2281

Title 39
Chapter I:
Part 18 2282
Part 34 2282
Part 35 2282
Part 37 2282
Part 60 2282
Part 127 2282

Title 43
Chapter I:
Appendix (public land orders):
487 (revoked in part by PLO 812) 2283
585 (revoked in part by PLO 812) 2283
812 2283

ments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 17, 1952. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 17, 1951, and will so continue until March 17, 1952; the recommendation and supporting information for continued regulation subsequent to March 16 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 11; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 17, 1952, and ending at 12:01 a. m., e. s. t., March 31, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(iii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section "handler," "variety," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2 Russet," "standard pack" and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of March 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52–3089; Filed, Mar. 14, 1952; 8:48 a. m.]

[Orange Reg. 213]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.568 *Orange Regulation 213*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter

provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 17, 1952. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 15, 1951, and will so continue until March 17, 1952; the recommendation and supporting information for continued regulation subsequent to March 16 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 11; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 17, 1952, and ending at 12:01 a. m., e. s. t., March 31, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area I, or in Regulation Area II which grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze or U. S. No. 1 Russet, unless such oranges are of a size not smaller than $2\frac{8}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{14}{16}$ inches in diameter and smaller;

(iv) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container and (c) all oranges in such container are of a size not smaller than $2\frac{10}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2\frac{10}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and smaller; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(3) As used in this section, the term "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1 Bright," "U. S. No. 1," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of March 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-3087; Filed, Mar. 14, 1952; 8:48 a. m.]

[Tangerine Reg. 123]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.569 *Tangerine Regulation 123*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time, and good cause exists for making the provisions hereof effective not later than March 17, 1952. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 15, 1951, and will so continue until March 17, 1952; the recommendation and supporting information for continued regulation subsequent to March 16 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 11; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 17, 1952, and ending at 12:01 a. m., e. s. t., March 31, 1952, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than a size that will pack a 246 pack of tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches) except that the minimum size of such

tangerines shall be 2 3/16 inches with a total tolerance for variations incident to proper sizing of 20 percent, by count, of tangerines that are smaller than 2 3/16 inches in diameter of which not more than one-half, or a total of 10 percent, by count, of the tangerines, are smaller than 2 7/16 inches.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "246 pack" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of March 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-3088; Filed, Mar. 14, 1952; 8:48 a. m.]

[Lemon Reg. 426]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.933 *Lemon Regulation 426*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 17 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this action until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 12, 1952, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 16, 1952, and ending at 12:01 a. m., P. s. t., March 23, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 425 (17 F. R. 2041) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of March 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-3123; Filed, Mar. 14, 1952; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

TEMPORARY LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Section 221.30 is hereby amended to read as follows:

§ 221.30 *Temporary limitation upon maximum amount of mortgage.* For the period this section remains in effect, and notwithstanding the provisions of § 221.16, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, shall not involve a principal amount in excess of $14,000 except in the case of a mortgage covering a property designed for occupancy by two or more families, and a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, and prior to October 12, 1950, shall not exceed 75 percent of the appraised value of the property, except that with respect to mortgages eligible for insurance under § 221.16 (a) the principal amount may exceed 75 percent but shall not exceed 90 percent of $7,000 of such value, plus 65 percent of such value in excess of $7,000, and mortgages eligible for insurance under § 221.16 (b) may exceed 75 percent but shall not exceed 90 percent of the appraised value of the property if the mortgagor is the owner and occupant and 80 percent of such value if the mortgagor is the builder: *Provided,* That this section shall not be applicable as to mortgages covering properties in the Territory of Alaska, or any territory or possession outside the continental United States.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., March 11, 1952.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 52-3049; Filed, Mar. 14, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 97, Amdt. 4]

CPR 97—CEILING PRICES FOR PACIFIC NORTHWEST LOGS

ADDITION OF ACCREDITED GRADERS AND SCALERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order No. 2, and Delegation of Authority No. 30, this Amendment 4 to Ceiling Price Regulation 97 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 97 carries out the intention expressed in section 19 by adding to Appendix A of the regulation a log grading and scaling bureau, certain employees thereof, and individual graders and scalers who have been found qualified by the Regional Director of Region 13 to grade and scale logs subject to the regulation.

The log grading and scaling bureau and the persons accredited by this amendment have submitted the information and statements required under section 19. The Regional Director of Region 13 has requested the appropriate log scaling and grading bureaus named in this section to examine into the qualifications of each applicant. The Regional Director has evaluated the find-

ings made by the appropriate bureau, has considered whatever other information has been brought to his attention, and is of the opinion that each applicant is qualified for listing as an accredited scaler and grader.

This amendment also deletes from paragraph (c) of Appendix A to Ceiling Price Regulation 97 an individual grader and scaler, who, by this amendment, is listed in paragraph (b) as an accredited employee grader and scaler; and deletes from paragraph (b) of Appendix A an accredited employee grader and scaler for the reason that he is no longer employed in such capacity.

In the formulation of this amendment, there has been consultation with industry representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 97 is hereby amended in the following respects:

1. Paragraph (a) of Appendix A is amended by adding the name "Yamhill Log Scaling and Grading Bureau" immediately after the name "Tillamook (County) Log Scaling and Grading Bureau."

2. Subparagraph (1) of paragraph (b) of Appendix A is amended by deleting the name "Nielsen, Martin" therefrom.

3. Subparagraph (3) of paragraph (b) of Appendix A is amended by inserting the name "Benson, Albert O." immediately after the name "Belloni, Allessio."

4. Paragraph (b) of Appendix A is amended by adding a subparagraph which reads as follows:

(7) Yamhill Log Scaling and Grading Bureau employees:
Hartman, R. B., McMinnville, Oreg.
Hartman, Richard F., McMinnville, Oreg.

5. Paragraph (c) of Appendix A is amended by deleting the name "Hartman, R. B., McMinnville, Oreg." therefrom.

6. Paragraph (c) of Appendix A is amended by inserting the name "Archer, William R., Coos Bay, Oregon" immediately after the name "Archer, Eldridge A., Coos Bay, Oregon"; inserting the names "Cain, Leonard E., Coos Bay, Oregon," "Culkin, Peter, Salem, Oregon," and "Farrier, J. Merle, Eugene, Oregon" in that order, immediately after the name "Bell, Lynn, Bellingham, Wash."; inserting the name "Garland, James E., Corvallis, Oregon" immediately after the name "Fransen, Fred, Tacoma, Washington"; and inserting the name "Nelson, Charles E., Eugene, Oregon" immediately after the name "Kidd, Ray, Port Angeles, Wash."

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Ceiling Price Regulation 97 is effective March 14, 1952.

JOHN L. SALTER,
Regional Director, Region 13.

MARCH 14, 1952.

[F. R. Doc. 52-3144; Filed, Mar. 14, 1952; 11:05 a. m.]

[Ceiling Price Regulation 128]

CPR 128—CEILING PRICES FOR PACIFIC NORTHWEST DOUGLAS FIR, TRUE FIR, AND WEST COAST HEMLOCK LUMBER

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 128 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollars-and-cents ceiling prices for manufacturers' sales of Pacific Northwest Douglas Fir, True Fir, and West Coast Hemlock Lumber.

Description of the industry. An area about 875 miles long and up to 300 miles in width, located in Northern California and extending eastward from the Pacific Ocean to, and including, the Cascade Mountains of Washington and Oregon, contains almost 60 percent of the Nation's softwood saw-timber and produces about 40 percent of the Nation's softwood lumber. This is the area in which the lumber covered by this regulation is produced.

Douglas Fir is the dominant timber species of the area, accounting for about 6 percent of the area's standing saw-timber and about 85 percent of the area's lumber production. West Coast Hemlock, other species of Fir, Sitka Spruce, Western Red Cedar, Ponderosa Pine, and Redwood constitute for the most part, the other timber species produced in the area. (The Office of Price Stabilization will, in the near future, issue other ceiling price regulations covering the Sitka Spruce, Western Red Cedar, Ponderosa Pine, and Redwood lumber that is produced in this area.)

The physical characteristics of Douglas Fir, West Coast Hemlock, and the other varieties of Fir lumber covered in this regulation make them particularly suitable for use in residential, military, and industrial construction, and for other purposes where a combination of strength, durability, and lightness is required. As a consequence this lumber is sold throughout the United States, and is a basic material of prime importance, both to the civilian economy and to the defense program.

Some Douglas Fir and other Fir lumber is produced in certain of the Western States other than California, Washington, and Oregon. That lumber, however, differs somewhat from Douglas Fir and other Fir lumber produced in the latter three States, and customarily is graded under different rules and is sold at a different price.

Many large operations are involved in the production of Douglas Fir, West Coast Hemlock, and other true Fir lumber covered by this regulation. A substantial part of the total production of this lumber is produced by medium and small operations.

Nature of this regulation. The coverage of this regulation is limited in scope to the Douglas Fir, West Coast Hemlock, and other Fir lumber that is produced in a specified production area. The area includes California and the portions of Oregon and Washington that extend eastward from the Pacific Ocean to, and including, the Cascade Mountains. This treatment results from the fact that a different price pattern exists for the Douglas Fir and other Fir lumber produced in other geographical areas.

Manufacturers of the lumber covered by the regulation customarily sell their lumber f. o. b., f. a. s., or on a delivery basis. Accordingly, although the basic ceiling prices set forth in the regulation are f. o. b. prices, provision is also made for f. a. s. and delivered sales.

Almost all of the hundreds of basic items turned out by the industry are specifically priced in the price tables of this regulation. Following industry custom, footnote references provide for the pricing of non-standard items. To assure uniform grade and measurement standards, the regulation adopts the grade and size standards set forth in the most recently issued gradebook of the West Coast Bureau of Lumber Grades and Inspection. The standards of that Bureau are the ones most generally accepted and used by manufacturers located in the production area covered by the regulation.

In conformance with past industry practices, the regulation authorizes the use of Portland, Oregon as a basing point on certain delivered sales.

Prices of certain items covered by the regulation rose in various degrees between June, 1950 and January, 1951. These increases, moreover, varied substantially among firms in the industry. A distorted price pattern resulted, which was frozen by the General Ceiling Price Regulation. This regulation restores the generally prevailing price pattern in the industry by establishing a schedule of dollars and cents ceiling prices that reflects the price differentials that customarily exist among the items covered. The general level of prices established by this regulation is approximately equal to the level prevailing during the period of December 19, 1950 through January 24, 1951, the base period of the General Ceiling Price Regulation. This was also the level of prices that prevailed during the period from January 25th to February 24, 1951, inclusive.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practical in the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; to those prevailing during the period January 25th through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included four meetings with the Industry Advisory Committee for Douglas Fir lumber, and four meetings with a subcommittee of that Committee.

Every effort has been made to conform this regulation to business practices existing with respect to the production, sale, and distribution of Douglas Fir and the other lumber covered in the regulation. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

COVERAGE

Sec.
1. What this regulation does.
2. What regulation is superseded.
3. What lumber products are covered.
4. What transactions are covered.
5. Geographical applicability.

BASIC CEILING PRICES, ADDITIONS, COMMISSION-TYPE SALES, AND PRICING SALES

10. General explanation of ceiling prices.
11. Delivered sales—General.
12. Delivered sales—Rail shipment.
13. Delivered sales—Shipment by common or contract carrier other than rail.
14. Delivered sales—Shipment by private truck.
15. F. a. s. water shipments.
16. Mixed car or mixed truck shipments.
17. Stop-over car loadings.
18. Retail sales.
19. Commission-type sales.
20. Pricing rules.

MISCELLANEOUS PROVISIONS

30. Ceiling prices for special transactions.
31. Modification of proposed ceiling prices by Director of Price Stabilization.
32. Petitions for amendment.
33. Adjustable pricing.
34. Records.
35. Invoices.
36. Interpretations.
37. Prohibitions.
38. Evasions.
39. Definitions.

CEILING PRICE TABLES

45. F. o. b. ceiling prices.
46. General Notes.

AUTHORITY: Sections 1 to 46 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

COVERAGE

SECTION 1. *What this regulation does.* This regulation establishes dollars and cents ceiling prices for manufacturers' sales of Douglas Fir, West Coast Hemlock, and all species of true Fir lumber.

SEC. 2. *What regulation is superseded.* This regulation supersedes the General Ceiling Price Regulation insofar as it pertains to the transactions covered by this regulation.

SEC. 3. *What lumber products are covered.* This regulation covers Douglas Fir (Pseudotsuga taxifolia), West Coast Hemlock (Tsuga heterophylla and Tsuga mertensiana), and all species of true Fir (Abies), including White Fir, lumber (except mouldings, car strips, and shingles), graded in accordance with Standard Grading and Dressing Rules No. 14 of the West Coast Bureau of Lumber Grades and Inspection, effective August 1, 1947, and produced in a plant or mill located in California or in the parts of Washington and Oregon that extend eastward from the Pacific Ocean to, and including, the Cascade Mountains.

SEC. 4. *What transactions are covered.* This regulation applies to all manufacturers' sales of lumber covered by this regulation. It thus applies when a manufacturer sells his lumber to a wholesaler, retailer, industrial user, or to any other reseller or consumer, whether or not the sale is made directly or through a lumber commission man. (Section 19 of this regulation provides an addition to cover the services of a lumber commission man. Supplementary Regulation 87 to the General Ceiling Price Regulation establishes a formula for determining wholesalers' and other resellers' mark-ups which may be added to manufacturers' selling prices).

SEC. 5. *Geographical applicability.* Every manufacturer's sale for delivery (f. o. b., f. a. s., or on a delivered basis) in the 48 States of the United States or in the District of Columbia, is subject to this regulation, whether or not the sale of the lumber is made in the United States.

BASIC CEILING PRICES, ADDITIONS, COMMISSION-TYPE SALES, AND PRICING RULES

SEC. 10. *General explanation of ceiling prices.* (a) The basic ceiling prices established by this regulation are f. o. b. prices. They apply to sales made: f. o. b. mill, f. o. b. car at mill, f. o. b. car at mill's customary rail shipping point in the case of an off-rail mill, f. o. b. truck at mill, or f. o. b. scow or barge alongside a mill dock. These basic f. o. b. ceiling prices are set forth in section 45.

(b) Sections 11 to 19 explain how the basic f. o. b. ceiling prices are modified under certain circumstances, as, for example, when you sell your lumber on a delivered basis, when you make a mixed car or truck shipment, or when you sell your lumber through a lumber commission man.

SEC. 11. *Delivered sales; general.* (a) This regulation permits you to sell your lumber on a delivered basis, as well as on an f. o. b. basis. On sales on a delivered basis, you may add to the f. o. b. ceiling (or lower) price an appropriate transportation addition as explained in sections 12, 13 and 14.

(b) A sale described in an order, invoice, or otherwise, as "ceiling delivered" or "f. o. b. mill with freight paid, allowed, or included, to a given destination" will be considered, for the purpose of this regulation, a sale on a delivered basis.

SEC. 12. *Delivered sales; rail shipment.* (a) *Ceiling prices.* When you sell on a delivered basis and you ship your lumber by rail, the delivered ceiling prices are the f. o. b. prices set forth in section 45, plus an addition for transportation. The transportation addition is computed by multiplying the appropriate established weight shown in section 45 by the applicable freight rate in effect at the time of shipment. Where trucking to a yard or job site after the rail haul is required, the transportation addition may also include a charge for making the truck delivery as well as a charge for transferring the lumber from rail car to truck. You should note that when you sell on a delivered basis, the delivered price need not thereafter be revised or adjusted even if the amount actually charged by the railroad for carrying your lumber is different from the addition for transportation included in your delivered price.

(b) *Portland, Oregon, basing point rate.* You may compute the transportation addition for delivered sales authorized in paragraph (a) of this section by multiplying the appropriate established weight by the applicable freight rate from Portland, Oregon, to the point of final destination when:

(1) A rail shipment to a buyer located in California originates at a mill or plant in California from which the railroad freight rate to the California point of final destination is less than the rate from Portland, Oregon, to the same destination; or

(2) A rail shipment to a buyer located outside Oregon and Washington originates at a mill or plant located West of the crest of the Cascade Mountains in Oregon or Washington from which the railroad freight rate to the point of final destination outside Oregon and Washington is less than the rate from Portland, Oregon, to the same destination.

NOTE: The provisions of this paragraph do not apply to retail sales of the kind described in section 18.

SEC. 13. *Delivered sales; shipment by common or contract carrier other than rail.* When you sell on a delivered basis and you ship lumber by common or contract carrier other than rail, the delivered ceiling prices are the f. o. b. prices set forth in section 45, plus the actual cost of transporting the lumber to its destination, which includes a yard or job site. However, where a part of the transportation to the buyer is by means of water shipment, no addition to the f. o. b. prices may be made for transportation that occurs before the lumber is placed f. a. s. except as specifically authorized elsewhere in this regulation.

SEC. 14. *Delivered sales; Shipment by private truck.* (a) When you sell on a delivered basis, shipping your lumber in a truck which you own or hire, the delivered ceiling prices are the f. o. b. prices set forth in section 45, plus an addition determined as follows:

(1) For distances of 10 miles or less, as much as $3.00 per M'BM.

(2) For a distance greater than 10 miles and as far as 20 miles, as much as $4.00 per M'BM.

(3) For a distance greater than 20 miles and as far as 30 miles, as much as $5.00 per M'BM.

(4) When the distance is greater than 30 miles, an amount equal to as much as the cost of transporting the lumber to the buyer by common carrier truck.

(b) *"Distance" defined.* As used in this section, the term "distance" refers to the actual mileage from your mill or plant to the point of destination as meas-

ured by truck speedometer. It does not include the return mileage from the point of destination to your mill or plant. The term "point of destination" includes a yard or job site.

SEC. 15. *F. A. S. water shipments*—(a) *Ceiling prices.* If you sell lumber f. a. s. for water shipment, your ceiling prices are the same as the f. o. b. prices set forth in section 45.

(b) *Service charges.* On sales made f. a. s. for water shipment, you may make the following service charges:

(1) If you own or lease deep water dock facilities which are used in loading your lumber aboard a vessel, you may add as much as $3.50 per M'BM to the f. a. s. ceiling (or lower) prices.

(2) If you are required by circumstances beyond your control to transfer your lumber from a deep water dock, upon which it has been placed preparatory to loading aboard a vessel, to another loading point, you may add to the f. a. s. ceiling (or lower) price the actual cost of making the transfer.

SEC. 16. *Mixed car or mixed truck shipments*—(a) *Addition to f. o. b. prices.* When you make a mixed car or mixed truck shipment as defined in paragraph (b) of this section, the otherwise applicable ceiling prices are increased $3.50 per M'BM.

(b) *Meaning of terms*—(1) *Mixed car shipment.* A mixed car shipment consists of four or more of the items shown in subparagraph (3) of this paragraph, each of which contains at least one thousand board feet of lumber.

(2) *Mixed truck shipment.* A mixed truck shipment consists of four or more of the items shown in subparagraph (3) of this paragraph, each of which contains at least 250 board feet of lumber. You will note that you may make no addition to the f. o. b. prices set forth in section 45, if you make a mixed cargo shipment by boat. However, in the latter case, you may apply in the manner provided in section 30 for a special ceiling price if you believe that circumstances warrant the authorization of an increased ceiling price.

(3) *Item.* Each of the following-numbered groups of lumber products constitutes a separate item for the purposes of a mixed car or a mixed truck shipment under this section. In this connection, there are no requirements that the lumber products involved be derived from a single species covered by this regulation, or that all the lumber products listed within a numbered group be involved in a particular shipment:

(i) Boards and strips (any working not listed below), dimension, plank and small timbers, timbers and box.

(ii) Flooring.

(iii) Siding.

(iv) Ceiling, partition.

(v) Stepping.

(vi) Finish and clears, thick clears, shop.

(vii) Casing and base, moulding.

(viii) Lath, shingle band sticks (12 M pieces minimum).

(ix) Corn cribbing, well curbing.

(x) Gutter.

(xi) Silo s[illegible]n worked to pattern).

(xii) Shingles, shakes, any species, stained or natural (20 squares minimum).

SEC. 17. *Stop-over car loadings*—(a) *Addition to f. o. b. prices.* If you do not charge for making a mixed car or mixed truck shipment (see section 16), you may add as much as $2.00 per M'BM to the f. o. b. prices set forth in section 45 whenever you load lumber on a railroad car partially loaded with another seller's lumber which has been stopped in transit to enable you to load your lumber.

SEC. 18. *Retail sales*—(a) *Increased ceiling prices.* You may determine your ceiling prices on retail sales as defined in paragraph (b) of this section by adding $9.00 per M'BM to the basic prices set forth in sections 45 and 46. If you determine your ceiling price for a retail sale under this section, you may not make any of the additions provided in sections 11 through 17.

(b) *Definitions and limitations.* As used in this section, a retail sale is a sale of less than 20,000 feet BM delivered by truck to a buyer who is contractor or ultimate consumer and who will use the lumber for construction or maintenance; it is not a sale to a commercial or industrial user for use in manufacturing; nor is it a sale to a buyer who purchases the lumber for resale. The total quantity of lumber involved in a single transaction or sale, between you and a retail buyer, without regard to the quantities involved in single deliveries, shall determine whether or not a sale qualifies as a retail sale within the meaning of this section.

If you determine your ceiling price for a retail sale as allowed in paragraph (a) of this section, you must:

(1) Deliver the lumber to a job site at such time and in such manner as the buyer specifies;

(2) Give the buyer the privilege of exchanging and returning unused lumber; and

(3) Rectify promptly any short deliveries from stocks you keep on hand for this purpose.

SEC. 19. *Commission-type sale.* When a sale of your lumber is brought about by the efforts of a lumber commission man, your ceiling price is the otherwise applicable ceiling price on the lumber sold plus 3 percent of the f. o. b. ceiling price. However, the amount which you may charge the buyer, pursuant to this section, over and above the otherwise applicable ceiling price, may not exceed the actual commission which you pay the lumber commission man. The term "lumber commission man" is defined in section 39.

SEC. 20. *Pricing rules.* You must apply the following rules in determining ceiling prices under this regulation;

(a) When an order does not specify a particular grade of lumber, you may not ship, or charge for, lumber graded higher than No. 2 common, and your charge shall be only for the grade or grades actually shipped.

(b) When a shipment is made which contains a greater percentage of short lengths than that permitted by this regulation for random lengths, you must price the excess short lengths separately at no more than their appropriate ceiling prices in order to sell the balance as random lengths.

(c) In all random length shipments you may not charge more than the appropriate ceiling prices for the average length shipped.

(d) When a buyer waives moisture content requirements, you may not charge more than the appropriate ceiling price for green lumber; and in that case, when lumber is sold on a delivered basis, you must use the appropriate established weights for dry lumber in computing transportation charges.

MISCELLANEOUS PROVISIONS

SEC. 30. *Ceiling prices for special transactions*—(a) *Application.* If you cannot ascertain a ceiling price for lumber subject to this regulation under any other provision of this regulation, as, for example, should you wish to sell lumber with special workings, specifications, services, or other extras not specifically mentioned in this regulation, you must file an application with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for approval of a special ceiling price. Your application must be made by registered letter, return receipt requested, and must set forth all the relevant facts, including the following:

(1) As complete a description as possible of the lumber for which the application is filed. This should include the species, grade, condition, measurements and quantity of the lumber, together with a detailed description of the workings, specifications, services, or other extras involved.

(2) Your proposed ceiling price, together with a statement indicating why you believe it is in line with the level of prices established under this regulation.

(3) The differential between your proposed ceiling price and the most nearly comparable item priced in this regulation; or, if that differential cannot be ascertained, a statement of the reasons therefor.

(4) The proposed use to which the buyer will put the lumber for which you are proposing a special ceiling price.

(b) *Quotation of proposed price.* After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your lumber at the ceiling price proposed in your application: *Provided,* That you agree to, and later, refund to the buyer, the amount, if any, by which your proposed price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 20 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed

ceiling price shall be deemed to have been approved, subject to nonretroactive disapproval or modification at a later time.

(3) Approval of applications by the Director under this section are subject to a satisfactory showing that proposed prices are in line with the level of prices otherwise established by this regulation.

(d) *Effect on other transactions.* A special ceiling price approved pursuant to application made under this section shall be the ceiling price for all like future transactions between the same seller and buyer, unless a specific ceiling price for similar lumber shall be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director of Price Stabilization.

SEC. 31. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices established under sections 16 and 30 of this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 32. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 33. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell lumber subject to this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 34. *Records.* (a) Every person who sells and every person who in the regular course of business buys products covered by this regulation, shall make and keep for inspection by the Director of Price Stabilization, for a period of two years, accurate records or invoices of each sale or purchase made in any month in which the seller sold, or the buyer bought, 20,000 board feet or more of lumber subject to this regulation. The records must show:

(1) The dates of sales or purchases;

(2) The names and addresses of the sellers and buyers;

(3) The kind of sales involved, i. e., delivered, f. o. b., f. a. s.;

(4) A description (i. e., the grade, condition, dressing, quantity, etc.) of the lumber sold or bought;

(5) The prices charged or paid, including all additions, extras, and discounts.

(6) The point of origin and point of destination of the shipment, the means of transportation used, the amount of any additions for transportation, and the basing point, if any, upon which the transportation addition may have been computed.

The retention by a buyer of an invoice furnished by a seller, which includes the actual information required to be made a matter of record by this section, shall be considered as compliance with the provisions of this section.

SEC. 35. *Invoices* (a) F. O. B. or f. a. s. price. On all sales of lumber covered by this regulation, you must submit an invoice to the buyer which shows the f. o. b. (or f. a. s.) price, and which includes a description of the lumber. Any working, specification, extra, or service which bears upon the price charged for your lumber must be set forth in the invoice, but the invoice need not show separately the charge for such items.

(b) For sales on a delivered basis, involving a rail or truck shipment, your invoice must show:

(1) The destination of the shipment;

(2) The applicable rail or truck rate.

SEC. 36. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of the proper OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 37. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling prices may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 38. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the ommission from records of true data and the inclusion in records of false data.

SEC. 39. *Definitions.* (a) This regulation and the terms which appear in it shall be construed in the following manner;

(1) *Director of Price Stabilization.* This term extends to any official (including officials of Regional or District offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority, referred to in this regulation.

(2) *Lumber commission man.* This term means a person who customarily sells lumber in carload quantities for two or more manufacturers, who receives his compensation from the manufacturer in the form of a commission based on the amount of lumber sold, and who operates independently of both buyer and seller.

(3) *Manufacturer.* This term means any person who produces or concentrates lumber subject to this regulation. The verb "manufacture" shall be construed accordingly. A lumber concentrator receives rough green lumber from small producers, and prepares it for commercial shipment.

(4) *Person.* This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other Government or their political subdivisions or agencies.

(5) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(6) *Sell.* This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(7) *You.* The pronoun "you" indicates any person who manufactures lumber subject to this regulation. The terms "your" and "yours" shall be construed accordingly.

CEILING PRICE TABLES

SEC. 45. *F. O. B. ceiling prices*—(a) *Nomenclature.* All grade terms, size terms, and paragraph references appearing in this section refer to, and have the meaning given in, Standard Grading and Dressing Rules No. 14, issued by the West Coast Bureau of Lumber Grades and Inspection, effective August 1, 1947.

(b) *Prices and established weights.* The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, and the established weights for the sale of lumber covered by this regulation.

NOTE: Except where specifically indicated, all prices shown below pertain to each species covered by this regulation:

(1) FLOORING DRY

	R/L[1]	Random length prices for omitting short lengths					Specified lengths			
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter	14′	16′, 18′ and 20′	5/4 x 4″ 1 x 4″ 12′	Clear all heart
Vertical grain										
1 x 3 and 1 x 4 B and Btr	$170	$173	$175	$177	$180	$182	$178	$180	$176	$195
1 x 3 and 1 x 4 C	160	163	165	167	170	172	168	170	166	-------
1 x 3 and 1 x 4 D	115	118	120	122	125	127	123	125	-------	-------
1 x 6 B and Btr	175	178	180	182	185	187	183	185	-------	200
1 x 6 C	170	173	175	177	180	182	178	180	-------	195
1 x 6 D	125	128	130	132	135	137	133	135	-------	-------
5/4 x 3 B and Btr	180	183	185	187	190	192	188	190	-------	205
5/4 x 3 C	175	178	180	182	185	187	183	185	-------	-------
5/4 x 3 D	120	123	125	127	130	132	128	130	-------	-------
5/4 x 4 B and Btr	180	183	185	187	190	192	188	190	186	205
5/4 x 4 C	175	178	180	182	185	187	183	185	181	-------
5/4 x 4 D	120	123	125	127	130	132	128	130	-------	-------
Flat grain										
1 x 3 and 1 x 4 B and Btr	145	148	150	152	155	157	153	155	151	-------
1 x 3 and 1 x 4 C	140	143	145	147	150	152	148	150	146	-------
1 x 3 and 1 x 4 D	105	108	110	112	115	117	113	115	-------	-------
1 x 3 and 1 x 4 E MG	60	63	65	67	70	72	68	70	-------	-------
1 x 6 and 1 x 8 B & Btr	155	158	160	162	165	167	163	165	-------	-------
1 x 6 and 1 x 8 C	150	153	155	157	160	162	158	160	-------	-------
1 x 6 and 1 x 8 D	110	113	115	117	120	122	118	120	-------	-------
1 x 6 and 1 x 8 E MG	65	68	70	72	75	77	73	75	-------	-------
5/4 x 3 B & Btr	165	168	170	172	175	177	173	175	-------	-------
5/4 x 3 C	155	158	160	162	165	167	163	165	-------	-------
5/4 x 3 D	110	113	115	117	120	122	118	120	-------	-------
5/4 x 3 E MG	65	68	70	72	75	77	73	75	-------	-------
5/4 x 4 B & Btr	160	163	165	167	170	172	168	170	166	-------
5/4 x 4 C	155	158	160	162	165	167	163	165	161	-------
5/4 x 4 D	110	113	115	117	120	122	118	120	-------	-------
5/4 x 4 E MG	65	68	70	72	75	77	73	75	-------	-------
5/8 x 4 B & Btr	125	128	130	132	135	137	133	135	-------	-------
5/8 x 4 C	115	118	120	122	125	127	123	125	-------	-------
5/8 x 4 D	75	78	80	82	85	87	83	85	-------	-------
5/8 x 4 E MG	50	53	55	57	60	62	58	60	-------	-------
5/8 x 6 B & Btr	135	138	140	142	145	147	143	145	-------	-------
5/8 x 6 C	125	128	130	132	135	137	133	135	-------	-------
5/8 x 6 D	85	88	90	92	95	97	93	95	-------	-------
5/8 x 6 E MG	60	63	65	67	70	72	68	70	-------	-------

[1] Regular loading random lengths is as per par. 23 in Rules 14—see sec. 46, par. (M).

For short lengths in excess of the percentage permitted in R/L loading, when shipped with buyer's approval, deduct from the R/L prices as follows:

	B & Btr	C	D
1½′ to 3½′	$50	$50	$40
4′ and 5′	30	30	20
6′ and 7′	-------	-------	10

For ¾″ flooring: Deduct $5.00 per M from the same size and grade of standard flooring.

For green: Deduct $20.00 per M.

For specified leugths 12′ and shorter: No addition to R/L price except as shown above for 1 x 4–12′ and 5/4 x 4″–12′ in B & Btr and C, VG, and FG.

SHIPPING WEIGHTS FOR FIR FLOORING

[Hemlock same weight as fir]

	Finished thickness	Tongue and groove weight per M. B. M. dry	Square edge flooring weight per M. B. M. dry
1 x 3 and 4″	25/32″	1,800	2,000
1 x 6″	25/32″	1,900	2,100
5/4 x 3″ and 4″	1 1/16″	2,000	2,200
5/8 x 4″	9/16″	1,400	1,600

Where surfacing is specified other than standard or when weights are not provided in the above list see shipping weight formula in sec. 46, par. (J).

(2) CEILING ALL PATTERNS—DRY

	R/L[1]	Random length prices for omitting short lengths					Specified lengths	
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter	14′	16′, 18′, 20′
½ x 4″ B & Btr	$125	$128	$130	$132	$135	$137	$131	$135
½ x 4″ C	120	123	125	127	130	132	126	130
½ x 4″ D	85	88	90	92	95	97	91	95
½ x 4″ E	50	53	55	57	60	62	56	60
5/8 x 4″ B & Btr	125	128	130	132	135	137	131	135
5/8 x 4″ C	120	123	125	127	130	132	126	130
5/8 x 4″ D	85	88	90	92	95	97	91	95
5/8 x 4″ E	50	53	55	57	60	62	56	60
5/8 x 6″ B & Btr	135	138	140	142	145	147	141	145
5/8 x 6″ C	130	133	135	137	140	142	136	140
5/8 x 6″ D	95	98	100	102	105	107	101	105
5/8 x 6″ E	50	53	55	57	60	62	56	60
1 x 4″ B & Btr	140	143	145	147	150	152	146	150
1 x 4″ C	135	138	140	142	145	147	141	145
1 x 4″ D	100	103	105	107	110	112	106	110
1 x 4″ E	50	53	55	57	60	62	56	60
1 x 6″ B & Btr	150	153	155	157	160	162	156	160
1 x 6″ C	145	148	150	152	155	157	151	155
1 x 6″ D	110	113	115	117	120	122	116	120
1 x 6″ E	50	53	55	57	60	62	56	60

No addition for grain specification. For ceiling worked 25/32″—Use F. G. Flooring price. For specified lengths 12′ and shorter—No addition to R/L price.

[1] Regular loading random lengths is as per par. 23 in Rules 14, see sec. 46, par. (M).

For short lenths in excess of the percentage permitted in R/L loading, when shipped with buyer's approval, deduct from the R/L prices as follows:

	B & Btr	C	D
1½′ to 3½′	$30	$30	$24
4′ and 5′	30	30	10
6′ and 7′	10	10	10

SHIPPING WEIGHTS FOR FIR CEILING ALL PATTERNS

[Hemlock same weight as fir]

	Finished thickness	Weight per M. B. M.
½ x 4″	7/16″	1,000
5/8 x 4″	9/16″	1,200
5/8 x 6″	9/16″	1,300
1 x 4″	1 1/16″	1,500
1 x 6″	23/32″	1,700

Ceiling worked 25/32″ net, deduct 100 pounds from flooring weight.

When surfacing is specified other than standard or when weights are not provided in the above list see shipping

	R/L [1]	Random length prices for omitting short lengths					Specified lengths	
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter	14′	16′, 18′ and/or 20′
1 x 4″ B & Btr	$140	$143	$145	$147	$150	$152	$146	$150
1 x 4″ C	135	138	140	142	145	147	141	145
1 x 4″ D	105	108	110	112	115	117	111	115
1 x 4 ″ E	65	68	70	72	75	77	71	75
5/8 x 6″ B & Btr	135	138	140	142	145	147	141	145
5/8 x 6″ C	130	133	135	137	140	142	136	140
5/8 x 6″ D	100	103	105	107	110	112	106	110
5/8 x 6″ E	60	63	65	67	70	72	66	70
1 x 6″ B & Btr	155	158	160	162	165	167	161	165
1 x 6″ C	150	153	155	157	160	162	156	160
1 x 6″ D	125	128	130	132	135	137	131	135
1 x 6″ E	60	63	65	67	70	72	66	70
1 x 8″ B & Btr	160	163	165	167	170	172	166	170
1 x 8″ C	155	158	160	162	165	167	161	165
1 x 8″ D	125	128	130	132	135	137	131	135
1 x 8″ E	65	68	70	72	75	77	71	75
1 x 10″ B & Btr	170	173	175	177	180	182	176	180
1 x 10″ C	165	168	170	172	175	177	171	175
1 x 10″ D	135	138	140	142	145	147	141	145
1 x 10″ E	65	68	70	72	75	77	71	75

[1] Regular loading random lengths is as per par. 23 in rules 14—see sec. 46. par. (M).

For short lengths in excess of the percentage permitted in R/L loading, when shipped with buyer's approval, deduct from the R/L prices as follows:

	B & Btr	C	D
1½′ to 3½′	$50	$50	$40
4′ and 5′	30	30	16
6′ and 7′	10	10	10

Specified lengths: 12′ and shorter. No addition to R/L price.
For V. G., B and better and C, add $30.00 per M to table prices; 1″ D, same differentials as on flooring; 5/8″ x 6″ D, add $21,00 to table price for 5/8″ x 6″ D;
For green: Deduct $20,00 per M.
Log cabin siding: See sec. 46. par. (a) subdivision (5).
Bevel siding: See table (11), this paragraph.
Shipping weights for fir drop siding, rustic, clear shiplap: Hemlock same weight as fir.

	Finished thickness	Weight per M. B. M.
1 x 4″ pattern 119, 121	¾″	1, 300
1 x 4″ pattern 120, 122	¾″	1, 400
1 x 4″ pattern 106	¾″	1, 500
5/8 x 6″ pattern 105, 106, 115, 117 and rustic	9/16″	1, 300
1 x 6″ pattern 107, 113, 115, 117, 124	¾″	1, 500
1 x 6″ pattern 103, 108, 111, 114, 118	¾″	1, 600
1 x 6″ pattern 101, 104, 105, 106, 112 and rustic	¾″	1, 700
1 x 6″ pattern 102, 109, 110, 116 and V rustic	¾″	1, 800

8″ and 10″ widths—add 100 pounds to 6″ pattern.
Where surfacing is specified other than standard or when weights are not provided in the above list see shipping weight formula in sec. 46, par. (J).

	R/L [1]	Random length prices for omitting short lengths					Specified lengths		
							Casing and base		Casing only, 7, and/or 10′
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter	14′	16′, 18′ and 20′	
1 x 3″ B & Btr VG	$190	$193	$195	$197	$200	$202	$200	$200	$200
1 x 3″ B & Brt FG	175	178	180	182	185	187	185	185	185
1 x 3″ C VG	185	188	190	192	195	197	195	195	195
1 x 3″ C FG	170	173	175	177	180	182	180	180	180
1 x 3″ D VG	120	123	125	127	130	132	130	130	130
1 x 3″ D FG or MG	105	108	110	112	115	117	115	115	115
1 x 4″ B & Btr VG	190	193	195	197	200	202	200	200	200
1 x 4″ B & Btr FG	175	178	180	182	185	187	185	185	185
1 x 4″ C VG	185	188	190	192	195	197	195	195	195
1 x 4″ C FG	170	173	175	177	180	182	180	180	180
1 x 4″ D VG	120	123	125	127	130	132	130	130	130
1 x 4″ D FG or MG	105	108	110	112	115	117	115	115	115
1 x 5″ B & Btr VG	195	198	200	202	205	207	205	205	205
1 x 5″ B & Btr FG	180	183	185	187	190	192	190	190	190
1 x 5″ C VG	190	193	195	197	200	202	200	200	200
1 x 5″ C FG	175	178	180	182	185	187	185	185	185
1 x 5″ D VG	130	133	135	137	140	142	140	140	140
1 x 5″ D FG or MG	115	118	120	122	125	127	125	125	125
1 x 6″ B & Btr VG	190	193	195	197	200	202	200	200	200
1 x 6″ B & Btr FG	175	178	180	182	185	187	185	185	185
1 x 6″ C VG	185	188	190	192	195	197	195	195	195
1 x 6″ C FG	170	173	175	177	180	182	180	180	180
1 x 6″ D VG	125	128	130	132	135	137	135	135	135
1 x 6″ D FG or MG	110	113	115	117	120	122	120	120	120
1 x 8″ B & Btr VG	195	198	200	202	205	207	205	205	205
1 x 8″ B & Btr FG	180	183	185	187	190	192	190	190	190
1 x 8″ C VG	190	193	195	197	200	202	200	200	200
1 x 8″ C FG	175	178	180	182	185	187	185	185	185
1 x 8″ D VG	130	133	135	137	140	142	140	140	140
1 x 8″ D FG or MG	115	118	120	122	125	127	125	125	125
1 x 10″ B & Btr VG	210	213	215	217	220	222	220	220	220
1 x 10″ B & Btr FG	195	198	200	202	205	207	205	205	205
1 x 10″ C VG	205	208	210	212	215	217	215	215	215
1 x 10″ C FG	190	193	195	197	200	202	200	200	200
1 x 10″ D VG	145	148	150	152	155	157	155	155	155
1 x 10″ D FG or MG	120	123	125	127	130	132	130	130	130
1 x 12″ B & Btr VG	220	223	225	227	230	232	230	230	230
1 x 12″ B & Btr FG	205	208	210	212	215	217	215	215	215
1 x 12″ C VG	215	218	220	222	225	227	225	225	225
1 x 12″ C FG	200	203	205	207	210	212	210	210	210
1 x 12″ D VG	155	158	160	162	165	167	165	165	165
1 x 12″ D FG or MG	125	128	130	132	135	137	135	135	135

½″ and 5/8″ casing and base same price as inch. "E" Casing and Base $40.00 per M'BM less than "D" FG or MG.

[1] Regular loading random lengths is as follows:
B & Btr and C grades:
3 percent ..... 3′ and 4′
7 percent ..... 5′ and 6′
90 percent (inclusion of 18′ and/or 20′ igths is optional) ..... 7′ to 20′

For sanding: Add $30,00 per M.
For wider than 12″—for V. G. add $10.00 per M. to 12″ price for each additional 1″.
For F. G. add $5.00 per M to 12″ price for each additional 1″.
For less than 3M′ Board Measure of any pattern—Add setup charge of $15.00.
Specified lengths: For 12′ and shorter no addition.
For fractional and odd widths not listed—same price as next wider listed width. Compute footage on next wider listed width.

SHIPPING WEIGHTS FOR CASING AND BASE ALL PATTERNS—DRY

[Hemlock same weight as fir]

	Finished thickness	Weight per M. B. M.
1 x 3 to 12″	25/32″	1, 900
5/8 x 4, 5, 6 and 8″	9/16″	1, 600

(5) FINISH AND CLEARS S1S, S2S OR S4S A. L. S.—DRY

	R/L [1] 4 to 20′	Random length prices for omitting short lengths				
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter
1 x 2″ B & Btr VG	$180	$183	$185	$187	$190	$192
1 x 2″ C VG	175	178	180	182	185	187
1 x 2″ D VG	135	138	140	142	145	147
1 x 2″ B & Btr FG	165	168	170	172	175	177
1 x 2″ C FG	160	163	165	167	170	172
1 x 2″ D MG	120	123	125	127	130	132
1 x 2″ E MG	65	68	70	72	75	77
1 x 3″ B & Btr VG	175	178	180	182	185	187
1 x 3″ C VG	170	173	175	177	180	182
1 x 3″ D VG	130	133	135	137	140	142
1 x 3″ B & Btr FG	160	163	165	167	170	172
1 x 3″ C FG	155	158	160	162	165	167
1 x 3″ D MG	115	118	120	122	125	127
1 x 3″ E MG	65	68	70	72	75	77
1 x 4″ B & Btr VG	175	178	180	182	185	187
1 x 4″ C VG	170	173	175	177	180	182
1 x 4″ D VG	130	133	135	137	140	142
1 x 4″ B & Btr FG	160	163	165	167	170	172
1 x 4″ C FG	155	158	160	162	165	167
1 x 4″ D MG	115	118	120	122	125	127
1 x 4″ E MG	65	68	70	72	75	77
1 x 5″ B & Btr VG	185	188	190	192	195	197
1 x 5″ C VG	180	183	185	187	190	192
1 x 5″ D VG	140	143	145	147	150	152
1 x 5″ B & Btr FG	170	173	175	177	180	182
1 x 5″ C FG	165	168	170	172	175	177
1 x 5″ D MG	125	128	130	132	135	137
1 x 5″ E MG	70	73	75	77	80	82
1 x 6″ B & Btr VG	180	183	185	187	190	192
1 x 6″ C VG	175	178	180	182	185	187
1 x 6″ D VG	135	138	140	142	145	147
1 x 6″ B & Btr FG	165	168	170	172	175	177
1 x 6″ C FG	160	163	165	167	170	172
1 x 6″ D MG	120	123	125	127	130	132
1 x 6″ E MG	65	68	70	72	75	77
1 x 8″ B & Btr VG	185	188	190	192	195	197
1 x 8″ C VG	180	183	185	187	190	192
1 x 8″ D VG	140	143	145	147	150	152
1 x 8″ B & Btr FG	170	173	175	177	180	182
1 x 8″ C FG	165	168	170	172	175	177
1 x 8″ D MG	125	128	130	132	135	137
1 x 8″ E MG	70	73	75	77	80	82
1 x 10″ B & Btr VG	200	203	205	207	210	212
1 x 10″ C VG	195	198	200	202	205	207
1 x 10″ D VG	155	158	160	162	165	167
1 x 10″ B & Btr FG	185	188	190	192	195	197
1 x 10″ C FG	180	183	185	187	190	192
1 x 10″ D MG	130	133	135	137	140	142
1 x 10″ E MG	70	73	75	77	80	82
1 x 12″ B & Btr VG	210	213	215	217	220	222
1 x 12″ C VG	205	208	210	212	215	217
1 x 12″ D VG	165	168	170	172	175	177
1 x 12″ B & Btr FG	195	198	200	202	205	207
1 x 12″ C FG	190	193	195	197	200	202
1 x 12″ D MG	135	138	140	142	145	147
1 x 12″ E MG	75	78	80	82	85	87

	Specified lengths					
	8′, 10′–12′	14′	16′, 18′–20′	22′–24′	26′–28′, 30′–32′	34′–36′, 38′–40′
1 x 2″ B & Btr VG	$186	$192	$192	$200	$215	$230
1 x 2″ C VG	181	187	187	195	210	225
1 x 2″ D VG	141	147	147	155	170	185
1 x 2″ B & Btr FG	171	177	177	185	200	215
1 x 2″ C FG	166	172	172	180	195	210
1 x 2″ D MG	126	132	132	140	155	170
1 x 2″ E MG	71	77	77	85	100	115
1 x 3″ B & Btr VG	181	187	187	195	210	225
1 x 3″ C VG	176	182	182	190	205	220

(5) FINISH AND CLEARS S1S, S2S OR S4S A. L. S.—DRY—Continued

	Specified lengths					
	8′, 10′–12′	14′	16′, 18′–20′	22′–24′	26′–28′, 30′–32′	34′–36′, 38′–40′
1 x 3″ B & Btr FG	$166	$172	$172	$180	$195	$210
1 x 3″ C FG	161	167	167	175	190	205
1 x 3″ D MG	121	127	127	135	150	165
1 x 3″ E MG	71	77	77	85	100	115
1 x 4″ B & Btr VG	181	187	187	195	210	225
1 x 4″ C VG	176	182	182	190	205	220
1 x 4″ D VG	136	142	142	150	165	180
1 x 4″ B & Btr FG	166	172	172	180	195	210
1 x 4″ C FG	161	167	167	175	190	205
1 x 4″ D MG	121	127	127	135	150	165
1 x 4″ E MG	71	77	77	85	100	115
1 x 5″ B & Btr VG	191	197	197	205	220	235
1 x 5″ C VG	186	192	192	200	215	230
1 x 5″ D VG	146	152	152	160	175	190
1 x 5″ B & Btr FG	176	182	182	190	205	220
1 x 5″ C FG	171	177	177	185	200	215
1 x 5″ D MG	131	137	137	145	160	175
1 x 5″ E MG	76	82	82	90	105	120
1 x 6″ B & Btr VG	186	192	192	200	215	230
1 x 6″ C VG	181	187	187	195	210	225
1 x 6″ D VG	141	147	147	155	170	185
1 x 6″ B & Btr FG	171	177	177	185	200	215
1 x 6″ C FG	166	172	172	180	195	210
1 x 6″ D MG	126	132	132	140	155	170
1 x 6″ E MG	71	77	77	85	100	115
1 x 8″ B & Btr VG	191	197	197	205	220	235
1 x 8″ C VG	186	192	192	200	215	230
1 x 8″ D VG	146	152	152	160	175	190
1 x 8″ B & Btr FG	176	182	182	190	205	220
1 x 8″ C FG	171	177	177	185	200	215
1 x 8″ D MG	131	137	137	145	160	175
1 x 8″ E MG	76	82	82	90	105	120
1 x 10″ B & Btr VG	206	212	212	220	235	250
1 x 10″ C VG	201	207	207	215	230	245
1 x 10″ D VG	161	167	167	175	190	205
1 x 10″ B & Btr FG	191	197	197	205	220	235
1 x 10″ C FG	186	192	192	200	215	230
1 x 10″ D MG	136	142	142	150	165	180
1 x 10″ E MG	76	82	82	90	105	120
1 x 12″ B & Btr VG	216	222	222	230	245	260
1 x 12″ C VG	211	217	217	225	240	255
1 x 12″ D VG	171	177	177	185	200	215
1 x 12″ B & Btr FG	201	207	207	215	230	245
1 x 12″ C FG	196	202	202	210	225	240
1 x 12″ D MG	141	147	147	155	170	185
1 x 12″ E MG	81	87	87	95	110	125

	R/L [1] 4 to 20′	Random length prices for omitting short lengths				
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter
5/4 and 6/4 x 2″ B & Btr VG	$190	$193	$195	$197	$200	$202
5/4 and 6/4 x 2″ C VG	185	188	190	192	195	197
5/4 and 6/4 x 2″ D VG	145	148	150	152	155	157
5/4 and 6/4 x 2″ B & Btr FG	175	178	180	182	185	187
5/4 and 6/4 x 2″ C FG	170	173	175	177	180	182
5/4 and 6/4 x 2″ D MG	130	133	135	137	140	142
5/4 and 6/4 x 2″ E MG	75	78	80	82	85	87
5/4 and 6/4 x 3″ B & Btr VG	185	188	190	192	195	197
5/4 and 6/4 x 3″ C VG	180	183	185	187	190	192
5/4 and 6/4 x 3″ D VG	140	143	145	147	150	152
5/4 and 6/4 x 3″ B & Btr FG	170	173	175	177	180	182
5/4 and 6/4 x 3″ C FG	165	168	170	172	175	177
5/4 and 6/5 x 3″ D MG	125	128	130	132	135	137
5/4 and 6/4 x 3″ E MG	75	78	80	82	85	87
5/4 and 6/4 x 4″ B & Btr VG	185	188	190	192	195	197
5/4 and 6/4 x 4″ C VG	180	183	185	187	190	192
5/4 and 6/4 x 4″ D VG	140	143	145	147	150	152
5/4 and 6/4 x 4″ B & Btr FG	170	173	175	177	180	182
5/4 and 6/4 x 4″ C FG	165	168	170	172	175	177
5/4 and 6/4 x 4″ D MG	125	128	130	132	135	137

(5) FINISH AND CLEARS S1S, S2S OR S4S A. L. S.—DRY—Continued

	R/L [1] 4 to 20′	Random length prices for omitting short lengths				
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter
5/4 and 6/4 x 4″ E MG	$75	$78	$80	$82	$85	$87
5/4 and 6/4 x 5″ B & Btr VG	195	198	200	202	205	207
5/4 and 6/4 x 5″ C VG	190	193	195	197	200	202
5/4 and 6/4 x 5″ D VG	150	153	155	157	160	162
5/4 and 6/4 x 5″ B & Btr FG	180	183	185	187	190	192
5/4 and 6/4 x 5″ C FG	175	178	180	182	185	187
5/4 and 6/4 x 5″ D MG	135	138	140	142	145	147
5/4 and 6/4 x 5″ E MG	80	83	85	87	90	92
5/4 and 6/4 x 6″ B & Btr VG	190	193	195	197	200	202
5/4 and 6/4 x 6″ C VG	185	188	190	192	195	197
5/4 and 6/4 x 6″ D VG	145	148	150	152	155	157
5/4 and 6/4 x 6″ B & Btr FG	175	178	180	182	185	187
5/4 and 6/4 x 6″ C FG	170	173	175	177	180	182
5/4 and 6/4 x 6″ D MG	130	133	135	137	140	142
5/4 and 6/4 x 6″ E MG	75	78	80	82	85	87
5/4 and 6/4 x 8″ B & Btr VG	195	198	200	202	205	207
5/4 and 6/4 x 8″ C VG	190	193	195	197	200	202
5/4 and 6/4 x 8″ D VG	150	153	155	157	160	162
5/4 and 6/4 x 8″ B & Btr FG	180	183	185	187	190	192
5/4 and 6/4 x 8″ C FG	175	178	180	182	185	187
5/4 and 6/4 x 8″ D MG	135	138	140	142	145	147
5/4 and 6/4 x 8″ E MG	80	83	85	87	90	92
5/4 and 6/4 x 10″ B & Btr VG	210	213	215	217	220	222
5/4 and 6/4 x 10″ C VG	205	208	210	212	215	217
5/4 and 6/4 x 10″ D VG	165	168	170	172	175	177
5/4 and 6/4 x 10″ B & Btr FG	195	198	200	202	205	207
5/4 and 6/4 x 10″ C FG	190	193	195	197	200	202
5/4 and 6/4 x 10″ D MG	140	143	145	147	150	152
5/4 and 6/4 x 10″ E MG	80	83	85	87	90	92
5/4 and 6/4 x 12″ B & Btr VG	220	223	225	227	230	232
5/4 and 6/4 x 12″ C VG	215	218	220	222	225	227
5/4 and 6/4 x 12″ D VG	175	178	180	182	185	187
5/4 and 6/4 x 12″ B & Btr FG	205	208	210	212	215	217
5/4 and 6/4 x 12″ C FG	200	203	205	207	210	212
5/4 and 6/4 x 12″ D MG	145	148	150	152	155	157
5/4 and 6/4 x 12″ E MG	85	88	90	92	95	97

For 1 3/16″ and 1 5/16″ industrial clears thicknesses—add $5.00 to 5/4 price of same size and grade.

	Specified lengths					
	10′–12′	14′	16′, 18′–20′	22′–24′	26′–28′, 30′–32′	34′–36′, 38′–40′
5/4 and 6/4 x 2″ B & Btr VG	$196	$202	$202	$210	$225	$240
5/4 and 6/4 x 2″ C VG	191	197	197	205	220	235
5/4 and 6/4 x 2″ D VG	151	157	157	165	180	195
5/4 and 6/4 x 2″ B & Btr VG	181	187	187	195	210	225
5/4 and 6/4 x 2″ C FG	176	182	182	190	205	220
5/4 and 6/4 x 2″ D MG	136	142	142	150	165	180
5/4 and 6/4 x 2″ E MG	81	87	87	95	110	125
5/4 and 6/4 x 3″ B & Btr VG	191	197	197	205	220	235
5/4 and 6/4 x 3″ C VG	186	192	192	200	215	230
5/4 and 6/4 x 3″ D VG	146	152	152	160	175	190
5/4 and 6/4 x 3″ B & Btr FG	176	182	182	190	205	220
5/4 and 6/4 x 3″ C FG	171	177	177	185	200	215
5/4 and 6/4 x 3″ D MG	131	137	137	145	160	175
5/4 and 6/4 x 3″ E MG	81	87	87	95	110	125
5/4 and 6/4 x 4″ B & Btr VG	191	197	197	205	220	235
5/4 and 6/4 x 4″ C VG	186	192	192	200	215	230
5/4 and 6/4 x 4″ D VG	146	152	152	160	175	190
5/4 and 6/4 x 4″ B & Btr FG	176	182	182	190	205	220
5/4 and 6/4 x 4″ C FG	171	177	177	185	200	215
5/4 and 6/4 x 4″ D MG	131	137	137	145	160	175
5/4 and 6/4 x 4″ E MG	81	87	87	95	110	125
5/4 and 6/4 x 5″ B & Btr VG	201	207	207	215	230	245
5/4 and 6/4 x 5″ C VG	196	202	202	210	225	240
5/4 and 6/4 x 5″ D VG	156	162	162	170	185	200
5/4 and 6/4 x 5″ B & Btr FG	186	192	192	200	215	230
5/4 and 6/4 x 5″ C FG	181	187	187	195	210	225
5/4 and 6/4 x 5″ D MG	141	147	147	155	170	185
5/4 and 6/4 x 5″ E MG	86	92	92	100	115	130

(5) FINISH AND CLEARS S1S, S2S OR S4S A. L. S.—DRY—Continued

	Specified lengths					
	10′–12′	14′	16′, 18′–20′	22′–24′	26′–28′, 30′–32′	34′–36′, 38′–40′
5/4 and 6/4 x 6″ B & Btr VG	$196	$202	$202	$210	$225	$240
5/4 and 6/4 x 6″ C VG	191	197	197	205	220	235
5/4 and 6/4 x 6″ D VG	151	157	157	165	180	195
5/4 and 6/4 x 6″ B & Btr FG	181	187	187	195	210	225
5/4 and 6/4 x 6″ C FG	176	182	182	190	205	220
5/4 and 6/4 x 6″ D MG	136	142	142	150	165	180
5/4 and 6/4 x 6″ E MG	81	87	87	95	110	125
5/4 and 6/4 x 8″ B & Btr VG	201	207	207	215	230	245
5/4 and 6/4 x 8″ C VG	196	202	202	210	225	240
5/4 and 6/4 x 8″ D VG	156	162	162	170	185	200
5/4 and 6/4 x 8″ B & Btr FG	186	192	192	200	215	230
5/4 and 6/4 x 8″ C FG	181	187	187	195	210	225
5/4 and 6/4 x 8″ D MG	141	147	147	155	170	185
5/4 and 6/4 x 8″ E MG	86	92	92	100	115	130
5/4 and 6/4 x 10″ B & Btr VG	216	222	222	230	245	260
5/4 and 6/4 x 10″ C VG	211	217	217	225	240	255
5/4 and 6/4 x 10″ D VG	171	177	177	185	200	215
5/4 and 6/4 x 10″ B & Btr FG	201	207	207	215	230	245
5/4 and 6/4 x 10″ C FG	196	202	202	210	225	240
5/4 and 6/4 x 10″ D MG	146	152	152	160	175	190
5/4 and 6/4 x 10″ E MG	86	92	92	100	115	130
5/4 and 6/4 x 12″ B & Btr VG	226	232	232	240	255	270
5/4 and 6/4 x 12″ C VG	221	227	227	235	250	265
5/4 and 6/4 x 12″ D VG	181	187	187	195	210	225
5/4 and 6/4 x 12″ B & Btr FG	211	217	217	225	240	255
5/4 and 6/4 x 12″ C FG	206	212	212	220	235	250
5/4 and 6/4 x 12″ D MG	151	157	157	165	180	195
5/4 and 6/4 x 12″ E MG	91	97	97	105	120	135

	R/L [1] 4 to 20′	Random length prices for omitting short lengths				
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter
2 x 2″ B & Btr VG	$185	$188	$190	$192	$195	$197
2 x 2″ C VG	180	183	185	187	190	192
2 x 2″ D VG	140	143	145	147	150	152
2 x 2″ B & Btr FG	170	173	175	177	180	182
2 x 2″ C FG	165	168	170	172	175	177
2 x 2″ D MG	125	128	130	132	135	137
2 x 2″ E MG	70	73	75	77	80	82
2 x 3″ B & Btr VG	180	183	185	187	190	192
2 x 3″ C VG	175	178	180	182	185	187
2 x 3″ D VG	135	138	140	142	145	147
2 x 3″ B & Btr FG	165	168	170	172	175	177
2 x 3″ C FG	160	163	165	167	170	172
2 x 3″ D MG	120	123	125	127	130	132
2 x 3″ E MG	70	73	75	77	80	82
2 x 4″ B & Btr VG	180	183	185	187	190	192
2 x 4″ C VG	175	178	180	182	185	187
2 x 4″ D VG	135	138	140	142	145	147
2 x 4″ B & Btr FG	165	168	170	172	175	177
2 x 4″ C FG	160	163	165	167	170	172
2 x 4″ D MG	120	123	125	127	130	132
2 x 4″ E MG	70	73	75	77	80	82
2 x 5″ B & Btr VG	190	193	195	197	200	202
2 x 5″ C VG	185	188	190	192	195	197
2 x 5″ D VG	145	148	150	152	155	157
2 x 5″ B & Btr FG	175	178	180	182	185	187
2 x 5″ C FG	170	173	175	177	180	182
2 x 5″ D MG	130	133	135	137	140	142
2 x 5″ E MG	75	78	80	82	85	87
2 x 6″ B & Btr VG	185	188	190	192	195	197
2 x 6″ C VG	180	183	185	187	190	192
2 x 6″ D VG	140	143	145	147	150	152
2 x 6″ B & Btr FG	170	173	175	177	180	182
2 x 6″ C FG	165	168	170	172	175	177
2 x 6″ D MG	125	128	130	132	135	137
2 x 6″ E MG	70	73	75	77	80	82
2 x 8″ B & Btr VG	190	193	195	197	200	202
2 x 8″ C VG	185	188	190	192	195	197
2 x 8″ D VG	145	148	150	152	155	157

(5) FINISH AND CLEARS S1S, S2S OR S4S A. L. S.—DRY—Continued

	R/L [1] 4 to 20′	Random length prices for omitting short lengths				
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter
2 x 8″ B & Btr FG	$175	$178	$180	$182	$185	$187
2 x 8″ C FG	170	173	175	177	180	182
2 x 8″ D MG	130	133	135	137	140	142
2 x 8″ E MG	75	78	80	82	85	87
2 x 10″ B & Btr VG	205	208	210	212	215	217
2 x 10″ C VG	200	203	205	207	210	212
2 x 10″ D VG	160	163	165	167	170	172
2 x 10″ B & Btr FG	190	193	195	197	200	202
2 x 10″ C FG	185	188	190	192	195	197
2 x 10″ D MG	135	138	140	142	145	147
2 x 10″ E MG	75	78	80	82	85	87
2 x 12″ B & Btr VG	215	218	220	222	225	227
2 x 12″ C VG	210	213	215	217	220	222
2 x 12″ D VG	170	173	175	177	180	182
2 x 12″ B & Btr FG	200	203	205	207	210	212
2 x 12″ C FG	195	198	200	202	205	207
2 x 12″ D MG	140	143	145	147	150	152
2 x 12″ E MG	80	83	85	87	90	92

	Specified lengths					
	8′, 10′–12′	14′	16′, 18′–20′	22′–24′	26′–28′, 30′–32′	34′–36′, 38′–40′
2 x 2″ B & Btr VG	$191	$197	$197	$205	$220	$235
2 x 2″ C VG	186	192	192	200	215	230
2 x 2″ D VG	146	152	152	160	175	190
2 x 2″ B & Btr FG	176	182	182	190	205	220
2 x 2″ C FG	171	177	177	185	200	215
2 x 2″ D MG	131	137	137	145	160	175
2 x 2″ E MG	76	82	82	90	105	120
2 x 3″ B & Btr VG	186	192	192	200	215	230
2 x 3″ C VG	181	187	187	195	210	225
2 x 3″ D VG	141	147	147	155	170	185
2 x 3″ B & Btr FG	171	177	177	185	200	215
2 x 3″ C FG	166	172	172	180	195	210
2 x 3″ D MG	126	132	132	140	155	170
2 x 3″ E MG	76	82	82	90	105	120
2 x 4″ B & Btr VG	186	192	192	200	215	230
2 x 4″ C VG	181	187	187	195	210	225
2 x 4″ D VG	141	147	147	155	170	185
2 x 4″ B & Btr FG	171	177	177	185	200	215
2 x 4″ C FG	166	172	172	180	195	210
2 x 4″ D MG	126	132	132	140	155	170
2 x 4″ E MG	76	82	82	90	105	120
2 x 5″ B & Btr VG	196	202	202	210	225	240
2 x 5″ C VG	191	197	197	205	220	235
2 x 5″ D VG	151	157	157	165	180	195
2 x 5″ B & Btr FG	181	187	187	195	210	225
2 x 5″ C FG	176	182	182	190	205	220
2 x 5″ D MG	136	142	142	150	165	180
2 x 5″ E MG	81	87	87	95	110	125
2 x 6″ B & Btr VG	191	197	197	205	220	235
2 x 6″ C VG	186	192	192	200	215	230
2 x 6″ D VG	146	152	152	160	175	190
2 x 6″ B & Btr FG	176	182	182	190	205	220
2 x 6″ C FG	171	177	177	185	200	215
2 x 6″ D MG	131	137	137	145	160	175
2 x 6″ E MG	76	82	82	90	105	120
2 x 8″ B & Btr VG	196	202	202	210	225	240
2 x 8″ C VG	191	197	197	205	220	235
2 x 8″ D VG	151	157	157	165	180	195
2 x 8″ B & Btr FG	181	187	187	195	210	225
2 x 8″ C FG	176	182	182	190	205	220
2 x 8″ D MG	136	142	142	150	165	180
2 x 8″ E MG	81	87	87	95	110	125
2 x 10″ B & Btr VG	211	217	217	225	240	255
2 x 10″ C VG	206	212	212	220	235	250
2 x 10″ D VG	166	172	172	180	195	210
2 x 10″ B & Btr FG	196	202	202	210	225	240
2 x 10″ C FG	191	197	197	205	220	235
2 x 10″ D MG	141	147	147	155	170	185

(5) FINISH AND CLEARS S1S, S2S OR S4S A. L. S.—DRY—Continued

	Specified lengths					
	8′, 10′–12′	14′	16′, 18′–20′	22′–24′	26′–28′, 30′–32′	34′–36′, 38′–40′
2 x 10″ E MG	$81	$87	$87	$95	$110	$125
2 x 12″ B & Btr VG	221	227	227	235	250	265
2 x 12″ C VG	216	222	222	230	245	260
2 x 12″ D VG	176	182	182	190	205	220
2 x 12″ B & Btr FG	206	212	212	220	235	250
2 x 12″ C FG	201	207	207	215	230	245
2 x 12″ D MG	146	152	152	160	175	190
2 x 12″ E MG	86	92	92	100	115	130

[1] Regular loading random lengths is as per par. 23 in rules 14, see sec. 46, par. (M).

Short lengths in excess of regular R/L loading. For short lengths in excess of the percentage permitted in R/L loading, when shipped with buyer's approval, deduct from the R/L prices as follows:

	B & Btr	C	D
1½′ to 3½′	$40	$40	$40
4′ and 5′	30	30	16
6′ and 7′	10	10	10

Green: Deduct $30.00 per M from dry prices.

Rough dry, add $10.00 to surfaced prices.

Rough green, add $5.00 to surfaced prices.

Full sawn rough dry, add $5.00 to rough dry prices.

Full sawn rough green, add $5.00 to rough green prices.

Working: D & M, any working, 1″, 5/4″, 6/4″ and 8/4″ all widths: Add $10.00 per M. On unusual specifications, apply for price approval as provided in section 30.

Surfacing longer than 40′ add $1.00 per lineal foot for each lineal foot over 40′.

Surfacing to ¾″ S1S, S2S, or S4S price same as S4S, A. L. S. Surfaced hit and miss same price as S4S, A. L. S.

Shims: 7/16″, ½″ or 9/16″ surfaced or full thickness rough, $14.00 less than 1″ price of corresponding grade and width; 5/8″ or 11/16″, $10.00 less than 1″ price of corresponding grade and width.

Rabbeted jambs, sills, nosing, or other special patterns not covered in other price tables add $15.00 per M; for orders less than 3 M′ of these patterns add an additional $15.00 set-up charge.

Sanding: Add $30.00 per M.

Specified average R/L: For random lengths where a specified average of not over 20′ nor under 14′ is required, the price shall be the 1/20′ R/L price plus the specified length addition applicable to the length specified as an average. If the average required is longer than 20′ the price shall be the 1/20′ R/L price plus 75% of the specified length addition applicable to the length specified as an average. No addition may be made for the elimination of shorts in either case.

Lengths: For random length groups longer than 20′ add to 1/20′ R/L price—

22′ to 30′	$25.00
32′ to 40′	40.00

For omitting lengths 14′ and shorter: Specified length price.

Omitting lengths in price groups longer than 20′ add to R/L group price:

Omitting 1 length	$3.00
Omitting 2 lengths	6.00

Omitting 3 lengths—Specified length price of lengths shipped.

Lengths longer than 40′: Add $7.50 per M for each foot or fraction thereof to specified 40′ lengths.

Fractional or odd widths not listed (less than 12″) add $5.00 to price of next wider even width and compute footage on nominal rough size of the fractional or odd width.

Even widths wider than 12'': V. G. add $10.00 per M to 12'' price for each additional 1''; F. G. add $5.00 per M to 12'' price for each additional 1''. Odd or fractional widths wider than 12'' same price as next wider even width. Compute footage on nominal rough size.

Fractional thicknesses: Over 2'' and under 3'', add $15.00 to the price of 3'' of corresponding width and grade and compute footage on nominal rought size of fractional thickness.

Ship plank: Paragraph 313, rules 14, add $50.00 per M to B and better price of same size.

Tank stock: Paragraphs 319 and 320, add $24.00 per M to B and better price of same size.

Pipe stave stock: Paragraphs 317 and 318, add $6.00 per M to B and better price of same size.

Cut door stock; Kiln dry only, graded poor side, paragraph 378, rules 14, add $85.00 per M to B and better R/L price same size.

If sap limit waived: Deduct $6.00 per M.

Panel stock: Paragraph 359 (a), add $15.00 to B and better price of same size.

Margin plank: Paragraph 312 in rules 14. See table (31), this paragraph.

Scaffold plank: Paragraph 314 (rough only) 8'' and wider, add $5.00 per M to price of "C" for corresponding size and grain. For paragraph 315 see tables on boards, dimension, plank and small timbers.

Pole stock: Add $90.00 to B and better price of same size and grain.

Car framing and running boards: Paragraphs 425 through 433, add to prices of corresponding size, grade and grain in tables for finish and clears as follows: All sizes for flat grain or vertical grain, add $15.00 per M.

For odd and fractional lengths not listed within the range of lengths covered by the foregoing table, add $9.00 to the price of, and compute footage on next longer listed length.

For fractional or odd widths not listed, price the same as next wider even width. Compute footage on next wider even width.

SHIPPING WEIGHTS FOR FINISH AND CLEARS

	Fir and hemlock, dry S4S, standard	Fir, green S4S, standard	Hemlock, green S4S, standard	Fir and hemlock, rough, dry	Fir, rough green	Hemlock, rough, green
1 x 2''	1,800	2,200	2,600	2,800	3,500	4,000
1 x 3'' and 4''	1,900	2,400	2,800	2,800	3,500	4,000
1 x 5'' and wider	2,000	2,600	3,000	2,800	3,500	4,000
1½ x 2''	2,000	2,400	2,800	2,900	3,500	4,000
1½ x 3'' and 4''	2,100	2,600	3,000	2,900	3,500	4,000
1½ x 5'' and wider	2,200	2,800	3,200	2,900	3,500	4,000
1½ x 2''	2,100	2,500	2,900	2,900	3,500	4,000
1½ x 3'' and 4''	2,200	2,700	3,100	2,900	3,500	4,000
1½ x 5'' and wider	2,300	2,900	3,300	2,900	3,500	4,000
2 x 2''	1,900	2,300	2,700	2,900	3,500	4,000
2 x 3'' and 4''	2,000	2,500	2,900	2,900	3,500	4,000
2 x 5'' and wider	2,100	2,700	3,100	2,900	3,500	4,000

(6) THICK CLEARS B AND BETTER ROUGH—PARAGRAPH 304

	Green mixed grain						Dry mixed grain					
	R/L	6/20' specified length	R/L	22/30' specified length	R/L	32/40' specified length	R/L	6/20' specified length	R/L	22/30' specified length	R/L	32/40' specified length
3 x 3''	$170	$179	$195	$210	$210	$232.50	$200	$215	$225	$250	$240	$290
3 x 4''	165	174	190	205	205	227.50	195	210	220	245	235	285
3 x 5''	175	184	200	215	215	237.50	205	220	230	255	245	295
3 x 6'' and 8''	170	179	195	210	210	232.50	200	215	225	250	240	290
3 x 10'' and 12''	195	204	220	235	235	257.50	225	240	250	275	265	315
4 x 4''	170	179	195	210	210	232.50	200	215	225	250	240	290
4 x 6''	175	184	200	215	215	237.50	205	220	230	255	245	295
4 x 8''	180	189	205	220	220	242.50	210	225	235	260	250	300
4 x 10'' and 12''	200	209	225	240	240	262.50	230	245	255	280	270	320
5 x 5''	225	234	250	265	265	287.50	270	285	295	320	310	360
5 x 6'' and 8''	230	239	255	270	270	292.50	275	290	300	325	315	365
5 x 10'' and 12''	250	259	275	290	290	312.50	295	310	320	345	335	385
6 x 6''	240	249	265	280	280	302.50	285	300	310	335	325	375
6 x 8''	245	254	270	285	285	307.50	290	305	315	340	330	380
6 x 10'' and 12''	250	259	275	290	290	312.50	295	310	320	345	335	385
8 x 8''	250	259	275	290	290	312.50	310	325	335	360	350	400

For V. G. 3'' through 8'' thick x 3'' through 8'' in width: Add $15.00 per M to corresponding size in above table.

For V. G. 3'' through 8'' thick x 10'' in width: Add $20.00 per M to corresponding size in above table.

For V. G. 3'' through 8'' thick x 12'' in width: Add $30.00 per M to corresponding size in above table.

C Grade deduct $10.00 per M from B & Btr price of corresponding size and grain.

D Grade deduct $35.00 per M from B & Btr price of corresponding size and grain.

Working: Surfacing green clears S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E or S4S TO ALS: Add $6.00 per M to rough green price.

Surfacing dry clears S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E or S4S to ALS: Add $9.00 per M to rough dry price.

For T & G, shiplap or outgauged: Add $15.00 per M. to rough price. These workings include surfacing.

For surfacing lengths longer than 40', add $1.00 per M per lineal foot for each additional foot over 40'.

Lengths: For omitting short lengths in R/L 20' and shorter, add to random length price of the same size and grade:

7' and shorter	$2.00
9' and shorter	4.00
10' and shorter	6.00
12' and shorter	8.00
14' and shorter—Specified length price.	

Omitting lengths in price groups longer than 20' add to R/L group price:

Omitting 1 length	$3.00
Omitting 2 lengths	6.00
Omitting 3 lengths—Specified length price of lengths shipped.	

For omitting any lengths in R/L groups covering more than one length bracket, the additions permitted for omission of any length or lengths may be made only within the bracket from which lengths have been omitted.

Lengths longer than 40', add $7.50 per M for each 2' or fraction thereof to the 40' specified length price. Compute footage on actual length.

For random lengths in any specified range with an average 14' or longer required, the price shall be the appropriate bracket price (the bracket in which the average falls) plus 75% of the specified length addition for the length specified as an average. No addition is permissible under the portion of the LENGTHS table above referring to the omission of short lengths in R/L 20' and shorter.

If an average less than 14' is specified or when a definite average is not specified on order at time of placement, the lengths shipped must be priced at the bracket price in which they fall.

Widths: For fractional and odd widths not listed, except paragraphs 425 through 433, price as next wider even width and compute footage on nominal rough odd or fractional width. For fractional or odd widths in paragraphs 425 through 433, price as next wider even width and compute footage on next wider even width.

Wider than 12'':

For VG add $20.00 per M to 12'' price for each additional 2''.

For FG add $10.00 per M to 12'' price for each additional 2''.

Thickness: For fractional and odd thicknesses not listed, add $15.00 per M to next thicker even size and compute footage on nominal rough size of the fractional or odd thickness.

For thicknesses heavier than 8'', add $10.00 per M for each 1'' thicker than 8''.

Turning squares: Add $5.00 per M to B & BTR price of the same size.

Margin plank (Par. 312): See table (31), this paragraph.

Ship plank (par. 313): Add $50.00 per M to the price of B & Btr of same size and grain.

Scaffold plank (par. 314, rough only): 8'' and wider, add $40.00 per M'BM to the price of C clear of the same size and grain.

Tank stock (pars. 320 and 321) for V. G.: 3 x 3, 3 x 4 and 4 x 4 add $40.00 per M to B & better V. G. price; all other widths and thicknesses, add $24.00 per M to B & better V. G. price.

For F. G.: 3'' and 4'' thicknesses up to and including 8'' widths, add $40.00 per M to B & better F. G. price.

3'' and 4'' thicknesses wider than 8'' and for all thicknesses greater than 4'' in all widths, add $24.00 per M to B & better F. G. price.

Pipe stave stock, paragraphs 317 and 318, add $6.00 per M to B & better price for same size and grain specifications.

If sap limit waived: Deduct $6.00 per M.

Car framing and running boards, Paragraphs 427, 430, 432, 433, add to prices of corresponding size, grade and grain in the foregoing table:

For flat grain 3'' and 4'', thicknesses up to 8'' in width, add $15.00 per M; 3'' and 4'', wider than 8'' and sizes thicker than 4'', all widths, add $10.00 per M; for vertical grain 3 x 3, 3 x 4, and 4 x 4, add $15.00 per M; all other widths and thicknesses, add $10.00 per M. For odd and fractional lengths not listed within the range of lengths covered by the foregoing table, add $9.00 to price of, and compute footage on next longer listed length. For fractional or odd widths not listed price the same as next wider even width. Compute footage on next wider even width.

Pole stock (pars. 322 and 323).

For V. G.: 3 x 3, 3 x 4 and 4 x 4 add $90.00 per M to B & Btr V. G. price; all other widths and thicknesses, add $75.00 per M to B & Btr V. G. price.

For F. G.: 3'' and 4'' thicknesses up to and including 8'' widths, add $90.00 per M to B & Btr F. G. price.

3'' and 4'' thicknesses wider than 8'' and for all thicknesses greater than 4'' in all widths, add $75.00 per M to B & Btr F. G. Price.

SHIPPING WEIGHTS FOR THICK CLEARS

	Fir rough green	Fir and hemlock rough dry	Fir and hemlock dry S4S standard	Fir green S4S standard	Hemlock green S4S standard
3 x 3 and 3 x 4''	3,500	3,300	2,500	2,700	3,100
3 x 5, 3 x 6, and 3 x 8''	3,500	3,300	2,600	2,800	3,200
3 x 10 and 3 x 12''	3,500	3,300	2,700	2,900	3,300
4 x 4, 4 x 5, 4 x 6, and 4 x 8''	3,500	3,300	2,700	2,900	3,300
4 x 10 and 4 x 12''	3,500	3,300	2,800	3,000	3,400
6 x 6''	3,500	3,300	2,800	3,000	3,400
6 x 8''	3,500	3,300	2,900	3,100	3,500
6 x 10''	3,500	3,300	2,900	3,100	3,500
6 x 12''	3,500	3,300	2,900	3,100	3,500
8 x 8''	3,500	3,300	2,900	3,100	3,500
8 x 10''	3,500	3,300	3,000	3,200	3,600
8 x 12''	3,500	3,300	3,000	3,200	3,600
10 x 10''	3,500	3,300	3,000	3,200	3,600
10 x 12''	3,500	3,300	3,000	3,200	3,600
12 x 12''	3,500	3,300	3,100	3,300	3,700

Hemlock rough green clear, 4,000 pounds.

Where surfacing is specified other than standard or when weights are not provided in the above list see shipping weight formula in sec. 46, par. (J).

(7) CROSS ARM STOCK—ROUGH GREEN

	Par. 324	Par. 324a
3 x 4'' R/L 6' and longer	$160	
3½ x 4½'' R/L 6' and longer	170	$120
3¾ x 4¾'' R/L 6' and longer	170	120
4 x 5'' R/L 6' and longer	165	115
4½ x 5½'' R/L 6' and longer	185	125
4 x 6'' R/L 6' and longer	160	110

Surfacing standard 3/16'' off—add $5 per M.

Specified lengths—add $10 per M.

(8) DOUGLAS FIR LADDER STOCK—PAR. 322—ROUGH GREEN

	R/L	Specified lengths		
	10/20'	20/24'	26/32'	34/40'
Flat grain				
1¾'' to 1½ x 3'' and wider	$175	$200	$250	$325
1⅝'' to 1¼'' x 3'' and wider	180	205	255	330
2'' and thicker x 3'' and wider	170	195	245	320

For hemlock and noble fir, paragraph 722, add $30.00 per M.

For dry, add to rough green price:

24' and shorter, $30.00 per M.

Longer than 24', $45.00 per M.

For vertical grain, add $30.00 to flat grain price.

For surfacing to standard sizes or working to pattern, add $15.00 per M to the same size and length.

For specified lengths longer than 40', add $60.00 per M for each additional foot to the 40' price.

(9) CORN CRIBBING AND WELL CURBING—DRY PAR. 161

	R/L[1]	Specified length or random length 14' to 20'
1 x 4'' C and Btr	$155	$170
1 x 4'' D	110	125
1 x 6'' C and Btr	160	175
1 x 6'' D	120	135
2 x 6'' C and Btr	170	185
2 x 6'' D	130	145

[1] Regular loading random length is 6' to 20'.

SHIPPING WEIGHTS FOR CORN CRIBBING AND BEVELED WELL CURBING

	Dry weight per M. B. M. rough or S2E	Green weight per M. B. M. rough or S2E	Dry weight per M. B. M. surfaced and beveled	Green weight per M. B. M. surfaced and beveled
1 x 4 clear	2,800	3,500	1,800	2,100
1 x 6 clear	2,800	3,500	1,900	2,200
2 x 6 clear	2,900	3,500	2,000	2,300

NOTE: Green hemlock 400 pounds additional. Dry same weight as fir.

For Common grades of Corn Cribbing, see Notes applying to boards, following table (21), this paragraph.

For common grades of well curbing, see notes applying to dimension, following table (23), this paragraph.

(10) V. G. STEPPING S2S, S3S OR S4S AND NOSED—DRY

	Random length prices for omitting short lengths						Specified lengths	
	R/L[1]	5' and shorter	7' and shorter	9' and shorter	10' and shorter	12' and shorter	14'	16', 18', and 20'
5/4 x 10'' B & Btr	$215	$220	$222	$224	$227	$229	$231	$235
5/4 x 10'' C	210	215	217	219	222	224	226	230
5/4 x 10'' D	155	160	162	164	167	169	171	175
5/4 x 10'' E	85	90	92	94	97	99	101	105
5/4 x 12'' B & Btr	220	225	227	229	232	234	236	240
5/4 x 12'' C	215	220	222	224	227	229	231	235
5/4 x 12'' D	160	165	167	169	172	174	176	180
5/4 x 12'' E	85	90	92	94	97	99	101	105
6/4 x 10'' B & Btr	215	220	222	224	227	229	231	235
6/4 x 10'' C	210	215	217	219	222	224	226	230
6/4 x 10'' D	155	160	162	164	167	169	171	175
6/4 x 10'' E	85	90	92	94	97	99	101	105
6/4 x 12'' B & Btr	220	225	227	229	232	234	236	240
6/4 x 12'' C	215	220	222	224	227	229	231	235
6/4 x 12'' D	160	165	167	169	172	174	176	180
6/4 x 12'' E	85	90	92	94	97	99	101	105

[1] Regular loading random lengths is as follows:

For B & Btr and C grades:

30 percent ..... 3' to 9'

70 percent (inclusion of 18' and/or 20' is optional) ..... 10' to 20'

Flat grain stepping: Deduct $20.00 from V. G. price of same grade and size.
For rough dry: Add $5.00 to finished price of same size, grade and grain. (Use 2,900-pound weight).

SHIPPING WEIGHTS FOR FIR STEPPING—DRY

	Finished thickness	Weight per M.B.M.
5/4 x 10" and 12"	1-1/16"	2,200
6/4 x 10" and 12"	1-5/16"	2,300

(11) BEVEL SIDING R/L—DRY

	Vertical grain R/L [1]			Flat grain R/L [1]		
	B & Btr	C	D	B & Btr	C	D
1/2 x 4"	$92.50	$90.00	$70.00	$85.00	$82.50	$62.50
1/2 x 6"	95.00	92.50	75.00	87.50	85.00	65.00
1/2 x 8"	150.00	145.00	110.00	115.00	110.00	91.00
3/4 x 8"	164.00	150.00	120.00	149.00	140.00	117.00
3/4 x 10"	188.00	181.00	150.00	173.00	166.00	148.00

[1] Regular loading random lengths is as follows (per par. 546 in rules 14): Standard bundles are 8' and up; 1/2" stock is bundled 10 layers to bundle. In bundles 10' and longer 3 layers of 3' to 7' engths sball be included in each bundle; 3/4" stock is hundled layers to bundle. In hundle 10' and longer 2 layers of 3' to 7' lengths shall be included in each hundle. Lengths multiples of 1'.
Rahhetted bevel siding—add $5 per M to standard pattern price of the same width and thickness.

SHIPPING WEIGHTS FOR BEVEL SIDING

	Finished thickness	Fir weight per M. B. M.	Hemlock weight per M. B. M.
1/2 x 4 and 6"	1/2 x 3/16"	900	800
3/4 x 8 and 10"	11/16 x 1/4"	1,200	1,100

(12) LATH AND SHINGLE BANDS

Green or dry per 1,000 pieces	Fence	No. 1 (20 per-cent number 2) plaster	No. 1 plaster	No. 2 plaster	No. 3	No. 1 shingle hands
48", 1 1/2" or 1 5/8", 3 pieces to 1"		$12.00	$12.50	$10.00	$6.25	
32", 1 1/2" or 1 5/8" 3 pieces to 1"		9.00	9.50	7.25	4.00	
48", 1 1/2" or 1 5/8" 2 pieces to 1"	$14.00					
19 1/2", 3/4" x 1 1/2"						$12.50

Fence lath must contain 80 percent No. 1; for 100 percent No. 1, add $1.50 per M pieces.

SHIPPING WEIGHTS FOR LATH

	Weight per M pieces dry	Weight per M pieces green
4' fir	500	800
4' hemlock	400	1,000
4' fence fir	800	1,100
4' fence hemlock	700	1,400

(13) Douglas fir handle squares, Rough green.

1 x 1 x 36" at $25 per M pieces.
1 x 1 x 42" at $27 per M pieces.
1 x 1 x 48" at $28 per M pieces.
1 x 1 x 54" at $43 per M pieces.
1 1/4 x 1 1/4 x 54" at $53 per M pieces.
1 1/4 x 1 1/4 x 60" at $63 per M pieces.
1 1/4 x 1 1/4 x 96" at $128 per M pieces.
1 1/4 x 1 1/4 x 72" at $78 per M pieces.
1 x 1 x 60" at $48 per M pieces.
1 1/8 x 1 1/8 x 37" at $25 per M pieces.
1 1/8 x 1 1/8 x 48" at $29 per M pieces.
1 1/4 x 1 1/4 x 42" at $28 per M pieces.
1 1/4 x 1 1/4 x 48" at $29 per M pieces.

(14) PICKETS

	3'	3' 6"	4'	5'	6'
Paragraph 181 dry:					
1 x 3—Gothic S4S No. 1	$98	$110	$123	$145	$180
1 x 3—Gothic S4S No. 2	83	95	108	130	165

Prices are per 1,000 pickets. Pickets pointed one angle only—deduct $3 per M pieces from Gothic type above. Pickets pointed two angles—same price as Gothic type above.

Shipping weights for fir pickets:

	Dry, per M pieces
1 x 3 3'	1,350
1 x 3 3'6"	1,550
1 x 3 4'	1,750
1 x 3 5'	2,200
1 x 3 6'	2,650

(15) GUTTER

	R/L 8/40'	R/L 16/40'	R/L 20/40'
Paragraph 325 green 3 x 4, 3 x 5, 4 x 5, and 4 x 6	$190	$200	$210

For specified lengths 8/20—add $15 per M.
For specified lengths 22/30—add $25 per M.
For specified lengths 32/40—add $30 per M.
R/L 8/40' specified 20' or longer average—add $25 per M to R/L 8/40' price. Rough green gutter stock—deduct $30 per M from price of corresponding size and length shown above.

SHIPPING WEIGHTS FOR FIR GUTTER—GREEN

	Pattern	Rough
3 x 4" and 3 x 5"	1,400	3,500
4 x 5"	1,500	3,500
4 x 6"	1,600	3,500

(16) SILO STOCK—RUN TO PATTERN

	B & Btr, par. 164		Selected merchantable, par. 165	
	Dry	Green	Dry	Green
2 x 6-8/20	$187	$157	$113	$103
2 x 6-22/30	207	177	133	123
2 x 6-32/40	222	192	153	148

For "C" deduct $5 from B & Btr price.
For No. 1 Com. deduct $5 from select merchantable price.
Specified lengths—Add to R/L price same size and grade:

For 8, 10, and 12'	$4.00
14'	6.00
16, 18 and 20'	8.00
22 and 24'	15.00
26, 28, 30, and 32'	30.00
34, 36, 38, and 40'	50.00

SHIPPING WEIGHTS FOR SILO STOCK RUN TO PATTERN

	Dry	Green
2 x 6	2,100	2,600

(17) FIR SHOP LUMBER

	Rough green	Surfaced kiln dried
4/4 through 8/4 x 5" and wider:		
B & Btr. VG	$145	$175
C VG	130	160
Select VG	105	130
No. 1 VG	90	115
No. 2 VG	65	75
No. 3 VG	35	45

For 10/4 thickness add $5 to price of corresponding item above.
For 12/4 thickness add $10 to price of corresponding item above.
For flat grain shop deduct $10 from VG prices corresponding item above.
For shop cants apply for special price as provided for in section 30.
For hemlock shop deduct $5 per M.
NOTE: Shop lumber shall be invoiced upon the nominal sizes shown in paragraphs 358 and 364 of the standard grading and dressing rules.
Clear door stock and panel stock—See special notations under clears.

SHIPPING WEIGHTS FOR FACTORY LUMBER

	Fir weight rough green	Hemlock weight rough green	Fir and hemlock weight rough dry	Fir and hemlock weight S2S standard dry
1 x 5" and wider surfaced to 13/16"	3,500	4,000	3,000	2,300
1⅜ x 5" and wider surfaced to 1 5/32"	3,500	4,000	3,000	2,400
1⅝ x 5" and wider surfaced to 1 13/32"	3,500	4,000	3,000	2,450
2 x 5" and wider surfaced to 1 25/32"	3,500	4,000	3,000	2,500
2½ x 5" and wider surfaced to 2 9/32"	3,500	4,000	3,100	2,600
3 x 5" and wider surfaced to 2¾"	3,500	4,000	3,100	2,900

Hemlock S2S standard green add 400 pounds to corresponding fir weight.

(18) HEMLOCK BOX

	Mill run	
	Rough	Surfaced
4/4 and thicker R/W and R/L dry	$80	$81
4/4 and thicker R/W and R/L green	65	66

Thickness less than 4/4"—price of 4/4" but compute on next size.
Specified widths—add to R/W price:
Under 10"—no addition.
10" and 12"—add $3 per M to R/W price.
14" and wider—add $6 per M to R/W price.
Weights on box lumber—Use same weights as shown for shop lumber in table (17), this paragraph.

(19) BATTERY SEPARATOR STOCK—ROUGH GREEN DOUGLAS FIR—PAR. 329

Clear and Btr	$145.00
Select	100.00
No. 1	90.00
No. 2	60.00

(20) GREEN BOARDS AND SHIPLAP SURFACED A. L. S.

NO. 1 BOARDS AND SHIPLAP—GREEN

	R/L 6/20'	Specified lengths								R/L prices for omitting short lengths		
		6'	8'	10'	12'	14'	16'	18'	20'	6' or 6' and 8'	10' and shorter	12' and shorter
1 x 2"	$80	$77	$80	$80	$83	$85	$88	$88	$88	$82	$85	$88
1 x 3"	80	77	80	80	83	85	88	88	88	82	85	88
1 x 4"	73	70	73	73	76	78	81	81	81	75	78	81
1 x 6"	80	77	80	80	83	85	88	88	88	82	85	88
1 x 8"	80	77	80	80	83	85	88	88	88	82	85	88
1 x 10"	80	77	80	80	83	85	88	88	88	82	85	88
1 x 12"	80	77	80	80	83	85	88	88	88	82	85	88

NO. 2 BOARDS AND SHIPLAP—GREEN

1 x 2"	$75	$72	$75	$75	$78	$80	$83	$83	$83	$77	$80	$83
1 x 3"	75	72	75	75	78	80	83	83	83	77	80	83
1 x 4"	68	65	68	68	71	73	76	76	76	70	73	76
1 x 6"	75	72	75	75	78	80	83	83	83	77	80	83
1 x 8"	75	72	75	75	78	80	83	83	83	77	80	83
1 x 10"	75	72	75	75	78	80	83	83	83	77	80	83
1 x 12"	75	72	75	75	78	80	83	83	83	77	80	83

NO. 3 BOARDS AND SHIPLAP—GREEN

1 x 2"	$58	$55	$58	$58	$61	$63	$66	$66	$66	$60	$63	$66
1 x 3"	58	55	58	58	61	63	66	66	66	60	63	66
1 x 4"	50	47	50	50	53	55	58	58	58	52	55	58
1 x 6"	60	57	60	60	63	65	68	68	68	62	65	68
1 x 8"	60	57	60	60	63	65	68	68	68	62	65	68
1 x 10"	60	57	60	60	63	65	68	68	68	62	65	68
1 x 12"	60	57	60	60	63	65	68	68	68	62	65	68

NO. 4 BOARDS AND SHIPLAP—GREEN

1 x 2"	$27											
1 x 3"	27											
1 x 4"	27											
1 x 6"	27											
1 x 8"	27											
1 x 10"	27											
1 x 12"	27											

SELECT MERCHANTABLE BOARDS AND SHEATHING—GREEN—PAR. 186

1 x 2"	$88	$85	$88	$88	$91	$93	$96	$96	$96	$90	$93	$96
1 x 3"	88	85	88	88	91	93	96	96	96	90	93	96
1 x 4"	78	75	78	78	81	83	86	86	86	80	83	86
1 x 6"	85	82	85	85	88	90	93	93	93	87	90	93
1 x 8"	85	82	85	85	88	90	93	93	93	87	90	93
1 x 10"	85	82	85	85	88	90	93	93	93	87	90	93
1 x 12"	85	82	85	85	88	90	93	93	93	87	90	93

NO. 1 BOARDS 25 PERCENT NO. 2 GREEN

1 x 2"	$78	$75	$78	$78	$81	$83	$86	$86	$86	$80	$83	$86
1 x 3"	78	75	78	78	81	83	86	86	86	80	83	86
1 x 4"	71	68	71	71	74	76	79	79	79	73	76	79
1 x 6"	78	75	78	78	81	83	86	86	86	80	83	86
1 x 8"	78	75	78	78	81	83	86	86	86	80	83	86
1 x 10"	78	75	78	78	81	83	86	86	86	80	83	86
1 x 12"	78	75	78	78	81	83	86	86	86	80	83	86

For rough—deduct $3 from all above prices. For special notes and shipping weights on boards—see p. 15. For mixed grades No. 4 and better use same percentage of price as grades shipped per above.

(21) Dry Boards and Shiplap Surfaced A. L. S.

NO. 1 BOARDS AND SHIPLAP—DRY

	R/L 6/20'	Specified lengths								R/L for omitting short lengths		
		6'	8'	10'	12'	14'	16'	18'	20'	6' or 6' and 8'	10' and shorter	12' and shorter
1 x 2"	$90	$87	$90	$90	$93	$95	$98	$98	$98	$92	$95	$98
1 x 3"	90	87	90	90	93	95	98	98	98	92	95	98
1 x 4"	83	80	83	83	86	88	91	91	91	85	88	91
1 x 6"	90	87	90	90	93	95	98	98	98	92	95	98
1 x 8"	90	87	90	90	93	95	98	98	98	92	95	98
1 x 10"	90	87	90	90	93	95	98	98	98	92	95	98
1 x 12"	90	87	90	90	93	95	98	98	98	92	95	98

NO. 2 BOARDS AND SHIPLAP—DRY

1 x 2"	$85	$82	$85	$85	$88	$90	$93	$93	$93	$87	$90	$93
1 x 3"	85	82	85	85	88	90	93	93	93	87	90	93
1 x 4"	78	75	78	78	81	83	86	86	86	80	83	86
1 x 6"	85	82	85	85	88	90	93	93	93	87	90	93
1 x 8"	85	82	85	85	88	90	93	93	93	87	90	93
1 x 10"	85	82	85	85	88	90	93	93	93	87	90	93
1 x 12"	85	82	85	85	88	90	93	93	93	87	90	93

NO. 3 BOARDS AND SHIPLAP—DRY

1 x 2"	$65	$62	$65	$65	$68	$70	$73	$73	$73	$67	$70	$73
1 x 3"	65	62	65	65	68	70	73	73	73	67	70	73
1 x 4"	57	54	57	57	60	62	65	65	65	59	62	65
1 x 6"	67	64	67	67	70	72	75	75	75	69	72	75
1 x 8"	67	64	67	67	70	72	75	75	75	69	72	75
1 x 10"	67	64	67	67	70	72	75	75	75	69	72	75
1 x 12"	67	64	67	67	70	72	75	75	75	69	72	75

NO. 4 BOARDS AND SHIPLAP—DRY

1 x 2"	$32											
1 x 3"	32											
1 x 4"	32											
1 x 6"	32											
1 x 8"	32											
1 x 10"	32											
1 x 12"	32											

SELECT MERCHANTABLE BOARDS AND SHEATHING—DRY—PAR. 186

1 x 2"	$98	$95	$98	$98	$101	$103	$106	$106	$106	$100	$103	$106
1 x 3"	98	95	98	98	101	103	106	106	106	100	103	106
1 x 4"	88	85	88	88	91	93	96	96	96	90	93	96
1 x 6"	95	92	95	95	98	100	103	103	103	97	100	103
1 x 8"	95	92	95	95	98	100	103	103	103	97	100	103
1 x 10"	95	92	95	95	98	100	103	103	103	97	100	103
1 x 12"	95	92	95	95	98	100	103	103	103	97	100	103

NO. 1 BOARDS 25 PERCENT NO. 2—DRY

1 x 2"	$88	$85	$88	$88	$91	$93	$96	$96	$96	$90	$93	$96
1 x 3"	88	85	88	88	91	93	96	96	96	90	93	96
1 x 4"	81	78	81	81	84	86	89	89	89	83	86	89
1 x 6"	88	85	88	88	91	93	96	96	96	90	93	96
1 x 8"	88	85	88	88	91	93	96	96	96	90	93	96
1 x 10"	88	85	88	88	91	93	96	96	96	90	93	96
1 x 12"	88	85	88	88	91	93	96	96	96	90	93	96

For rough—deduct $3 from all above prices. For special notes and shipping weights on boards—see p. 15. For mixed grades No. 4 and better use same percentage of price as grades shipped per above.

Notes applying to boards: Tables (20) and (21).

Regular loading random lengths is 6' to 20'.

For rough: Deduct $3.00 per M—Green or Dry.

Shims: For shims 9/16" or less in thickness x AW–AL #3 and better surfaced hit and miss or full thickness rough—Price $50.00. For shims 5/8" or thicker—Add $8.00 per M to 1/2" shim price.

If graded out and sold "on grade," deduct from the price of 1" of the same length, width and grade:

1/2", 7/16", 9/16"—No. 2 and better grades—Deduct $20.00.
1/2", 7/16", 9/16"—No. 3—Deduct $15.00.
5/8", 11/16" No. 2 and better grades—Deduct $15.00.
5/8", 11/16" No. 3—Deduct $12.00.

Use green weights.

Bundling: Add $3.00 per M.

Ripping or resawing: Add $3.00 per M, product of the piece to be shipped.

Resurfacing S4S to American Lumber Industrial Standards or not more than 1/4" off in both width and thickness—Add $3.00 to the price of the same grade, width and length.

Surfacing to 3/4", S1S, S1S2E, S1S1E, S2S, or S4S, price same as S4S A. L. S.; surfaced hit and miss same price as S4S A. L. S.

Lengths: When a random lengths shipment includes lengths over 20' and no average has been specified, if the inclusion of lengths longer than 20' is at shipper's option, the 6/20' price shall apply to all lengths; however, if buyer's order definitely requires the inclusion of such lengths, price as follows:

For 22 and 24': Add $4.00 to the 6/20' price, for these lengths only.

Accumulated 4' and/or 5' No. 2 and higher grades sold separately or in R/L shipments—Deduct $20.00 from the 6/20' price; for No. 3—charge same price as for No. 4, random length.

Specified lengths longer than 20': Add $2.00 per M for each foot to the specified 20' price.

Specified Average R/L: Where an average length is specified in any random length order, the price shall be specified length price of the length specified as an average and no addition may be made for omission of short lengths in a R/L loading.

Widths: Widths wider than 12": Add to the price of 12" of same size and grade $6.00 per M for each 2" wider than 12".

Odd or fractional widths (except 1 x 3") add $5.00 per M to price of next wider even width and compute footage on the nominal rough measurement of the odd or fractional width.

Thickness: 5/4" and 6/4", any surfacing A. L. S.—

For No. 1 and select merchantable: Add $10.00 per M to the 1" price of the corresponding grade and size.

For No. 2: Deduct $4.00 per M from the 5/4" and 6/4" price of No. 1.

For No. 3: Deduct $18.00 per M from the 5/4" and 6/4" price of No. 1.

For No. 4: Surfaced A. L. S. or rough—Add $5.00 to 1" No. 4 price of the corresponding size.

For rough No. 3 and higher grades—Deduct $3.00 per M from surfaced prices.

Special note: 5/4" and 6/4" resawn and sold on surfaced measure (1") must be priced as shims. See note covering shims.

Scaffold plank, paragraph 315, 5/4" and 6/4", 8" and wider (rough only)—add $60.00 to the No. 1 price.

For center matched flooring, drop siding and other patterns: First add grade differentials, then add the following specified working charge:

	Green or dry S2S and CM	Green or dry flooring, drop siding, beaded, other patterns
1" thickness—no droppings allowed	$5.00	$10.00
1" thickness—droppings allowed	3.00	5.00

For amounts 3 M feet or less a flat set-up charge of $15 per M may be added.

SHIPPING WEIGHTS FOR BOARDS

	Finished thickness	Fir hemlock S4S dry	Fir green S4S	Green fir S/L D & M CM	Dry S/L D & M CM	Hemlock S4S	Fir rough green	Hemlock rough green	Fir rough dry	Hemlock rough dry
4/4, 5/4 and 6/4 x 2" and wider, rough or S1E or S2E to A. L. S. or heavier:										
1 x 2"	25/32"	1,900	2,200	2,100	1,800	2,600	3,300	3,800	2,900	2,900
1 x 3 x 4"	25/32"	2,100	2,400	2,300	2,000	2,800	3,300	3,800	2,900	2,900
1 x 6" and wider	25/32"	2,200	2,500	2,400	2,100	2,900	3,300	3,800	2,900	2,900

	Fir and hemlock dry	Fir green	Hemlock green
S1S or S2S to 25/32"	2,300	2,600	3,000

5/4 and 6/4 S4S standard, add 200 pounds to weight of 1" of same width. Surfaced to ¾", 100 pounds less than 25/32". Surfaced to 13/16", add 100 pounds to 25/32". 5/4" S1S or S2S to 1 1/16"—dry weight 2,500, green weight 2,800. 6/4" S1S or S2S to 1 5/16"—dry weight 2,600, green weight 2,900.

CORN CRIBBING

	Dry weight per M. B. M. rough or S2E	Green weight per M. B. M. rough or S2E	Dry weight per M. B. M. surfaced and beveled	Green weight per M. B. M. surfaced and beveled
1 x 4"	2,900	3,300	1,800	2,100
1 x 6"	2,900	3,300	1,900	2,200

(22) GREEN DIMENSION S4S—A. L. S. (ROUGH, DEDUCT $3 PER M)

NO. 1 DIMENSION GREEN S4S—A. L. S.—PAR. 204

	R/L 6/20'	Specified lengths									
		6'	8'	9'	10'	12'	14'	16'	18'	20'	22/24'
2 x 2"	$82	$79	$82	$86	$83	$84	$85	$86	$87	$88	$92
2 x 3"	82	79	86	86	82	83	84	86	86	86	90
2 x 4"	82	79	84	86	82	83	84	86	86	86	90
2 x 6"	81	78	81	85	81	83	84	85	86	85	89
2 x 8"	81	78	81	85	81	85	85	84	84	84	89
2 x 10"	80	77	80	84	80	84	84	83	83	83	88
2 x 12"	80	77	80	84	80	83	84	85	85	85	88

NO. 2 DIMENSION GREEN S4S—A. L. S.—PAR. 205

2 x 2"	$76	$73	$76	$80	$77	$78	$79	$80	$81	$82	$86
2 x 3"	76	73	80	80	76	77	78	80	80	80	84
2 x 4"	76	73	78	80	76	77	78	80	80	80	84
2 x 6"	75	72	75	79	75	77	78	79	80	79	83
2 x 8"	74	71	74	78	74	78	78	77	77	77	82
2 x 10"	73	70	73	77	73	77	77	76	76	76	81
2 x 12"	73	70	73	77	73	76	77	78	78	78	81

NO. 3 DIMENSION GREEN S4S—A. L. S.—PAR. 206

2 x 2"	$59	$56	$59	$63	$60	$61	$62	$63	$64	$65	$69
2 x 3"	59	56	63	63	59	60	61	63	63	63	67
2 x 4"	59	56	61	63	59	60	61	63	63	63	67
2 x 6"	57	54	57	61	57	59	60	61	62	61	65
2 x 8"	57	54	57	61	57	61	61	60	60	60	65
2 x 10"	54	51	54	58	54	58	58	57	57	57	62
2 x 12"	54	51	54	58	54	57	58	59	59	59	62

NO. 4 DIMENSION GREEN S4S—PAR. 207

	R/L 6/20'	Specified lengths									
		6'	8'	9'	10'	12'	14'	16'	18'	20'	22/24'
2 x 3"	$27										
2 x 4"	27										
2 x 6"	25										
2 x 8"	25										
2 x 10"	25										
2 x 12"	25										

SELECT STRUCTURAL GREEN S4S—A. L. S.—PAR. 202

2 x 2"	$92	$89	$92	$96	$93	$94	$95	$96	$97	$98	$102
2 x 3"	92	89	96	96	92	93	94	96	96	96	100
2 x 4"	92	89	94	96	92	93	94	96	96	96	100
2 x 6"	94	91	94	98	94	96	97	98	99	98	102
2 x 8"	94	91	94	98	94	98	98	97	97	97	102
2 x 10"	99	96	99	103	99	103	103	102	102	102	107
2 x 12"	104	101	104	108	104	107	108	109	109	109	112

NO. 1 PERMITTED UP TO 25 PERCENT NO. 2 GREEN S4S—A. L. S.—PARS. 204 AND 205

2 x 2"	$79	$76	$79	$83	$80	$81	$82	$83	$84	$85	$89
2 x 3"	79	76	83	83	79	80	81	83	83	83	87
2 x 4"	79	76	81	83	79	80	81	83	83	83	87
2 x 6"	78	75	78	82	78	80	81	82	83	82	86
2 x 8"	78	75	78	82	78	82	82	81	81	81	86
2 x 10"	77	74	77	81	77	81	81	80	80	80	85
2 x 12"	77	74	77	81	77	80	81	82	82	82	85

For dimension sold on basis of No. 1 permitting up to 25 percent No. 2 and including 15 percent No. 3 (percentage of grades to be guaranteed) deduct $4.50 per M from the No. 1 price of corresponding size.

8' Studs S4S A. L. S.

No. 1 and better permitting up to 25% No. 2 and including 15% No. 3—$78.
No. 2 and better—$81.
No. 3 studs—$63.
No. 4 studs—$27.
Rough—Deduct $3.
Fractional lengths under 8', add $2.00 to corresponding grade. Compute footage on 8' count.

(23) DRY DIMENSION S4S—A. D. S. (ROUGH, DEDUCT $3 PER M)

NO. 1 DIMENSION DRY S4S—PARS. 204 AND 208

	R/L 6/20'	Specified lengths									
		6'	8'	9'	10'	12'	14'	16'	18'	20'	22/24'
2 x 2"	$92	$89	$92	$96	$93	$94	$95	$96	$97	$98	$102
2 x 3"	92	89	96	96	92	93	94	96	96	96	100
2 x 4"	92	89	94	96	92	93	94	96	96	96	100
2 x 6"	91	88	91	95	91	93	94	95	96	95	99
2 x 8"	91	88	91	95	91	95	95	94	94	94	99
2 x 10"	90	87	90	94	90	94	94	93	93	93	98
2 x 12"	90	87	90	94	90	93	94	95	95	95	98

NO. 2 DIMENSION DRY S4S—PARS. 205 AND 209

2 x 2"	$86	$83	$86	$90	$87	$88	$89	$90	$91	$92	$96
2 x 3"	86	83	90	90	86	87	88	90	90	90	94
2 x 4"	86	83	88	90	86	87	88	90	90	90	94
2 x 6"	85	82	85	89	85	87	88	89	90	89	93
2 x 8"	84	81	84	88	84	88	88	87	87	87	92
2 x 10"	83	80	83	87	83	87	87	86	86	86	91
2 x 12"	83	80	83	87	83	86	87	88	88	88	91

NO. 3 DIMENSION DRY S4S—PAR. 206

	R/L 6/20'	Specified lengths								
		6'	8'	9'	10'	12'	14'	16'	18'	20'	2/24'
2 x 2"	$66	$63	$66	$70	$67	$68	$69	$70	$71	$72	$76
2 x 3"	66	63	70	70	66	67	68	70	70	70	74
2 x 4"	66	63	68	70	66	67	68	70	70	70	74
2 x 6"	64	61	64	68	64	66	67	68	69	68	72
2 x 8"	64	61	64	68	64	68	68	67	67	67	72
2 x 10"	61	58	61	65	61	65	65	64	64	64	69
2 x 12"	61	58	61	65	61	64	65	66	66	66	69

NO. 4 DIMENSION DRY S4S—PAR. 207

2 x 3"	$32
2 x 4"	32
2 x 6"	30
2 x 8"	30
2 x 10"	30
2 x 12"	30

SELECT STRUCTURAL DRY S4S—PAR. 202

2 x 2"	$102	$99	$102	$106	$103	$104	$105	$106	$107	$108	$112
2 x 3"	102	99	106	106	102	103	104	106	106	106	110
2 x 4"	102	99	104	106	102	103	104	106	106	106	110
2 x 6"	104	101	104	108	104	106	107	108	109	108	112
2 x 8"	104	101	104	108	104	108	108	107	107	107	112
2 x 10"	109	106	109	118	109	118	113	112	112	112	117
2 x 12"	114	111	114	118	114	117	118	119	119	119	122

NO. 1 PERMITTING UP TO 25 PERCENT NO. 2 DRY S4S

2 x 2"	$89	$86	$89	$93	$90	$91	$92	$93	$94	$95	$99
2 x 3"	89	86	93	93	89	90	91	93	93	93	97
2 x 4"	89	86	91	93	89	90	91	93	93	93	97
2 x 6"	88	85	88	92	88	90	91	92	93	92	96
2 x 8"	88	85	88	92	88	92	92	91	91	91	96
2 x 10"	87	84	87	91	87	91	91	90	90	90	95
2 x 12"	87	84	87	91	87	90	91	92	92	92	95

8' Studs S4S A. L. S.

No. 1 and better permitting up to 25% No. 2 and including 15% No. 3—$88.
No. 2 and better—$91.
No. 3—$70.
No. 4—$32.

Notes applying to dimension—Tables (22) and (23).

Regular loading random length is 6' to 20'.

For S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E, A. L. S., price the same as S4S, A. L. S. except when orders call for one grade only when an addition of $5.00 per MBM may be made to the price of S4S.

Scaffold plank (rough only), paragraph 315 8" and wider, add $60.00 per MBM to the rough select structural price.

Barge framing (paragraph 308) add $5.00 to price of select structural of corresponding size.

Barge planking and decking (par. 309) add $15.00 to price of select structural of corresponding size.

Surfaced ¼ off or to American Lumber Industrial Standards, add $3.00 per M to the price of the same grade, width, and length.

Lengths: Fractional lengths under 8' add $2.00 per M to corresponding grade and compute footage on 8' count.

Accumulated 4' and/or 5' No. 2 and higher grades sold separately or in R/L shipments.

Deduct $20.00 from the 6/20' price of corresponding size and grade; for No. 3 charge same price as for No. 4 random lengths.

Omitting length in R/L (6/20') loading: Omitting 6' or 6' and 8', or 6' and 8' and 10', add to the 6/20' price of same size and grade $3.00 per MBM; omitting 12' and shorter use specified length price.

For specified even lengths longer than 24', add $3.00 per MBM to the 24' price of the same size and grade for each two feet longer than 24'.

For specified average R/L: Where an average length is specified in any random length order, the price shall be the specified length price of the length specified as an average and no addition may be made for omission of short lengths in a R/L loading.

When any random length shipment includes lengths over 20', and no average is specified if the inclusion of lengths longer than 20' is at shipper's option, the 6/20' price shall apply to all lengths; however, if buyer's order definitely requires the inclusion of lengths longer than 20' or the order is for random lengths all longer than 20', such lengths shall be priced as follows:

For 22' and 24', add $8.00 per MBM to the 6/20' price, for these lengths only.
For 26' and 28', add $12.00 per MBM to the 6/20' price, for these lengths only.
For 30' and 32' or longer, add $16.00 per MBM to the 6/20' price, for these lengths only.

Widths: Wider than 12"—Add $4.00 for each 2" wider than 12" for the same size and grade. Odd or fractional widths, except 3", add $5.00 to price of next wider even width and compute footage on nominal rough measurements of the odd or fractional width.

Thickness: Fractional thicknesses over 2" and under 3", add $5.00 to price of 3" of corresponding width and compute footage on nominal rough measurement of the fractional thickness.

Dense grain, for paragraph 224, add $12.50 per M.

For rough dimension, dry or green: Deduct $3.00 per M.

Bundling: Add $3.00 per M.

Center matched, flooring, outgauged and other patterns: First add grade differentials then add the following specified working charge:

	Green or dry, S2S and CM or shiplap	Green or dry, fig. outgaged or other patterns
2" thickness—no droppings allowed	$5.00	$10.00
2" thickness—droppings allowed	3.00	5.00

Ripping or resawing:	
Not diagonal or tapered—for 2 x 4 add $4 per M	Product of the piece to be shipped.
For 2 x 6 and wider add $3 per M	
Diagonal or tapered resawing add $10 per M	

[Shipping weights for dimension]

	Fir and hemlock, S4S standard dry	Fir S4S, standard green	Hemlock S4S, standard green	Fir and hemlock, standard CM and S1S or S2S dry
2 x 2"	2,000	2,200	2,600	----------
2 x 3"	2,100	2,400	2,800	----------
2 x 4"	2,200	2,500	2,900	1,900
2 x 6"	2,250	2,550	2,950	2,050
2 x 8"	2,260	2,550	2,950	2,100
2 x 10"	2,300	2,600	3,000	2,150
2 x 12"	2,300	2,600	3,000	2,150

	Fir standard CM and S1S or S2S, green	Fir and hemlock, rough dry	Fir S1E or S2E to A. L. S. or heavier, green	Hemlock, rough green
2 x 2"	----------	2,900	3,300	3,800
2 x 3"	----------	2,900	3,300	3,800
2 x 4"	2,150	2,900	3,300	3,800
2 x 6"	2,300	2,900	3,300	3,800
2 x 8"	2,400	2,900	3,300	3,800
2 x 10"	2,450	2,900	3,300	3,800
2 x 12"	2,500	2,900	3,300	3,800

[Dimension surfaced one-fourth off as indicated]

	S4S green fir	S4S green hemlock
2 x 2", one-fourth off each way	2,550	2,950
2 x 3", one-fourth off each way	2,650	3,050
2 x 4", one-fourth off each way	2,750	3,150
2 x 6", one-fourth off each way	2,800	3,200
2 x 8", one-fourth off each way	2,850	3,250
2 x 8", one-fourth off by ½" off in width	2,750	3,150
2 x 10", one-fourth off each way	2,850	3,250
2 x 10", one-fourth off by ½" off in width	2,750	3,150
2 x 12", one-fourth off each way	2,850	3,250
2 x 12", one-fourth off by ½" off in width	2,800	3,200

WELL CURBING

	Dry weight per MBM, rough or S2E	Green weight per MBM, rough or S2E	Dry weight per MBM, surfaced or beveled	Green weight per MBM, Surfaced or beveled
2 x 6"	2,900	3,300	1,950	2,250

(24) GREEN PLANK AND SMALL TIMBERS

[For rough deduct $2 per M]

SELECT STRUCTURAL GREEN S4S A. L. S.—PAR. 202

	Random lengths				Specified lengths			
	8/20'	22/24'	26/32'	34/40'	20' and shorter	22/24'	26/32'	34/40'
3 x 3"	$105	$111.25	$118.75	$131.25	$110	$116.25	$123.75	$136.25
3 x 4"	105	112.50	120.00	130.00	110	117.50	125.00	135.00
3 x 6" and 8"	103	108.00	111.75	119.25	108	113.00	116.75	124.25
3 x 10" and 12"	102	107.00	110.75	117.00	107	112.00	115.75	122.00
4 x 4"	105	110.00	115.00	123.75	110	115.00	120.00	128.75
4 x 6" and 8"	103	108.00	111.75	119.25	108	113.00	116.75	124.25
4 x 10" and 12"	100	105.00	108.75	116.25	105	110.00	113.75	121.25

NO. 1 GREEN S4S A. L. S.

3 x 3"	$90	$96.25	$103.75	$116.25	$92.50	$98.75	$106.25	$118.75
3 x 4"	90	97.50	105.00	115.00	92.50	100.00	107.50	117.50
3 x 6" and 8"	88	93.00	96.75	104.25	90.50	95.50	99.25	106.75
3 x 10" x 12"	87	92.00	95.75	102.00	89.50	94.50	98.25	104.50
4 x 4"	90	95.00	100.00	108.75	92.50	97.50	102.50	111.25
4 x 6" and 8"	88	93.00	96.75	104.25	90.50	95.50	99.25	106.75
4 x 10" and 12"	85	90.00	93.75	101.25	87.50	92.50	96.25	103.75

NO. 2 (NO. 1 MINING) GREEN S4S A. L. S.

3 x 3"	$86	$92.25	$99.75	$112.25	$88.50	$94.75	$102.25	$114.75
3 x 4"	86	93.50	101.00	111.00	88.50	96.00	103.50	113.50
3 x 6" and 8"	84	89.00	92.75	100.25	86.50	91.50	95.25	102.75
3 x 10" x 12"	83	88.00	91.75	98.00	85.50	90.50	94.25	100.50
4 x 4"	86	91.00	96.00	104.75	88.50	93.50	98.50	107.25
4 x 6" x 8"	84	89.00	92.75	100.25	86.50	91.50	95.25	102.75
4 x 10" x 12"	81	86.00	89.75	97.25	83.50	88.50	92.25	99.75

NO. 3 GREEN S4S A. L. S.

	Random lengths				Specified lengths			
	8/20'	22/24'	26/32'	34/40'	20' and shorter	22/24'	26/32'	34/40'
3 x 3"	$61	$67.25	$74.75	$87.25	$63.50	$69.75	$77.25	$89.75
3 x 4"	61	68.50	76.00	86.00	63.50	71.00	78.50	88.50
3 x 6" x 8"	59	64.00	67.75	75.25	61.50	66.50	70.25	77.75
3 x 10" x 12"	58	63.00	67.75	73.00	60.50	65.50	69.25	75.50
4 x 4"	61	66.00	71.00	79.75	63.50	68.50	73.50	82.25
4 x 6" x 8"	59	64.00	67.75	75.25	61.50	66.50	70.25	77.75
4 x 10" x 12"	56	61.00	64.75	72.25	58.50	63.50	67.25	74.75

No. 4—See notation below.

NO. 1 PERMITTING UP TO 25 PERCENT NO. 2 GREEN S4S A. L. S.

3 x 3"	$88	$94.25	$101.75	$114.25	$90.50	$96.75	$104.25	$116.75
3 x 4"	88	95.50	103.00	113.00	90.50	98.00	105.50	115.50
3 x 6" and 8"	86	91.00	94.75	102.25	88.50	93.50	97.25	104.75
3 x 10" and 12"	85	90.00	93.75	100.00	87.50	92.50	96.25	102.50
4 x 4"	88	93.00	98.00	106.75	90.50	95.50	100.50	109.25
4 x 6" x 8"	86	91.00	94.75	102.25	88.50	93.50	97.25	104.75
4 x 10" and 12"	83	88.00	91.75	99.25	85.50	90.50	94.25	101.75

No. 4 (all species covered by this regulation), rough or surfaced, dry or green—AW–AL $40.00 per M. Use green weights.

For plank and small timbers sold on basis of No. 1 permitting up to 25% No. 2 and including 15% No. 3 (percentage of grades to be guaranteed) deduct $5.25 per M from the No. 1 price of corresponding size.

Notes applying to green plank and small timbers

Regular loading random length is 8' to 20'.

Dry—Add $30.00 per M to the same size, length and grade.

For F. O. H. C.—See schedules in section 46, paragraph (a), subdivision (3).

Working: For surfacing to A. L. S., S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E—Same price as S4S.

Surfacing ¼" off, add $3.00 per M to A. L. S. surfaced price of the same grade, size and length.

Shiplap, T & G, grooved for splines: 3"—Add $9.00 per M to surfaced price. 4" add $12.00 per M to surfaced price.

Outgauged—Add $7.50 per M to surfaced price.

Diagonal or tapered resawing—Add $10.00 per M.

Surfacing lengths longer than 40'—Add $1.00 per lineal foot for each additional foot over 40'.

Surfacing wider than 12"—Add $6.00 per M to the 12" price of same size and grade.

Lengths: For accumulated 4', 5' and/or 6' No. 1 and higher grades, sold separately or in R/L shipments, deduct $20.00 from the 8/20' price of corresponding grade; for No. 2 and No. 3—Charge same price as for No. 4 random lengths.

For omitting short lengths in R/L loading, 20' and shorter—Add to the R/L price of the same size and grade (applies to all grades):

8' and/or 10'—$2.00.

12' and shorter—$4.00.

14' and shorter—Specified length price of length shipped.

Omitting lengths in price groups longer than 20', add to the R/L group price (applies to

No. 1 and lower grades):

Omitting 1 length—$2.00.

Omitting 2 lengths—$4.00.

Omitting 3 lengths—Specified length price of lengths shipped.

For omitting lengths longer than 20', in select structural and higher grades, within a R/L group—Add to the R/L group price:

For omitting one to two lengths in one group—Add $4.00 per M to the R/L group price.

For omitting any three or more lengths in one group, use specified length price of the lengths shipped.

For omitting any lengths in R/L groups covering more than one length bracket, the additions permitted for omitting any length or lengths in the previous notes may be made only within the bracket from which the lengths have been omitted.

Where an average length is named in a random length specification covering one or more price brackets which include no lengths over 40', the maximum price shall be the specified length price of the average length specified. In this case no addition may be made for omission of any lengths as permitted under other notes.

If the average specified is an odd length, the price of the next higher even length shall apply.

Widths: Odd or fractional widths under 12" not listed add $3.00 to price of nearest even width and compute footage on nominal rough measurement of the odd or fractional width.

Widths wider than 12", add $3.00 per M for each additional 2" or fraction thereof to the 12" price of corresponding thickness. Compute footage under this note on nominal rough measure.

Thickness: Fractional thicknesses between 3" and 4", price same as 4" of corresponding width.

Fractional or odd thicknesses over 4" and including 5" add $3.00 to 4" price of corresponding width; over 5" and under 6" add $3.00 to 6" price of corresponding width in Table (25), this paragraph. Compute odd or fractional thicknesses on nominal rough measurement of the odd or fractional thickness.

Dense grain: Paragraph 224. See section 46, paragraph (a), subdivision (1).

Windmill stock, paragraph 172; Use select structural price plus additions for FOHC as shown in section 46, paragraph (a), subdivision (3).

Barge framing, paragraph 308, add $5.00 to select structural price of corresponding size.

Barge planking and decking, paragraph 309—Add $15.00 per M to select structural price of same size.

Scaffold plank (rough only), paragraph 315, 8" and wider, add $60.00 per MBM to the rough select structural price of corresponding size.

[Shipping weights for plank and small timbers]

Standard surfacing	Fir and hemlock dry S4S	Fir green S4S	Hemlock green S4S	Fir rough S1E or S2E to A. L. S. or heavier green
3 x 3"	2,400	2,600	3,000	3,300
3 x 4"	2,400	2,600	3,000	3,300
3 x 6"	2,600	2,800	3,200	3,300
3 x 8"	2,600	2,800	3,200	3,300
3 x 10"	2,600	2,800	3,200	3,300
3 x 12"	2,600	2,800	3,200	3,300
4 x 4"	2,500	2,700	3,100	3,300
4 x 6"	2,600	2,800	3,200	3,300
4 x 8"	2,600	2,800	3,200	3,300
4 x 10"	2,700	2,900	3,300	3,300
4 x 12"	2,700	2,900	3,300	3,300
5 x 5"	2,700	2,900	3,300	3,300
5 x 6"	2,700	2,900	3,300	3,300
5 x 8"	2,700	2,900	3,300	3,300
5 x 10"	2,700	2,900	3,300	3,300
5 x 12"	2,700	2,900	3,300	3,300

Standard surfacing	Hemlock green rough	Fir and hemlock dry rough	Fir CM and S1S or S2S	
			Dry	Green
3 x 3"	3,800	3,100		
3 x 4"	3,800	3,100	2,050	2,250
3 x 6"	3,800	3,100	2,350	2,500
3 x 8"	3,800	3,100	2,400	2,600
3 x 10"	3,800	3,100	2,450	2,650
3 x 12"	3,800	3,100	2,500	2,700
4 x 4"	3,800	3,100		
4 x 6"	3,800	3,100	2,400	2,600
4 x 8"	3,800	3,100	2,500	2,700
4 x 10"	3,800	3,100	2,550	2,750
4 x 12"	3,800	3,100	2,600	2,800
5 x 5"	3,800	3,100		
5 x 6"	3,800	3,100	2,450	2,650
5 x 8"	3,800	3,100	2,550	2,750
5 x 10"	3,800	3,100	2,600	2,800
5 x 12"	3,800	3,100	2,650	2,850

SURFACED ¼ OFF EACH WAY

Standard surfacing	Fir Green S4S	Hemlock green S4S	Standard surfacing	Fir green S4S	Hemlock green S4S
3 x 3"	2,800	3,200	4 x 4"	2,950	3,350
3 x 4"	2,850	3,250	4 x 6"	3,000	3,400
3 x 6", 3 x 8", 3 x 10"	2,950	3,350	4 x 8", 4 x 10", 4 x 12"	3,050	3,450
3 x 12"	3,000	3,400			

Where surfacing is specified other than standard or when weights are not provided in this list see shipping weight formula in sec. 46, par. (J).

(25) TIMBERS

SELECT STRUCTURAL GREEN ROUGH—PARS. 212 AND 216

	Random lengths			Specified lengths		
	8/20'	22/30'	32/40'	20' and shorter	22/30'	32/40'
6 x 6" and 6 x 8"	$102	$107	$111	$106	$111	$115
6 x 10" and 6 x 12"	101	106	110	105	110	114
8 x 8"	101	106	110	105	110	114
8 x 10" and 8 x 12"	100	105	109	104	109	113
10 x 10" and 10 x 12"	100	105	109	104	109	113
12 x 12"	100	105	109	104	109	113
6 x 14" and 8 x 14"	105	115	119	109	125	129
6 x 16" and 8 x 16"	110	120	124	114	130	134
6 x 18" and 8 x 18"	115	125	129	119	135	139
10 x 14" and 12 x 16"	102	107	111	106	111	115
10 x 16"	105	110	114	109	114	118
10 x 18" and 12 x 18"	110	115	119	114	119	123
12 x 14" and 14 x 14"	102	107	111	106	111	115
14 x 16" and 16 x 16"	102	107	111	106	111	115
14 x 18"	107	112	116	111	116	120
16 x 18"	107	112	116	111	116	120
18 x 18"	105	110	114	109	114	118

(25) TIMBERS

NO. GREEN ROUGH—PARS. 214 AND 218

	Random lengths			Specified lengths		
	8/20′	22/30′	32/40′	20′ and shorter	22/30′	32/40′
6 x 6″ and 6 x 8″	$87	$92	$96	$91	$96	$100
6 x 10″ and 6 x 12″	86	91	95	90	95	99
8 x 8″	86	91	95	90	95	99
8 x 10″ and 8 x 12″	85	90	94	89	94	98
10 x 10″ and 10 x 12″	85	90	94	89	94	98
12 x 12″	85	90	94	89	94	98
6 x 14″ and 8 x 14″	90	100	104	94	110	114
6 x 16″ and 8 x 16″	95	105	109	99	115	119
6 x 18″ and 8 x 18″	100	110	114	104	120	124
10 x 14″ and 12 x 16″	87	92	96	91	96	100
10 x 16″	90	95	99	94	99	103
10 x 18″ and 12 x 18″	95	100	104	99	104	108
12 x 14″ and 14 x 14″	87	92	96	91	96	100
14 x 16″ and 16 x 16″	87	92	96	91	96	100
14 x 18″	92	97	101	96	101	105
16 x 18″	92	97	101	96	101	105
18 x 18″	90	95	99	94	99	103

NO. 2 (NO. 1 MINING) GREEN ROUGH—PAR. 219

6 x 6″ and 6 x 8″	$83	$88	$92	$87	$92	$96
6 x 10″ and 6 x 12″	82	87	91	86	91	95
8 x 8″	82	87	91	86	91	95
8 x 10″ and 8 x 12″	81	86	90	85	90	94
10 x 10″ and 10 x 12″	81	86	90	85	90	94
12 x 12″	81	86	90	85	90	94
6 x 14″ and 8 x 14″	86	96	100	90	106	110
6 x 16″ and 8 x 16″	91	101	105	95	111	115
6 x 18″ and 8 x 18″	96	106	110	100	116	120
10 x 14″ and 12 x 16″	83	88	92	87	92	96
10 x 16″	86	91	95	90	95	99
10 x 18″ and 12 x 18″	91	96	100	95	100	104
12 x 14″ and 14 x 14″	83	88	92	87	92	96
14 x 16″ and 16 x 16″	83	88	92	87	92	96
14 x 18″	88	93	97	92	97	101
16 x 18″	88	93	97	92	97	101
18 x 18″	86	91	95	90	95	99

NO. 3 GREEN ROUGH—PAR. 220

6 x 6″ and 6 x 8″	62	67	71	66	71	75
6 x 10″ and 6 x 12″	61	66	70	65	70	74
8 x 8″	61	66	70	65	70	74
8 x 10″ and 8 x 12″	60	65	69	64	69	73
10 x 10″ and 10 x 12″	60	65	69	64	69	73
12 x 12″	60	65	69	64	69	73
6 x 14″ and 8 x 14″	65	75	79	69	85	89
6 x 16″ and 8 x 16″	70	80	84	74	90	94
6 x 18″ and 8 x 18″	75	85	89	79	95	99
10 x 14″ and 12 x 16″	62	67	71	66	71	75
10 x 16″	65	70	74	69	74	78
10 x 18″ and 12 x 18″	70	75	79	74	79	83
12 x 14″ and 14 x 14″	62	67	71	66	71	75
14 x 16″ and 16 x 16″	62	67	71	66	71	75
14 x 18″	67	72	76	71	76	80
16 x 18″	67	72	76	71	76	80
18 x 18″	65	70	74	69	74	78

(25) TIMBERS

NO. GREEN ROUGH—PERMITTING UP TO 25 PERCENT NO. 2

	Random engths			Specified lengths		
	8/20′	22/30′	32/40′	20′ and shorter	22/30′	32/40′
6 x 6″ and 6 x 8″	$85	$90	$94	$89	$94	$98
6 x 10″ and 6 x 12″	84	89	93	88	93	97
8 x 8″	84	89	93	88	93	97
8 x 10″ and 8 x 12″	83	88	92	87	92	96
10 x 10″ and 10 x 12″	83	88	92	87	92	96
12 x 12″	83	88	92	87	92	96
6 x 14″ and 8 x 14″	88	98	102	92	108	112
6 x 16″ and 8 x 16″	93	103	107	97	113	117
6 x 18″ and 8 x 18″	98	108	112	102	118	122
10 x 14″ and 12 x 16″	85	90	94	89	94	98
10 x 16″	88	93	97	92	97	101
10 x 18″ and 12 x 18″	93	98	102	97	102	106
12 x 14″ and 14 x 14″	85	90	94	89	94	98
14 x 16″ and 16 x 16″	85	90	94	89	94	98
14 x 18″	90	95	99	94	99	103
16 x 18″	90	95	99	94	99	103
18 x 18″	88	93	97	92	97	101

No. 4 (all species covered by this regulation) 6 x 6 and larger, A. L. rough or dressed, dry or green, $32. Use green weights.

Notes applying to timbers—table (25)

Workings: Surfacing S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E and S4S A. L. S. 6 x 6 to 16 x 16″ add $6.00 per M; if thicker than 16″ or wider than 20″ add $15.00 per M.

Surfacing ½″ off—Add $3.00 per M to price of the same surfaced A. L. S. grade, width and length.

Surfacing lengths longer than 40′—Add $1.00 per M per lineal foot for each additional foot over 40′.

For charges for outgauging, T & G, grooving, saw sizing, and diagonal and/or taper resawing—See section 46, paragraph (a), subdivision (4).

Lengths: For accumulated 4′, 5′ and/or 6′ No. 1 and higher grades, sold separately or in R/L shipments, deduct $20.00 per MBM from the price of 8/20′ of corresponding grade; for No. 2 and No. 3, charge same price as for No. 4 R/L.

For omitting short lengths in R/L loading, 20′ and shorter—Add to the R/L price of the same size and grade (applies to all grades):

8′ and/or 10′—$1.00.

12′ and shorter—$3.00.

14′ and shorter—Specified length price of lengths shipped.

Omitting lengths in price groups longer than 20′, add to the R/L group price (applies to No. 1 and lower grades):

Omitting 1 length—$2.00.

Omitting 2 lengths—$4.00.

Omitting 3 lengths—Specified length price of lengths shipped.

For omitting lengths longer than 20′ in select structural, and higher grades within a R/L group—Add to the R/L group price:

For omitting one or two lengths in one group—Add $4.00 per M to the R/L group price.

For omitting any three or more lengths in one group, use specified length price of the lengths shipped.

For omitting any lengths in R/L groups covering more than one length bracket, the addition permitted for omission of any length or lengths may be made only within the bracket from which lengths have been omitted but such additions to the 8/20′ brackets may not result in a price higher than the bracket price for 22/30′.

Specified average length: Where an average length is named in a random length specification covering one or more price brackets which include no lengths over 40′, the maximum price shall be the specified length price of the average length specified.

If the specification includes lengths over 40′, the price shall be the same as if no average length was required.

No addition may be made for omission of any length or lengths as covered by footnotes above in either case.

If the average specified is an odd length, the price of the next higher even length shall apply.

Widths: Odd or fractional widths not listed (within listed widths) add $4.00 per M to price of next wider even width. Compute footage on nominal rough measure, of the odd or fractional width.

Thickness: Odd or fractional thicknesses not listed—Add $4.00 per M to the next larger listed even thickness. Compute footage on nominal rough measure of the odd or fractional thickness.

For F. O. H. C.—See schedule in section 46, paragraph (a), subdivision (3).

Dense grain, paragraph 224, see section 46, paragraph (a), subdivision (1).

Barge framing, paragraph 308—Add $5.00 to price of select structural of corresponding size.

Barge planking and decking, paragraph 309—Add $15.00 per M to price of select structural of corresponding size.

[Shipping weights for timbers]

	Fir green S1S1E or S4S	Fir rough S1E or S2E to A. L. S. or heavier green	Hemlock green S1S1E or S4S	Hemlock rough S1E or S2E to A. L. S. or heavier
6 x 6 to 6 x 16"	2,900	3,300	3,300	3,800
6 x 18 to 6 x 24"	3,000	3,300	3,400	3,800
8 x 8 to 8 x 16"	3,000	3,300	3,400	3,800
8 x 18 to 8 x 24"	3,100	3,300	3,500	3,800
10 x 10 to 10 x 16"	3,000	3,300	3,400	3,800
10 x 18 to 10 x 24"	3,100	3,300	3,500	3,800
12 x 12 to 12 x 24"	3,100	3,300	3,500	3,800
14 x 14 to 14 x 24"	3,100	3,300	3,500	3,800
16 x 16 to 16 x 24"	3,100	3,300	3,500	3,800
18 x 18 to 18 x 24"	3,200	3,300	3,600	3,800
20 x 20 to 20 x 24"	3,200	3,300	3,600	3,800
22 x 22 to 22 x 24"	3,200	3,300	3,600	3,800
24 x 24" and larger	3,200	3,300	3,600	3,800

SURFACED ¼ OFF EACH WAY

	Fir green S4S	Hemlock green S4S		Fir green S4S	Hemlock green S4S
6 x 6"	3,050	3,450	8 x 8, 8 x 10 and 8 x 12"	3,150	3,550
6 x 8 and 6 x 10"	3,100	3,500	10 x 10 and 10 x 12"	3,150	3,550
6 x 12"	3,150	3,550	12 x 12"	3,200	3,600

Where surfacing is specified other than standard or where weights are not provided in this list, see shipping weight formula in sec 46, par. (J)

(26) RAILROAD TIES (DOUGLAS FIR AND OTHER WEST COAST SPECIES)

	Cross ties per MBM	Switch ties per MBM 8' 6" and longer
Sel. par. 405	$78.50	$81.50
No. 1, par. 406	76.50	79.50
No. 2, par. 407	71.50	74.50

Estimated weights:

[Per MBM]

	Green	Dry
Fir	3,300	3,100
Hemlock	3,800	3,000

NOTES

1. No additions for odd or fractional thicknesses, widths, or lengths permitted.
2. Hemlock and true firs same as Douglas fir.
3. F. O. H. C. ties, add $1.50 per MBM.
4. For A. R. E. A. and M. M. T., add $5 to par. 405.
5. Any producer of Douglas fir ties whose mill is located on the east slope of the Cascade Mountains near the crest, and who has customarily graded and sold his ties in accordance with the grading rules established in the West Coast Lumber Association rules No. 14 may use the above tables.

(27) CAR MATERIAL (SELECTED FRAMING, SILLS, PURLINS, SLATS, RUNNING BOARDS, ETC.)

[Pars. 421 and 423 (rough green)]

Thickness (inches)		Specified lengths: 20' and under, Even lengths	20' and under, Odd and fractional lengths	Over 20' to 24', Even lengths	Over 20' to 24', Odd and fractional lengths
1	Even widths 2 to 6"	$125	$130	$135	$140
	Even widths 8 to 12"	125	130	135	140
	Odd and fractional widths 2¼ to 5¾"	135	140	145	150
	Odd and fractional widths 6¼ to 13¾"	135	140	145	150
1¼, 1½, 1¾	Even widths 2 to 6"	135	140	145	150
	Even widths 8 to 12"	135	140	145	150
	Odd and fractional widths 2¼ to 5¾"	145	150	155	160
	Odd and fractional widths 6¼ to 13¾"	145	150	155	160
2	Even widths 2 to 6"	110	115	120	125
	Even widths 8 to 12"	110	115	120	125
	Odd and fractional widths 2¼ to 5¾"	120	125	130	135
	Odd and fractional widths 6¼ to 13¾"	120	125	130	135
2¼, 2½, 2¾	Even widths 4 and 6"	125	130	135	140
	Even widths 8 to 12"	125	130	135	140
	Odd and fractional widths 2¼ to 5¾"	135	140	145	150
	Odd and fractional widths 6¼ to 13¾"	135	140	145	150
3 and 4	Even widths 4 and 6"	120	125	130	135
	Even widths, 8, 10, and 12"	120	125	130	135
	Odd and fractional widths 3 to 5¾"	130	135	140	145
	Odd and fractional widths 6¼ to 13¾"	130	135	140	145
3¼, 3½, 3¾, 4¼, to 5¾.	Even widths 4 and 6"	125	130	135	140
	Even widths 8, 10, and 12"	125	130	135	140
	Odd and fractional widths 3¼ to 5¾"	135	140	145	150
	Odd and fractional widths 6¼ to 13¾"	135	140	145	150
6, 8, 10, and 12	Even widths 6, 8, 10, and 12"	115	120	125	130
	Odd and fractional widths 6¼ to 13¾"	125	130	135	140
6¼ to 9¾"	Even widths, 8, 10, and 12"	120	125	130	135
Odd and fractional thickness.	Odd and fractional widths 6¼ to 13¾"	125	130	135	140

For specified even lengths over 24' through 32'—add $20 to 20' and shorter specified length price.
For specified even lengths over 32' through 40'—add $25 to 20' and shorter specified length price.
For specified even lengths over 40' through 44'—add $50 to 20' and shorter specified length price.
For specified even lengths over 44'—add $5 per foot for each 1 foot longer than 44'.
For odd or fractional lengths—add $5 to next even length and compute footage on next even length.

Notes applying to car material—Table 27

Select structural (par. 422)—Add $10.00 to the same size and grain specification.

No. 1 (par. 424)—Deduct $3.00 per M.

Dry: 2" and under—Add $25.00 per M; over 2" through 3"—Add $30.00 per M; over 3"—Add $35.00 per M.

For S1S, S1E, S2S, S1S2E, S2S1E or S4S, add $7.50 per M. For other working, add $15.00 per M to rough price.

Even widths wider than listed—Add $2.50 per inch or fraction thereof to the widest listed even width.

Odd or fractional widths wider than listed—Add $5.00 per inch or fraction thereof to the widest listed odd and fractional width.

Random lengths other than listed—Invoice each length at specified length price and deduct $5.00 per M.

Lengths longer than listed—Add $8.00 per M for each extra 2' to the longest price shown of corresponding size.

Sizes thicker than listed—Use 12" price.

V. G. 4" and narrower—Add $15.00 per M. Wider than 4"—Add $30.00 per M.
Medium grain: Paragraph 222—Add $2.00 per M to paragraphs 421–423–424.
Close grain: Paragraph 223—Add $6.00 per M to paragraphs 421–423–424.
Dense grain: Paragraph 224—Add $15.00 per M to paragraphs 421–422–423–424.
Heartwood: For additions for Heartwood specifications see section 46, paragraph (a), subdivision (2).
Clear framing and running boards: Paragraphs 425 through 433. See note under finish and clears, following table (5), this paragraph.
Pole stock: See note under thick clears following table (6), this paragraph.

[Shipping weights for car framing, sills, purlins, slats, and running boards.]

	Fir S4S ¼ off green	Hemlock S4S ¼ off green	Fir rough or S1E green	Hemlock rough S1E or S2E to A. L. S. or heavier green
1" by all widths	2,500	2,900	3,300	3,800
1¼" and 1½" by all widths	2,600	3,000	3,300	3,800
1¾" by all widths	2,700	3,100	3,300	3,800
2" by all widths	2,800	3,200	3,300	3,800
2¼", 2½" and 2¾" by all widths	2,900	3,300	3,300	3,800
3" and 4" and 3¼", 3½" and 3¾" by all widths	3,000	3,400	3,300	3,800
Larger sizes	3,150	3,550	3,300	3,800

For grades other than those contained in rules 14, car material rules, the maximum price shall be the price for the rules 14 grade and specification to which the other grade and specification most closely conforms.

(28) Car Lining, Roofing and Siding

[D & M 1 x 4, 25/32 x 3¼ Face A. L. S. D & M 1 x 6, 25/32 x 5¾6" Face A. L. S.]

Dry flat grain	B & Btr, lining and roofing, pars. 440 and 445		C lining and roofing, pars. 441 and 446		A. A. R. Std. Pat., B & Btr siding, par. 437		C siding, par. 438		"Selected" roofing (grain tight) lining, pars. 442 and 447	
	1 x 4	1 x 6	1 x 4	1 x 6	1 x 4	1 x 6	1 x 4	1 x 6	1 x 4	1 x 6
5'	$160	$165	$155	$160	$167	$172	$162	$167	$140	$145
6'	160	165	155	160	167	172	162	167	140	145
8'	170	175	165	170	177	182	172	177	150	155
9'	185	190	180	185	192	197	187	192	165	170
10'	180	185	175	180	187	192	182	187	160	165
12'	180	185	175	180	187	192	182	187	160	165
14'	180	185	175	180	187	192	182	187	160	165
16'	180	185	175	180	187	192	182	187	160	165
18' and 20'	185	190	180	185	192	197	187	192	165	170
22' and 24'	195	200	190	195	202	207	197	202	175	180
6/20' R/L	173	178	168	173	180	185	175	180	153	158
8/20' R/L	175	180	170	175	182	187	177	182	155	160
10/20' R/L	180	185	175	180	187	192	182	187	160	165
Dry vertical grain										
5'	$175	$180	$170	$175	$182	$187	$177	$182		
6'	175	180	170	175	182	187	177	182		
8'	185	190	180	185	192	197	187	192		
9'	200	205	195	200	207	212	202	207		
10'	195	200	190	195	202	207	197	202		
12'	195	200	190	195	202	207	197	202		
14'	195	200	190	195	202	207	197	202		
16'	195	200	190	195	202	207	197	202		
18' and 20'	200	205	195	200	207	212	202	207		
22' and 24'	210	215	205	210	217	222	212	217		
6/20' R/L	188	193	183	188	195	200	190	195		
8/20' R/L	190	195	185	190	197	202	192	197		
10/20' R/L	195	200	190	195	202	207	197	202		

WIDTHS: 1 x 3" all items and lengths, same price as 1 x 4". 1 x 5"—Add $25.00 per M' to price of 1 x 6". C & Btr—Invoice "C" and "B & Btr" at price shown for each grade.
Specified odd or fractional lengths not listed: Add $6 per M to price of and compute footage on basis of next longer even listed length.
Random lengths other than listed: Invoice each length at specified length price.
Notes applying to car lining, roofing and siding—Table (28).
Insulation—paragraph 443: Deduct $20 per M from the B & Btr price.
Blanked: S1S, S2S, S3S or S4S, add $5 per M to D & M price.
Rough: Add .10 to D & M price.
Shipping weights for car roofing, siding, and lining (clear items).
For weight on common items (pars. 442 and 447) see schedule following table (21), this paragraph.

	Finished thickness	Fir and dry hemlock	Fir, Green	Hemlock, green
1" rough		2,800	3,500	3,900
Over 1" and under 3" thick rough		2,900	3,500	3,900
1 x 4" patterned	25/32"	1,800	2,300	2,700
1 x 6" patterned	25/32"	1,900	2,400	2,800
1¼ x 4" patterned	1 1/16"	2,000	2,500	2,900
1¼ x 6" patterned	1 1/16"	2,100	2,600	3,000
1 x 4" S2S and T & G	13/16"	1,900	2,400	2,800
1 x 6" S2S and T & G	13/16"	2,000	2,500	2,900
1" S2S blanks	13/16"	2,300	2,800	3,200

Where surfacing is specified other than standard or where weights are not provided in this list, see shipping weight formula in section 46, paragraph (k), subdivision (i).
For grades other than those contained in rules 14, car material rules, the maximum price shall be the price for the rules 14 grade and specification to which the other grade and specification most closely conforms.

(29) B & Btr Horizontal Sheathing, Decking and End Lining, Dry T & G or Shiplap

[B & Btr, pars. 449 and 454. "C", pars. 450 and 455]

	Flat grain		Vertical grain	
	B & Btr	C	B & Btr	C
2 x 4—3 1/16" over-all or less:				
8'	$170	$165	$185	$180
9'	185	180	200	195
10'	180	175	195	190
12'	180	175	195	190
14'	180	175	195	190
16'	180	175	195	190
18' and 20'	185	180	200	195
22' and 24'	195	190	210	205
8/20' R/L	175	170	190	185
2 x 6—5 9/16" over-all or less:				
8'	175	170	190	185
9'	190	185	205	200
10'	185	180	200	195
12'	185	180	200	195
14'	185	180	200	195
16'	185	180	200	195
18' and 20'	190	185	205	200
22' and 24'	200	195	215	210
8/20' R/L	180	175	195	190
2 x 8—Over-all or less:				
8'	185	180		
9'	200	195		
10'	195	190		
12'	195	190		
14'	195	190		
16'	195	190		
18' and 20'	200	195		
22' and 24'	210	205		
8/20' R/L	190	185		

Green: Deduct $30 per M from dry prices.
Rough: Add $10 per M to T & G price.
C & Btr: Invoice "C" and "B & Btr" at price shown for each grade.
Blanked: S1S, S2S, S3S or S4S—add $5 to T & G price.
Patterns other than listed or wider than listed for 2 x 4 (but not exceeding 3¾) or 2 x 6 (but not exceeding 5¾") —add $7.50 per M.
Random lengths other than listed: Invoice each length at specified length price.
Specified fractional or odd lengths or odd lengths over 8' not listed: Add $6 per M to the price of and compute footage on next standard listed length.
1¼ and 1½" thickness dry: Add $10 per M to the dry price.
2¼, 2½ and 2¾ thickness: Add $15 per M to the 2" price.

Notes applying to B & Btr horizontal sheathing, decking and end lining. Dry T & G or shiplap—Table (29).

SHIPPING WEIGHTS FOR DECKING AND END LINING

	Finished thickness (inches)	Fir and hemlock (dry weight)	Fir green (weight)	Hemlock green (weight)
2 x 4" S2S and T & G or S/L	1½	1,800	2,300	2,700
2 x 4" S2S and T & G or S/L	1⅝	2,000	2,400	2,800
2 x 4" S2S and T & G or S/L	1¾	2,100	2,600	3,000
2 x 4" S2S	1½	2,200	2,700	3,100
2 x 4" S2S	1⅝	2,400	2,900	3,300
2 x 4" S2S	1¾	2,600	3,100	3,500
2 x 6" S2S and T & G or S/L	1½	1,900	2,400	2,800
2 x 6" S2S and T & G or S/L	1⅝	2,100	2,600	3,000
2 x 6" S2S and T & G or S/L	1¾	2,200	2,700	3,100
2 x 6" S2S	1½	2,200	2,700	3,100
2 x 6" S2S	1⅝	2,400	2,900	3,300
2 x 6" S2S	1¾	2,600	3,100	3,500
2 x 8" S2S and T & G or S/L	1½	1,900	2,400	2,800
2 x 8" S2S and T & G or S/L	1⅝	2,100	2,600	3,000
2 x 8" S2S and T & G or S/L	1¾	2,200	2,700	3,100
2 x 8" S2S	1½	2,200	2,700	3,100
2 x 8" S2S	1⅝	2,400	2,900	3,300
2 x 8" S2S	1¾	2,600	3,100	3,500
2¼, 2½ and 2¾ x 6" or 8" T & G or S/L		2,300	2,700	3,100
2¼, 2½ and 2¾ x 6" or 8" S2S		2,600	3,100	3,500

Where surfacing is specified other than standard or where weights are not provided in this list, see shipping weight formula in sec. 46, par. (J).

For grades other than those contained in Rules 14, car material rules, the maximum price shall be the price for the Rules 14 grade and specification to which the other grade and specification most closely conforms.

ROUGH CAR DECKING AND END LINING, ROUGH GREEN

	Flat grain					Vertical grain				
	8' 6"	9'	9' 6"	10'	10' 6"	8' 6"	9'	9' 6"	10'	10' 6"
Selected par. 451:										
1½ and 1¾ x 6, 8 and 10"	$120	$117	$117	$110	$120	$160	$157	$157	$150	$160
2 x 6, 8 and 10"	110	107	107	100	110	150	147	147	140	150
2¼, 2½ and 2¾ x 6, 8, 10"	120	117	117	110	120	160	157	157	150	160
3 x 6, 8 and 10"	110	107	107	100	110	150	147	147	140	150

For rough dry 2" and under in thickness, add $25.00 per M to rough green—paragraph 451; for over 2" through 3" in thickness add $30.00 per M to rough green—paragraph 451.

For No. 1 rough green (paragraph 452) deduct $5.00 per M from paragraph 451—rough green prices.

For No. 1 rough dry 2" and under in thickness, add $25.00 per M to rough green paragraph 452; for over 2" through 3" in thickness add $30.00 per M to rough green—paragraph 452.

For V. G. 4" and narrower: Add $12.00 per M to FG price of 6" and wider.

Hemlock: Price same as fir price of same item.

S1S, S2S, S2S1E, S1S2E, S4S, T & G or S/L to A. L. S. or A. A. R. standards—Add $7.50 per M; surfacing thicker or wider than A. A. R. standards add $15.00 per M to the rough price.

Random lengths other than listed: Invoice each length at specified length price and deduct $5.00 per M.

Lengths longer than listed: Add $10.00 to 10' price for each additional foot over 10'.

Odd or fractional widths: Add $10.00 per M to next wider even width.

Medium grain: Paragraph 222, add $2.00 per M.

Close grain: Paragraph 223, add $6.00 per M.

Dense grain: Paragraph 224, add $15.00 per M.

Shipping weights for car decking and end lining: All grades other than clear.

Fir rough green: 3,300 pounds.

Fir rough dry under 3" in thickness—2,900 pounds.

Fir rough or surfaced, dry, 3" thick and over, 200 pounds less than corresponding green weight.

Where surfacing is specified other than standard or where weights are not provided in this list, see shipping weight formula in section 46, paragraph (J).

For grades other than those contained in rules 14, car material rules, the maximum price shall be the price for the rules 14 grade and specification to which the other grade and specification most closely conforms.

(31) SHIP DECKING, PAR. 310 AND MARGIN PIECES WHEN GRADED UNDER PAR. 312, ROUGH GREEN

	8/40, average 12'	10/40, average 14'	12/40, average 16'	14/40, average 18'	16/40, average 20'	18/40, average 22'	20/40, average 24'	22/40, average 26'
1 x 3	$300	$310	$315	$320	$330	$340	$350	$360
1 x 4	250	260	265	270	280	290	300	310
1 x 5	275	285	290	295	305	315	325	335
1 x 6	265	275	280	285	295	305	315	325
2 x 3	250	260	265	270	280	290	300	310
2 x 4	240	250	255	260	270	280	290	300
2 x 5	245	255	260	265	275	285	295	305
2 x 6	235	245	250	255	265	275	285	295
3 x 3	260	270	275	280	290	300	310	320
3 x 4	250	260	265	270	280	290	300	310
3 x 5	260	270	275	280	290	300	310	320
3 x 6	260	270	275	280	290	300	310	320
4 x 4	250	260	265	270	280	290	300	310
4 x 5	260	270	275	280	290	300	310	320
4 x 6	260	270	275	280	290	300	310	320

	24/40, average 28'	26/40, average 30'	28/40, average 32'	30/40, average 34'	32/40, average 36'	34/40	36/40
2 x 3	$325	$350	$375	$400	$425	$450	$500
2 x 4	325	350	375	400	425	450	500
2 x 5	300	325	350	375	400	425	450
2 x 6	300	325	350	375	400	425	450
3 x 3	335	360	385	410	435	460	510
3 x 4	325	350	375	400	425	450	500
3 x 5	335	360	385	410	435	460	510
3 x 6	335	360	385	410	435	460	510
4 x 4	325	350	375	400	425	450	500
4 x 5	335	360	385	410	435	460	510
4 x 6	335	360	385	410	435	460	510

NOTES APPLYING TO SHIP DECKING—TABLE (31)

For specified lengths 12' and over and including 34', add $20. per MBM to the corresponding average length price listed above. Specified lengths 36' to 40' shall be priced at the 34' specified length price.

	8/40	10/40	12/40	14/40	16/40	18/40
For 14' average add	$10					
For 16' average add	20	$10				
For 18' average add	30	20	$15			
For 20' average add	40	30	25	$20		
For 22' average add	50	40	35	30	$20	
For 24' average add	60	50	45	40	30	$20
For 26' average add	70	60	55	50	40	30
For 28' average add	80	70	65	60	50	40
For 30' average add	90	80	75	70	60	50
For 32' average add	100	90	85	80	70	60
For 34' average add	110	100	95	90	80	70
For 36' average add	120	110	105	100	90	80

	20/40	22/40	24/40	26/40	28/40	30/40
For 26' average add	$20					
For 28' average add	30	$20				
For 30' average add	40	30	$15			
For 32' average add	50	40	25	$10		
For 34' average add	60	50	35	20	$10	
For 36' average add	70	60	45	30	20	$10

Where maximum length of any specification is reduced to—

32'—deduct $5.00.
30'—deduct $5.00.
28'—deduct $5.00.
26'—deduct $5.00.
24'—deduct $10.00.
22'—deduct $10.00.
20'—deduct $15.00.

Surfacing S1S, S2S, S3S, or S4S, green or dry: Add $7.50 per M to rough price.

Combined surfacing and outgauging: Add $15.00 per M to the rough price.

Lengths: Specified fractional and odd—Add $7.50 per M to the specified price of, and compute footage on, next longer even length.

Longer than 40: Add $10.00 per M for each foot or fraction thereof to the 40' specified length price. Compute footage on actual length.

Widths: Fractional—Add $15.00 per M to next narrower listed width and compute footage on actual size.

Wider than those listed: Up to and including 10"—Add $10.00 per inch to 6" price. Wider than 10"—Add $15.00 per inch to 6" price.

Thickness: Even thickness thicker than listed—Add $20.00 per M to the thickest listed thickness of the same width and length.

Thicknesses: Fractional—Add $15.00 per M to next less listed thickness and compute footage on actual size.

Dry decking: 2" thick and under—Add $30.00 per M; over 2"—Add $50.00 per M.

"C" grade ship decking (as now established by the West Coast Bureau of Grades and Inspection) deduct $20.00 per M from paragraph 310 prices.

Waiving sap limitation, paragraph 230, deduct $10.00 per M from the same size and length.

SHIPPING WEIGHTS FOR SHIP DECKING (FIR)

	Dry, S4S	Green, S4S	Dry, rough	Green, rough
1 x 3 and 4"	1,900	2,400	2,800	3,500
1 x 5 and wider	2,000	2,600	2,800	3,500
2 x 3 and 4"	2,000	2,500	2,900	3,500
2 x 5 and wider	2,100	2,700	2,900	3,500
3 x 3 and 4"	2,500	2,700	3,300	3,500
3 x 5 and 6"	2,600	2,800	3,300	3,500
4 x 4, 5 and 6"	2,700	2,900	3,300	3,500

SEC. 46. *General notes.* (a) Additions to ceiling prices for the special provisions permitted by this paragraph may be made only when the special provisions are specifically requested by the buyer, and when they are not included in the requested grade in order to satisfy the standards set forth in Standard Grading and Dressing Rules No. 14, issued by the West Coast Bureau of Lumber Grades and Inspection, effective August 1, 1947. When additions are made for Paragraphs 222, 223, 224, 225, 227, and 229, the seller must retain a copy and furnish the buyer with an official certificate of grade by either the West Coast Bureau of Lumber Grades and Inspection, the Pacific Lumber Inspection Bureau, A. M. Hickox Inspection Service, Inc., Portland, Oregon, or by A. E. Green, Eugene, Oregon. This certificate must be attached to the original invoice, except on truck orders involving more than one shipment where a certificate must be furnished either upon completion of the order or at the end of every 30-day period during the time of shipment on such specific order. This rule applies regardless of quantity, except that an order for less than 20,000 board feet for truck shipment direct to the job may be covered by mill certificate only.

(1) *Grain.* Where grain paragraphs may be applied to grade paragraphs in accordance with rules No. 14, the following additions may be made to the applicable ceiling prices:

For Paragraph 222—$2.50 per M.
For Paragraph 223—$5.00 per M.
For Paragraph 224—$12.50 per M.

(2) *Heartwood. (When specified in grades of No. 1 and Better, three inches and thicker).* (i) Eighty-five percent Heartwood, Paragraph 225 (b) and (e)—$4.00 per M and may be added to the applicable ceiling price of same size, length, and grade.

(ii) Eighty-five percent heartwood, Paragraphs 212 and 216—$2.50 per M may be added to the applicable ceiling price of same size, length, and grade.

(iii) Ninety percent heartwood, paragraph 225 (c) and (f)—$6.00 per M may be added to the applicable ceiling price of same size, length, and grade.

(iv) Ninety percent heartwood, paragraph 212 and 216—$5.00 per M may be added to the applicable ceiling price of same length, and grade.

(3) *F. O. H. C.* For all lengths, you may add the amounts shown below to the ceiling prices for the indicated sizes of No. 1 and select structural grades:

	No. 1	Select structural
3 x 10 and 3 x 12	$1.50	$1.50
3 x 14 and 3 x 16	2.50	2.50
3 x 18	5.00	5.00
4 x 10 and 4 x 12	1.50	1.50
4 x 14 and 4 x 16	2.50	2.50
4 x 18	5.00	5.00
6 x 6 and 6 x 8	4.50	4.50
6 x 10 and 6 x 12	6.50	4.50
6 x 14	7.50	5.00
6 x 16	12.50	9.00
6 x 18	15.00	11.50
8 x 8	6.50	4.50
8 x 10 and 8 x 12	10.00	5.00
8 x 14	11.50	7.50
8 x 16	15.00	12.50
8 x 18	20.00	15.00
10 x 10 and 10 x 12	17.50	12.50
10 x 14	20.00	15.00
10 x 16	22.50	17.50
10 x 18	26.50	21.50
12 x 12	22.50	17.50
12 x 14	25.00	20.00
12 x 16	30.00	25.00
14 x 14	35.00	30.00

(i) Timbers wider or thicker than listed—$4.50 per M may be added to the applicable ceiling price for each two inches wider or thicker than listed.

(ii) Odd size timbers not listed—you may add half the difference in amount between the nearest listed larger and smaller sizes to the ceiling price for the smaller size.

(iii) For grades shown in paragraphs 422, 423, 424, 308, 309 (thicknesses over four inches only), and 315—you may make the same additions as for select structural.

(4) *Working charges.* The following working charges may be added to the ceiling price of surfaced lumber of the same size, length, and grade:

	Outgaging		
	6 x 6 to 16 x 20	Over 16 x 20 to 24 x 30	Larger than 24 x 30
40' and shorter	$5.00	$10.00	$25.0
41' to 60'	7.50	12.50	25.0
61' to 80'	10.00	15.00	25.0
81' and longer	15.00	20.00	25.0
	T & G grooving or saw sizing		
40' and shorter	$7.50	$12.50	$25.0
41' to 60'	10.00	15.00	25.0
61' to 80'	12.50	17.50	25.0
81' and longer	17.50	22.50	25.0
	Diagonal and/or taper resawin		
40' and shorter	$12.50	$25.00	$37.
41' to 60'	15.00	27.50	37.
61' to 80'	17.50	30.00	37.
81' and longer	25.00	37.50	37.

(5) *Log cabin siding.* (i) All grade one inch and two inches—you may ad $15.00 per M to the ceiling price of th same grade, size, and seasoning.

(ii) All grades three inches—you ma add $18.00 per M to the ceiling price o the same grade, size, and seasoning.

(iii) Machine droppings—you may in clude up to 15 percent at $10.00 per M less than the ceiling price for the grad ordered.

(iv) For less than 3 MBM—you ma add a flat set-up charge of $15.00 to th applicable ceiling prices.

(b) The board measure of dressed lum ber must be based upon the correspond ing dimensions of rough green lumbe No lumber may be sold on less than on inch count unless otherwise specificall stated in the regulation.

(c) No addition may be made for "h or miss" dressing. Where an addition authorized in any table for surfacing ¼ off or for Industrial Standard sizes, suc addition is the maximum addition tha may be made to the American Lumbe Standard surfaced price for any surfac ing thicker or wider than America Lumber Standard sizes. If a ceiling pric table does not provide an addition fo surfacing ¼" off or to industrial stan ard sizes, an addition of $3.00 per M'B may be made to the applicable ceilin prices for surfacing thicker or wider tha the American Lumber Standard; th addition may be made only if the ceilin price table addition for surfacing is spe cifically for American Lumber Standa sizes. This addition may not be made fo "hit or miss" surfacing, or when machin is set for both width and thickness to fu nominal rough size as shown in Standa Grading and Dressing Rules No. 14.

(d) Bundling: You may add $3.00 pe M to the board and dimension ceilin prices set forth in section 45.

(e) Banding or strapping: When requested by the buyer, you may add $2.50 per M to the ceiling prices set forth in section 45.

(f) Stenciling: On 10 percent or more pieces, bundles, or packages of any shipment to an extent beyond grade marking and/or the simple identification of pieces or lots, when requested by the buyer, you may add $1.50 per M to the ceiling prices set forth in section 45. This addition may not be made for grade marking or for grade or lot identification even though a stencil is employed for such marking.

(g) Surfacing: For any surfacing that does not remove the item surfaced from being classified as rough lumber insofar as the table of established weights is concerned, no charge may be made for surfacing if rough weight is used in computing delivered prices. Alternatively, a seller may charge for surfacing, if permitted by section 45, but the freight charges must be computed on net surfaced size under "Shipping Weight Formula for Sizes not Listed."

(h) Open car loading: When requested by the buyer and when the material is of a type ordinarily loaded in box cars, a flat charge of $15.00 per car may be made. This charge covers the cost of stakes and all other material required to secure the load firmly. Timbers six inches thick, wider than eight inches, and all timbers thicker than six inches are not subject to this charge.

(i) Packaging in sling lots: When material is loaded on open cars, as permitted in paragraph (h) of this section, and, when requested by the buyer, is packaged in sling lots or otherwise whereby the load is divided into individual parcels for the purpose of facilitating mechanical unloading, an additional flat charge of $15.00 per car may be made to cover the cost of all labor and material used in the packaging.

(j) Established weights for nonstandard surfaced lumber: When lumber is surfaced to a non-standard size, or where the established weights are not specifically listed in the tables in section 45, established weights for transportation are computed by applying to the appropriate average rough weight shown below, a percentage factor determined by the ratio of the area of the rough to the surfaced sizes. The resulting weight should then be rounded to the nearest 50 pounds:

	Pounds
Fir, rough green clear	3,500
Fir, rough dry clear, 1"	2,800
Fir, rough dry clear, over 1" and under 3" in thickness	2,900
Fir, rough dry clear, 3" thick and over, 200 lbs. less than corresponding green weight.	
Fir, rough green, all other grades	3,300
Fir, rough dry, all other grades, under 3" in thickness	2,900
Fir, rough or surfaced, dry, 3" and over in thickness, 200 lbs. less than corresponding green weight.	
Hemlock and true fir rough green clear	4,000
Hemlock and true fir rough green, all other grades	3,800
Hemlock and true fir rough or surfaced, dry, all grades, same weight basis as fir.	

(k) Established weights fir clears S1S or S2S only:

	Dry (pounds)	Green (pounds)
1" surfaced to 7/16"	1,300	1,550
1" surfaced to 1/2"	1,400	1,750
1" surfaced to 9/16"	1,600	2,000
1" surfaced to 5/8"	1,800	2,200
1" surfaced to 11/16"	2,000	2,400
1" surfaced to 3/4"	2,100	2,650
1" surfaced to 25/32"	2,200	2,750
1" surfaced to 13/16"	2,300	2,850
1 1/4" surfaced to 1 1/16"	2,400	3,000
1 3/8" surfaced to 1 5/32"	2,350	2,950
1 1/2" surfaced to 1 5/16"	2,450	3,100
1 5/8" surfaced to 1 13/32"	2,450	3,050
2" surfaced to 1 5/8"	2,300	2,850
2" surfaced to 1 25/32"	2,500	3,150
2 1/4" surfaced to 1 7/8"	2,350	2,950
2 1/2" surfaced to 2 1/16"	2,400	3,000
2 3/4" surfaced to 2 3/8"	2,450	3,050
3" surfaced to 2 5/8"	2,850	3,050
4" surfaced to 3 5/8"	3,000	3,200

Hemlock and true fir, dry—same weight as fir.
Hemlock and true fir, green—add 400 pounds to fir weights.

(l) Established weights fir car material:

	Finished thickness (inches)	Dry (pounds)	Green (pounds)
Rough		2,900	3,300
1" S2S and T and G	25/32	2,100	2,400
1" S2S and T and G	13/16	2,200	2,500
1" S2S blanks	13/16	2,400	2,700
2 x 4" S2S T and G or S/L	1 1/2	1,800	2,100
2 x 4" S2S T and G or S/L	1 3/4	2,200	2,500
2 x 4" S2S	1 1/2	2,200	2,500
2 x 4" S2S	1 5/8	2,400	2,700
2 x 4" S2S	1 3/4	2,600	2,900
2 x 6" S2S T and G or S/L	1 1/2	1,900	2,100
2 x 6" S2S T and G or S/L	1 3/4	2,200	2,500
2 x 6" S2S	1 1/2	2,200	2,500
2 x 6" S2S	1 5/8	2,400	2,700
2 x 6" S2S	1 3/4	2,600	2,900
2 1/2 x 6" S2S T and G or S/L	2 1/4	2,300	2,600
2 1/2 x 6" S2S	2 1/4	2,600	2,900

2 x 8" same weight as 2 x 6" of similar working.
2 1/2 x 8" same weight as 2 1/4 x 6" of similar working.
Hemlock and true fir, dry, same weight as fir; green—add 400 pounds.

(m) Loading of random length clears: The inclusion of 17' through 20' lengths in worked uppers is optional with shipper. See paragraph 23, Standard Grading and Dressing Rules No. 14.

Effective date. This regulation is effective March 18, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 13, 1952.

[F. R. Doc. 52-3110; Filed, Mar. 13, 1952; 4:56 p. m.]

[Ceiling Price Regulation 69, Revision 1, Amdt. 1]

CPR 69—HAWAIIAN RETAIL GROCERY REGULATION

CEILING PRICES FOR RETAIL GROCERY SALES

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 69, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Retail groceries. On March 28, 1951, the Office of Price Stabilization issued Ceiling Price Regulations 14, 15 and 16 covering sales of certain foods at both wholesale and retail in the continental United States. Since the territories and possessions of the United States were excluded from the coverage of those regulations, sales in Hawaii of all food items not actually produced or manufactured in that territory continued under Ceiling Price Regulation 9, a regulation providing for ceiling prices based on the individual seller's cost of each commodity plus his base period dollar-and-cent markup thereon.

Ceiling Price Regulation 9 provided a fairly satisfactory pricing method for Hawaiian wholesalers and retailers of groceries brought in from the mainland. The Hawaii OPS office however, continued studies designed to provide uniform margins for all sellers of groceries, and on September 6, 1951, Ceiling Price Regulation 69 was issued establishing this type of control for Hawaiian grocery wholesalers. About the same time, Amendment 3 to Ceiling Price Regulation 9 was issued permitting the use of base period percentage, rather than dollar-and-cent, markups on each seller's cost of merchandise covered thereby. Hawaiian food retailers have, in general, availed themselves of the privilege of pricing under that amendment, but in the meantime, work has continued on a regulation specifically tailored to meet the needs of the group as a whole.

Article V—Retail Groceries, which is contained in this amendment, is the result. It is a natural sequel to Article II, which establishes ceiling prices for the sale of wholesale groceries in Hawaii, and covers substantially the same food categories. Like Article II, Article V provides the equivalent of percentage markups which are generally no less than those received by such retailers during the May 24–June 24, 1950 period as required by the Defense Production Act of 1950, as amended.

The article is essentially a dry grocery regulation and does not cover fresh commodities, such as fresh meats, poultry, eggs, fish, fruits, and vegetables, nor does it cover most non-food items. Some of these commodities (viz island fresh fruits and vegetables) are exempt from price control; others will remain subject to Ceiling Price Regulation 9, the GCPR or other applicable regulations.

The actual pricing technique of the regulation and its tables involves the use of a division factor applied to cost. This reflects the normal trade practice of calculating margins on a selling price, rather than a percentage markup over cost as some sellers have been required to do in the past under Ceiling Price Regulation 9.

Appropriate changes in the record keeping requirements of the regulation are provided by amending section 1.10 to provide a record keeping provision for retailers.

Section 1.15 of the regulation is amended to include a provision for computing the direct cost of items purchased from local sellers.

The advantages of the new regulation are many: It facilitates pricing by each retailer and cuts down on the amount of record keeping required of him; it also expedites and lessens the workload on Hawaii Office of Price Stabilization officials in enforcing compliance. In addition, it constitutes an additional step toward the establishment of specific dollar-and-cent ceilings for most food and grocery items.

Surveys were conducted and conferences were held with Hawaiian retailers over a period of several months prior to the issuance of the accompanying regulation. Advice and suggestions offered by the trade were given careful consideration by the Director.

Section 2.1 of this regulation is amended to clarify the status of continental and local manufacturers and processors under Article II, the wholesale grocery article, and to make it clear that Article II does not apply to manufacturers as to the commodities they manufacture.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Section 1.10 of CPR 69, Revision 1, is amended as follows:

a. Insert after the word "Record" in the title of the section, the following:

(a) *Wholesalers.*

b. Insert at the end of the section, the following new paragraph:

(b) *Retailers.* If you purchase and sell listed commodities at the retail level in the course of trade or business, and if your ceiling price is fixed by this regulation on the basis of direct cost plus a fixed markup, you must preserve and keep available for inspection by the Director of Price Stabilization for a period of two years, all invoices or other records showing purchases of listed commodities by you. You must write on the invoice or other record of each purchase on the basis of which you compute or recompute your ceiling price, or on a separate piece of paper attached to the invoice or other record, the direct cost per unit of the purchase. You must keep separate, or mark or tag plainly, all invoices or other records on which this direct cost per unit has been written. These records are your means of showing that your ceiling prices are correct.

2. Section 1.15 of CPR 69, Revision 1, is amended by deleting paragraph (b) and substituting the following new paragraph therefor:

(b) On locally manufactured items, or on items purchased by you from a seller in the Territory of Hawaii, your direct cost is the price at which your supplier sells the commodities to you, plus any charges incurred by you for cartage to your warehouse from the supplier's warehouse.

3. Section 2.1 of CPR 69, Revision 1, is amended to read:

SEC. 2.1. *What this article does.* This article of the regulation fixes ceiling prices for the items listed in Table A when sold at wholesale, by any person other than the manufacturer or processor, in the Territory of Hawaii.

4. A new article, Article V, is added following Article IV, as follows:

ARTICLE V—RETAIL GROCERIES

SEC. 5.1. *What this article does.* This article of the regulation fixes ceiling prices for the items listed in Table 5A (Grocery Products) and Table 5B (Perishables) in section 5.5 of this article when sold at retail, by any person other than the manufacturer or processor, in the Territory of Hawaii.

SEC. 5.2. *Ceiling prices.* The ceiling price for each item (that is, for each kind, brand, grade, variety, container type and container size) listed in Tables 5A and 5B is the result of dividing the direct cost (as defined in section 1.15) of that commodity by the division factor given you for it in Tables 5A or 5B. In computing your direct cost, you must include all units of the commodity received on each invoice. *Example:* If your cost for 10 cases of a commodity as shown on the invoice is $4.00 a case of twenty-four cans, but as a quantity purchase bonus you received an additional case free, your cost is $3.64 per case, and not $4.00 per case.

SEC. 5.3. *Special charges*—(a) *Additions to cost for packaging.* If you buy in bulk any item covered by this article of the regulation, except spices, tea, and gelatin, and then package and sell it in cardboard containers, cotton bags, transparent bags, inter-lined coffee bags or kraft bags, or similar type bags, on which the name, weight and ingredients of the commodities are stamped or printed, and which are packed and sealed at a place and time other than the point and time of sale, your ceiling price may include the following allowances:

(1) Two cents for every such bag or container smaller than a two-pound bag or container.

(2) Two and one-half cents for every such bag or container of a two-pound size or larger but less than five pounds.

(3) Five cents for a five-pound bag or larger.

(b) *Gift and holiday packages.* If you assemble into gift or holiday packages any food items covered by this regulation, with or without any items not covered by this regulation, your ceiling price for each package is the sum of the following multiplied by 1.05:

(1) Your ceiling price for each item (or article) being packed, as established by this regulation or any other applicable Ceiling Price Regulation or order. If no ceiling has been established for any item being packed, you may use your current selling price for that item.

(2) Your direct cost of packing materials used for the package, including the container.

(c) *Gift packages forwarded to foreign countries.* If you deliver a food package, upon order of the purchaser, directly to a donee (other than a member of the armed forces of the United States) in a foreign country outside of the North American continent, you may add to your ceiling price an amount not to exceed fifty cents for forwarding such package plus the actual mailing and insurance charges. This allowance may be applied only to the shipment and delivery of individual food gift packages and not of wholesale lots.

(d) *Delivery charges.* If you deliver to your customers' homes or places of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, 5 percent of that total value, provided that such charge shall not be more than fifty cents and need not be less than ten cents.

SEC. 5.4. (Reserved).

SEC. 5.5. *Tables of division factors (Tables 5A and 5B)*—(a) *Instructions.* (1) The tables which follow, list the commodities and division factors for retailers covered by this article of the regulation. For a detailed list of items included in each category of commodities see "Commodity definitions", section 5.5 (b) and (c). This article of the regulation must not be used to determine ceiling prices of commodities other than those listed in this section.

(2) The commodities covered by this article are listed in the column at the left in Tables 5A and 5B and the division factors in the right hand column. Divide these factors into your "direct cost" to determine your ceiling prices. Drop any fraction of a cent that is less than one-half cent and take the next highest cent if the fraction is one-half cent or more.

(b) *Commodity definitions.* (1) "Baby foods" means all foods especially designed for the nourishment of infants and juniors such as strained or diced vegetables and baby cereals such as Pablum, Pabena and Cerevim, packed in glass, metal, or other type containers. This classification specifically does not include SMA products, Mead Johnson products, other than Pablum and Pabena, Nestle's and Mellin's baby foods lactogen, Beta-lactose, and other baby foods customarily listed by drug wholesalers and normally purchased for use under the direction of a physician. Sales of baby cereals by drug stores are also specifically exempt from this paragraph.

(2) "Dried, edible beans and peas" means all bulk or packaged, threshed and dried, field or garden beans, peas and lentils used for human consumption, except mung beans.

(3) "Beverage bases and concentrates" means any preparation in concentrated form used for the home preparation of a non-alcoholic beverage by the addition of liquid, or as the base in the home preparation of preserves, jellies, and similar items. This classification includes, but is not limited to, such beverages as Certo, Kool-Aid, Ovaltine, Hires Root Beer Extracts, and similar products. Excluded from this classification are coffee, concentrated coffee, con-

centrated malted milk tablets, or any bottled, ready-to-drink beverage such as Ginger Ale, Colas, and Tom Collins mixes. Malted milk powders, chocolate and plain shall be considered a beverage concentrate, for the purpose of this section, only when sold by retail grocery stores.

(4) "Candy, imported" means any confection imported into the territory from outside the continental United States, its territories and possessions, the ceiling price of which, as established by this regulation, is 11¢ or more per minimum retail unit.

(5) "Cereals" means bulk or packaged processed cereal grains used as breakfast food, both uncooked and ready-to-eat types. This classification includes, but is not limited to, corn flakes, puffed rice, puffed wheat and oatmeal, but does not include buckwheat flour, corn meal, pancake flour, pearled barley and rice.

(6) "Charcoal" means any charred wood locally produced or imported.

(7) "Chicken, turkey, and other poultry preparations" means preparations of chicken, turkey, geese, pheasants or other poultry, packed in metal, glass or other type container, including mixtures of poultry with noodles or other ingredients, goose liver mixes and any other preparation made from poultry, which do not require refrigeration.

(8) "Cleaners and home laundry supplies" includes bleaches, scouring powders, laundry starch, bluing and other home laundry supplies, pare wax, canning rubbers, jars and other home preserving supplies. This classification does not include poisonous home supplies, the merchandising of which requires a license, nor does it include brass, silver or other metal polish, upholstery, floor, rug, wall and dry cleaners.

(9) "Cocoa and chocolate" includes, but is not limited to, powdered, cake and cooking chocolate. This classification does not include chocolate coated candy, or any other chocolate candy, or chocolate syrups.

(10) "Coffee" means roasted coffee either whole or ground, decaffeinated coffee, coffee concentrates (except frozen coffee concentrates), chicory, coffee compounds consisting of a blend of coffee and any other product, cereals, beans, peas and other products and concentrates thereof designated or intended for use as coffee substitutes or coffee extenders.

(11) "Condiments and sauces" means any food garnishes in metal, glass or other containers including, but not limited to, catsup, chili sauce, prepared mustard, mustard horse radish, soya, tabasco sauce, tomato sauce, vinegar, worcestershire, cocktail sauce, pimentos, marachino cherries, bagoon and miso sauce. This classification does not include dry mustard.

(12) "Cooking starch" means all edible starches used for cooking, such as corn starch or potato starch.

(13) "Crackers, cookies and specified cakes" means crackers, cookies, biscuits, fruit cakes, rum cakes, plum puddings, or kibits.

(14) "Dessert powders" means all concentrates of fruits or vegetables containing gelatin or rennin used in the preparation of gelatinous desserts, and tapioca and sago.

(15) "Dessert preparations" means all canned and packaged preparations ready to serve for dessert and all preparations used primarily in the serving or preparation of desserts such as chocolate sauce, marshmallow cream, assorted dried fruits for fruit cakes, glazed fruits, citron and orange peel. This classification does not include fruits canned in sugar syrup.

(16) "Flour, family" means wheat flour which is packaged and is sold for ultimate use in the home.

(17) "Flour, prepared packaged" means any ready to use packaged flour which is not included in any other definition contained in this section and includes, but is not limited to, corn meal, pancake flour, waffle flour, and biscuit mixes. This classification does not include wheat flour and flour mixes made from buckwheat, corn, potatoes, rice, wheat and soya bean.

(18) "Flour, prepared packaged cake" means flour and flour mixes made from buckwheat, corn, potatoes, rice, wheat or any other material for the primary use of making cakes.

(19) "Fruits and berries, canned" means fruit and berries packed in metal, glass or other type container and not requiring refrigeration and includes, but is not limited to the following; apples, apple sauce, apricots, cherries, figs, fruit cocktail, fruits for salads, preserves, pears, plums, blackberries, blueberries, boysenberries, cranberries, huckleberries, loganberries, raspberries, and youngberries. This classification does not include fruits or berries packed in liquors or vinegars.

(20) "Fruits, dried" means fruits from which the major portion of water has been removed by a natural or artificial drying process and includes, but is not limited to, dried apples, apricots, currants, dates, figs, grapes (raisins), nectarines, peaches, pears and prunes.

(21) "Fruits and vegetables, frozen, and frozen pet foods such as horse meat". Frozen fruits means all fruits, berries and fruit or berry juices and mixtures which have been quick frozen. Frozen vegetables means all vegetables, vegetable juices and mixtures which have been quick frozen. This classification includes frozen pet foods and frozen coffee concentrates.

(22) "Home baking supplies" means all supplies sold for use in the home preparation of bakery products except flour and includes, but is not limited to, baking powder, baking soda, mince meats, bread crumbs, cracker crumbs and yeast. This classification does not include sugar or any other commodity included in any other classification contained in this section or specifically covered by another regulation.

(23) "Juices, canned" means berry juices, citrus fruit juices, fruit juices and mixtures and vegetable juices packed in metal, glass or other type container and not requiring refrigeration.

(24) "Mayonnaise, salad dressings, and sandwich spreads" means all sandwich spreads with a mayonnaise or cheese base and prepared dressings for salads except cooking and salad oils.

(25) "Meats, canned" means meats and meats in combination with other foods packed in metal, glass or other container such as luncheon meats, meat spreads, sausages, and sausage meats, loaf meats, brains, tongues, bacon, corn beef, dried beef, hash, potted and deviled meats, spaghetti and meat balls, spaghetti sauce with meat, noodles and meat, stews, chili con carne, prepared hot tamales, meat ravioli, tortillas, whether or not requiring refrigeration, but does not include frozen meat.

(26) "Milk, evaporated" means unsweetened liquid evaporated milk packed in metal or glass containers.

(27) "Other milk products" means any food commodities which are processed or manufactured from milk and includes powdered whole milk, condensed milk, Klim, Avoset. This classification does not include butter, cheese, powdered skimmed milk, fresh milk or fresh cream.

(28) "Packaged nuts" means all nuts shelled or unshelled, roasted or unroasted which are packed in metal, glass, cartons or other containers sold in shelf sizes. "Bulk nuts" means nuts which are not customarily sold by the retailer in the package in which he receives delivery.

(29) "Oil, cooking and salad" means all vegetable, fruit, seed and leaf plant oils whether pure or mixed. This classification includes, but is not limited to, olive oil, peanut oil, cottonseed oil and corn oil. It does not include prepared dressings, nor does it include mineral and olive oil sold by drug stores or department stores.

(30) "Oleomargarine" means any products labeled oleomargarine.

(31) "Olives" means all kinds of olives, green, ripe, stuffed, oiled, brined, or packed in vinegar and mustard.

(32) "Paper products" means and is limited to toilet tissue, paper towels, paper napkins, picnic supplies and wax paper when sold in grocery stores. Picnic supplies, as it is used in this definition, includes only paper eating implements, drinking straws, paper tablecloths, paper plates and paper cups.

(33) "Paste products" means all canned, packaged and bulk macaroni, shells, noodles, spaghetti, vermicelli and similar products when cooked or uncooked. This classification does not include cooked paste products which contain meat or poultry.

(34) "Pet foods and supplies" means all kinds of pet foods, packaged or in bulk, canned or dried, and such pet supplies as catnip, cuttlebone and gravel. This classification includes these commodities, however, only when sold in retail grocery stores and does not include such commodities when sold in pet stores. This classification does not include frozen horse meat.

(35) "Pickles and certain spiced fruits and vegetables" means all kinds of pickles, whole, diced or sliced, including pickles packed in vinegar, brine or mustard and fruits or vegetables packed in vinegar such as spiced tomatoes or peaches but does not include fruits and vegetables packed in brine or heavy syrup either spiced or unspiced, nor does it include olives.

(36) "Potato chips and shoestring potatoes". Potato chips and shoestring

potatoes means sliced or finely cut fried potatoes packed in cartons, bags, metal cans or any other container.

(37) "Preserves, jams and jellies and peanut butter" means all preserves, jams, jellies and marmalades including preserves of fruit, berries or vegetables and all kinds of spreads of ground peanuts irrespective of the size of the granules, peanut butter and cranberry sauce.

(38) "Rice" means all grades of white and brown, milled and unmilled rice sold in all types of containers.

(39) "Salt" means all table and cooking salt and other salt for home use such as ice cream salt.

(40) "Seafood, canned" means all processed fish and seafood packed in metal, glass or other type container and includes, but is not limited to, abalone, crab meat, shrimp, codfish, clams, prawns, and canned clam chowder. This classification does not include seaweed, fish chowder or fresh, dried, salted, smoked, shredded or frozen fish.

(41) "Shortening and lard" means any solid vegetable or animal fats used for cooking, sold in bulk and in packaged shelf sizes but does not include butter or oleomargarine or cooking and salad oils.

(42) "Seafood, dried" means seafood such as dried codfish and shells in a dried condition.

(43) "Soap, laundry" means bar and packaged laundry soap and detergents. This classification includes laundry soap and detergents in bars, cakes, chips, powder plain, granulated or liquid form.

(44) "Soap, toilet" means toilet soaps in bar, cake, chips, powder, plain granulated or liquid form used primarily for the purpose of personal cleanliness.

Whenever a soap is in general use for both household and personal use, it may be considered a toilet soap for the purpose of computing the ceiling price.

(45) "Soups, canned" means any soups, chowder or broth in containers of glass or metal and includes condensed soup. This classification does not include clam juices, clam broth or fish soups or chowders.

(46) "Soups, dehydrated" means any commodity intended for the making of soup by the addition of liquid and includes, but is not limited to, dried noodle soup mixes and pearl barley.

(47) "Spices and extracts" means all kinds of spices and extracts including, but not limited to, sodium glutamate, mapleline food seasoning, lemon extract, almond extract, sherry extract, grated cheese, cinnamon, pepper, bouillon cubes, dry mustard, cloves, bay leaves, and coloring matter.

(48) "Sugar" means all sugar or specialty sugar sold in packages, cartons, or in bulk from the continental United States or manufactured in the Territory of Hawaii but does not include sugar syrups.

(49) "Syrups, molasses and honey" means all sugar syrups, edible molasses, sorghum, cane, maple and corn syrups and blends thereof and all locally produced and imported comb and extracted honey and combinations of extracted and comb honey.

(50) "Tea" means all kinds of tea, green and black, loose or in bags, packaged or in bulk.

(51) "Vegetables, canned" means vegetables not requiring refrigeration, packed in metal, glass or other containers and includes, but is not limited to, canned beans, carrots, corn, okra, peas, rhubarb, sauerkraut, spinach, stew (if, by weight, mostly vegetables) and all vegetables packed in brine or in heavy syrup, either spiced or unspiced.

(52) "Vegetables, dehydrated" means vegetables or vegetable mixtures which are prepared for consumption by the addition of water to restore the product to its original condition.

(53) "Specified wooden products" is limited specifically to the following: brooms and broom parts, matches including book matches, clothes pins and tooth picks.

(c) *Commodity definitions of perishables.* These definitions apply to both domestic and imported items.

(1) "Butter" (packaged or bulk) means only butter from milk, including but not limited to, processed, salted, unsalted, and whipped butter. Excluded are peanut, nut, fruit, or honey butters.

(2) "Cheese" includes all packaged cheese, cheese spreads and cheese foods purchased packaged. Excluded are all types of bulk cheese.

TABLE 5–A

FOOD COMMODITIES	*Division factor*
1. Baby Foods:	
(a) Packaged	0.80
(b) Tinned	.82
2. Beans and peas, dried, edible:	
(a) Bulk	.77
(b) Packaged	.74
3. Beverage bases and concentrates	.80
4. Candy, imported	.70
5. Cereals:	
(a) Ready-to-eat	.82
(b) Cooking	.80
6. Charcoal	.72
7. Chicken, turkey and other preparations	.77
8. Cleansers and certain home supplies	.82
9. Cocoa and Chocolate	.80
10. Coffee	.87
11. Condiments and sauces:	
(a) Mustard, vinegar, soy, catsup, tomato sauce or paste, and misO sauce	.80
(b) All others	.75
12. Corn starch, and other edible starches	.80
13. Crackers, cookies, and specified cakes:	
(a) Crackers	.80
(b) Cookies	.77
(c) Plum puddings, pralines, fruit cakes and filbits	.75
14. Dessert powders	.80
15. Dessert preparations	.77
16. Flour, bakers and family	.84
17. Flour, prepared packaged (other than cake)	.80
18. Flour, prepared packaged, cake	.77
19. Fruits and berries canned:	
(a) Peaches, pears, pineapples, fruit cocktails, in tin	.79
(b) Peaches, pears, pineapples, fruit cocktails, in glass	.79
(c) Apples, apple sauce, apricots, Royal Anne (dark and light) cherries, citrus and combinations, in tin	.79
(d) Apples, applesauce, apricots, Royal Anne (dark and light) cherries, citrus and combinations, in glass	.79
(e) All others, in tin	.79
(f) All others, in glass	.79

TABLE 5–A—Continued

FOOD COMMODITIES—continued	*Division factor*
20. Fruits, dried:	
(a) Bulk	0.78
(b) Packaged	.82
21. Fruits and vegetables, quick frozen including frozen pet food	.75
22. Home baking supplies:	
(a) Baking soda	.82
(b) All others	.77
23. Juices, canned:	
(a) Tomato and pineapple	.82
(b) Citrus	.77
(c) All others	.78
24. Mayonnaise, salad dressings, and sandwich spreads	.80
25. Meat canned:	
(a) Luncheon meat, corned beef and corned beef hash, Vienna sausage, deviled and potted meat, and all meats packed in containers not over 2 pounds, in tin	.81
(b) Luncheon meat, corned beef and corned beef hash, Vienna sausage, deviled and potted meat, and all meats packed in containers not over 2 pounds, in glass	.80
(c) All others in tin	.81
(d) All others in glass	.80
26. Milk, evaporated	.80
27. Milk products other than evaporated milk	.80
28. Nuts:	
(a) Salted, shelled, packaged peanuts	.78
(b) Unsalted, shelled, packaged nuts	.78
(c) Salted, shelled, packaged nuts (not peanuts)	.78
(d) All others	.78
29. Oils, cooking and salad:	
(a) Olive oil	.78
(b) All others	.80
30. Oleomargarine	.80
31. Olives	.78
32. Paper products:	
(a) Toilet tissue	.78
(b) Paper towels	.80
(c) Paper napkins and picnic supplies	.78
(d) Waxed paper	.80
33. Paste products:	
(a) Bulk	.78
(b) Packaged	.78
34. Pet foods and supplies	.80
35. Pickles and certain fruits and vegetables	.78
36. Potato chips and shoestring potatoes	.78
37. Preserves, jams, jellies and peanut butters	.78
38. Rice	.80
39. Salt:	
(a) Bulk	.78
(b) Packaged	.80
40. Seafood, canned:	
(a) Salmon, sardines (not in olive oil), pilchards, herring (not pickled), tuna, and mackerel	.80
(b) Oysters, barracuda, codfish, codfish cakes, fish flakes, squid and all other not elsewhere classified	.78
(c) Lobster, crab, shrimp, clam, abalone, anchovies, pickled herring, and sardines in olive oil	.80
41. Shortening and lard	.80
42. Seafood, dried and shredded:	
(a) Bulk	.80
(b) Packaged	.80
43. Soap, laundry:	
(a) Bulk	.80
(b) Packaged	.80
44. Soap, toilet	.80
45. Soups, canned	.80

TABLE 5-A—Continued

FOOD COMMODITIES—continued

	Division factor
6. Soups, dehydrated	0.78
7. Spices and extracts:	
(a) Pepper and vanilla extract	.75
(b) All others	.72
8. Sugar:	
(a) Local refined, white	.84
(b) All others	.82
9. Syrups, molasses and honey	.76
10. Tea:	
(a) Bulk	.78
(b) Packaged	.79
11. Vegetables, canned:	
(a) Peas, corn, tomatoes, and beans in tin	.80
(b) Peas, corn, tomatoes, and beans, in glass	.80
(c) Asparagus, other beans, beets, carrots, potato, pumpkins, stew, spinach, and other combinations, in tin	.80
(d) Asparagus, other beans, beets, carrots, potato, pumpkins, stew, spinach, and other combinations, in glass	.73
(e) All others, in tin	.73
(f) All others, in glass	.76
12. Vegetables, dehydrated	.80
13. Wooden products:	
(a) Brooms, clothes pins	.75
(b) Toothpicks and matches	.75

TABLE 5-B

FOOD COMMODITIES

	Division factor
1. Butter	0.91
2. Cheese	.79

Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. pp. Supp. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 69, Revision 1, is effective March 19, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3143; Filed, Mar. 14, 1952; 11:05 a. m.]

[Ceiling Price Regulation 129]

PART 129—CEILING PRICES FOR HORSEMEAT PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to the Allocation of Meat, and Economic Stabilization Agency General Order 5, this Ceiling Price Regulation 129 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific ceiling prices for sales of fresh, frozen, and cured horsemeat at wholesale, fresh and frozen horsemeat at retail, and sales of canned horsemeat by processors at wholesale and retail. These horsemeat items are used largely as an ingredient in food for dogs and other animals, and to a minor extent as food for human consumption.

The ceiling prices of all fresh, frozen, and cured horsemeat, whether for animal or human consumption, have been frozen since January 26, 1951, under the General Ceiling Price Regulation. During that period, prices of live horses have been exempt from price control. Consequently, sellers of horsemeat suffered a decrease in margins, when their costs increased subsequent to the issuance of the GCPR. The decline in the value of hides and fats also reduced the operating margins of slaughterers of horses. These and other disparities occasioned by the requirements of the GCPR are corrected in this regulation.

Processors of canned horsemeat products have been subject to Supplementary Regulation 15 to CPR 22, or, in some cases, to the GCPR. This regulation supersedes SR 15 to CPR 22 and the GCPR with respect to such sellers and includes a separate schedule of ceiling prices covering their sales at wholesale and retail. With respect to sales of canned horsemeat products by nonprocessors, however, ceiling prices continue to be established under CPR 14, 15, or 16, or other applicable regulations. If further investigation reveals that this regulation is better suited for the purpose, it will be amended to cover these sales also.

It is the object of this regulation to establish ceiling prices which will permit a fair margin of profit to slaughterers and other sellers while effectuating the anti-inflationary policy of the Defense Production Act, as amended.

Provisions of the regulation. Article I of this regulation contains general provisions which apply, with some exceptions, to all sellers of horsemeat products. Article II contains a ceiling price schedule for sales of fresh, frozen, and cured horesmeat products sold at wholesale, another schedule for fresh and frozen products sold at retail, and a third schedule for sales by processors of canned horsemeat products both at wholesale and retail. Article III contains general, zone, and product definitions.

Standard products. This regulation establishes uniform ceiling prices for certain horsemeat products which are defined in section 32 and to minimize evasion and aid in enforcement prohibits the sale of other horsemeat products. Cured boneless horsemeat may not be sold unless inspected. Since this product is invariably exported for resale abroad and must be inspected before such export, the prohibition is not expected to work a hardship upon any sellers. Horsemeat products may not be sold unless the products are clearly identified to indicate that they contain horsemeat. This prohibition will prevent deception of purchasers and consequent evasion of ceiling prices by adulteration of more expensive products with horsemeat but will permit legitimate sales of horsemeat products. Also, to prevent deception and evasion and to aid enforcement, this regulation prohibits the sale of sausage containing horsemeat. Finally, to accomplish the same ends, this regulation provides that no canned or packaged horsemeat product may be sold which contains horsemeat to the extent of less than 5 percent.

Price differentials. Since the heaviest concentration of supplies of horses is in the mid-west, from which area live horses and dressed carcasses are shipped to coastal areas, three price zones are established to reflect differences in transportation costs. Separate ceiling prices are established for inspected and for uninspected horsemeat, to reflect the higher costs incurred by a seller of inspected products in satisfying the rigid requirements of the U. S. Department of Agriculture or other equivalent state inspection agency.

Finally, provision is made for certain additions to the zone prices specified in the ceiling price schedules, to reflect other costs. For sales at retail, however, the adjustment which may be added to the specified zone price is restricted to certain taxes only, since the zone prices themselves make allowances for such freight, local delivery, packaging, and other costs as are usually incurred by retailers.

When sales in excess of 100 lbs. in a single day are made to a purchaser, all such sales are considered to be sales at wholesale. The reason for this provision is that many slaughterers sell at retail, usually to such establishments as zoos, kennels, and circuses, and in such quantity as customarily to obtain only wholesale prices.

A seller's ceiling price under this regulation therefore depends upon the nature of the sale (e.g., at wholesale, at retail, or by a processor), the zone in which his establishment is located, whether the horsemeat in the product has been inspected, and upon special adjustments, if any, applicable to the sale.

The regulation also contains an adjustment provision intended to make proper allowance for products in which the cost of ingredients exceeds the costs used in calculating ceiling prices in the regulation. A processor who sells "specialty canned horsemeat products" may apply for a higher ceiling price than the ceiling price established by this regulation. A specialty canned horsemeat product is one which the applicant sold at any time prior to the issuance date of this regulation, for which his ceiling price immediately prior to the effective date of this regulation was higher than the one established under this regulation, and which is unusually expensive to produce because of the high cost of ingredients, other than horsemeat, in the product.

The ceiling prices established by this regulation meet the statutory standards of the Defense Production Act, as amended. They allow generally fair and equitable margins for processing and distributing horsemeat products. They are not below the prices prevailing just before the date of issuance of this regulation or the prices prevailing during the period January 25, 1951 to February 24, 1951, inclusive.

All standards prescribed in this regulation were, prior to the issuance of the regulation, in general use in the horsemeat industry. Such standards as are prescribed herein are indispensable to

price control of horsemeat products since no practicable alternative to such standardization exists for securing effective price control of horsemeat products. It is not believed that this regulation will cause any substantial changes in business practices; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of this regulation.

In formulating this regulation, the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to the recommendations.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. Where this regulation applies.
3. Sales not covered by this regulation.
4. Ceiling prices for listed horsemeat products.
5. Ceiling prices for certain specialty canned horsemeat products.
6. Records by sellers or buyers: Sales at wholesale and sales by processors.
7. Records by sellers at retail.
8. Retail display.
9. Retail sales receipts.
10. Petitions for amendment.
11. Interpretations.
12. Prohibitions.
13. Evasions.
14. Enforcement.

ARTICLE II—CEILING PRICES

20. Ceiling prices for sales at wholesale—Schedule I.
21. Ceiling prices for sales at retail—Schedule II.
22. Ceiling prices for sales of canned horsemeat products by processors at wholesale and retail—Schedule III.

ARTICLE III—DEFINITIONS

30. General definitions.
31. Zone definitions.
32. Product definitions.

AUTHORITY: Sections 1 to 32 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C., App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* (a) This regulation establishes specific ceiling prices for sales at wholesale of certain fresh, frozen, and cured horsemeat products and for sales at retail of certain fresh and frozen horsemeat products. It also establishes specific ceiling prices for sales of certain canned horsemeat products by processors at wholesale and retail. (The expressions "sale at wholesale", "sale at retail", "horsemeat product", "canned horsemeat product", and "processor" are defined in Article III of this regulation.) These ceiling prices supersede those established for horsemeat products by the General Ceiling Price Regulation, by Supplementary Regulation 15 to Ceiling Price Regulation 22, and by letter orders issued under General Overriding Regulation 10 prior to the effective date of this regulation.

(b) The regulation does not, however, establish ceiling prices for sales of canned horsemeat products by persons other than processors. Non-processors selling these products remain subject to Ceiling Price Regulation 14, 15 or 16, or other applicable regulation. Nor does it establish ceiling prices for horsemeat products for which ceiling prices are established by Ceiling Price Regulation 31, as amended, ("Imports") or Ceiling Price Regulation 61, as amended, ("Exports").

SEC. 2. *Where this regulation applies.* This regulation applies in the 48 States of the United States and in the District of Columbia.

SEC. 3. *Sales not covered by this regulation.* The provisions of this regulation do not apply to:

(a) Sales or deliveries of a horsemeat product to a buyer if, prior to the effective date of this regulation, this product has been received for shipment to the buyer by a carrier not owned or controlled by the seller; or

(b) The sales referred to in section 1 (b) of this regulation.

SEC. 4. *Ceiling prices for listed horsemeat products*—(a) *Fresh, frozen, and cured horsemeat products sold at wholesale.* Your ceiling price for each fresh, frozen, and cured horsemeat product listed in section 20, which you sell at wholesale is the zone price (Schedule I) plus any applicable adjustments listed in that section.

(b) *Fresh and frozen horsemeat products sold at retail.* Your ceiling price for each fresh and frozen horsemeat product listed in section 21, which you sell at retail is the zone price (Schedule II) plus the adjustment listed in that section, if applicable.

(c) *Canned horsemeat products sold by processors.* Your ceiling price for each canned horsemeat product listed in section 22 which you process and sell at wholesale or retail is the zone price (Schedule III) plus any applicable adjustments listed in that section.

SEC. 5. *Ceiling prices for certain specialty canned horsemeat products.* (a) If you believe that a "specialty canned horsemeat product" which you process should have a ceiling price higher than the ceiling price established by this regulation, you may apply by registered mail, to the Food & Restaurant Division, Office of Price Stabilization, Washington 25, D. C., for a revised ceiling price for that product. Your application should show the following:

(1) Your name and business address;

(2) The name of the product and a statement whether you sold this product before March 14, 1952;

(3) The formula of the product;

(4) The cost per case of the ingredients (separately itemized);

(5) The number of units per case and the net weight of each unit;

(6) Your ceiling price for the sale of the product immediately before the effective date of this regulation; also, how and under what regulation you determined that ceiling price;

(7) The revised ceiling price for which you are applying;

(b) The Director of Price Stabilization may, by letter order, authorize you to sell the product at a ceiling price higher than the one prescribed in section 22 of this regulation, if he finds that:

(1) The product is a "specialty canned horsemeat product" as defined in section 30 of this regulation;

(2) The cost of ingredients used in your product justifies a ceiling price higher than that established by section 22 of this regulation;

(3) Your revised ceiling price is generally fair and equitable, is not inconsistent with the ceiling price structure established by this regulation, and will not otherwise have an inflationary effect.

(c) Upon mailing your application, you may, until otherwise notified by the Director of Price Stabilization, continue to sell the specialty canned horsemeat product at a price not to exceed your ceiling price in effect immediately before the effective date of this regulation.

(d) After receipt of your application the Director of Price Stabilization may issue an order revising your ceiling price or requiring you to sell the product at the ceiling price fixed in this regulation and may at any time request additional information.

SEC. 6. *Records by sellers or buyers; sales at wholesale and sales by processors*—(a) *Applicability.* The record keeping requirements of this section apply to all sales, transfers, or deliveries at wholesale of fresh, frozen, or cured horsemeat products and to all sales, transfers, or deliveries of canned horsemeat products by processors at wholesale.

(b) *Records which must be preserved.* On and after the effective date of this regulation, each of you who sells, transfers, or delivers any horsemeat product shall make and preserve, and each of you who, in the course of trade or business, buys or receives any horsemeat product shall preserve for inspection by the Office of Price Stabilization for a period of two years an accurate invoice or equivalent record of each sale, transfer, purchase, or receipt. All sales invoices or equivalent records required by this section must be numbered consecutively. If, prior to November 8, 1951, you used for each selling establishment or group of selling establishments a systematic procedure of accounting for such records by means other than consecutive numbering, you may continue to use such system. You may not, however, change your system unless you substitute therefore a system of consecutive numbering. Each invoice or sale record must show:

(1) The date of the sale;

(2) The names and addresses of the buyer or the recipient and the seller or the transferor;

(3) The descriptive name and the quantity and weight of the horsemeat product sold, transferred, delivered, purchased, received, or acquired; (the name must include the word "horsemeat" or "horsemeat product" except that this requirement shall not apply where the label on the product clearly indicates that it is intended for animal consumption).

(4) The price charged, received, or paid therefor.

You shall also continue to preserve all records required to be preserved by section 16 of the General Ceiling Price Regulation.

(c) *Records which must accompany deliveries.* (1) Except as provided in section 6 (c) (2), (3), and (4), each of you who sells, transfers, or delivers any horsemeat product shall furnish to the buyer at the time of delivery a written statement showing the information set forth in section 6 (b).

(2) You shall send with each shipment, other than a C. O. D. shipment, a copy of the invoice or equivalent record referred to in section 6 (b). However, the portion of the invoice with respect to the price charged, received, or paid may be omitted but (i) such portion must be mailed to the buyer within 24 hours after the shipment leaves your plant, or, (ii) if it has been your customary practice to send invoices weekly, such portion must be mailed to the buyer during the week of the shipment.

(3) Where the shipment made constitutes the entire content of a common carrier freight car or truck, a copy of the invoice or equivalent record referred to in section 6 (b) shall be posted in the freight car or truck near or on the door. Where the shipment made constitutes only a part of the content of a common carrier freight car or truck, the copy shall be securely attached in a conspicuous place to one of the items included within the shipment, or it shall be given to and carried by the driver and he shall be authorized to display it to any enforcement officer on request. Where the shipment is made by vehicle other than a common carrier, the copy shall be given to and carried by the driver, and he shall be authorized to display it to any enforcement officer on request.

(4) If you ship any horsemeat products which constitute the entire content of a vehicle, to a business establishment or warehouse controlled or operated by you, you shall send with each such vehicle a statement containing the name and address of the owner of the products and the point of destination, and stating that the horsemeat products are not being transferred to a buyer in connection with a sale. The shipment must be identified in the same manner as required in section 6 (c) (3).

(d) *Microfilming records.* All records required to be preserved under this section may, 90 days after the date of the transaction to which they relate be transferred to microfilm.

(e) *Inspection by OPS representatives.* You shall show the records required by this section to any OPS representatives upon request.

SEC. 7. *Records by sellers at retail.*—(a) *Applicability.* The record keeping requirements of this section apply to all sales at retail of fresh or frozen horsemeat products and to processor's sales at retail of canned horsemeat products.

(b) *General records.* On and after the effective date of this regulation you shall make and preserve for a period of two years the same records you have customarily kept. In addition you must preserve the invoices, freight bills and other written records provided by your supplier or suppliers which pertain to purchases of horsemeat products by you. You shall also continue to preserve all records required to be preserved by section 16 of the General Ceiling Price Regulation.

(c) *Microfilming records.* All records required to be preserved under this section may, 90 days after the date of the transaction to which they relate, be transferred to microfilm.

(d) *Inspection by OPS representatives.* You shall show the records required by this section to any OPS representative upon request.

SEC. 8. *Retail display.* (a) In a store where you customarily make sales at retail, you may not display together any horsemeat product and any other product containing meat, nor may you display together horsemeat products having different ceiling prices. Instead you must put them in separate trays, compartments, sections of your show case, or packages. You must place the appropriate name of the product on each separate display or package so that your customers can see and read it and you must indicate whether or not it is inspected. In addition, you must clearly indicate that it is a horsemeat product except where the label on the product clearly indicates that it is intended for animal consumption.

(b) When you display a horsemeat product, you must put your selling price for that product on the display.

SEC. 9. *Retail sales receipts.* You shall give customers the sales slip, receipt, or other record of purchase you have customarily given. In addition, you shall, upon request by any customer, give him a receipt showing the date of sale, your name and address, the name, weight, and the price you receive for each horsemeat product sold at retail.

SEC. 10. *Petitions for amendment.* If you wish to have any provision of this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised, issued by the Office of Price Stabilization.

SEC. 11. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your OPS District Office. Any action you take in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 12. *Prohibitions*—(a) *General prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such act. Specifically, (but not in limitation of the above), you shall not fail to make and preserve true and accurate records and reports, as required by this regulation and you shall not do any act prohibited by section 12 (b), (c), or (d).

(b) *Selling or buying at prices above ceiling.* Regardless of any contract, agreement, or other obligation (1) you shall not sell, transfer, or deliver any horsemeat product at a price higher than the ceiling price established for it by this regulation, (2) you shall not buy or receive in the regular course of trade or business any horsemeat product at a price higher than the ceiling price established for it by this regulation, and (3) you shall not agree, offer, solicit, or attempt to do any of the foregoing. You may, however, charge, demand, pay or offer lower prices for horsemeat products than are established by this regulation.

(c) *Selling or buying unlisted products.* Regardless of any contract, agreement, or other obligation, you shall not sell, transfer, offer to sell or transfer, or, in the regular course of trade or business buy or receive any horsemeat product which is not defined in section 32 of this regulation.

(d) *Selling or buying certain horsemeat products.* Regardless of any contract, agreement, or other obligation, you shall not sell, transfer, offer to sell or transfer, or buy or receive in the regular course of trade or business the following:

(1) Any horsemeat product unless it is clearly indicated on the tray, compartment package, container or section of showcase that it is a horsemeat product;

(2) Any canned or packaged horsemeat product which contains horsemeat to the extent of less than 5 percent;

(3) Any cured boneless horsemeat which has not been inspected; and

(4) Any sausage containing horsemeat.

SEC. 13. *Evasions.* (a) Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes but is not limited to, means or devices making use of commissions, services, cross-sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

(b) The following are specifically, but not exclusively, among the means and devices prohibited by section 13 (a) and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made in this industry under the general evasion provisions:

(1) Falsely or incorrectly invoicing horsemeat products;

(2) Offering, selling, or delivering a horsemeat product on condition that the buyer purchase another horsemeat product or any other commodity or service.

(3) Making a charge or receiving payment for delivery of a horsemeat product on the basis of a route different from that actually followed and in excess of that permitted for the route by which the product was actually delivered.

(4) Charging, paying, billing, or receiving any consideration for any service in connection with the sale or purchase of a horsemeat product for which a specific allowance has not been provided in this regulation.

(5) Buying or receiving back at less than the established ceiling price any horsemeat product which you have sold.

(6) Representing, directly or indirectly, in connection with the sale of or offer to sell any horsemeat product, that it is not a horsemeat product. This provision shall not, however, be construed to eliminate or restrict the use of trade and brand names.

SEC. 14. *Enforcement.* On or after the effective date of this regulation, if you violate any provision of this regulation, or any order issued pursuant to it, you are subject to criminal penalties, enforcement action, and action for damages.

ARTICLE II—CEILING PRICES

SEC. 20. *Ceiling prices for sales at wholesale—Schedule I.* Your ceiling price for each fresh, frozen, or cured horsemeat product which you sell at wholesale is the price listed in Schedule I for the zone in which your selling establishment is located, plus any applicable adjustments listed below this schedule. You determine your zone under section 31 of this regulation.

SCHEDULE I—SALES AT WHOLESALE

[All prices are on a dollar per hundredweight basis. The price for any fraction of a hundredweight shall be reduced proportionately]

(1)	Inspected		Uninspected	
	Zones 1 and 3 (2)	Zone 2 (3)	Zones 1 and 3 (4)	Zone 2 (5)
1. Carcass or side	$11.00	$9.00	$9.00	$7.00
2. Hindquarter	13.00	11.00	11.00	9.00
3. Forequarter or any bone-in cut	9.00	7.00	7.00	5.00
4. Boneless horsemeat	15.00	13.00	13.00	11.00
5. Ground horsemeat (bone-in)				
(a) 1 pound or less (packaged or bulk)	15.00	13.00	13.00	11.00
(b) Over 1 pound (packaged or bulk)	13.00	11.00	11.00	9.00
6. Ground horsemeat (boneless)				
(a) 1 pound or less (packaged or bulk)	17.00	15.00	15.00	13.00
(b) Over 1 pound (packaged or bulk)	15.00	13.00	13.00	11.00
7. Cured boneless horsemeat	20.50	18.50	------	------
8. Brains	6.00	6.00	6.00	6.00
9. Cheek meat	9.00	7.00	7.00	5.00
10. Hearts	12.00	10.00	10.00	8.00
11. Livers	17.00	15.00	15.00	13.00
12. Lungs or melts	4.00	4.00	4.00	4.00
13. Tongues	11.00	11.00	11.00	11.00
14. Tenderloins	24.00	22.00	22.00	20.00

SPECIAL ADJUSTMENT FOR SCHEDULE I

1. For sales to a retailer you may add $2.00 per cwt. to the prices specified.

2. For sales of horsemeat packed in boxes or barrels you may (except for sales of cured boneless horsemeat, item 7) add the cost of the packing container but in no case more than $1.00 per cwt., to the prices specified.

3. If you prepay the freight to the buyer's place of business you may add to the prices specified the amount of such transportation charges, provided that such charges are shown as a separate item on the sales invoice, and provided that you do not make an addition for local delivery.

4. If you make or pay a contract carrier to make a local delivery, you may add to the prices specified the amount indicated for the distances set forth below:

[The charge for local delivery for any fraction of a hundredweight shall be reduced proportionately]

Amount per hundredweight:	*Distance of delivery*
$0.40 per hundredweight	Up to 35 miles.
$0.60 per hundredweight	35 to 75 miles.
$1.00 per hundredweight	75 to 150 miles.
$1.30 per hundredweight	150 miles or over.

SEC. 21. *Ceiling prices for sales at retail—Schedule II.* Your ceiling price for each fresh or frozen horsemeat product which you sell at retail is the price specified in Schedule II for the zone in which your selling establishment is located plus the adjustment listed below that schedule, if applicable. You determine your zone under section 31 of this regulation.

[All prices are on a cents-per-pound basis. The price for any fraction of a pound shall be reduced proportionately]

SCHEDULE II—SALES AT RETAIL

(1)	Inspected		Uninspected	
	Zones 1 and 3 (2)	Zone 2 (3)	Zones 1 and 3 (4)	Zone 2 (5)
1. Bone-in cuts	26	23	23	20
2. Boneless cuts	32	28	28	24
3. Ground (bone-in)	23	20	20	17
4. Ground (boneless)	28	25	25	22
5. Tenderloins	45	42	42	40
6. Brains	14	14	14	14
7. Hearts	20	18	18	16
8. Livers	28	26	26	24
9. Tongues	19	17	17	15

SPECIAL ADJUSTMENT FOR SCHEDULE II

You may collect, in addition to the prices specified, any tax upon or incident to a retail sale, if you state the tax separately and if the statute or ordinance does not prohibit you from stating and collecting the tax separately from the price.

SEC. 22. *Ceiling prices for sales of canned horsement products by processors at wholesale and retail.—Schedule III.* Your ceiling price for each canned horsemeat product which you process and sell at wholesale or retail is the price specified in Schedule III for the zone in which your selling establishment is located, plus any applicable adjustments listed below that schedule. You determine your zone under section 31 of this regulation.

SCHEDULE III—SALES BY PROCESSORS

[Listed prices are for a case of 48 one-pound cans or jars Cases having more or less than 48 units or having units of more or less than 1 pound must be adjusted accordingly]

(1)	Inspected		Uninspected	
	Zones 1 and 3 (2)	Zone 2 (3)	Zones 1 and 3 (4)	Zone 2 (5)
1. Containing 80 percent horsemeat or more	$8.10	$7.30	$7.30	$6.50
2. Containing 30 percent or more, but less than 80 percent horsemeat	6.70	6.10	6.10	5.50
3. Containing 5 percent or more, but less than 30 percent horsemeat	4.80	4.60	4.60	4.40
4. Horsemeat and gravy, containing 80 percent or more horsemeat	8.50	7.60	7.60	6.70

SPECIAL ADJUSTMENTS FOR SCHEDULE III

1. For sales to a retailer, you may add $0.50 per case to the prices specified.

2. For sales at retail you may add $1.50 per case to the prices specified. (On sales of less than case lots, round the total of the ceiling prices of the products sold to the nearest whole cent.)

3. If you prepay the freight to the buyer's place of business, you may add to the prices specified the amount of such transportation charges, provided that such charges are shown as a separate item on the sales invoices and provided that you do not make an addition for local delivery.

4. If you make or pay a contract carrier to make a local delivery, you may add to the prices specified the amount indicated for the distances set forth below:

[The charge for local delivery for any fraction of a cwt. shall be reduced proportionately.]

Amount per hundredweight:	*Distance of delivery*
$0.40 per cwt	up to 35 miles
$0.60 per cwt	35 to 75 miles
$1.00 per cwt	75 to 150 miles
$1.30 per cwt	150 miles or over

ARTICLE III—DEFINITIONS

SEC. 30. *General definitions.* When used in this regulation, the term:

(a) "Horsemeat product" means an edible product consisting in whole or in part of horsemeat or processed in whole or in part from horsemeat. It includes but is not limited to all products and by-products defined in section 32 of this regulation.

(b) "Inspected" means subjected to ante-mortem and post-mortem inspection by the United States Department of Agriculture or any state inspection service substantially equivalent to United States Department of Agriculture inspection.

(c) "Local delivery" means delivery from the place of business from which a product is sold to the buyer's place of business or to the delivery point designated by the buyer, in terms of the shortest railroad or truck route between those places.

(d) "Processor" means a person who substantially changes the form of any horsemeat product or who combines two commodities, one or both of which is a horsemeat product, into a substantially different horsemeat product. If you merely package, label, market, promote or sell a horsemeat product or combine commodities without substantially changing their form, you are not a processor.

(e) "Sale at retail" means a sale to a person for consumption off the seller's premises by the purchaser or his family or by animals owned or controlled by him or his family. However, when a sale or sales of horsemeat products in excess of 100 lbs. in a single day are made to a purchaser, all such sales are considered to be sales at wholesale and not at retail. A retailer means a person who regularly makes sales at retail.

(f) "Sale at wholesale" means a sale other than at retail.

(g) "Sausage" means chopped, ground or comminuted meat seasoned with spice and/or condiments, to which salt, sodium nitrate, sodium nitrite, and cereal tender may be added, and which has

been cooked, cured, dried, corned, or barbecued.

(h) "Specialty canned horsemeat product" means a canned horsemeat product:

(1) Which you sold before March 14, 1952;

(2) In the sale of which your ceiling price immediately prior to the effective date of this regulation was higher than the ceiling price established by this regulation; and

(3) Which is unusually expensive to produce because of the high cost of ingredients, other than horsemeat, in the product.

(i) "Units" means cans, jars, bottles, or other containers.

(j) "You" or "person" means the person subject to this regulation, including any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or its agencies, any other government, its political subdivisions, or its agencies. However, no punishment provided by this regulation shall apply to the United States or to any other government, political subdivision, or agency.

SEC. 31. *Zone definitions.* When used in this regulation, the term:

(a) "Zone 1" means that part of the United States included within the states of Washington, Oregon, California, Nevada and Idaho.

(b) "Zone 2" means that part of the United States not included within Zones 1 and 3.

(c) "Zone 3" means that part of the United States included within the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida and the District of Columbia.

SEC. 32. *Product definitions.* When used in this regulation, the term:

(a) "Bone-in cut" means any selected cut of meat and bone derived from the skeletal portion of the horse carcass.

(b) "Boneless horsemeat" means horsemeat from which all bones have been removed.

(c) "Brains" means both brain lobes, the small knobs at the base of the brain, and a short piece of spinal cord approximately ¾ of an inch long.

(d) "Canned horsemeat and gravy" means a canned horsemeat product containing not less than 80 percent horsemeat by weight, and gravy.

(e) "Canned horsemeat product" means a horsemeat product containing percent or more of horsemeat, sterilized in a hermetically sealed container.

(f) "Carcass" means the dressed whole carcass with the head, fore feet, and hind feet removed.

(g) "Cheek meat" means the lean muscle on the inside and outside of the jaw, trimmed free of the salivary glands, as removed from the head.

(h) "Cured boneless horsemeat" means any selected cut of boneless horsemeat from which all loose or ragged pieces of excess fat and fascia tissue have been removed, which has been cured in accordance with good commercial practice, and which has been sealed in a tierce suitable for export.

(i) "Forequarter" means the anterior portion of the horse carcass remaining after the severance of the hindquarter.

(j) "Ground horsemeat (bone-in)" means meat and bones from the skeletal portion of the horse carcass, including also cheek meat, which has been thoroughly ground and to which no other ingredient has been added.

(k) "Ground horsemeat (boneless)" means meat from the skeletal portion of the horse carcass, including also cheek meat, from which all bones have been removed, which has been thoroughly ground, and to which no other ingredient has been added.

(l) "Hearts" means horses' hearts of all weights and color.

(m) "Hindquarter" means the posterior portion of the horse carcass and shall contain not more than 2 ribs.

(n) "Horsemeat" means edible skeletal meat derived from the horse carcass, and all edible by-products.

(o) "Livers" means all horse livers of any weight.

(p) "Lungs" means the lungs from horses. The trachea (wind pipe) is to be cut off close to the body of the lungs.

(q) "Melts" means the spleens.

(r) "Side" means one-half of the carcass severed from the whole carcass by a cut through the center of the backbone. It consists of a full hindquarter and full forequarter from the same carcass.

(s) "Tenderloin" means the tenderloin muscle with attached side strip muscle lying inside the full loin, or any selected cut derived therefrom.

(t) "Tongues" means tongues from horses, cut off at a point that leaves the epiglottis on the tongue.

Effective date. The provisions of this regulation shall be effective on March 19, 1952. You may, however, adopt in whole the provisions of this regulation at any time before the effective date.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3145; Filed, Mar. 14, 1952; 11:05 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-68, Revocation]

M-68—PASSENGER CARS

NPA Order M-68 as amended September 11, 1951 (16 F. R. 9286), and as further amended by Amdt. 1 of December 28, 1951 (17 F. R. 24), is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-68, as amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective March 14, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3142; Filed, Mar. 14, 1952; 11:02 a. m.]

Chapter XIV—General Services Administration

MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

Sec.
1. Basis and purpose.
2. Definitions.
3. Duration of Programs A and B.
4. Program A.
5. Program B.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong., 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, Pub. Law 96, 82d Cong., 50 U. S. C. App. Sup. 2093; secs. 201, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase, pursuant to delegation of authority from the Defense Materials Procurement Administrator of even date with this regulation, hand-cobbed muscovite ruby crude mica and processed muscovite ruby block and film mica, all of domestic origin, as authorized by the Defense Production Administration on February 5, 1952, and outlines the attendant responsibilities and functions of the Administrator in purchasing such mica for Government use and resale. In accordance with Programs A and B set forth herein, the Administrator will buy domestically produced mica conforming to the requirements, at the price, and under the other terms and conditions of this regulation.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Government depot" means the purchase depots of the Government at or in the vicinity of Keene, New Hampshire, Spruce Pine, North Carolina, Custer, South Dakota, or any other such depots established after the date of this regulation.

(c) "Domestic origin" means mined within the United States (the forty-eight states and the District of Columbia).

(d) "Block mica" means processed muscovite ruby block mica which conforms with the requirements of section 4 (b) of this regulation.

(e) "Film mica" means processed muscovite ruby film mica which conforms with the requirements of section 4 (b) of this regulation.

(f) "Hand-cobbed mica" means run-of-the-mine muscovite ruby mica crystal which is free from dirt, rock and mine run scrap and which conforms with the

requirements of section 5 (b) of this regulation.

(g) "Program A" means the program for purchase by the Government of processed block and film mica of domestic origin.

(h) "Program B" means the program for purchase by the Government of hand-cobbed mica of domestic origin.

(i) "Regional Director" means the Director of any one of the following General Services Administration regional offices having jurisdiction as indicated below:

Region No.	Address	Government depots over which Jurisdiction is exercised
1	Regional Director, General Services Administration, 620 Post Office and Courthouse, Boston 9, Mass.	Keene, N. H.
4	Regional Director, General Services Administration, 50 Whitehall St. SW., Atlanta 3, Ga.	Spruce Pine, N. C.
6	Regional Director, General Services Administration, 1800 Federal Office Bldg., 911 Walnut St., Kansas City 6, Mo.	Custer, S. Dak.

SEC. 3. *Duration of programs A and B.* Programs A and B shall terminate and be of no further force or effect at the close of business June 30, 1955, or when the total block, film and hand-cobbed mica delivered to and accepted by the Government under said programs reaches the equivalent of 25,000 short tons of hand-cobbed mica, whichever first occurs. For the purpose of computing said 25,000 short tons of hand-cobbed mica, 90 pounds of block or film mica shall be deemed to be the equivalent of one (1) short ton of hand-cobbed mica.

SEC. 4. *Program A*—(a) *Participation in program.* Any person may participate in Program A by giving notice to the Regional Director having jurisdiction over the Government Depot nearest to the location of his mica processing plant. Such notice shall be in the form of a letter, postcard or telegram, postmarked or dated by the telegraph office not later than June 30, 1952, and shall state: (1) That the applicant has read this Regulation and accepts its terms and conditions, and (2) that he desires to participate in "Mica Program A" and will offer mica to the Government pursuant thereto. Such notice must be signed and a return address given. Any person giving notice in the form required above will promptly be sent a certificate authorizing him to deliver block or film mica which conforms with the requirements set forth in paragraph (b) of this section. A person participating in Program A may not participate simultaneously in Program B.

(b) *Requirements.* All block and film mica purchased under Program A shall in every respect conform to the requirements of American Society for Testing Materials Specification D-351, latest revision as of the date of acceptance of each lot of block or film mica by the Government. The qualities which will be accepted are good stained and better, stained and heavy stained. Ruby mica only will be accepted.

The following grades will be accepted:

Grades	Area of minimum rectangle (square inches)	Minimum dimension of 1 side (inches)
No. 6	1	¾
No. 5½	2¼	⅞
No. 5	3	1
No. 4	6	1½
No. 3 and larger	10	2

Each lot of block or film mica must contain not less than 30 percent good stained or better quality.

All block and film mica must be full-trimmed.

The Government reserves the right, at any time during Program A, to utilize electrical inspection instead of visual inspection as the basis for acceptance of mica and to add to the kind, qualities and grades of mica set forth above.

(c) *Deliveries.* Block and film mica offered to the Government under Program A shall be delivered f. o. b. the Government depot nearest to the participant's processing plant. Delivery of less than forty-five (45) pounds of block or film mica at one time will not be accepted. Prior to delivery a participant must give the Superintendent of the Government depot to which he is shipping, reasonable advance notice with respect to the quantity to be delivered and the proposed delivery date. The Superintendent of the Government depot will then establish a delivery schedule with each participant. The Government reserves the right to reject any deliveries that have not been so scheduled.

(d) *Inspection and acceptance.* Each delivery will be inspected by the Government at the Government depot. Deliveries not conforming to the minimum requirements set forth in paragraph (b) of this section will be rejected and all costs to the Government except inspection costs in connection therewith will be borne by the owner of the mica. The decision of the Government with regard to acceptance (including quality, grade and other requirements) or rejection will be final.

(e) *Price schedule.* The following prices per pound will be paid for processed block and film mica delivered f. o. b. Government depot and accepted by the Government:

PRICE SCHEDULE

[Per pound]

Grades	Qualities		
	Good stained and better	Stained	Heavy stained
No. 3 and larger	$70.00	$18.00	$13.00
No. 4 and No. 5	40.00	8.00	6.00
No. 5½ and No. 6	15.00	5.00	3.00

SEC. 5. *Program B*—(a) *Participation in program.* Any person may participate in Program B by giving notice to the Regional Director having jurisdiction over the Government Depot nearest to the location of his mine or deposit. Such notice shall be in the form of a letter, postcard or telegram, postmarked or dated by the telegraph office not later than June 30, 1952, and shall state: (1) That the applicant has read this Regulation and accepts its terms and conditions; (2) that he desires to participate in "Mica Program B" and will offer mica to the Government pursuant thereto (3) the location of his mine or deposit (4) the point at which he desires to have his hand-cobbed mica inspected, in accordance with paragraph (c) of this section; (5) the name, if any, of such mine or deposit; (6) the monthly rate of production of hand-cobbed mica which it is estimated may be obtained from such mine or deposit. Such notice must be signed and a return address given. Any person giving notice in the form required above will promptly be sent a certificate authorizing him to deliver hand-cobbed mica which conforms with the requirements of paragraph (b) of this section. A person participating in Program B may not participate simultaneously in Program A.

(b) *Requirements.* The requirements for hand-cobbed mica under Program B are that it must yield four and one-half (4½) percent block or film mica, grade six (6) or larger and heavy stained or better quality, of which at least eighteen (18) percent must be good stained or better quality and at least twenty-seven (27) percent must be stained or better quality. The block and film mica to be processed from this hand-cobbed mica shall conform in all other respects with the requirements of American Society for Testing Materials Specification D-351, latest revision as of the date of acceptance of each lot of hand-cobbed mica by the Government.

(c) *Inspection and acceptance.* The participant shall give reasonable advance notice to the Superintendent of the Government depot to which he will ship the hand-cobbed mica, stating the quantity he proposes to offer for sale to the Government under Program B. Offerings of quantities that are less than one thousand (1,000) pounds will not be considered by the Government. Upon such notification, the Government shall arrange for inspection of the hand-cobbed mica offered at the point of production or at such other points as may be mutually agreed upon between the participant and the Government: *Provided, however,* That such inspection shall not be made beyond a three hundred (300) mile radius of the Government depot from which the participant will ship. After inspection by a Government inspector the hand-cobbed mica will be accepted by the Government if in the judgment of the Government inspector the offered hand-cobbed mica will conform to the requirements of paragraph (b) of this section, and will be rejected by the Government if in his judgment it will not conform to such requirements. Such acceptance or rejection shall be final. If, after processing, the Government determines that any such accepted lot or lots of hand-cobbed mica delivered from a specific mine or deposit fail to yield block or film mica in accordance with the

requirements of paragraph (b) of this section, the Government reserves the right to refuse to consider or accept further offerings of hand-cobbed mica from the particular mine or deposit from which such lot or lots were produced.

(d) *Deliveries.* Hand-cobbed mica accepted by the Government under Program B is to be delivered as follows: (1) If shipped by rail, f. o. b. common carrier's conveyance at a railroad delivery point designated by the Government which will be as close as possible to the Government depot; or (2) if shipped by motor truck, f. o. b. Government depot. Hand-cobbed mica accepted by the Government under paragraph (c) of this section shall not be delivered in shipments of less than one thousand (1,000) pounds. Prior to shipment the shipper must give the Superintendent of the Government depot to which he is shipping reasonable advance notice with respect to the quantity to be shipped and the proposed shipping date. The Superintendent of the Government depot will then establish a shipping schedule with each shipper and will instruct the shipper how to prepare the hand-cobbed mica for shipment. The Government reserves the right to reject and hand-cobbed mica which has not been so scheduled and prepared.

(e) *Price.* The price to be paid for hand-cobbed mica accepted by and delivered to the Government in accordance with paragraphs (c) and (d) of this section will be $600 per short ton (2,000 pounds).

Dated: March 12, 1952.

JESS LARSON,
Administrator of General Services.

[F. R. Doc. 52-3092; Filed, Mar. 14, 1952; 8:51 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Amdt. 7 to Appendix]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESS AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP.—CRITICAL DEFENSE HOUSING AREAS

This Amendment 7 amends the Appendix to CR 3 initially published in the FEDERAL REGISTER November 20, 1951 (16 F. R. 11731), and last amended by Amendment 6 published February 27, 1952 (17 F. R. 1725), as follows:

1. The geographical descriptions of critical defense housing areas numbered 32 and 106 and designated respectively as Barstow, California, and Umatilla-Hermiston, Oregon, are amended to read as follows:

32. Barstow, California, Area (Barstow Township and the area within the United States Marine Corps Depot Military Reservation, all in San Bernardino County).

* * * * *

106. Umatilla-Hermiston, Oregon, Area (Precincts 28, 29, 30, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41, including the Cities of Stanfield, Hermiston, Umatilla and Echo, all in Umatilla County).

2. The Appendix to CR 3 is further amended by adding the following additional critical defense housing areas to the areas already designated under CR 3:

144. Rockdale, Texas, Area (all of the County of Milam), March 15, 1952.

145. Parsons, Kansas, Area (all of Labette County), March 15, 1952.

146. Arlington, Washington, Area (Census Divisions 2 and 3 in Snohomish County), March 15, 1952.

147. Charleston, South Carolina, Area (the Townships of Christ Church, First St. James Goose Creek, Folly Island, James Island, Johns Island, St. Andrews, St. Michael and St. Philip, St. Paul, Second St. James Goose Creek, Sullivans Island and Wadmalow, the City of Charleston and the towns of Mount Pleasant, Hollywood, Meggett, Ravenel and Lincolnville in Charleston County; the Townships of St. Denniss and St. Thomas, and Second St. James Goose Creek in Berkeley County; the Townships of Collins and Dorchester, and the Town of Summerville and the unincorporated community of Pinehurst-Sheppard Park in Dorchester County), March 15, 1952.

148. Orlando, Florida, Area (Orange County, and Commissioner's Districts 2 and 3 in Osceola County, including the City of Kissimmee), March 15, 1952.

149. Bedford, Massachusetts, Area (the Towns of Bedford, Billerica, Burlington, Carlisle, Concord, Lexington and Lincoln and the Cities of Waltham and Woburn in Middlesex County), March 15, 1952.

150. Del Rio, Texas, Area (Justice precinct 1 in Val Verde County), March 15, 1952.

151. Cobalt, Idaho, Area (the Election Precinct of Forney, including the Town of Cobalt in Lemhi County), March 15, 1952.

152. Newport, Rhode Island, Area (the City of Newport and the Towns of Middletown, Portsmouth and Tiverton, all in Newport County), March 15, 1952.

153. Oscoda, Michigan, Area (the Townships of Au Sable and Oscoda in Iosco County), March 15, 1952.

154. Indian Head, Maryland, Area (Charles County), March 15, 1952.

155. Gary-Hammond-East Chicago, Indiana (all of Lake County, Indiana, except the Townships of Cedar Creek, Eagle Creek and West Creek), March 15, 1952.

156. Lawrence-Olathe, Kansas, Area (Douglas County, Kansas, including the Cities of Baldwin, Eudora and Lawrence; the Townships of Olathe, Monticello, Spring Hill, Gardner, McCamish and Lexington, including the Cities of DeSota, Edgerton, Gardner, Olathe and Spring Hill, all in Johnson County, and the City of Bonner Springs, and Delaware Township, including the City of Edwardsville, in Wyandotte County), March 15, 1952.

(Sec. 704, 64 Stat. 816, as amended; Pub. Law 139, 82d Cong.; 50 U. S. C. App. Sup. 2154)

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-3026; Filed, Mar. 14, 1952; 8:48 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 32 to Schedule A]

[Rent Regulation 2, Amdt. 30 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

OREGON AND CALIFORNIA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective March 15, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 12th day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Oregon				
(255) Umatilla County..	B	Umatilla County, except the city of Pendleton....	Mar. 1, 1942	Oct. 1, 1942
	C	In Umatilla County, precincts 28, 29, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41.[1]	Dec. 1, 1950	Feb. 11, 1952
	O	In Umatilla County, precinct 30.....	....do.....	Mar. 18, 1952
California				
(36) Barstow.....	A	In San Bernardino County, the township of Barstow.	May 1, 1951	Nov. 15, 1951
	A	In San Bernardino County, the U. S. Marine Corps Depot Military Reservation.	....do.....	Mar. 14, 1952

[1] That which was designated under the 1940 U. S. Census in Umatilla County, Oreg., as precincts 28, 29, 31, 32, 33, and 34 is the equivalent in territory to that which is designated under the 1950 U. S. Census as precincts 28, 29, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41.

[F. R. Doc. 52-3045; Filed, Mar. 14, 1952; 8:49 a. m.]

[Rent Regulation 3, Amdt. 48 to Schedule A]

RR 3—HOTELS

SCHEDULE A—DEFENSE-RENTAL AREAS

OREGON AND CALIFORNIA

This amendment is issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended,

and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective March 15, 1952, Rent Regulation 3 is amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 12th day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(255) Umatilla County	Oregon	In Umatilla County, precincts 28, 29, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41.[1]	Dec. 1, 1950	Feb. 11, 1952
		In Umatilla County, precinct 30	do	Mar. 18, 1952
(36) Barstow	California	In San Bernardino County, the township of Barstow.	May 1, 1951	Nov. 15, 1951
		In San Bernardino County, the U. S. Marine Corps Depot Military Reservation.	do	Mar. 14, 1952

[1] That which was designated under the 1940 U. S. Census in Umatilla County, Oregon as precincts 28, 29, 31, 32, 33, and 34 is the equivalent in territory to that which is designated under the 1950 U. S. Census as precincts 28, 29, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41.

[F. R. Doc. 52-3046; Filed, Mar. 14, 1952; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regs. 111; T. D. 5889]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

DEDUCTION ALLOWABLE FOR ATTORNEYS' FEES PAID FOR PRODUCTION OR COLLECTION OF ALIMONY INCLUDIBLE IN GROSS INCOME

In order to conform Regulations 111 (26 CFR Part 29) to the decision of the Tax Court of the United States in Barbara B. LeMond, 13 T. C. 670, such regulations are amended as follows:

Section 29.24-1 is amended by striking out the sixth sentence and inserting in lieu thereof the following: "Amounts paid as damages for breach of promise to marry and attorneys' fees and other costs of suit to recover such damages are not deductible. Generally, attorneys' fees paid in a suit for divorce or separate maintenance are not deductible. However, the part of an attorney's fee paid in a divorce or separate maintenance proceeding which is properly attributable to the production or collection of amounts includible in gross income under section 22 (k) is deductible under section 23 (a) (2)."

Because this Treasury decision removes a restriction by permitting attorneys' fees to be deducted in computing net income in certain instances when such fees are paid for the production or collection of taxable income, it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: March 11, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3051; Filed, Mar. 14, 1952; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 18—SETTLEMENT OF ACCOUNTS: LEGAL PROCEEDINGS: COMPROMISES

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PART 37—FREE MATTER IN THE MAILS

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

1. In § 18.61 *United States as defendant* add new paragraph (c) to read as follows:

(c) The courts of appeal shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the District Court of the Territory of Alaska, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. (62 Stat. 929, sec. 48, 65 Stat. 726; 28 U. S. C. 1291.)

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

2. In § 35.2 *Limit of weight and size of mail matter* (16 F. R. 12725) strike out the words "size and" which appear in the Note to paragraph (b).

(R. S. 161, 396, 3921, sec. 24, 20 Stat. 361, sec. 2, 33 Stat. 440, secs. 12, 13, 39 Stat. 162, sec. 5, 206, 43 Stat. 1067, sec. 6, 45 Stat. 941, 46 Stat. 264, 526, 62 Stat. 781; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250, 273, 291, 291a, 295, 365, 370)

3. In Part 37, insert new § 37.21a between §§ 37.21 and 37.22 to read as follows:

§ 37.21a *When copyrights not to subsist; Government publications.* No copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to July 1, 1909, and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided,* That copyright may be secured by the Postmaster General on behalf of the United States in the whole or any part of the publications authorized by section 1 of the act of January 27, 1938 (39 U. S. C. 371).

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

4. a. In § 127.101 *Special provisions applicable to international registry service* amend paragraph (b) as follows:

I. Amend the caption to paragraph (b) to read as follows:

(b) *Matter admissible to international registered mails; declaration of value.*

II. In paragraph (b), add new subparagraph (5) to read as follows:

(5) The full value of mail accepted for registration to foreign countries shall be declared by the mailer at the time of mailing in accordance with the requirements for domestic registered mail.

b. In § 127.267 *Gold Coast Colony (including Ashanti, British Togoland and Northern Territories)* (16 F. R. 7569) amend paragraph (b) (5) by striking out the first sentence of subdivision (ii) and inserting in lieu thereof the following: "The addressees of commercial parcels must in most cases obtain import licenses in order to take delivery."

c. In § 127.380 *Yugoslavia* make the following changes in paragraph (b) (5):

I. Amend subdivision (i) to read as follows:

(i) Gift parcels containing only food, clothing, and reasonable quantities of medicine are duty free in Yugoslavia. Streptomycin requires the approval of a physician or of a hospital. It is suggested that gift parcels be marked "Gift Poklon".

II. Rescind subdivision (ii).

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-3013; Filed, Mar. 14, 1952; 8:46 a. m.]

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PART 60—TREATMENT OF REGISTERED MATTER AT POST OFFICES OF DELIVERY

MISCELLANEOUS AMENDMENTS

1. a. Amend § 34.95 *Parcels addressed to certain A. P. O.'s* to read as follows:

§ 34.95 *Parcels addressed to certain A. P. O.'s*—(a) *Conditions applicable*—(1) *Customs forms required.* Each parcel intended for dispatch to the following A. P. O.'s and Fleet Post Offices must bear declaration Form 2966 or contain Form 2976-A, as applicable:

Care Postmaster, New York, N. Y.—A. P. O.'s: 10, 11, 16, 21, 22, 30, 55, 58, 83, 117, 11[illegible] 124, 125, 147, 179, 349, 755.

Care Postmaster, New Orleans, La.—A. P. O.'s: 825, 827, 828, 829, 830, 831, 832, 83[illegible] 835, 836, 837.

Fleet Post Office, New York, N. Y.—Nav[illegible] Nos.: 121, 122, 188, 214, 720.

(2) *Customs declaration Form 2976 C 1).* Parcels of third or fourth class nall be accepted with Form 2966 show-ıg quantity, description, and value of rticles therein. Sealed first-class pack-ges (including air-mail packages) for ıe addresses listed in subparagraph (1). f this paragraph which contain mer-handise must have attached Form 2976 C 1) or be endorsed for opening for ustoms purposes. The paper form of ustoms declaration (Form 2976–A) roperly completed by the sender or an ıvoice must also be enclosed therein. ustoms inspection will not be made hile the mail is in the military postal hannels but after its delivery to the ddressee or his representative.

(3) *Customs duty.* Articles will be able for customs duty and/or purchase ıx unless they are bona fide gifts, per-ɔnal effects, or items for personal use ıtended for military personnel or their ependents. Where the contents of a arcel meet the foregoing requirements ıe mailer should place a certification milar to the following on the customs ɔrm under the heading—Description of ontents:

Certified to be a bona fide gift, personal fects, or item for personal use of military ersonnel and their dependents thereof.

(4) *Official matter.* Customs declara-on tags are not required on parcels of ficial matter from Government agen-es addressed to a military organization officer by title such as "Commanding fficer," "Supply Officer," etc., at the . P. O.'s and Navy Nos. listed in sub-aragraph (1) of this paragraph.

(5) *Weight limit.* Parcels addressed ɔr delivery through A. P. O.'s 22, 124, 5, 147, 179 and 755 shall not exceed) pounds.

(6) *Parcels not acceptable.* Parcels hich fail to meet these requirements ıall not be accepted for mailing. Post-ıasters are directed to question the ıailers as to the contents of parcels ddressed through the A. P. O.'s listed ı subparagraphs (1) and (2) of this aragraph and shall refuse to accept ɔr mailing any parcel containing any the prohibited articles listed there-ıder.

(b) *Prohibited matter.* (1) Mailing cigarettes and tobacco products to the llowing A. P. O.'s and Navy unit listed elow and to any unit of these organi-tions bearing a hyphenated suffix, such "A. P. O. 1–A," is prohibited:

A. P. O.'s: 1, 10, 11, 13, 16, 19, 21, 22, 26, 28, , 35, 36, 39, 42, 46, 55, 57, 58, 61, 62, 65, 66, , 79, 80, 82, 83, 106, 107, 110, 111, 112, 114, 4, 125, 139, 147, 154, 162, 168, 169, 171, 172, 4, 175, 178, 179, 207, 208, 209, 225, 227, 305, 9, 403, 407, 541, 633, 696, 742, 743, 751, 755, 7, 777, 794, 800, 807, 843, 872.
Navy unit: Navy No. 913.

(2) The following articles may not be cepted to the A. P. O.'s 22 and 755.

(i) Securities.

(ii) Non-authorized publications, re-ints and publications prohibited on ac-ɔunt of their political character or oral contents.

(iii) Monies, currencies, gold and silver bullion.

(3) The following are prohibited importation into the countries where A. P. O.'s 10, 11, 16, 21, 22, 55, 58, 83, 117, 118, 349, 755, and Navy No. 214 are located:

(i) Medicines and vaccines not conforming to French laws.

(ii) Non-authorized publications, reprints and publications prohibited on account of their political character or moral contents.

(iii) Monies, currencies, gold, and silver in bullion.

(iv) Securities.

(4) Effective January 24, 1952, the mailing of coffee for delivery to the military post offices in Europe designated below is prohibited:

A. P. O.'s % Postmaster, New York, N. Y.: 1, 1–A, 13, 26, 28, 34, 35, 36, 39, 42, 46, 57, 61, 62, 65, 66, 69, 79, 80, 82, 106, 107, 110, 111, 112, 114, 139, 154, 162, 169, 171, 172, 175, 178, 178–A, 207, 208, 225, 227, 305, 403, 403–A, 407, 407–A, 633, 696, 696–A, 742, 743, 751, 757, 757–A, 800, 807, 872.

Navy Units: No. 913, % Fleet Post Office, New York, N. Y.

b. Rescind § 34.95a *Mailing of cigarettes and tobacco products at A. P. O.'s prohibited.*

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

2. a. In § 60.5 *Registered mail known to be undeliverable* amend paragraph (a) to read as follows:

(a) *Treatment of.* When any domestic registered article is known to be undeliverable as addressed, the postmaster at the office of address shall, if the time limit for the return of the article is sufficient for the purpose of obtaining a reply, notify the sender on Form 3858 of the reason for inability to effect delivery, and shall comply with any proper directions received as to the disposition of the article.

NOTE: See § 60.17 as to retention periods for registered mail.

b. In § 60.17 *Undelivered and refused registered matter* amend paragraph (c) to read as follows:

(c) *Immediate return of certain matter.* Refused articles prepaid at the letter rate and all articles the delivery of which is forbidden by the Postmaster General (see §§ 36.8, 60.7, and 97.38 of this chapter) shall be returned immediately. Any registered article restricted in delivery by the sender, for which the addressee declines to receipt personally, shall not be considered as "Refused," but shall be held for the proper retention period and notice on Form 3858 mailed promptly to the sender.

NOTE: See § 60.5.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52–3012; Filed, Mar. 14, 1952; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 812]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDERS NO. 487 OF JUNE 16, 1948, AND NO. 585 OF APRIL 14, 1949

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Orders No. 487 of June 16, 1948, and No. 585 of April 14, 1949, withdrawing the public lands within certain described areas in Alaska for classification and examination, and in aid of proposed legislation, are hereby revoked so far as they affect the following-described lands, portions of which are within the boundaries of the Kenai National Moose Range, established by Executive Order No. 8979 of December 16, 1941, and within the excepted areas described in that order which were set apart for use and disposition pursuant to the public-land laws applicable to Alaska:

KENAI-KASILOF AREA

SEWARD MERIDIAN

T. 5 N., R. 8 W.

Unit No.:
2_____ Sec. 12, W½SW¼;
Sec. 13, N½NW¼.
4_____ Sec. 11, S½SW¼;
Sec. 14, N½NW¼.

T. 5 N., R. 9 W.

7_____ Sec. 12, NW¼.
9_____ Sec. 11, NW¼.
13____ Sec. 2, lot 4 and S½NW¼;
Sec. 3, lot 1.
15____ Sec. 10, NW¼.
18____ Sec. 4, SE¼SW¼;
Sec. 9, E½NW¼ and SW¼NE¼.
22____ Sec. 8, E½SE¼;
Sec. 9, W½SW¼.
25____ Sec. 7, SE¼SE¼;
Sec. 8, SW¼SW¼;
Sec. 17, W½NW¼.
28____ Sec. 15, SW¼.
30____ Sec. 14, NW¼NW¼;
Sec. 15, N½NE¼ and SW¼NE¼.
33____ Sec. 14, S½SW¼;
Sec. 23, N½NW¼.
38____ Sec. 13, NW¼SW¼;
Sec. 14, S½NE¼ and NE¼SE¼.
40____ Sec. 12, those portions of E½SW¼ and W½SE¼ south of centerline Sterling Highway;
Sec. 13, NW¼NE¼.

T. 6 N., R. 10 W.

43____ Sec. 31, lots 3, 4, SE¼SW¼, and SW¼SE¼.

T. 5 N., R. 11 W.

45____ Sec. 2, SE¼NE¼, N½SE¼, and SW¼SE¼.
47____ Sec. 3, SE¼SE¼;
Sec. 10, N½NE¼;
Sec. 11, NW¼NW¼.

T. 6 N., R. 11 W.

49____ Sec. 31, lots 1, 2, and E½NW¼.
51____ Sec. 30, SE¼.

KENAI-KASILOF AREA—Continued

SEWARD MERIDIAN—continued

T. 6 N., R. 12 W.

Unit No.:
53____ Sec. 25, SE¼.
56____ Sec. 12, SW¼.
59____ Sec. 12, NE¼.
61____ Sec. 2, lot 1, NW¼SW¼, and E½ SW¼.
63____ Sec. 2, NE¼.

The areas described aggregate 3,832.04 acres.

NINILCHIK AREA

SEWARD MERIDIAN

T. 2 S., R. 14 W.

Unit No.:
2_____ Sec. 16, W½NE¼ and E½NW¼.
4_____ Sec. 9, NE¼.
6_____ Sec. 14, SW¼SW¼;
Sec. 15, SE¼NE¼ and E½SE¼.
9_____ Sec. 13, S½NE¼ and N½ SE¼.
11____ Sec. 12, NE¼.
13____ Sec. 12, SW¼.
15____ Sec. 11, NE¼.
19____ Sec. 1, NW¼.

T. 1 S., R. 14 W.

21____ Sec. 35, SE¼.
25____ Sec. 36, SE¼.

T. 1 S., R. 13 W.

28____ Sec. 31, NW¼.
30____ Sec. 30, SE¼NE¼, W½NE¼, and NW¼SE¼.

T. 1 S., R. 14 W.

32____ Sec. 25, SE¼.
35____ Sec. 26, S½S½ exclusive of W½ SW¼SW¼SW¼.
37____ Sec. 23, S½SE¼;
Sec. 26, NW¼NE¼ and NE¼NW¼.
39____ Sec. 24, S½NE¼, NE¼SW¼, and NW¼SE¼.

The areas described aggregate 2,538.99 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 809; 48 U. S. C. 461), as amended, unless the land shall be classified as valuable or suitable for such type of application upon consideration of an application. These lands are agricultural in character and it is unlikely that they will be classified for small-tract application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead laws or the Alaska Home Site Act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461), or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations, and applications under the said Alaska Home Site Act of May 26, 1934, and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in §§ 64.6 to 64.10, inclusive, and Part 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 10, 1952.

[F. R. Doc. 52–3011; Filed, Mar. 14, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 26]

OFFICIAL GRAIN STANDARDS OF U. S. FOR FLAXSEED

NOTICE OF DECISION ON PROPOSED AMENDMENT

On January 1, 1952, there was published in the FEDERAL REGISTER (17 F. R. 34) a notice of a proposal to amend the official grain standards of the United States for flaxseed (7 CFR 26.501 et seq.), promulgated under the authority of the United States Grain Standards Act, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq.), by reducing the maximum limit of moisture permitted in grade No. 1 flaxseed, and an invitation was extended to the public to participate in rule making concerning the proposal by attending a public hearing at Minneapolis, Minnesota, and by submitting written data, views, or arguments to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than January 30, 1952. On January 31, 1952, there was published in the FEDERAL REGISTER (17 F. R. 930) a notice of extension of time for submitting written data, views, or arguments from January 30, 1952, to February 20, 1952.

Consideration has been given to information obtained at the hearing, to information received in writing, and to other information available in the United States Department of Agriculture regarding the proposed amendment. Based upon this information, it has been decided that the official gain standards of the United States for flaxseed should not be amended at this time.

Issued this 11th day of March 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52–3060; Filed, Mar. 14, 1952; 8:50 a. m.]

[7 CFR Part 729]

PEANUTS

NOTICE OF INTENTION TO AMEND MARKETING QUOTA REGULATIONS FOR 1951 CROP

Pursuant to authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. and Sup. 1301, 1358–1359, 1372–1375) the Secretary of Agriculture is preparing to amend § 729.253 of the Marketing Quota Regulations for the 1951 crop of peanuts (16 F. R. 5672) by inserting therein a final date beyond which producers may not market their excess peanuts at oil value in lieu of paying the marketing quota penalty. The proposed amendment would provide that the first sentence of § 729.253 read as follows:

§ 729.253 *Extent to which marketings from a farm are subject to penalty.* The marketing of peanuts in excess of the farm marketing quota for any farm shall be subject to a penalty at the rate prescribed in § 729.255 and the penalty shall be paid on each lot of peanuts marketed from the farm in an amount equal to the converted penalty rate multiplied by the number of pounds in the lot except that payment of the penalty will not be required on (a) any excess Valencia type peanuts produced on a farm eligible for an excess oil card, if, on or before May 15, 1952, such excess Valencia type peanuts are delivered to or marketed through an agency designated by the Secretary, and (b) any excess Virginia, Runner or Spanish type peanuts produced on a farm eligible for an excess oil card, if, on or before July 31, 1952, such excess peanuts are delivered to or marketed through an agency designated by the Secretary.

Prior to issuance of the proposed amendment, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Fats and Oils Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 12th day of March 1952.

[SEAL] HAROLD K. HILL,
Acting Administrator.

F. R. Doc. 52-3061; Filed, Mar. 14, 1952; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 657, 670, 672, 674, 675, 684]

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE NO. 11

NOTICE OF PUBLIC HEARING ON MINIMUM WAGE RECOMMENDATIONS FOR CERTAIN INDUSTRIES

The Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201) on December 12, 1951, by Administrative Order No. 417, appointed Special Industry Committee No. 11 for Puerto Rico, composed of residents of Puerto Rico and of the United States outside of Puerto Rico, to investigate conditions respecting, and to recommend minimum wage rates for, employees engaged in commerce or in the production of goods for commerce in a number of industries in Puerto Rico specified in the order, including the leaf tobacco industry; construction, business service, motion picture, and miscellaneous industries; rubber, straw, hair and related products industry, hooked rug industry; chemical, petroleum, and related products industries; and lumber and wood products industry.

The Committee included disinterested persons representing the public, a like number of persons representing employees in these industries, and a like number representing employers in these industries.

Special Industry Committee No. 11 for Puerto Rico has made separate minimum wage recommendations and has duly filed with the Administrator reports containing such recommendations, pursuant to section 8 (d) of the act and § 511.19 of the regulations issued under the act, for each of the aforementioned industries.

The Administrator is required by section 8 (d) of the act, after due notice to interested persons and giving opportunity to be heard, to approve and carry into effect by order each of the recommendations of Special Industry Committee No. 11 for Puerto Rico, if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the act; and if he finds otherwise, to disapprove such recommendations.

Now, therefore, notice is hereby given that:

A. The separate minimum wage recommendations of Special Industry Committee No. 11 for employees engaged in commerce or in the production of goods for commerce in the above named industries in Puerto Rico are as follows:

Industry	Recommended minimum (cents an hour)
1. Leaf tobacco industry:	
(a) General division	31
(b) Machine processing division:	
(1) Feeding, operating or tending machines which shred, chop, thresh, or stem leaf tobacco, and operations immediately incidental thereto	36
(2) All other operations in this division	31
2. Construction, business service, motion picture, and miscellaneous industries:	
(a) Construction division	50
(b) Motion picture division	55
(c) Business service, and miscellaneous industries division	65
3. Rubber, straw, hair and related products industry:	
(a) Rubber products division	60
(b) Straw, hair and related products division	37
4. Hooked rug industry:	
(a) Hand-hooked rug division	33
(b) Machine-hooked rug division	40
5. Chemical, petroleum, and related products industries:	
(a) Hormones, antibiotics, and related products division	75
(b) General division	51
(c) Fertilizer division	75
6. Lumber and wood products industry:	
(a) Lumber and millwork division	42
(b) Furniture, woodenware and miscellaneous wood products division	38

B. The definitions of the above named industries in Puerto Rico (as set forth in Administrative Order No. 417) and of the separable divisions thereof, for which Special Industry Committee No. 11 for Puerto Rico has made the foregoing separate minimum wage recommendations are as follows:

1. *Leaf tobacco industry.* The processing of leaf tobacco including, but not by way of limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco prior to use in the manufacture of cigars or other finished tobacco products: *Provided, however,* That this definition shall not include the stemming of cigar wrappers or binders by a cigar manufacturer.

The Committee recommended that the leaf tobacco industry in Puerto Rico, as defined in Administrative Order No. 417, be divided into separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be defined as follows:

(a) *General division.* This division shall include all activities in the leaf tobacco industry other than activities included within the definition of the machine processing division as defined herein.

(b) *Machine processing division.* This division shall include the shredding, chopping, threshing, or stemming of leaf tobacco by machine and all preceding and subsequent processing operations on such tobacco when performed in the establishment where the machine shredding, chopping, threshing, or stemming operations occur.

2. *Construction, business service, motion picture, and miscellaneous industries.* Construction of buildings, structures, and other improvements (including designing; reconstruction; alteration; repair and maintenance; assembling and installation at the construction site of machinery and other facilities; and dismantling, wrecking or other demolition); the production and distribution of motion pictures; the production of photographs and blueprints; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or the consumer; and all activities which are not included in the defini-

tions of other industries in Puerto Rico for which wage orders have been issued: *Provided, however,* That the definition shall not include (1) construction carried on by persons, for their own use or occupancy, who are principally engaged in another industry, or (2) any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.

The Committee recommended that the construction, business service, motion picture, and miscellaneous industries in Puerto Rico, as defined in Administrative Order No. 417, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be entitled and defined as follows:

(a) *Construction division.* This division consists of the construction (except when carried on by persons, for their own use or occupancy, who are principally engaged in another industry) of buildings, structures, and other improvements, including, but without limitation, designing, reconstruction, alteration, repair and maintenance, assembling and installation at the construction site of machinery and other facilities, and dismantling, wrecking, or other demolition.

(b) *Motion picture division.* This division consists of the production and distribution of motion pictures.

(c) *Business service, and miscellaneous industries division.* This division consists of the production of photographs and blueprints; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or the consumer; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued.

3. *Rubber, straw, hair and related products industry.* The manufacture of all products made wholly or chiefly of rubber, and the manufacture of all products (except hand-made or hand-woven) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers and similar materials: *Provided, however,* That this definition shall not include any product or activity included in the definition of the handicraft products industry, the needlework and fabricated textile products industry, the men's and boy's clothing and related products industry, the textile and textile products industry, the button, buckle, and jewelry industry, the decorations and party favors industry, the artificial flower industry, or the shoe manufacturing and allied industries, as defined in the wage orders for those industries in Puerto Rico.

The Committee recommended that the rubber, straw, hair and related products industry, as defined in Administrative Order No. 417, be divided into separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be entitled and defined as follows:

(a) *Rubber products division.* This division consists of the manufacture of all products made wholly or chiefly from rubber.

(b) *Straw, hair and related products division.* This division consists of the manufacture of all products (except hand-made or hand-woven) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristle, feathers and similar materials.

4. *Hooked rug industry.* The manufacture of hooked or punched rugs and carpeting.

The Committee recommended that the hooked rug industry in Puerto Rico, as defined in Administrative Order No. 417, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be entitled and defined as follows:

(a) *Hand-hooked rug division.* The manufacture of hooked rugs by a hand-hooking process.

(b) *Machine-hooked rug division.* The manufacture of hooked rugs by a process other than hand-hooking.

5. *Chemical, petroleum, and related products industries.* The manufacture or packaging of chemicals, drugs, medicines (other than food), toilet preparations, cosmetics and related products; the mining (or other extraction) or processing of any minerals used in the production of the foregoing; and the mining or other extraction of petroleum, coal or natural gases and the manufacture of products therefrom.

It includes, but without limitation, heavy, industrial, and fine chemicals; basic plastic materials; salt; paints, varnishes, colors, dyes, and inks; vegetable and animal oils (except the refining into edible oils); drugs, medicines and toilet preparations; insecticides and fungicides; soap and glycerin; rayon and other synthetic filaments; wood distillation and naval stores; fertilizers; cleaning and polishing preparations; glue and gelatin; grease and tallow; fireworks and pyrotechnics; candles; gasoline, fuel and lubricating oils, and other petroleum products; coke-oven products; and fuel briquettes of any materials: *Provided, however,* That the definition shall not include any product or activity included in the alcoholic beverage and industrial alcohol industry (as defined in the wage order for that industry in Puerto Rico), or any activity performed by a company in its capacity as a public utility distributing gas or water.

The Committee recommended that the chemical, petroleum and related products industries in Puerto Rico, as defined in Administrative Order No. 417, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be entitled and defined as follows:

(a) *Fertilizer division.* This division shall include the manufacture or mixing of commercial fertilizers, but shall not include the manufacture of fertilizer components or materials.

(b) *Hormones, antibiotics, and related products division.* This division shall include the manufacture of hormones, antibiotics, and related products.

(c) *General division.* This division shall include all products and activities covered by the definition of the chemical, petroleum, and related products industries except those included in the fertilizer division or the hormones, antibiotics, and related products division, as defined herein.

6. *Lumber and wood products industry.* Logging and the manufacture of all products made from lumber, wood and related materials, including but without limitation, sawmill and planing and plywood mill products; furniture and office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; wood preserving; trays, bowls and other woodenware; excelsior, cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads; and charcoal: *Provided, however,* That the definition shall not include any product or activity included in the rubber, straw, hair and related products industry (as defined in this order), or in the metal, plastics, machinery, instrument, transportation equipment, and allied industries; the handicraft products industry; the paper, paper products, printing, publishing, and related products industry; the construction, business service, motion picture, and miscellaneous industries; or the button, buckle, and jewelry industry (as defined in the wage orders for these industries in Puerto Rico).

The Committee recommended that the lumber and wood products industry in Puerto Rico, as defined in Administrative Order No. 417, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be entitled and defined as follows:

(a) *Lumber and millwork division.* This division consists of logging and the manufacture of sawmill and planing and plywood mill products; millwork including sash, doors, moldings, window frames, window and door screens and blinds, and similar building materials.

(b) *Furniture, woodenware and miscellaneous wood products division.* This division shall consist of manufacture of all products in the lumber and wood products industry except those products coming within the lumber and millwork division as defined herein.

C. The full texts of the reports and recommendations of Special Industry Committee No. 11 for Puerto Rico for each of the above industries will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

18 Oliver Street, Boston 8, Mass.

Room 808, Lafayette Building, Fifth and Chestnut Streets, Philadelphia 6, Pa.

706 Perry-Payne Building, 740 Superior Avenue NW., Cleveland 13, Ohio.

Room 903, Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.

1908 Comer Building, Second Avenue North, Birmingham 3, Ala.

1200 Merchandise Mart Building, 222 West North Bank Drive, Chicago 54, Ill.

3000 Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.

144 Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.

Fourteenth Street and Constitution Avenue NW., Washington 25, D. C.

Room 222, Fidelity Building, 1000 Main Street, Dallas 2, Tex.

150 Ninth Avenue North, Nashville 3, Tenn.

412 New York Department Store Building, Post Office Box 9061, Santurce 29, P. R.

Copies of the Committee's reports and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico.

D. Public hearings will be held at 10:00 a. m., on the dates and at the places set forth below before the Administrator of the Wage and Hour Division or a representative designated to preside in his place, for the purpose of taking evidence on the question of whether the separate recommendations of Special Industry Committee No. 11 for Puerto Rico set forth above shall be approved or disapproved.

1. Leaf tobacco industry—April 17, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.;

2. Hooked rug industry—April 17, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.;

3. Construction, business service, motion picture, and miscellaneous industries—April 24, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.;

4. Rubber, straw, hair and related products industry—April 24, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.;

5. Chemical, petroleum, and related products industries—May 1, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.;

6. Lumber and wood products industry—May 1, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.

E. Any interested person supporting or opposing any of the recommendations of Special Industry Committee No. 11 for Puerto Rico which are set forth above may appear at any of the aforesaid hearings to offer evidence, either on his own behalf or on behalf of any other person; *Provided*, That, not later than seven days preceding any hearing at which he intends to appear, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. or at the office of the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, notice of his intention to appear which shall contain the following information:

1. The name and address of the person appearing;

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing;

3. The recommendation or recommendations of Special Industry Committee No. 11 for Puerto Rico in which he is interested and whether he proposes to appear for or against such recommendation or recommendations;

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, and shall be deemed filed upon receipt.

F. Any person interested in supporting or opposing any of the above recommendations of Special Industry Committee No. 11 for Puerto Rico may secure further information concerning the aforesaid hearings by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Territorial Representative, Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, or by consulting with attorneys representing the Administrator who will be available at the Office of the Solicitor, United States Department of Labor in Washington, D. C.

G. The records made at the public hearing on conditions in the above-named industries in Puerto Rico held before Special Industry Committee No. 11 in San Juan, Puerto Rico in January and February, 1952, may be examined by any interested person at the offices of the Wage and Hour Division, United States Department of Labor, at Fourteenth and Constitution Avenue, Washington 25, D. C., and Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico. The records of the public hearing before the industry committee with respect to each of the above-named industries in Puerto Rico will be available for examination on and after 30 days prior to the date fixed herein for the hearing on the Committee's recommendation for such industry. Such records will be offered in evidence at the appropriate public hearing before the Administrator or his representative on such industry.

H. The hearings will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Presiding Officer (the Administrator or his authorized representative, as the case may be) as are deemed appropriate.

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, Fourteenth and Constitution Avenue NW., Washington 25, D. C.

2. At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

3. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

4. All evidence must be presented under oath or affirmation.

5. Except as otherwise permitted by the Presiding Officer, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof. Written, sworn statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

6. Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

7. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Administrator upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance by the Administrator of the subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

8. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing a subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The Presiding Officer shall, upon request, permit any person appearing in the proceeding to conduct such cross-examination of any witness offered by another person as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer.

11. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for

permission to make oral arguments before the Administrator upon the matters in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

12. Briefs (4 copies) on particular questions may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

13. (a) Where the hearing is held before the Administrator, within fifteen (15) days after the close of the hearing, any interested person appearing at the hearing may submit for the consideration of the Administrator an original and four copies of a statement in writing containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a representative of the Administrator designated to preside in his place, a complete record of the proceedings shall be certified to the Administrator upon the close of the hearing. The Administrator shall thereupon issue a tentative decision in the matter, which shall become a part of the record and include a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and the appropriate order. Notice of the Administrator's tentative decision shall be published in the FEDERAL REGISTER.

(c) Within fifteen (15) days after such notice of the Administrator's tentative decision is published in the FEDERAL REGISTER, any interested person appearing at the hearing may file with the Administrator a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

(d) After the expiration of the fiftee day periods referred to in paragraph 13 (a) and (c) above, and after consi eration of all relevant matter presente as provided in such paragraphs, the A ministrator shall make his final decisio in the matter, and shall issue an ord approving or disapproving the recom mendations of the industry committe Such order shall be published in t FEDERAL REGISTER.

14. Any wage order issued as a resu of hearings held hereunder shall ta effect 30 days after due notice is give of the issuance thereof by publicatio in the FEDERAL REGISTER, or at such ti prior thereto as may be provided there upon good cause found and publish therewith.

Signed at Washington, D. C., this 12t day of March 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 52–3059; Filed, Mar. 14, 195 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 4, Region II]

CALIFORNIA

STOCK DRIVEWAY WITHDRAWAL NO. 235, CALIFORNIA NO. 17, REDUCED; LANDS CLASSIFIED

MARCH 7, 1952.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.21 and section 2.22 (a) (1) of Order No. 427 dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid existing rights and the provisions of other existing withdrawals, the Departmental order of January 21, 1933, establishing Stock Driveway Withdrawal No. 235, California No. 17, under section 10 of the act of December 10, 1916 (30 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands, and the same are hereby classified for disposal only under the homestead or desert land laws:

MOUNT DIABLO MERIDIAN

T. 25 S., R. 36 E.,
Sec. 20, SE¼NE¼, N½SE¼

The area described aggregates 120 acres.

The lands are principally valuable for the production of agricultural crops by artificial irrigation methods.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert land laws by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law; and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his appli cation with a complete photostatic, c other copy (both sides) of his certificat of honorable discharge, or of an offici document of his branch of the servic which shows clearly his honorable dis charge as defined in § 181.36 of Title 4 of the Code of Federal Regulations, c constitutes evidence of other facts upo which the claim for preference is base and which shows clearly the period c service. Other persons claiming cred for service of veterans must furnish lik proof in support of their claims. Per sons asserting preference rights, throug settlement or otherwise, and thos having equitable claims, shall accom pany their applications by duly corrobo rated statements in support thereo setting forth in detail all facts relevan to their claims.

Applications for these lands, whic shall be filed in the Land Office, Lo Angeles, California, shall be acted upo in accordance with the regulations con tained in § 295.8 of Title 43 of the Cod of Federal Regulations and Part 296 c this title, to the extent that such regula tions are applicable. Applications unde the homestead laws shall be governed b the regulations contained in Parts 166 t 170, inclusive, of Title 43 of the Code c Federal Regulations, and application under the desert land laws shall be gov erned by the regulations contained i Part 232 of this title.

Inquiries concerning these lands sha be addressed to the Manager, Lan Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52–3008; Filed, Mar. 14, 195 8:45 a. m.]

[Blackfoot 037652]

IDAHO

:DER PROVIDING FOR THE OPENING OF PUBLIC LANDS

MARCH 10, 1952.

Pursuant to the provisions of the arey Act of August 18, 1894 (28 Stat. 2; 43 U. S. C. sec. 641), the State of aho found that the hereinafter- scribed lands are unsuitable for irri- tion and reclamation, and accord- gly reconveyed such lands to the nited States:

BOISE MERIDIAN

10 S., R. 17 E.,
Sec. 1, lot 3.
10 S., R. 20 E.,
Sec. 35, SW¼SW¼.

No applications for these lands may allowed under the homestead, small act, desert-land, or any other non- ineral public-land laws, unless the nds have already been classified as luable or suitable for such type of plication, or shall be so classified on consideration of an application.

This order shall not otherwise become fective to change the status of such nds until 10:00 a. m. on the 35th day ter the date of this order. At that ne the said lands shall, subject to valid isting rights and the provisions of isting withdrawals, become subject to plication, petition, location, and selec- n as follows:

(a) *Ninety-one day period for prefer- ce-right filings.* For a period of 91 ys, commencing at the hour and on e day specified above, the public lands fected by this order shall be subject ly to (1) application under the home- ead or the desert-land laws or the nall Tract Act of June 1, 1938, 52 Stat. 9 (43 U. S. C. 682a), as amended, by alified veterans of World War II and her qualified persons entitled to pref- ence under the act of September 27, 44, 58 Stat. 747 (43 U. S. C. 279–284), amended, subject to the requirements applicable law, and (2) application der any applicable public-land law, sed on prior existing valid settlement hts and preference rights conferred existing laws or equitable claims sub- t to allowance and confirmation. Ap- cations under subdivision (1) of this ragraph shall be subject to applica- ns and claims of the classes described subdivision (2) of this paragraph. l applications filed under this para- aph either at or before 10:00 a. m. on e 35th day after the date of this order all be treated as though filed simul- neously at that time. All applications ed under this paragraph after 10:00 m. on the said 35th day shall be con- lered in the order of filing.

(b) *Date for non-preference-right fil- gs.* Commencing at 10:00 a. m. on the 6th day after the date of this order, y lands remaining unappropriated all become subject to such application, tition, location, selection, or other ap- opriation by the public generally as ay be authorized by the public-land ws. All such applications filed either or before 10:00 a. m. on the 126th day ter the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his appli- cation with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable dis- charge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through set- tlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated state- ments in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be gov- erned by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regula- tions contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 52-3009; Filed, Mar. 14, 1952; 8:45 a. m.]

[Misc. 62274]

IDAHO

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE MOUNTAIN HOME PROJECT

MARCH 11, 1952.

An order of the Bureau of Reclamation dated July 17, 1951, concurred in by the Acting Director, Bureau of Land Management, July 25, 1951, revoked the Departmental order of March 22, 1919, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Mountain Home Project, Idaho, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order with- drawing or reserving the lands de- scribed:

BOISE MERIDIAN

T. 1 N., R. 1 E.,
Sec. 5, lot 4;
Secs. 33 and 34.

The above areas aggregate 1,322.10 acres.

The lands are chiefly valuable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmin- eral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the con- sideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selec- tion as follows:

(a) *Ninety-one day period for prefer- ence-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the home- stead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to pref- erence under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application un- der any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by exist- ing laws or equitable claims subject to allowance and confirmation. Applica- tions under subdivision (1) of this para- graph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right fil- ings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other ap- propriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his ap- plication with a complete photostatic, or other copy (both sides), of his certifi- cate of honorable discharge, or of an official document of his branch of the service which shows clearly his honor- able discharge as defined in § 181.36 of Title 43 of the Code of Federal Regula- tions, or constitutes evidence of other facts upon which the claim for prefer- ence is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting pref-

erence rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 52-3010; Filed, Mar. 14, 1952; 8:45 a. m.]

WYOMING

AIR NAVIGATION SITE WITHDRAWAL NO. 301

MARCH 10, 1952.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and in accordance with Departmental Order No. 427, section 2.22 (a), of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights, the following described public land in Wyoming is hereby withdrawn from all forms of appropriation under the public land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air navigation facilities, the reservation to be known as Air Navigation Site Withdrawal No. 301.

SIXTH PRINCIPAL MERIDIAN

T. 36 N., R. 79 W.,
Sec. 13, W½NW¼

The area described aggregates 80 acres.

It is intended that the above described lands shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 52-3007; Filed, Mar. 14, 1952; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

COMMISSIONER OF INTERNAL REVENUE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSITION OF REAL ESTATE

The statement of organization contained in F. R. Doc. 46-15357, appearing at page 177A-22, Part II, Section 1, of the issue for September 11, 1946, as amended prior to January 1, 1948 (1946 and 1947 Supps.), and as amended subsequent to December 31, 1947 (13 F. R. 2195, 2426, 4121, 4122, 7710; 14 F. R. 2070; 15 F. R. 6893), is hereby further amended as follows:

Section 2 (formerly § 600.2), *Office of Commissioner,* is amended by adding a new paragraph to read as follows:

(c) *Delegation of authority; disposition of real estate acquired by United States.* Pursuant to Reorganization Plan No. 26 of 1950, the Secretary of the Treasury has conferred and imposed upon the Commissioner of Internal Revenue the function formerly performed by the Secretary under section 3795 (b), (c), and (d) of the Internal Revenue Code relating respectively, to the sale, lease, or release of real estate acquired by the United States under the internal revenue laws.

(Sec. 3 (a) (1), 60 Stat. 238; 5 U. S. C. 1002)

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3052; Filed, Mar. 14, 1952; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910) and Part 525 of the regulations issued thereunder, as amended (29 CFR .Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

New Hampshire Association for the Blind, Concord, New Hampshire; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1952, and expires January 31, 1953.

Goodwill Industries of New Jersey, 574 Jersey Avenue, Jersey City 2, New Jersey; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective February 18, 1952, and expires January 31, 1953.

Goodwill Industries of New Jersey, 2 Clark Street, Jersey City 4, New Jersey at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective February 18, 1952, and expires January 31, 1953.

Mobile Association for the Blind, 5 St. Michael Street, Mobile, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 45 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires December 31, 1952.

Michigan Employment Institution for the Blind, 924 Houghton Avenue, Saginaw, Michigan; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 1, 1952, and expires February 28, 1953.

Volunteers of America, 290 West Main Street, Mansfield, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards ,or not less than 25 cents per hour, whichever is higher, and a rate not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 1, 1952, and expires February 28, 1953.

Evansville Goodwill Industries, Inc., Locust Street, Evansville, Indiana; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective February 1, 1952, and expires January 31, 1953.

Jewish Vocational Service, Vocational Adjustment Center, 231 South Wells Street, Chicago 4, Illinois; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate effective February 1, 1952, and expires January 31, 1953.

The employment of handicapped clients in the above-mentioned sheltered

workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be canceled in the manner provided in the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after the publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 6th day of March 1952.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 52-3047; Filed, Mar. 14, 1952; 8:49 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation No. 8]

ADMINISTRATOR OF GENERAL SERVICES

DELEGATION OF AUTHORITY TO PURCHASE MICA OF DOMESTIC ORIGIN

1. Pursuant to the authority vested in me as Defense Materials Procurement Administrator by Executive Order No. 10281 of August 28, 1951 (16 F. R. 8789), and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., and Pub. Laws 69 and 96, 82d Cong.) and other applicable law, I hereby delegate to the Administrator of General Services the authority to purchase, for Government use and resale, hand-cobbed muscovite ruby crude mica and processed muscovite ruby block and film mica, all of domestic origin, as authorized by the Defense Production Administration on February 5, 1952.

2. The function delegated hereby shall be carried out in accordance with such policies as may be established by the Defense Materials Procurement Administrator.

3. The authority herein delegated may be redelegated to officers and employees of the General Services Administration, with or without authority for further redelegation.

4. This delegation is effective as of the date hereof.

Dated: March 12, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-3093; Filed, Mar. 14, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1922]

CITY OF KETCHIKAN, ALASKA

NOTICE OF ORDER APPROVING DRAWINGS AS PART OF LICENSE

MARCH 10, 1952.

Notice is hereby given that on March 5, 1952, the Federal Power Commission issued its order, entered February 26, 1952, approving revised Exhibit L drawings as part of license in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3018; Filed, Mar. 14, 1952; 8:47 a. m.]

[Project No. 1956]

LYLES FORD TRI-COUNTY POWER AUTHORITY

NOTICE OF APPLICATION FOR LICENSE

MARCH 10, 1952.

Public notice is hereby given that Lyles Ford Tri-County Power Authority of Union, South Carolina has made application for a license pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) for a hydro-project (Project No. 1956) on the Broad and Congaree Rivers in Richland, Lexington, Fairfield, Newberry, Laurens, Union and Chester Counties, South Carolina. The proposed hydroelectric project would consist of three developments consisting of:

The Blairs unit would be located about 40 miles upstream from Columbia, South Carolina, on the Broad River. Project works consist of a dam with an over-all length of about 3,300 feet composed of a concrete gated-spillway section about 1,588 feet long, an earth embankment section about 700 feet long, two nonoverflow concrete sections, and a concrete powerhouse section; a powerhouse integral with the dam and containing generating units having a total capacity of 82,500 kilowatts; a reservoir with a surface area of about 36,500 acres at full pool elevation 340 feet above mean sea level and a usable storage capacity for power purposes of about 705,000 acre-feet; and appurtenant facilities.

The Frost Shoals unit would be located about 6 miles upstream from Columbia, South Carolina, on the Broad River. Project works would consist of a dam with an over-all length of about 4,730 feet composed of an earth embankment about 2,600 feet long, a concrete-gated-spillway section 1,480 feet long, a concrete non-overflow section and a concrete powerhouse section; a powerhouse integral with the dam and containing generating units having a total capacity of 96,000 kilowatts; a reservoir with a surface area of about 13,600 acres at full pool elevation 230 feet above mean sea level and a usable storage capacity of about 67,000 acre-feet for power purposes; and appurtenant facilities.

The Columbia reregulating unit would be located on the Congaree River at Columbia, South Carolina. Project works would consist of a concrete dam about 2,260 feet long composed of a gated-spillway section approximately 1,336 feet long and a non-overflow section; a powerhouse having a total installation of 39,000 kilowatts; a reservoir with a surface area of about 1,800 acres at full pool elevation 162 feet above mean sea level and a total usable storage capacity of about 17,600 acre-feet; and appurtenant facilities.

Any protest against the approval of this application or request for any action thereon, with reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before April 15, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3014; Filed, Mar. 14, 1952; 8:46 a. m.]

[Project No. 1960]

DAIRYLAND POWER COOPERATIVE

NOTICE OF ORDER APPROVING REVISED DRAWINGS AS PART OF LICENSE

MARCH 10, 1952.

Notice is hereby given that on March 5, 1952, the Federal Power Commission issued its order, entered February 26, 1952, approving revised Exhibit K drawings as part of license in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3019; Filed, Mar. 14, 1952; 8:47 a. m.]

[Project No. 2042]

PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY, WASHINGTON

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

MARCH 10, 1952.

Notice is hereby given that on February 7, 1952, the Federal Power Commission issued its order, entered February 5, 1952, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3020; Filed, Mar. 14, 1952; 8:47 a. m.]

[Project No. 2084]

NIAGARA MOHAWK POWER CORP.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

MARCH 10, 1952.

Notice is hereby given that on February 5, 1952, the Federal Power Commission issued its order, entered January 31, 1952, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3021; Filed, Mar. 14, 1952; 8:47 a. m.]

[Docket No. G–1429]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF AMENDED APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 11, 1952.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation, address, M & M Building, Houston, Texas, filed on March 5, 1952, an amended application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe line facilities hereinafter described.

Applicant proposes to transport 250 million cubic feet per day of natural gas purchased from a wholly owned subsidiary, Prairie Transmission Lines, Ltd., at the international boundary between Canada and the United States adjacent to the northern boundary of Stevens County, Washington, into and through the States of Washington and Oregon, and to transport 25 million cubic feet per day to the international boundary between the United States and Canada adjacent to Whatcom County, Washington. It is proposed that the gas so transported will be sold to the following distributing companies, to-wit: Anacortes Gas Company, Washington Gas and Electric Company, Bellingham Gas Company, United Gas of Washington, Northwestern Natural Gas Corporation, Seattle Gas Company, Twin Cities Gas Company, Spokane Gas and Fuel Company, Portland Gas and Coke Company, Wenatchee Gas Company, and Northwestern Cities Gas Company in the States of Washington and Oregon and to the Prairie Transmission Lines, Ltd., at the United States and Canadian Boundary for delivery to Vancouver, British Columbia; and to the following industrial customers in the State of Washington, to-wit: Atomic Energy Commission, Northwest Magnesite Company, Northwest Portland Cement Company, Permanente Metals Company, Kaiser Aluminum & Chemical Company, Pacific Northwest Alloys, Columbia Portland Cement Company, and Spokane Portland Cement Company. For such purposes, Applicant proposes to construct and operate approximately 757 miles of pipe line varying in diameter from 26 inches to 3½ inches, three compressor stations and other appurtenant facilities.

Applicant also proposes to purchase 225 million cubic feet of natural gas per day from Panhandle Eastern Pipe Line Company at or near the international boundary between the United States and Canada near River Rouge, Michigan, and to sell such gas to Canadian Natural Gas Pipe Lines, Ltd., at the said international boundary. For such purposes, Applicant proposes to construct pipeline interconnections, crossings and metering facilities at the said international boundary.

The estimated costs of the proposed facilities is $58,425,000, including $600,000 as working capital. The proposed financing includes the issuance of bonds, preferred stock, and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 31st day of March 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3043; Filed, Mar. 14, 1952; 8:49 a. m.]

[Docket Nos. G–1486, G–1846]

WABASH NATURAL GAS CO. AND CONSUMERS GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 10, 1952.

Notice is hereby given that on March 7, 1952, the Federal Power Commission issued its order, entered March 4, 1952, issuing certificate of public convenience and necessity in Docket No. G–1846, dismissing application to abandon, and modifying order (16 F. R. 2689), issuing certificate of public convenience and necessity in Docket No. G–1486.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3015; Filed, Mar. 14, 1952; 8:46 a. m.]

[Docket Nos. G–1852, G–1853]

LOUISIANA NATURAL GAS CORP. AND TEXAS NORTHERN NATURAL GAS CORP.

NOTICE OF ORDER ALLOWING RATE TARIFFS TO TAKE EFFECT

MARCH 10, 1952.

Notice is hereby given that on March 7, 1952, the Federal Power Commission issued its order, entered March 4, 1952, allowing rate tariffs to take effect in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3016; Filed, Mar. 14, 1952; 8:47 a. m.]

[Docket No. G–1871]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 10, 1952.

Notice is hereby given that on March 7, 1952, the Federal Power Commission issued its order, entered March 4, 1952, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3017; Filed, Mar. 14, 1952; 8:47 a. m.]

[Docket Nos. G–1878, G–1889]

MARTIN WUNDERLICH ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MARCH 10, 1952.

In the matters of Martin Wunderlich and Lee Aikin, Docket No. G–1878; Lone Star Gas Company, Docket No. G–1889.

On January 21, 1952, Martin Wunderlich and Lee Aikin, individuals, filed an application for permission and approval under section 7 (b) of the Natural Gas Act to abandon by sale to Lone Star Gas Company (Lone Star) natural gas transmission pipe-line facilities included in the Wichita Falls district of United Gas Pipe Line Company, which facilities are to be acquired by Wunderlich and Aikin from United Gas Pipe Line Company pursuant to authorization issued by the Commission in its order issued January 8, 1952, in Docket Nos. G–1801 and G–1825 (in the Matters of Martin Wunderlich and Lee Aikin and United Gas Pipe Line Company). Said facilities are more fully described in the aforementioned application now on file with the Commission and open for public inspection. Wunderlich and Aikin request that their application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure.

On February 4, 1952, and pursuant to conditions contained in said order of January 8, 1952, Lone Star filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the acquisition from Wunderlich and Aikin of said natural-gas facilities, and further authorizing the construction and operation of additional pipeline facilities for the purpose of supplying the Wichita Falls and Fort Worth areas. Said natural-gas facilities are fully described in the aforementioned application now on file with the Commission and open for public inspection. Lone Star has requested that its application be heard under the shortened procedure provided by the Commission's rules.

The Commission finds:

(1) Good cause exists and it would be in the public interest to consolidate the above-docketed proceedings for purposes of hearing.

(2) Good cause has not been shown for granting Applicants' requests that their applications be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said requests should be denied as hereinafter ordered.

(3) Good cause exists for fixing the date of hearing in these proceedings less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) The request of Martin Wunderlich and Lee Aiken that their application in Docket No. G–1878, and the request of Lone Star Gas Company that its application in Docket No. G–1889, be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same hereby are denied.

(B) Pursuant to authority contained in and by virtue of the jurisdiction con-

ferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on March 24, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 11, 1952.

By the Commission. Chairman Buchanan dissenting as to denial of shortened procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3022; Filed, Mar. 14, 1952; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

FIELD ORGANIZATION

MISCELLANEOUS AMENDMENTS

The following entries in section 22 (b) (5) are amended as indicated:

1. Opposite "Birmingham, Alabama," delete the address "225 Third Ave., No., Federal Bldg." and in lieu thereof insert: "Social Security Building, 2111-13 Seventh Avenue, North."

2. Opposite "San Diego, California," delete the address "Harbor Insurance Bldg." and in lieu thereof insert: "Room 200, San Diego Federal Savings Building, 601 'A' Street."

3. Opposite "District of Columbia" delete the address "Third Floor, Cafritz Bldg., 1625 Eye Street NW." and in lieu thereof insert: "Room 102, 1001 Vermont Avenue NW."

4. Opposite "Honolulu, Hawaii," delete the address "Federal Bldg." and in lieu thereof insert: "Alexander Young Building, 1015 Bishop Street."

5. Opposite "New York City, New York," delete the address "90 Church Street" and in lieu thereof insert: "John Wanamaker Building, 70 East 10th Street."

6. Opposite "Cheyenne, Wyoming," delete the address "U. A. L. Administration Bldg." and in lieu thereof insert: "Room 305, Federal Building, Carey Avenue and 20th Street."

OSBORNE KOERNER,
Director, Administrative Services.

[F. R. Doc. 52-3050; Filed, Mar. 14, 1952; 8:49 a. m.]

Office of the Administrator

DIRECTOR, DIVISION OF SLUM CLEARANCE AND URBAN REDEVELOPMENT

DELEGATION OF AUTHORITY WITH RESPECT TO ADMINISTRATION OF TITLE IV OF DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

1. The Director, Division of Slum Clearance and Urban Redevelopment, Office of the Administrator, Housing and Home Finance Agency, is hereby authorized:

A. To execute and carry out the powers and functions vested in the Housing and Home Finance Administrator under Title IV of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, approved September 1, 1951), including the power to administer the program authorized under such Title IV, with the exception, however, of (1) the power to obtain money from the Treasury of the United States under section 404 of such act, and (2) the approval of, and the allocation of funds for, any project to be undertaken pursuant to such Title IV; and

B. To redelegate any of the authority hereby delegated to and vested in the Director to such qualified officers and employees as he may select.

2. Any instrument or document executed by the Director, or by any officer or employee duly authorized through a redelegation of authority by the Director, purporting to convey any right, title or interest in or to real or personal property under the authority of this order, shall be conclusive evidence of the authority of such Director, officer or employee to act for the Housing and Home Finance Administrator in executing such instrument or document.

3. The authority hereby delegated shall be exercised under the general supervision of the Administrator and in conformity with applicable law, orders and regulations.

(President's Reorg. Plan 3 of 1947, 61 Stat. 954 (1947); sec. 502 of the Housing Act of 1948, approved Aug. 10, 1948, 62 Stat. 1268, 1283 (1948), as amended, 12 U. S. C., Sup. IV 1701c; Pub. Law 139, 82d Cong., approved Sept. 1, 1951)

Effective this 15th day of March 1952.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-3048; Filed, Mar. 14, 1952; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 43]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MARCH 14, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Laredo Air Force Base, Texas, Area. (The area consists of that portion of Webb County, Texas, within a 10-mile radius of the Administration Building of the Laredo Air Force Base, including the City of Laredo.)

Port Lavaca, Texas, Area. (The area consists of all of Calhoun County, Texas.)

Yerington, Nevada, Area. (The area consists of Mason Valley Township including Yerington City, in Lyon County, Nevada.)

Williamsport, Pennsylvania, Area. (The area consists of the Townships of Anthony, Armstrong, Bastress, Brady, Clinton, Eldred, Fairfield, Hepburn, Limestone, Loyalsock, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Old Lycoming, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf and Woodward; also the Boroughs of Duboistown, Hughesville, Jersey Shore, Montgomery, Montoursville, Muncy, Picture Rocks, Sailadasburg, and South Williamsport; and the City of Williamsport, all in Lycoming County, Pennsylvania.)

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-3137; Filed, Mar. 14, 1952; 10:50 a. m.]

[CDHA 43]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MARCH 14, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

New London, Connecticut. (The area consists of the Towns of East Lyme, Groton, Ledyard, Lyme, Montville, New London, North Stonington, Norwich, Old Lyme, Salem, Stonington and Waterford in New London County.)

This supersedes certification under Docket No. 40 dated November 20, 1951.

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-3138; Filed, Mar. 14, 1952; 10:50 a. m.]

[Defense Manpower Policy No. 4, Notification 18]

PLACEMENT OF PROCUREMENT IN THE IONIA-BELDING-GREENVILLE, MICHIGAN, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Ionia-Belding-Greenville area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Ionia-Belding-Greenville area, with the exception of the textile, apparel and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 14, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE IONIA-BELDING-GREENVILLE, MICHIGAN, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Ionia-Belding-Greenville area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Ionia-Belding-Greenville area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Ionia-Belding-Greenville area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Ionia-Belding-Greenville area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Ionia-Belding-Greenville area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Ionia-Belding-Greenville area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Ionia-Belding-Greenville area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Ionia-Belding-Greenville area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Ionia-Belding-Greenville area; and

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Ionia-Belding-Greenville area, should not be included in the application of Defense Manpower Policy No. 4 in the Ionia-Belding-Greenville area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Ionia-Belding-Greenville area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-3139; Filed, Mar. 14, 1952; 10:50 a. m.]

[Defense Manpower Policy No. 4, Notification 19]

PLACEMENT OF PROCUREMENT IN THE NEW BEDFORD, MASSACHUSETTS, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the New Bedford area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the New Bedford area, with the exception of the textile, apparel and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 14, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE NEW BEDFORD, MASSACHUSETTS, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the New Bedford area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the New Bedford area, and by the Department of Defense the National Production Authority and the Department of Labor relative to facilities in the New Bedford area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the New Bedford area, as defined by the Defense Manpower Administration is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the New Bedford area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4 the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the New Bedford area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the New Bedford area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the New Bedford area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended

herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the New Bedford area; and

5. That the textile, apparel, and shoe industries, to the extent that they exist in the New Bedford area, should not be included in the application of Defense Manpower Policy No. 4 in the New Bedford area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the New Bedford area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-3140; Filed, Mar. 14, 1952; 10:50 a. m.]

[Defense Manpower Policy No. 4, Notification 20]

PLACEMENT OF PROCUREMENT IN THE UNIONTOWN-CONNELLSVILLE, PENNSYLVANIA, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Uniontown-Connellsville area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Uniontown-Connellsville area, with the exception of the textile, apparel and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel and shoe industries, following which consideration will be given to certifying these industries under the provisions of the Policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 14, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE UNIONTOWN-CONNELLSVILLE, PENNSYLVANIA, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Uniontown-Connellsville area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Uniontown-Connellsville area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Uniontown-Connellsville area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Uniontown-Connellsville area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Uniontown-Connellsville area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Uniontown-Connellsville area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Uniontown-Connellsville area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Uniontown-Connellsville area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Uniontown-Connellsville area; and

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Uniontown-Connellsville area, should not be included in the application of Defense Manpower Policy No. 4 in the Uniontown-Connellsville area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Uniontown-Connellsville area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-3141; Filed, Mar. 14, 1952; 10:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2758]

MIDDLE SOUTH UTILITIES, INC. AND MISSISSIPPI POWER & LIGHT CO.

ORDER RELEASING JURISDICTION

MARCH 11, 1952.

The Commission having on January 22, 1952, issued its findings and opinion and Order authorizing the sale by Mississippi Power & Light Company ("Mississippi") of its gas properties to a new corporation, Mississippi Valley Gas Company ("Mississippi Valley"), for a cash consideration of $11,128,151 plus or minus certain closing adjustments; and

The Commission having reserved jurisdiction to take such action as might be appropriate upon the filing of the definitive contract of purchase and sale between Mississippi Valley and Equitable Securities Corporation with respect to the proposed sale of common stock of Mississippi Valley; and

A further amendment having been filed herein setting forth the definitive contract of purchase and sale between Mississippi Valley and Equitable Securities Corporation, and the Commission finding that no further action need be taken with respect thereto:

It is ordered, That jurisdiction heretofore reserved be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-3023; Filed, Mar. 14, 1952; 8:47 a. m.]

[File No. 70-2805]

MIDDLE SOUTH UTILITIES, INC.

ORDER REGARDING ISSUE AND SALE OF COMMON STOCK SUBJECT TO RESERVATIONS OF JURISDICTION

MARCH 11, 1952.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof, and Rule U-50 of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

Middle South proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, 600,000 shares

of its no par value common stock. Declarant states that of the proceeds from the sale Middle South intends to invest approximately $10,000,000 for the purchase of additional common stock of one of its subsidiaries, Arkansas Power & Light Company, to aid that company in the financing of its construction program. Such proposed investment will, however, be the subject of a separate filing. The remainder of the proceeds from the sale will be used for further investments in the common stock of Middle South's subsidiaries and for other corporate purposes.

Declarant states that the construction program of the subsidiaries of Middle South for the years 1952 and 1953 is estimated at approximately $65,000,000 and $72,000,000, respectively, and that new financing by the subsidiaries will be required in the approximate amounts of $48,500,000 in 1952 and $46,500,000 in 1953. It is contemplated that the subsidiaries will issue and sell mortgage debt securities during the years 1952 and 1953 in the amounts of $27,000,000 and $38,500,000, respectively, and that the amount of $11,500,000 will be raised in 1952 through a bank credit arrangement of one of the subsidiaries. Middle South states that it has no definitive plans for additional financing which will be required in order to provide needed equity capital for the subsidiaries, but proposes to attempt to secure bank credits, or make other arrangements, under which the cost of financing the construction program can be held to a minimum prior to the dates when the newly constructed properties are brought into operation. It is further stated that permanent financing of these bank credits and any additional financing by Middle South will be in such form, either in common stock or debt, as may be appropriate and advisable under the circumstances then existing.

Declarant requests that the period for receiving competitive bids pursuant to Rule U-50 be shortened so that bids may be received on March 19, 1952.

Said declaration having been filed on February 21, 1952, notice of filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act and that no adverse findings are necessary thereunder and that it is not necessary to impose terms and conditions other than those set forth below, and the Commission also deeming it appropriate to grant declarant's request that the period for receiving bids pursuant to Rule U-50 be shortened so that bids may be received on March 19, 1952:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder that the said declaration be, and the same hereby is, permitted to become effective, subject to the following reservations of jurisdiction:

1. That the proposed sale of common stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order entered by the Commission in the light of the record as so completed; and

2. That jurisdiction be, and the same hereby is, reserved with respect to the payment of fees and expenses incurred or to be incurred in connection with the proposed transactions;

It is further ordered, That the period for receiving competitive bids pursuant to Rule U-50 be shortened so that bids may be received on March 19, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3024; Filed, Mar. 14, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority No. 3, Supplement 1, Revision 1]

COUNSEL, OFFICE OF CHIEF COUNSEL, NATIONAL AND FIELD

DELEGATION OF AUTHORITY

By virtue of the authority vested in the Chief Counsel, Office of Price Stabilization, by Delegation of Authority No. 3 (16 F. R. 3595), issued April 24, 1951, by the Director of Price Stabilization, this Revision 1 of Delegation of Authority No. 3, Supplement 1, is hereby issued.

1. Authority is hereby delegated to the Deputy Chief Counsel, the Associate Chief Counsel, the Assistant Chief Counsel, the Division Counsel, and the Chief of the Military Goods and Government Agencies Coordination, in the Office of the Chief Counsel, Office of Price Stabilization, or to any Regional Counsel or Acting Regional Counsel, or to any District Counsel or Acting District Counsel, to issue official interpretations of regulations or orders relating to price controls, or to allocations, with the same force and effect as if issued by the Chief Counsel.

2. Any official interpretation may be revoked or modified by the issuing official. In addition, an official interpretation issued by a District Counsel may be revoked or modified by the Regional Counsel for such region, or by any official in the National Office who is authorized to issue official interpretations. An official interpretation issued by a Regional Counsel may also be revoked or modified by any official in the National Office who is authorized to issue official interpretations.

3. This delegation of authority shall take effect on March 14, 1952.

JOSEPH H. FREEHILL, *Chief Counsel.*

MARCH 13, 1952.

[F. R. Doc. 52-3111; Filed, Mar. 13, 1952; 4:56 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 292, Amdt. 1]

FASHIONCRAFT PRODUCTS

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 292 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for bottle holder and formula bag manufactured by Fashioncraft Products and having the brand names "Thermo-Craft" and "Thermo-Trainer."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 14, 1951.

This amendment adds the brand names "Stay-Open Carry All," "Thermidor," "Thermo-Pouch" and "Thermi-Aid" to the brand names listed in the special order.

Amendatory provisions. Special Order 292 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 4, 1951," insert the words "as supplemented and amended by its application dated November 14, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated November 14, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 7, 1952.

3. In paragraph 1, add the brand names "Stay-Open Carry All," "Thermidor," "Thermo-Pouch," and "Thermo-Aid" to the brand names listed in the special order.

4. Delete paragraph 4 of the special order and substitute therefor the following:

5. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice list-

ing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1) Item (style or lot number or other description)	(Column 2) Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

Effective date. This amendment shall become effective March 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 12, 1952.

[F. R. Doc. 52-3056; Filed, Mar. 12, 1952; 4:35 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 220, Amdt. 1]

MCKETTRICK-WILLIAMS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 220 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for women's, misses' and maternity dresses manufactured by McKettrick-Williams, Inc. and having the brand names "McKettrick Classics" and "McKettrick Maternities."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated July 19, 1951, August 15, 1951 and January 18, 1952.

This amendment also adds maternity slack suits and maternity pedal pusher suits to the special order.

Amendatory provisions. Special Order 220 under section 43 of Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 1, after the words "in its application dated June 15, 1951," insert the words "as supplemented and amended by its applications dated July 19, 1951, August 15, 1951, and January 18, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated July 19, 1951, August 15, 1951 and January 18, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

3. In paragraph 1, delete the word "and" which precedes the words "maternity dresses" and substitute therefor a comma.

4. In paragraph 1, following the words "maternity dresses" add the words "maternity slack suits and maternity pedal pusher suits."

Effective date. This amendment shall become effective March 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 12, 1952.

[F. R. Doc. 52-3055; Filed, Mar. 12, 1952; 4:35 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 843]

HERBERT SONDHEIM, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Herbert Sondheim, Inc., 530 Seventh Avenue, New York 18, N. Y.

Brand names: "Herbert Sondheim" and "Sondette".

Articles: Misses' dresses, suits, coats, ensembles, blouses, skirts, and hostess clothes.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $---------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

*Provisions for the applicant—*7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling Price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. dozen. etc.} Terms{net. percent EOM. etc.}	$_____

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on March 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 11, 1952.

[F. R. Doc. 52-3004; Filed, Mar. 11, 1952; 4:38 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 844]

KEYSTONE CHEMICAL CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Keystone Chemical Company, Inc., 2019 Center Street, Cleveland 13, Ohio, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of upholstery cleaner, furniture polish, moth crystals, liquid deodorant, moth spray, liquid wax remover, fly spray, liquid floor finish, and sprayers sold through wholesalers and retailers and having the brand name(s) "Keyspray", "Keystone", "Lustre-Seal", "Keen-Air", Bubble Rub", and "Sprayit" shall be the proposed retail ceiling prices listed by Keystone Chemical Company, Inc., 2019 Center Street, Cleveland 13, Ohio, hereinafter referred to as the "applicant" in its application dated October 5, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 12, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after May 12, 1952, Keystone Chemical Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after June 10, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to June 10, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the pretickeeting requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers—*(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in sub-paragraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective March 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 11, 1952.

[F. R. Doc. 52-3005; Filed, Mar. 11, 1952; 4:38 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 17]

NASH-KELVINATOR CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 10 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Nash-Kelvinator Corporation. Subsequent to the issuance of Special Order 10 the manufacturer introduced several 1952 model automobiles which were not counterparts of any previously produced. Ceiling prices at which the manufacturer may sell these new automobiles have been established under section 10 of Ceiling Price Regulation 1, Revision 1. This order is accordingly issued to establish sellers' prices which will reflect costs to dealers on the new automobiles and markup thereon. In addition, this order contains previously established prices and charges for other 1952 model automobiles and items of extra, special or optional equipment which are counterparts of models previously produced. This order also adds certain items of extra equipment which have been introduced by Nash-Kelvinator since the issuance of Special Order 10. Adjustments are made in the charges previously established for other items of equipment to reflect increased costs to resellers resulting from an election by the manufacturer to place into effect previously granted price increases. The provisions of Special Order 10 remain in effect as to all 1951 models.

For the purpose of clarifying the meaning of "standard equipment" which is included in the basic price of the automobile, an appendix has been added to this order showing the items of equipment which are standard on automobiles manufactured by Nash-Kelvinator Corporation.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 2 of Ceiling Price Regulation 83, this Special Order is hereby issued.

1. The basic prices as defined in Ceiling Price Regulation 83, section 2, which retail and wholesale sellers will use in determining the ceiling prices of 1952 model automobiles manufactured by the Nash-Kelvinator Corporation are as follows:

Rambler "Super" Series:	
2-door Suburban	$1,828.35
Rambler "Custom" Series:	
2-door Country Club Sedan	1,912.00
2-door Convertible Sedan	1,936.30
2-door Station Wagon	1,936.30
Statesman "Super" Series:	
4-door Sedan	1,981.85
2-door Sedan	1,947.40
Statesman "Custom" Series:	
4-door Sedan	2,123.00
2-door Sedan	2,101.90
Ambassador "Super" Series:	
4-door Sedan	2,327.40
2-door Sedan	2,291.30
Ambassador "Custom" Series:	
4-door Sedan	2,474.20
2-door Sedan	2,452.95

2. The charges for factory installed extra, special or optional equipment which wholesalers and retail sellers will use in determining the ceiling prices of 1952 model automobiles manufactured by the Nash-Kelvinator Corporation are as follows:

Antifreeze (Rambler and Statesman)	$1.95
Antifreeze (Ambassador)	2.45
Cigar lighter (Statesman)	2.75
Clock, electric (Statesman and Ambassador, all Super and Custom lines and series)	16.55
Color, two-tone (all lines and series)	17.15
Direction signal (all lines and series)	18.50
Engine, dual jet fire (Ambassador)	250.00
Foam sponge cushion, front and rear (all lines and series)	24.15
Foam sponge cushion, front or rear (all lines and series)	12.10
Front seat, reclining back (Rambler)	10.70
Front seat, reclining back (Statesman and Ambassador)	17.20
Glass-Solex (Rambler)	13.50
Glass-Solex (Statesman and Ambassador)	15.00
Heavy Cushion Springs (Statesman and Ambassador)	28.70
Heavy chassis springs and shock absorbers (Statesman and Ambassador)	18.95
Hydromatic transmission (Statesman and Ambassador)	165.45
Oil bath air cleaner (Rambler and Statesman)	7.20
Oil bath air cleaner (Ambassador)	8.25
Overdrive (Rambler and Stateman)	96.55
Overdrive (Ambassador)	104.70
Radio, less antenna (Stateman and Ambassador)	84.00
Radio antenna, manual (Statesman and Ambassador)	8.30
Radio antenna, vacuum (Statesman and Ambassador)	15.50
Rear center arm rest (Statesman and Ambassador Super)	36.35
Steering wheel (Statesman and Ambassador Super)	16.50
Sun visor, right hand (Statesman Super)	2.15
Tires, 4 ply, 5.90 x 15, set of 5, white sidewall (Super Rambler)	17.50
Tires, 6 ply, 5.90 x 15, black (Super Rambler)	26.50
Tires, 4 ply, 6.40 x 15, set of 5, black (Supcr Rambler)	11.25

Tires, 6 ply, 6.40 x 15, set of 5, black (Super Rambler)	$40.25
Tires, 4 ply, 6.40 x 15, set of 5, white sidewall (Custom Rambler)	19.00
Tires, 6 ply, 6.40 x 15, set of 5, black (Custom Rambler)	29.00
Tires, 6 ply, 6.40 x 15, set of 5, white sidewall (Custom Rambler)	54.25
Tires, 4 ply, 6.70 x 15, set of 5, white sidewall, (Statesman)	20.25
Tires, 6 ply, 6.70 x 15, set of 5, black (Statesman)	30.25
Tires, 6 ply, 6.70 x 15, set of 5, white sidewall (Statesman)	57.00
Tires, 4 ply, 7.10 x 15, set of 5, white sidewall (Ambassador)	22.50
Tires, 6 ply, 7.10 x 15, set of 5, black (Ambassador)	34.00
Tires, 6 ply, 7.10 x 15, set of 5, white sidewall (Ambassador)	63.25
Upholstery, leather trim	102.15
Weather eye (Statesman and Ambassador)	62.25
Wheel discs	19.45
Group A, includes wheel discs, electric clock and custom steering wheel	45.00

3. The prices and charges established by this Special Order do not include the Excise, Overhead and Handling (E. O. H.) charges. Sellers covered by this order will apply such charges to the prices and charges in accordance with section 2 of Ceiling Price Regulation 83.

4. Appendix to this order lists the items which are included as standard equipment on the 1952 model automobiles manufactured by the Nash-Kelvinator Corporation.

5. All provisions of Ceiling Price Regulation 83 not inconsistent with this order, including the posting, invoicing, and record-keeping requirements of that regulation, remain in effect as to sales covered by this order.

6. This Special Order or any provision thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order shall become effective March 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 13, 1952.

APPENDIX A—ITEMS OF STANDARD EQUIPMENT ON AUTOMOBILES MANUFACTURED BY THE NASH-KELVINATOR CORPORATION

RAMBLER AUTOMOBILES

Description	*Series on which included*
Arm rest, front and rear door or rear quarter	All body styles except Station Wagon.
Ash receiver, front seat	All body styles.
Ash receiver, rear seat (dual)	All body styles except Station Wagon.
Bumper and bumper guards	All body styles.
Rubber simulated carpet front inserts	All Custom models.
Gray rubber simulated carpet rear	All body styles.
Clock, electric	All Custom models.
Compartment, instrument panel package	All body styles.
Glass, safety, plate	All body styles.
Headlining cloth	All body styles.
Horns, dual	All body styles.
Lighter, cigarette	All body styles.
Dome lamp, single	All body styles.
Lights, dual stop	All body styles
Lights, parking	All body stylcs.
Mirror, rear vlew, inside	All body styles.
Molding, windshield reveal	All body styles.
Molding, rear window reveal	Country Club hard top only.
Molding, fenders and door sides	All body styles.
"Rambler" and "Super" or "Custom" or "Country Club" script on front fenders.	All models.
Pads, foam rubber seat cushion	Custom models only.
Pump, vacuum booster	Overdrive equipped cars only.
Radio and antenna	All body styles.
Rings, wheel trim, stainless steel	All Custom models.
Seat, front adjustable manually	All body styles.
Signal, turn	All Custom models.
Starter, clutch	All body styles.
Straps, assist	Hard top and Convertible models only.

RAMBLER AUTOMOBILES—continued

Description	*Series on which included*
Top, electrically operated	Convertible only.
Upholstery, vinyl leather	Suburban model only.
Upholstery, twotone	All Custom models.
Ventilators, front window	All body styles.
Visors, sun (two interior)	All body styles.
Wheel, steering custom and horn ring	All Custom models.
Wipers, dual	All body styles.
Windshield, single piece curved	All body styles.
Jack and jack handle	All body styles.
Wheel, five wheels and low pressure tires, size 5.90 x 15, 4 ply.	Super.
Wheel, five wheels and low pressure tires, size 6.40 x 15, 4 ply.	Custom.
Arm rest, front and rear quartcr	All body styles.
Arm rest, rear compartment center	All Custom models.
Ash receiver, front seat dual	All body styles.
Ash receiver, rear seat, dual	All body styles.
Bumper and bumper guards	All body styles.
Carpet front and rear	All Custom models.
Carpet inserts front, and full rear carpet	All Super models.
Coat hooks	All body styles.
Clock, electric	All Custom models.
Compartment, lined luggage	All body styles.
Compartment, instrument panel package	All body styles.
Fender guards	All Ambassador models.
Glass, safety plate	All body styles.
Headlining, cloth	All body styles.
Horns, dual	All body styles.
Lighter, cigarette	All body styles.
Dome lamp (single)	All body styles.
Lights, dual stop	All body styles.
Lights, parking	All body styles.
Locks, front and rear doors	All 4-door Sedans.
Mirrors, rear view, inside	All body styles.
Molding, windshield reveal	All body styles.
Molding, rear window reveal	All body styles.
Molding, fenders and door sides	All body styles.
"Ambassador" or "Statesman" and "Custom" or "Super" script on front fenders.	All body styles.
Pads, foam rubber seat cushion	All Custom models.
Pump, vacuum booster	All overdrive or hydramatic equipped cars.
Rings, wheel trim	All Custom models.
Robe rail, front seat back	Custom 4-door models.
Scat, front adjustable manually	All body styles.
Signal, turn	All Custom models.
Starter, clutch	All body styles.
Straps, assist	2-door models only.
Upholstery, combination cloth and leather	Hard top models only.
Upholstery, two-tone trim	All Custom models.
Ventilators, front window	All body styles.
Ventilators, rear window	All 4-door Sedans.
Visors, sun (two interior)	All body styles.
Wheel, steering custom and horn ring	All Custom models.
Wipers, dual	All body styles.
Windshield, single piece, curved	All body styles.
Jack and jack handle	All body styles.
Wheel, five wheels and low pressure tires, sixe 6.70 x 15, 4 ply.	Statesman, all body styles.
Wheel, five wheels and low pressure tires, size 7.10 x 15, 4 ply.	Ambassador, all body styles.

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26877]

LIQUID CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO HAMILTON, OHIO

APPLICATION FOR RELIEF

MARCH 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Hamilton, Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1172, Supp. 89.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3027; Filed, Mar. 14, 1952; 8:48 a. m.]

[4th Sec. Application 26878]

PILING (FOREIGN WOODS) FROM POINTS IN THE EAST TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent I. N. Doe's tariff I. C. C. No. 610 and Agent C. W. Boin's tariff I. C. C. No. A-911.

Commodities involved: Piling, of foreign woods, other than Canadian woods, Mexican pine, balsa wood, or dyewoods, carloads.

From: Baltimore, Md., Boston, Mass., Carteret, N. J., New York, N. Y., Philadelphia, Pa., Wilmington, Del., and Cockeysville, Md.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: I. N. Doe's tariff I. C. C. No. 610, Supp. 12; C. W. Boin's tariff I. C. C. No. A-911, Supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3028; Filed, Mar. 14, 1952; 8:48 a. m.]

[4th Sec. Application 26879]

CAN ENDS, IRON, STEEL, OR TIN, FROM POINTS IN PENNSYLVANIA, CINCINNATI, OHIO, AND ELWOOD, IND., TO HOUSTON, TEX.

APPLICATION FOR RELIEF

MARCH 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3899.

Commodities involved: Can ends, iron, steel, or tin, carloads.

From: Specified points in Pennsylvania, Cincinnati, Ohio, and Elwood, Ind.

To: Houston, Tex.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates; F. C. Kratzmeir's tariff I. C. C. No. 3899, Supp. 86.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3029; Filed, Mar. 14, 1952; 8:48 a. m.]

[4th Sec. Application 26880]

CAUSTIC SODA FROM HOUSTON, TEX., TO ST. LOUIS, MO.-ILL.

APPLICATION FOR RELIEF

MARCH 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Caustic soda, carloads.

From: Houston, Tex.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 86.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3030; Filed, Mar. 14, 1952; 8:48 a. m.]

[4th Sec. Application 26881]

SCRAP IRON OR STEEL FROM MILWAUKEE, WIS., TO HAMILTON, ONT.

APPLICATION FOR RELIEF

MARCH 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for The Chesapeake and Ohio Railway Company, Grand Trunk Western Railroad Company, and other carriers.

Commodities involved: Scrap iron or steel, carloads.

From: Milwaukee, Wis. (via car ferry across Lake Michigan).

To: Hamilton. Ont.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: C&O Ry. (PMD) tariff I. C. C. No. 13099, Supp. 44; GTW RR. tariff G. T. L. W. I. C. C. No. A-2909, Supp. 102.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3031; Filed, Mar. 14, 1952; 8:48 a. m.]

[4th Sec. Application 26882]

SILICA SAND FROM GUION, ARK., TO TALLADEGA, ALA.

APPLICATION FOR RELIEF

MARCH 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Silica sand, carloads.

From: Guion, Ark.

To: Talladega, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3736, Supp. 186.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3032; Filed, Mar. 14, 1952; 8:48 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 64]

RAILROADS

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the railroads in the United States, because of work stoppage, are unable to transport traffic routed over their line:

It is ordered, That:

(a) Rerouting traffic: Railroads unable to transport traffic in accordance with shippers' routing, because of work stoppage, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 1:00 p. m., March 10, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., April 10, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., March 10, 1952.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 52-3035; Filed, Mar. 14, 1952 8:49 a. m.]

[4th Sec. Application 26883]

SCRAP IRON OR STEEL FROM SOUTHERN TERRITORY TO BURLINGTON, N. J.

APPLICATION FOR RELIEF

MARCH 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 950.

Commodities involved: Scrap iron or steel, carloads.

From: Points in southern territory.

To: Burlington, N. J.

Grounds for relief: Circuitous route and to apply over short tariff route rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 950, Supp. 167.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period. may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3033; Filed, Mar. 14, 1952 8:48 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 54

Washington, Tuesday, March 18, 1952

TITLE 19—CUSTOMS DUTIES

Chapter II—United States Tariff Commission

PART 210—PROCEDURES FOR ISSUANCE OF IMPORT LICENSES FOR COTTON HAVING A STAPLE LENGTH OF 1⅜ INCHES OR MORE BUT LESS THAN 1 11/16 INCHES IN LENGTH

REVOCATION

Part 210 of the rules of practice and procedure of the United States Tariff Commission (15 F. R. 6962) relating to procedures for issuance of import licenses for cotton of specified staple length entered, or withdrawn from warehouse, for consumption prior to February 1, 1951, under the authority of Presidential Proclamation No. 2907 dated October 12, 1950, no longer has any applicability. This part of the rules of practice and procedure of the Tariff Commission is accordingly hereby revoked.

[SEAL] OSCAR B. RYDER,
Chairman,
United States Tariff Commission.

MARCH 12, 1952.

[F. R. Doc. 52-3086; Filed, Mar. 17, 1952; 8:48 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTIONS REPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 12 of the act of June 24, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 12), §§ 345.5, 345.9 and 345.12 of the regulations of the Railroad Retirement Board under such act (4 F. R. 4370; 8 F. R. 294, 11894; 9 F. R. 3192; 9 F. R. 7998; 12 F. R. 2327) are amended by Board Order 52-61, dated February 13, 1952, effective January 1, 1952, to read as follows:

§ 345.5 *Employers' contribution reports*—(a) *General.* (1) Except as provided in paragraph (2) of this section, every employer shall, for the period of three calendar months ending September 30, 1939, and for each subsequent period of three calendar months ending December 31, March 31, June 30 and September 30, respectively, of each year, prepare a contribution report, in duplicate, on Form DC-1.

(2) (i) Any employer who reported contributions of less than $100.00 during the previous calendar year, and who was covered by the act during the entire previous calendar year, may elect to make a single contribution report for the subsequent calendar year.

(ii) Except as otherwise provided by agreement with the Board, each employer is required to file a separate contribution report, and consolidated contribution reports of parent and subsidiary corporations are not permitted.

(iii) Contribution reports of employers who are required by State laws to pay compensation on a weekly basis shall include with respect to such compensation all pay roll weeks in which all or the major part of the compensation falls within the period for which the reports are required.

(b) *Compensation to be reported on Form DC-1 for employers required to pay contributions quarterly*—(1) *Employers reporting compensation quarterly.* The amount reported on Form BA-5 as the total creditable compensation for the quarter, prior to any additions or subtractions for adjustments, shall be entered on the employer's quarterly contribution report for the corresponding quarter as the amount of creditable compensation from which the contribution payable for that quarter is to be computed.

(2) *Employers reporting compensation annually.* Employers authorized to report compensation annually, pursuant to § 250.3 (a) of this chapter, shall enter on the employer's quarterly contribution report, prior to any additions or subtractions, the amount of creditable compensation appearing on pay rolls or other disbursement documents for the corresponding quarter as the amount of creditable compensation from which the contribution payable for that quarter is to be computed.

(c) *Compensation to be reported on Form DC-1 for employers qualified to pay contributions annually.* (1) If an employer is qualified and has elected to pay contributions annually but is reporting compensation quarterly, the aggregate total of the creditable compensation

(Continued on p. 2305)

CONTENTS

Agriculture Department Page
See Production and Marketing Administration.

Alien Property, Office of
Notices:
Hearings, etc.:
Borgarelli, Adolfo, et al 2349
Hamelle, Maison J 2350
Kopf, Benjamin 2349
Roeper-Alscher, Emma 2350

Civil Aeronautics Board
Notices:
Hearings, etc.:
Accident occurring at Sandspit, British Columbia 2341
American Air Transport and Flight School, Inc 2340
American Airlines, Inc., et al.; directional freight rates 2340
New England-Southern States merger investigation 2340

Commerce Department
See International Trade, Office of.

Defense Materials Procurement Agency
Rules and regulations:
Foreign produced manganese ore (MO 2, Dir. 1) 2326

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Power Commission
Notices:
Hearings, etc.:
Arkansas-Missouri Power Co. 2342
Citizens Gas Co 2341
El Paso Natural Gas Co 2341
Lopeno Gas Co. (2 documents) 2343
Texas Northern Gas Corp 2342
Transcontinental Gas Pipe Line Corp 2341
Utah Power & Light Co 2343

Federal Reserve System
Rules and regulations:
Consumer credit; performance of contract secured or guaranteed 2325

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Indian Affairs Bureau
Rules and regulations:
Crow Indian Irrigation Project, Mont.; operation and maintenance charges 2306

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CFR

POCKET SUPPLEMENTS

(For use during 1952)

The following Pocket Supplement is now available:

Titles 10–13 ($0.35)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Page

Indian Affairs Bureau—Con.
Rules and regulations—Continued
Determination of heirs and approval of wills, except as to members of the Five Civilized Tribes and Osage Indians; miscellaneous amendments— 2305

Interior Department
See also Indian Affairs Bureau; Land Management, Bureau of.
Notices:
Transfer of land to government of Guam— 2339

International Trade, Office of
Rules and regulations:
Licensing policies and related special provisions; miscellaneous amendments— 2305

Interstate Commerce Commission
Notices:
Applications for relief:
Alcohols from Longview, Tex., to Houston, Tex— 2343
Brick and related articles from Mexico, Mo., to Jacksonville, Ill— 2344

Interstate Commerce Commission—Continued
Notices—Continued
Applications for relief—Con.
Roofing granules from Little Rock, Ark., to Marrero, La— 2343

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Alaska:
Shorespace restoration— 2339
Transfer of jurisdiction of interest— 2339

Price Stabilization, Office of
Notices:
Directors of District Offices, redelegation of authority:
Region III; act under CPR 101— 2346
Region VI; act under CPR 7— 2346
Region VII; act on applications pertaining to certain items of sausage— 2346
Region X; act under CPR 101— 2347
Region XI:
Act under CPR 7, retail ceiling prices for certain consumer goods— 2347
Act under CPR 101, wholesale veal— 2347
Region XII:
Act on applications for adjusted ceiling prices (2 documents)— 2347, 2348
Act under CPR 101— 2347
Process applications for adjustment filed by manufacturers having yearly sales volume of $250,000 or less— 2347
Regional Directors; delegation of authority to receive and process notices of parity adjustments— 2349
Rensie Watch Co., Inc.; ceiling prices at retail and wholesale— 2348
Territorial Director for Puerto Rico; redelegation of authority to disapprove or reduce ceiling prices— 2348
Rules and regulations:
Ceiling prices for certain sales at retail and at wholesale; inclusion of additional regulations (GCPR, SR 29)— 2307
General ceiling price regulation; notices of parity adjustments (GCPR)— 2307
Potatoes, white flesh; shipping point distributors and miscellaneous amendments (CPR 113)— 2324
Resellers of iron and steel products (CPR 98, Coll. 1)— 2308
Retail and wholesale sale of new passenger automobiles; financing charges (CPR 83, Int. 1)— 2306

Production and Marketing Administration
Notices:
Prunes, dried, produced in California— 2339

Production and Marketing Administration—Continued
Proposed rule making:
Milk handling in San Antonio, Texas, marketing area— 2327

Railroad Retirement Board
Rules and regulations:
Employers' contributions and contribution report; miscellaneous amendments— 2303

Securities and Exchange Commission
Notices:
Hearings, etc.:
Delaware Power & Light Co. and Eastern Shore Public Service Co. of Virginia— 2345
General Public Utilities Corp. and Metropolitan Edison Co— 2344
Lowell Electric Light Corp— 2345
Ohio Edison Co— 2345

Tariff Commission
Notices:
Blue-mold cheese; hearing— 2346
Rules and regulations:
Procedures for issuance of import licenses for cotton having a staple length of 1⅜ inches or more but less than 1 11/16 inches in length; revocation of part— 2303

Treasury Department
Rules and regulations:
Instructions relating to reports of currency transactions; correction— 2306

Veterans' Administration
Rules and regulations:
Dependents and beneficiaries claims; miscellaneous amendments— 232
Legal services; domestic relations questions, initial investigation— 232
U. S. Government life insurance; miscellaneous amendments— 232

CODIFICATION GUIDE

A numerical list of the parts of the Co of Federal Regulations affected by documen published in this issue. Proposed rules, opposed to final actions, are identified such.

Pa

Title 7
Chapter IX:
Part 949 (proposed)— 23

Title 15
Chapter III:
Part 373— 23

Title 19
Chapter II:
Part 210— 23

Title 20
Chapter II:
Part 345— 23

Title 25
Chapter I:
Part 81— 23
Part 130— 23

Title 31
Chapter I:
Part 102— 23

CODIFICATION GUIDE—Con.

Title 32A	Page
Chapter III (OPS):	
CPR 83, Int. 1	2306
CPR 98	2308
CPR 113	2324
GCPR	2307
GCPR, SR 29	2307
Chapter XII (DMA):	
MO 2, Dir. 1 (see Ch. XXIII (DMPA)).	
Chapter XV (FRS):	
Reg. W, Int. 50, Int. 51	2325
Chapter XXIII (DMPA):	
MO 2, Dir. 1	2326
Title 38	
Chapter I:	
Part 4	2326
Part 6	2327
Part 14	2327

reported on Forms BA–5 for all quarters within the corresponding calendar year, prior to any additions or subtractions, shall be entered on the employer's annual contribution report as the amount of creditable compensation from which the contribution payable for that calendar year is to be computed.

(2) If an employer is qualified, has elected to pay contributions annually, and is authorized to report compensation annually, the total creditable compensation reported on Form BA–5, prior to any additions or subtractions, shall be entered on the employer's annual contribution report for the corresponding calendar year as the amount of creditable compensation from which the contribution payable for that calendar year is to be computed.

§ 345.9 *Place and time for filing employers' contribution reports.* Each employer's contribution report shall be filed with the Railroad Retirement Board at Chicago 11, Illinois. (a) Except as provided in paragraph (b) of this section, the employer's contribution report for each quarterly period shall be filed on or before the last day of the second calendar month following the period for which it is made. If such last day falls on Sunday or a legal holiday, the report may be filed on the next following business day. If mailed, reports must be postmarked on or before the date on which the report is required to be filed.

(b) For employers who are qualified and have elected to report contributions annually, the contribution report shall be filed on or before the last day of the second calendar month following the close of the calendar year. If such last day falls on Sunday or a legal holiday, the report may be filed on the next following business day. If mailed, reports must be postmarked on or before the date on which the report is required to be filed.

§ 345.12 *Adjustments*—(a) *In general.* Section 8 (d) of the act provides that if more or less than the correct amount of employer's contribution is paid with respect to any compensation, proper adjustments with respect to the contribution shall be made, without interest, in subsequent contribution payments by the same employer, under regulations prescribed by the Board.

(b) *Compensation adjustment.* A compensation adjustment is the amount of any adjustment reported by an employer on Form BA–4 of the compensation of an individual employee.

(c) *Adjustment of contributions.* (1) For employers reporting contributions quarterly, all adjustments of contributions based on compensation adjustments shall be accounted for by the employer on the contribution report for the same quarter in which the Form BA–4 reflecting the compensation adjustments is filed with the Board.

(2) For employers reporting contributions annually, the aggregate total of all adjustments of contributions based on compensation adjustments shall be accounted for by the employer on the contribution report for the same calendar year in which Forms BA–4 reflecting the compensation adjustments are filed with the Board.

(3) If less than the correct amount of contributions is paid for any previous calendar quarter or calendar year because of an error that does not constitute a compensation adjustment as defined in paragraph (b) of this section, the employer shall adjust the error by (i) reporting the additional amount due and payable by reason of the underpayment as additional contribution on his next report filed after discovery of the error and (ii) paying the amount thereof to the Board at the time such report is filed.

If more than the correct amount of contributions is paid for any previous calendar quarter or calendar year because of an error that does not constitute a compensation adjustment as defined in paragraph (b) of this section, the employer shall adjust the error by applying the excess payment as a credit against the contribution due on his next report filed after discovery of the error.

(d) *Limitations on adjustments.* No overpayment shall be adjusted under this section after the expiration of 4 years from the date the overpayment was received by the Board. No underpayment shall be adjusted under this section after the receipt from the Board of formal notice and demand for payment based upon an assessment, but the entire amount assessed shall be paid to the Board pursuant to such notice and demand.

(Sec. 12, 52 Stat. 1107, as amended; 45 U. S. C. 362. Interpret or apply sec. 8, 52 Stat. 1102, as amended; 45 U. S. C. 358)

Dated: March 11, 1952.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 52–3072; Filed, Mar. 17, 1952; 8:46 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 98]

PART 373—LICENSING POLICIES AND RELATING SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.6 *Special provisions for hides and skins, raw, of foreign origin* is amended in the following particulars:

Paragraph (c) *Exception from specified time submission schedules* is hereby deleted.

2. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

The following entries and related submission dates for the Second and Third Quarters, 1952, are hereby deleted:

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Second quarter 1952	Third quarter 1952
	Hides and skins, raw, except furs [2]		
020104	Cattle hides, wet	The first month of the current calendar quarter.	The first month of the current calendar quarter.
020602	Calf skins, dry		
020604	Calf skins, wet (include skunk skins)		
020702	Kip skins, dry		
020704	Kip skins, wet		
025098	Buffalo hides		

Footnote 2 "Applications for licenses covering these commodities submitted in accordance with the provisions of § 373.6 may be submitted at any time" is hereby deleted, and footnotes 3, 4, and 5 are respectively renumbered footnotes 2, 3, and 4.

This amendment shall become effective as of March 14, 1952.

(Sec. 3, 63 Stat. 7, Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–3030; Filed, Mar. 17, 1952; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter J—Heirs and Wills

PART 81—DETERMINATION OF HEIRS AND APPROVAL OF WILLS, EXCEPT AS TO MEMBERS OF THE FIVE CIVILIZED TRIBES AND OSAGE INDIANS

MISCELLANEOUS AMENDMENTS

1. Paragraph (a) of § 81.17 is amended to read as follows:

§ 81.17 *Rehearing.* (a) Any person aggrieved by the decision of the examiner of inheritance may, within 60 days after the date on which notice of the decision

is mailed to the interested parties (or within such additional period as the Secretary, for good cause, may allow in any case), file with the superintendent a written petition for rehearing. Such a petition must be under oath and must state specifically and concisely the grounds upon which it is based. If the petition is based upon newly discovered evidence, it must state a justifiable reason for the failure to discover and present the evidence at the hearing, and the petition must be accompanied by the sworn statement of at least one disinterested person having knowledge of the facts. The superintendent, upon receiving a petition for rehearing, shall promptly forward it to the examiner of inheritance. Such a petition shall act as a supersedeas unless otherwise directed by the examiner.

2. Paragraph (a) of § 81.19 is amended to read as follows:

§ 81.19 *Appeals.* (a) Any person aggrieved by the action taken by the examiner of inheritance on a petition for rehearing or on a petition for reopening may, within 60 days after the date on which notice of the examiner's action is mailed to the interested parties (or within such additional period as the Secretary, for good cause, may allow in any case), file with the superintendent a written notice of appeal to the Secretary. Such notice of appeal shall state specifically and concisely the reasons for the appeal. Copies of the notice of appeal shall be furnished by the appellant to the examiner of inheritance and to all parties who share in the estate under the decision of the examiner, and the notice of appeal shall contain a certificate stating that this has been done.

3. Section 81.28 is amended to read as follows:

§ 81.28 *Making, approval as to form, and revocation of wills.* (a) An Indian of the age of 21 years and of testamentary capacity, who has any right, title, or interest in trust or restricted property, may dispose of such property by a will executed in writing and attested by two disinterested adult witnesses.

(b) Where a will has been executed and filed with the superintendent during the lifetime of the testator, the will shall be forwarded by the superintendent to the examiner of inheritance, who shall pass on the form of the will and then return it to the superintendent with appropriate instructions. A will shall be held in absolute confidence, and its contents shall not be divulged prior to the death of the testator.

(c) The testator may, at any time during his lifetime, revoke his will by a subsequent will or other writing executed with the same formalities as are required in the case of the execution of a will, or by physically destroying the will with the intention of revoking it. No will that is subject to the regulations of this part shall be deemed to be revoked by operation of the law of any State.

(Secs. 1, 2, 36 Stat. 855, 856, as amended, sec. 1, 38 Stat. 856, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; 25 U. S. C. 372, 373, 374, 377, 373a, 373b)

DALE E. DOTY,
Acting Secretary of the Interior.

MARCH 13, 1952.

[F. R. Doc. 52-3098; Filed, Mar. 17, 1952; 8:50 a. m.]

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONTANA

On January 22, 1952, there was published in the daily issue of the FEDERAL REGISTER, notice of intention to modify § 130.12 *Charges,* of Title 25, Code of Federal Regulations, dealing with irrigable lands within the Crow Indian Reservation, Montana not subject to the jurisdiction of the several irrigation districts.

Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from the publication of the notice. No objections were submitted. Accordingly, § 130.12 is modified as follows:

§ 130.12 *Charges.* In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385), the operation and maintenance charges for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1952 and subsequent years until further notice are hereby fixed as follows:

For the assessable area under constructed works on all Government operated units excepting Coburn Ditch, per acre	$2.25
For the assessable area under constructed works on the Two Leggins unit, per acre	2.21
For the assessable area under the Bozeman Trail unit, per acre	.90
For Indian lands under the Bozeman Trail unit and under constructed works on all Government operated units in the Little Big Horn watershed; for non-Indian, non-irrigation district lands, under private ditches, contracting for the benefits, and repayment for the costs of the Willow Creek Storage Works; for operation and maintenance of said works, per acre	.10
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins drainage district (contract dated June 29, 1932), per acre	.75

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 52-3099; Filed, Mar. 17, 1952; 8:50 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 102—INSTRUCTIONS RELATING TO REPORTS OF CURRENCY TRANSACTIONS

REVISION

Correction

In F. R. Doc. 52-2285, appearing at page 1822 of the issue for Friday, February 29, 1952, the following change should be made:

Section 102.1 should read as follows:

§ 102.1 *Reports of currency transactions required.* Commencing with transactions occurring in the month of March 1952, every financial institution in the United States shall file monthly reports on Form TCR-1 concerning each deposit or withdrawal, or other payment or transfer, effected by, through, or to such financial institution, which involves transactions in United States currency as follows:

(a) Transactions involving $2,500 or more of United States currency in denominations of $100 or higher;

(b) Transactions involving $10,000 or more of United States currency in any denominations, and

(c) Transactions involving any amount in any denominations,

which in the judgment of the financial institution exceed those commensurate with the customary conduct of the business, industry or profession of the person or organization concerned.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 83, Interpretation 1]

CPR 83—RETAIL AND WHOLESALE SALE OF NEW PASSENGER AUTOMOBILES

INT. 1—FINANCING CHARGES (SECS. 2 AND 16)

Inquiries received by the OPS indicate some uncertainty as to whether sellers may make financing charges in addition to the ceiling prices for new automobiles set forth in section 2 of CPR 83.

As set forth in section 2 (e), the ceiling prices established by section 2 and special orders issued thereunder are specifically stated to be for cash. Section 2 (e) further provides that, upon written request of the purchaser, a sale may be made on terms other than cash provided that such terms do not result in a price higher than ceiling. This proviso does not mean that a charge, in addition to the cash ceiling price, may not be made for financing the purchase of a car. Finance charges, in themselves, are recognized to be a customary additional factor in time sales of auto

mobiles and are not prohibited by the regulation, as indicated by section 10 (f), which specifies that invoices must show the charges and other details of financing.

Financing, of course, must not be the basis of evading the requirements of the regulation. Section 16 deals with evasions and among those practices specifically prohibited are requiring the purchaser as a condition of sale to make payments over a period of time or to finance the purchase through any particular lending agency. Evasions may embrace many forms and those instances set forth in section 16 are merely illustrative.

Another example of an evasive practice would be a case in which a car was sold ostensibly at the ceiling price and, in addition, there was an unduly high financing charge, made by the seller of the car or a lending agency in concert with him. If the financing charge was higher than that which normally would be made after all relevant factors had been taken into consideration, the seller would be deemed to be charging more for the car, by the device of an inflated financing charge, than the ceiling, and this would be a violation of CPR 83, sections 2 and 16. Similarly, even though the ostensible price of the car was below ceiling, if the financing charge was so high that the total of the stated price for the car and such financing charge exceeded the ceiling price of the car plus the normal financing charge, a violation of the above sections of the regulation likewise would result.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Chief Council,
Office of Price Stabilization.

MARCH 17, 1952.

[F. R. Doc. 52-3218; Filed, Mar. 17, 1952; 11:30 a. m.]

[General Ceiling Price Regulation, Amdt. 30]

GENERAL CEILING PRICE REGULATION

NOTICES OF PARITY ADJUSTMENTS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 30 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 11 (b) of the General Ceiling Price Regulation authorizes processors and manufacturers to increase their ceiling price if they pay more for a current customary purchase of a listed agricultural commodity (or a product processed therefrom) than the highest price they incurred or paid during the General Ceiling Price Regulation base period. Section 11 (f) requires them, if they wish so to increase their ceiling prices, to send a notice of such "parity" adjustment to the Director of Price Stabilization, Washington 25, D. C. The number of these notices has become so large as to exceed the capacity of the National Office. Therefore, in line with the general policy of decentralizing the administration of adjustments and filings, it is deemed advisable to have processors and manufacturers send these notices to the appropriate OPS District Offices and to authorize the Regional Directors or their delegatees to disapprove any increased ceiling prices found to be unreasonable, excessive, or otherwise improper. Accordingly, this Amendment makes the appropriate changes in section 11 (f) of the General Ceiling Price Regulation. A delegation of authority is simultaneously issued by the Director of Price Stabilization to the Regional Directors, with power to sub-delegate, to receive and process these notices.

In the formulation of this amendment, special circumstances, including a very great increase in the number of "parity" adjustment notices received by the National Office of the Office of Price Stabilization, have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is hereby amended in the following respect:

1. Section 11 (f) (1), (2), and (3) are amended so as to change the phrase "Director of Price Stabilization, Washington 25, D. C.," to read "each District Director of the Office of Price Stabilization within whose district you have a selling unit, which means a separate place of business from which you make sales,".

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 30 to the General Ceiling Price Regulation is effective March 22, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 17, 1952.

[F. R. Doc. 52-3223; Filed, Mar. 17, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Amendment 8 to Supplementary Regulation 29]

GCPR, SR 29—CEILING PRICES FOR CERTAIN SALES AT RETAIL AND AT WHOLESALE

INCLUSION OF ADDITIONAL REGULATIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to Supplementary Regulation 29 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 29, an interim wholesale and retail regulation, was originally issued to provide for a follow through for price decreases and increases by manufacturers affected by the general manufacturers' regulation (Ceiling Price Regulation 22) and companion regulations. Since that time a number of other regulations have been issued, changing ceiling prices, and it has been considered appropriate that some of these be added to the coverage of SR 29, so as to permit resellers to adjust their prices accordingly.

This amendment includes a number of additional regulations in the coverage of SR 29. These are the regulations issued to permit manufacturers to adjust their prices in accordance with section 402 (d) (4) of the Defense Production Act of 1950, as amended (the Capehart Amendment); the regulation providing for adjustments of ceiling prices under certain hardship conditions (General Overriding Regulation 10); Ceiling Price Regulation 121, fixing new ceilings for manufacturers of certain printed paper; and Ceiling Price Regulation 112, fixing new ceiling prices for certain wholesale paper merchants. Thus wholesalers and retailers under the General Ceiling Price Regulation will be able to adjust their ceiling prices to reflect the changes in their suppliers' ceilings effected by those regulations.

In view of the interim and remedial nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Section 1 of Supplementary Regulation 29 to the General Ceiling Price Regulation is amended to read as follows:

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies General Ceiling Price Regulation wholesale and retail ceiling prices for sales of commodities other than those listed in section 2 of this regulation in order to eliminate the replacement squeeze and to reflect suppliers' ceiling price changes under Ceiling Price Regulation 22 (Manufacturers' General Ceiling Price Regulation) and the following regulations: Ceiling Price Regulation 30 (Machinery and Related Manufactured Goods); Ceiling Price Regulation 37 (Primary Cotton Textile Manufacturers); Ceiling Price Regulation 18, Revisión 1 (Manufacturers' Prices for Wool Yarns and Fabrics); Ceiling Price Regulation 41 (Shoe Manufacturers); Ceiling Price Regulation 45, Revision 1 (Apparel Manufacturers); Ceiling Price Regulation 72 (Mixed Fertilizer and Fertilizer Materials sold in Puerto Rico by Mixers and Packagers); Supplementary Regulation 50 to the General Ceiling Price Regulation (Sodium Silicofluoride); General Overriding Regulation 10 (Adjustments of Ceiling Prices for Manufacturers); the following adjustment regulations under section 402 (d) (4) of the Defense Production Act of 1950, as amended; General Overriding Regulation 20, General Overriding Regulation 21, Supplementary Regulation 2, Revision 1 to Ceil-

ing Price Regulation 22, Supplementary Regulation 17 to Ceiling Price Regulation 22, and Supplementary Regulation 18 to Ceiling Price Regulation 22; Ceiling Price Regulation 112 (Wholesale Paper Merchants); and Ceiling Price Regulation 121 (Printing, Printed Products, Allied Products and Certain Paper Products).

Additions to this list of regulations will be made from time to time.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 8 to Supplementary Regulation 29, General Ceiling Price Regulation is effective March 22, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 17, 1952.

[F. R. Doc. 52-3224; Filed, Mar. 17, 1952; 4:00 p. m.]

[Ceiling Price Regulation 98, Collation 1]

CPR 98—RESELLERS OF IRON AND STEEL PRODUCTS

COLLATION 1—INCLUDING AMENDMENT 1

Ceiling Price Regulation 98 is republished to incorporate the text of Amendment 1. Ceiling Price Regulation 98 was issued November 29, 1951 (16 F. R. 12073). Statements of Consideration for Ceiling Price Regulation 98 and for Amendment 1, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendment are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

PART I—COVERAGE

Sec.

1. What this regulation does.
2. Products covered by this regulation.
3. Persons and transactions covered by this regulation.
4. Geographical applicability.
5. General pricing instructions.

PART II—INDUSTRIAL STEEL PRODUCTS

10. General pricing provisions for industrial steel products.
11. Ceiling warehouse prices for domestic industrial steel products in Table A.
12. Ceiling warehouse prices for domestic industrial steel products in Table B.
13. Ceiling warehouse prices for domestic industrial steel products in Table C.
14. Ceiling prices for imported industrial steel products listed in Tables A and B.
15. Ceiling warehouse prices for secondary or rejected domestic steel products.
16. Prime and secondary or rejected new domestic industrial steel products which have not been put through the warehousing operation.
17. Excess stock of industrial iron and steel products.

PART III—MERCHANT TRADE WIRE AND TUBULAR PRODUCTS AND OIL COUNTRY TUBULAR GOODS

20. Ceiling jobber prices for merchant wire and roofing and siding products.
21. Ceiling jobber prices for merchant trade pipe and tubular products.
22. Oil country tubular goods.
23. Secondary or rejected pipe and tubular products.

PART IV—RE-USABLE PRODUCTS, STRUCTURAL PIPE AND CONVERSION STEEL

30. Re-usable iron and steel pipe and oil country tubular goods.
31. Ceiling prices for re-usable industrial steel products.
32. Structural pipe.
33. Conversion steel products.
34. Used boiler and pressure tubes (including locomotive flues).

PART V—GENERAL PRICING PROVISIONS

40. Applications for establishment of ceiling prices and adjustment of extras.
41. Customary price differentials and terms of sale.
42. Charges by brokers, finders and other intermediaries.
43. Rounding ceiling prices.
44. Petitions for amendment.
45. How to treat taxes.
46. Transfers of business or stock in trade.
47. Record-keeping and filing requirements.
48. Interpretations.
49. Prohibitions.
50. Evasions.
51. Definitions.

AUTHORITY: Sections 1 to 51 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 51 contained in Ceiling Price Regulation 98, November 29, 1951 (16 F. R. 12073), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 98, December 16, 1951, except that for warehouse resellers who must determine their ceiling prices for industrial steel products in accordance with sections 11 (b) (2) and 12 (b) (2) the effective date as regards sales and deliveries of such products shall be December 31, 1951, 16 F. R. 12073.

Amendment 1, March 4, 1952, 17 F. R. 1886

PART I—COVERAGE

SECTION 1. *What this regulation does.* This regulation in general establishes ceiling prices for resellers of iron and steel products, including holders of excess stock of such products and removes them from the coverage of the General Ceiling Price Regulation (GCPR). The iron and steel products which are covered by this regulation are listed generally in section 2. All persons and transactions covered by this regulation are described in section 3.

The regulation, for the sake of simplicity in its use, is divided into five parts, three of which (Parts II, III, and IV) correspond to the three principal categories of products covered.

SEC. 2. *Products covered by this regulation.* (a) This regulation establishes ceiling prices for all new prime industrial steel products listed in Appendix A; all new secondary or rejected flat rolled or semi-finished steel products; all merchant trade iron or steel products listed in Appendix B; all oil country tubular products; all new secondary pipe and tubular products and structural pipe; reusable pipe and tubular products; and re-usable industrial steel products.

(b) This regulation does not cover the following products:

(1) Punched, bent, cylindrically rolled, welded or riveted iron or steel products,

(2) Iron or steel scrap as defined in Ceiling Price Regulation 5,

(3) Imported iron or steel products, except those industrial steel products listed in Tables A and B which are sold by persons covered in section 3 (a) (8) of this regulation.

[Subparagraph (3) amended by Amdt. 1]

(4) Concrete reinforcing bars when sold by a fabricator of reinforcing bars who operates facilities for fabricating such bars at the location from which he is shipping, regardless of whether or not such bars have been fabricated by him, and

(5) Any formed roofing or siding which is formed from flat sheets by a reseller.

SEC. 3. *Persons and transactions covered by this regulation.* (a) This regulation applies to the following transactions:

(1) All sales by any reseller, including any holder of excess stock, of any new prime industrial steel product listed in Appendix A.

(2) All sales by any reseller, including any holder of excess stock, of any new secondary or rejected flat rolled or semi-finished steel product.

(3) All sales by any jobber of any merchant trade product listed in Appendix B except for certain small quantity sales described in section 20 (e).

(4) All sales by any jobber of secondary or rejected pipe and tubular products, including structural pipe.

(5) All sales by any reseller of oil country tubular goods. For a definition of oil country tubular goods see section 22.

(6) All sales by any person of reusable pipe and tubular products and reusable industrial steel products.

(7) All sales by any person, including holders of excess stock, of any conversion iron or steel product as defined in section 33 of this regulation.

(8) Sales by a reseller of any imported industrial steel products listed in Tables A and B of this regulation which are either (i) purchased from an importer and resold out of warehouse stock, or (ii) purchased from a warehouse. This regulation does not cover sales of iron and steel products by importers, ceiling prices for which are established by Ceiling Price Regulation 31.

[Subparagraph (8) amended by Amdt. 1]

(9) The services of finding any product or products covered by this regulation; finding a purchaser for such products; arranging for a sale or purchase of such products; or any other participation in the sale or purchase of such products by any person including a finder, broker, or other intermediary who does not take title to the material.

(b) The ceiling prices established by this regulation include any service rendered in connection with a sale or purchase of iron or steel products covered by this regulation. This includes services of cutting, flattening, painting, pick

ling, coating, heat treating, pipe cutting and threading, handling, loading, storing and other operations customarily performed on or with the material itself. It also includes the services of finding material, finding a purchaser, inspecting material, arranging for or making delivery of material in the seller's vehicle, and other services of the same general nature which relate to the sale or purchase of material.

(c) (1) You are a "reseller" for purposes of this regulation if you purchase a product or products covered by this regulation and resell such product or products in substantially the same form or condition except for such warehousing services as cutting, shearing, burning, torch cutting to length, size or shape; pipe threading; flattening; painting; pickling or coating; heat treating; and sorting, grading and storing.

(2) You are a reseller irrespective of whether you resell such product or products:

(i) From your warehouse or any other location regularly maintained by you for the purpose of taking physical possession of such products;

(ii) From a public warehouse or any other location not regularly maintained by you for the purpose of taking physical possession of such products; or

(iii) On direct shipment from the producing mill, holder of excess stock, warehouse reseller or any other reseller for your account.

(3) You are not a reseller of a product if you perform any fabricating or processing designed to prepare such product for final use or assembly including bending, punching, riveting or welding.

(4) A producer of iron and steel products is considered a reseller for the purpose of this regulation on all "warehoused stock" from a warehouse maintained by the producer for the express purpose of distributing iron or steel products and if the prices charged by the producer for shipments from such warehouse on January 25, 1951 were higher than the prices charged by him for mill shipments. A producer of iron and steel products is not considered a reseller for the purposes of this regulation on shipment from mill depots maintained by him as an aid in the distribution of the products on a mill price basis as of January 25, 1951.

(d) This regulation does not apply to sales for export or export sales by any person of any iron or steel product, ceiling prices for which are established by Ceiling Price Regulation 61 (Exports).

(e) This regulation also covers you if you purchase or receive in the regular course of trade or business any product covered by this regulation from any person covered by this regulation.

SEC. 4. *Geographical applicability.* This regulation applies in the 48 states of the United States and the District of Columbia.

SEC. 5. *General pricing instructions—*(a) *Basic pricing calculations.* In general, this regulation requires you to compute your ceiling price (except for products covered by Part IV) by determining your average material costs during a calendar month, adding an amount calculated by applying a specified percentage markup to your average material cost, and adding incoming transportation costs and extras. Specific provisions are set forth for calculating each of the elements used in computing a ceiling price for each of the products covered by this regulation.

You must determine your ceiling prices in accordance with applicable provisions of this regulation and apply them to your shipments in the following manner:

Wherever you are required by the regulation to recompute your ceiling prices monthly, you must, after the close of each calendar month, calculate your ceiling price for the product you are pricing by using the invoices received by you during that calendar month. This ceiling price applies to all of your shipments of the product made between 12:01 a. m. of the 16th of the following month and midnight of the 15th of the next succeeding month.

For example, this regulation becomes effective on December 16, 1951. Before that date you must determine your ceiling prices by using the invoices received by you between November 1 and November 30, 1951, inclusive. These ceiling prices apply to all shipments made by you after 12:01 a. m., December 16, 1951, and before midnight of January 15, 1952. After December 31, 1951, you must recalculate your ceiling prices by using the invoices received by you between December 1 and December 31, 1951, inclusive, and these ceiling prices apply to all shipments made by you after 12:01 a. m., January 16, 1952, and before midnight, February 15, 1952. Similar recalculations must be made after the close of each succeeding calendar month.

Wherever the regulation requires you to go back for the purpose of calculating your average material cost factor to the last calendar month for which your written records show invoices having been received by you, you need not go back prior to January 1, 1951. You may treat any product for which you have not received invoices during the preceding calendar month or during any prior calendar month subsequent to January 1, 1951 as a new product for purposes of this regulation. Where the product is included in Tables A or B and you have not received invoices for such product during the current month and are therefore unable to determine your ceiling price in accordance with the provisions of section 11 (g) or 12 (g), you may use the current mill base price (and extras where applicable) published by the producing mill which you determine to be the principal source of supply of your current inventory of the product. When you have received new invoices for the product you must then recalculate your ceiling price in accordance with the provisions of section 11 (g) or 12 (g).

[Above Paragraph added by Amdt. 1]

You may not include in any cost computations under this regulation the amount by which the prices you pay for any product or service exceed the ceiling prices for such product or services established under the applicable OPS ceiling price regulation.

(b) *Separate warehouses.* If you operate more than one warehouse, you must treat each warehouse as a separate reseller and must determine ceiling prices for each such warehouse on the basis of the costs of material delivered to it. As a matter of convenience, the terms "you" and "reseller" are used in the pricing provisions of this regulation to designate the warehouse from which shipment is made.

(c) *Classification of products.* The classification by type and product groups of the iron or steel products covered by this regulation shall be in accordance with the issues of the Steel Products Manuals published by the American Iron and Steel Institute in effect at the time you make shipment.

PART II—INDUSTRIAL STEEL PRODUCTS

SEC. 10. *General pricing provisions for industrial steel products.* (a) Sales of both prime and secondary or rejected new industrial steel products are divided into three general categories according to the nature of the sale.

(b) If you are a reseller who has put such products through the operations commonly known as the warehousing of iron or steel products, hereafter referred to as sales "out of warehoused stock" you determine your ceiling prices in accordance with sections 11, 12, 13, 14, or 15 depending on the type of product. If you are a reseller of such products on a direct mill shipment or on a shipment direct from another reseller without putting the product through the warehousing operation, you must determine your ceiling price in accordance with section 16.

(c) All sales of excess stock either by the holder or by any reseller are determined in accordance with section 17.

(d) The operations commonly known as the "warehousing of iron or steel products" means the actual receipt and unloading of iron or steel products for sale or resale in substantially the same form as received into premises regularly maintained (not a public warehouse) and equipped with facilities for performing such operations as receiving, stocking, sorting and grading, pipe-threading, cutting, shearing, flame-cutting or burning to size or shape, and shipping and other like operations which are necessary or incidental to the resale and distribution of the particular products brought into those premises.

SEC. 11. *Ceiling warehouse prices for domestic industrial steel products in Table A.* If you are selling any product listed in Table A out of warehoused stock, you must determine your ceiling price in accordance with the provisions of this section. Where you are engaged in shearing or slitting Cold Rolled Sheet into Strip, you must determine your ceiling price for the resulting Cold Rolled Strip in accordance with the special provisions of paragraphs (d) (3) and (e) (4) of this section. For Cold Rolled Strip purchased in strip form from a producing mill, you must determine your ceiling price in the same manner as for other products in Table A. If your warehouse stock of Cold Rolled Strip contains both Strip resulting from slitting or shearing as well as Cold Rolled Strip purchased from a producing mill, you will be required to keep them separated and maintain two ceiling prices for the same product.

[Above paragraph amended by Amdt. 1]

(a) *How to determine your ceiling warehouse price for products purchased from mill sources.* (1) Your ceiling warehouse price for any product listed in Table A purchased from mill sources is determined by taking your ceiling warehouse base price and adding or subtracting the applicable extras and deductions in accordance with the provisions of paragraph (f) of this section and adjusting this figure in accordance with section 41 (Customary price differentials and terms of sale) of this regulation.

(2) You compute your ceiling warehouse base price for a product in the following manner:

(i) You find your monthly average material cost factor in accordance with the provisions of paragraph (d) of this section.

(ii) You determine your dollar and cents markup in accordance with the provisions of paragraph (c) of this section.

(iii) You determine your incoming transportation factor. This may be either your "customary incoming transportation factor" as defined in section 51 (Definitions) or your monthly average incoming transportation cost factor determined in accordance with paragraph (e) of this section.

(iv) Add the figures arrived at in (i), (ii), and (iii). The resultant sum is your ceiling warehouse base price for the product.

(3) This ceiling warehouse base price must be recalculated each month in the above manner and must be used in determining your ceiling warehouse price for all your shipments from the 16th of the month to the 15th of the following month. For example: Costs from November 1 to November 30 are used to determine your ceiling warehouse base price for all shipments made by you during the period December 16 to January 15 and correspondingly your costs from December 1 to December 31 will be used to determine your ceiling warehouse base price for all shipments made by you during the period January 16 to February 15.

(b) *How to determine your ceiling warehouse price for products purchased from other warehouse resellers.* (1) Where you have received shipments of a product from sources other than the producing mill in addition to shipments received from mill sources, you must apply your ceiling warehouse base price for the product which you determined in accordance with the provisions outlined in paragraph (a) of this section to all your sales of that product regardless of your source of supply.

(2) (i) Where you are unable to determine a ceiling warehouse base price for a product in accordance with provisions outlined in paragraph (a) because of the fact that all the invoices received by you during the preceding calendar month for that product were from warehouse sources rather than mill sources, you must use the ceiling warehouse base price of the reseller who was your principal source of supply for that month. In determining this you must use the ceiling warehouse base price which such steel warehouse reseller had in effect on the last day of the preceding calendar month. This warehouse base price becomes your ceiling warehouse base price for shipments made from the 16th of the month to the 15th of the following month.

(ii) Your ceiling warehouse price is the sum of this ceiling warehouse base price, plus your monthly average incoming transportation cost factor for that product determined in accordance with paragraph (e), adjusted for the applicable extras and deductions in accordance with the provisions of paragraph (f) of this section and adjusted in accordance with section 41 of this regulation.

(3) Your ceiling warehouse base prices must be recalculated each month in accordance with the provisions of this section.

(c) *How to determine your dollar and cents markup.* (1) Except as provided in subparagraph (3) of this paragraph, you compute your dollar and cents markup for a product by multiplying your monthly average material cost factor by the applicable ceiling percentage markup established in Table A.

(2) *Percentage markups.* Table A sets forth the established ceiling percentage markups for each product according to the area in which the warehouse from which the product is shipped to the purchaser is located.

TABLE A

Product	Metropolitan area, New York	State of California	State of Texas	States of Oregon and Washington	All others
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
Standard structural shapes	55	47 W	56	51	52
Junior channels	55	60	56	51	52
Junior beams	55	60	56	51	52
Wide flange beams	57	47 W	65	51	52
H. R. carbon bars and bar shapes	52	41 W	56	50	45
H. R. carbon plates	55	46 W	53	52	50
Floor plates	47	56	44	50	43
Abrasion resisting—All products	64	60	60	64	60
H. R. carbon sheets	56	46 W	57	52	51
H. R. carbon strip	59	50 W	63	56	54
C. R. sheets	46	47 W	43	46	43
C. R. & H. R. electrical (silicon) sheets, all grades	56	56	56	56	56
Enameling sheets	52	52	52	52	52
C. R. strip-low carbon	48	48 W	48	48	48
High tensile low alloy—All products	48	50	48	50	48
C. F. carbon bars	36	31 W	59	46	33
Reinforcing bars unfabricated	52	41 W	56	50	45
Tin plate, black plate and short ternes	45	45	45	45	45

[Table A amended by Amdt. 1]

(3) *Exceptions*—(i) *California warehouses.* If you are situated in California, your dollar and cents markup for any product in Table A which is marked with a "W" is determined by applying the established percentage markup to the average mill base price for the product from West Coast producers instead of to your monthly average material cost factor. In other words you use only the invoices received from West Coast producers during the preceding calendar month in determining the average to which the percentage markup is to be applied. If you did not receive any invoices from West Coast producers during the preceding calendar month, you must go back to the last calendar month for which your written records show invoices having been received for the product from such producers. "West Coast producer" means a producer situated in the States of California, Oregon or Washington. However, where you are required to determine your monthly average material cost factor for Cold Rolled Strip resulting from a shearing or slitting operation in the manner set forth in paragraph (d) (3) of this section, you determine your dollar and cents markup by applying the established percentage markup in Table A to the current mill base price published by Kaiser Steel Corporation, Fontana, California.

[Subdivision (i) amended by Amdt. 1]

(ii) *Oregon and Washington warehouses.* If you are situated in Oregon or Washington you determine your dollar and cents markup by applying the percentage markup set forth in Column 4 to your monthly average delivered cost. Your delivered cost is the sum of your monthly average material cost factor and your monthly average incoming transportation cost factor determined in accordance with paragraphs (d) and (e) of this section, respectively.

(d) *How to determine your monthly average material cost factor.* (1) You compute your monthly average material cost factor for each product, except as provided in subparagraph (3) of this paragraph, by averaging the domestic mill base prices you paid for the product as shown on all the invoices received by you during the preceding calendar month, or the last calendar month for which your written records show invoices having been received for the product, disregarding the invoice date, or the actual shipping and receiving dates.

Mill base prices are the base prices for a product exclusive of all freight, and all quality, size or other extras.

Example. You receive the following invoices for Hot Rolled Bars during the preceding calendar month:

93,510 lb. at $5.77 per 100 lb
64,490 lb. at $4.85 per 100 lb
21,520 lb. at $4.95 per 100 lb

Total 179,520 lb.

Analyzing these net prices, you establish the fact that you paid three different base prices:

93,510 lb. at $4.60	$4,301.46
64,490 lb. at $3.70	2,386.13
21,520 lb. at $4.40	946.88
179,520 lb.	$7,634.47

Dividing $7,634.47 by 179,520 lbs. results in your average base price cost for the month at $4.253 per 100 pound for Hot Rolled Bars.

(2) The following are illustrative examples of mill extras which are not included in the mill base price set forth here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made in this industry:

(i) *Cold Finished Carbon Bars*—the base price is exclusive of the extra for Special Bar Quality ($0.25 per 100 pounds) as well as other extras.

(ii) *Junior Channels, Junior Beams*—the base price is exclusive of the standard mill extra for size and quality as well as other extras.

(iii) *Cold Rolled Sheets*—the base price is for Standard Prime Commercial (satin) finish, box annealed, de-oxidized exclusive of extras for stretcher leveling, resquaring, deep drawing or any other special quality or condition as well as other extras.

(iv) *Hot Rolled Plates*—the base price is exclusive of any grade extra, i. e., A7 grade as well as other extras.

(3) *Cold Rolled Strip produced from sheet.* Where you are engaged in shearing or slitting Cold Rolled Sheet into Strip, you must determine your monthly average material cost factor for the Cold Rolled Strip resulting from such operation in the following manner:

(i) If you are situated outside of the States of California, Oregon and Washington, you must use the current mill base price for Cold Rolled Strip published by the American Steel and Wire Division of U. S. Steel Company for its producing point nearest your warehouse location. Since this is not an average actual cost figure, you disregard your actual invoices.

(ii) If you are situated within the States of California, Oregon and Washington you must use the current mill base price for Cold Rolled Strip published by Kaiser Steel Corporation, Fontana, California. Since this is not an average actual cost figure, you disregard your actual invoices.

[Subparagraph (3) amended by Amdt. 1]

(e) *How to determine your monthly average incoming transportation cost factor.* (1) If you are computing your ceiling price in accordance with paragraph (a) of this section, you find your monthly average incoming transportation cost per 100 pounds for each product, except as provided in subparagraph (4) of this paragraph, by averaging the transportation costs to you for all shipments of this product applicable to the same invoices used in determining your monthly average material cost factor under paragraph (d) (1). If the bills for transportation charges for any invoice are not available as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the invoice by using the published carrier rate (including taxes) for transporting the product involved from the shipping point shown on the invoice to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material is transported to your warehouse (e. g., railroad, truck, or barge) in effect at the time you are computing your ceiling price.

Example. You paid three different freight rates (including the transportation tax) for your invoices of Hot Rolled Bars:

Weight and rate per 100 pound	Charge
93,510 pound at $0.67	$626.52
64,490 pound at $0.65	419.19
21,520 pound at $0.05	10.76
	1,056.47

Dividing $1,056.47 by the total weight gives you an average incoming freight cost for the month of $0.588 per 100 lbs. on Hot Rolled Bars.

(2) If you are computing ceiling prices in accordance with paragraph (b) (2) of this section, you find your monthly average incoming transportation cost per 100 pounds for each product by averaging the cost to you of transporting the product from the various warehouse sources of supply to your warehouse. In computing this figure you must use all shipments of this product applicable to the invoices received by you during the preceding calendar month, disregarding the invoice date, or the actual shipping and receiving dates of the material involved. If the bills for transportation charges for any invoice are not available as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the invoice by using the published carrier rate (including taxes) for transporting the product involved from the shipping point shown on the invoice to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material is transported to your warehouse (e. g., railroad, truck, or barge) in effect at the time you are computing your ceiling price.

(3) Trucking charges may be used in computing your monthly average incoming transportation costs under subparagraphs (1) or (2) only where all truck movement from the producing mill or other source of supply to your warehouse is involved. Where rail-truck movement is involved, no charges for trucking from the rail station or siding to your warehouse may be included in your computations.

(4) *Cold Rolled Strip produced from sheet.* Where you are required to determine your monthly average material cost factor under paragraph (d) (3) of this section for Cold Rolled Strip resulting from shearing or slitting sheet, you must use as your monthly average incoming transportation cost factor for such strip, the monthly average incoming transportation cost factor you have determined for the Cold Rolled Sheet.

[Subparagraph (4) amended by Amdt. 1]

(f) *Extras and deductions.* (1) You may add to your ceiling warehouse base price all published extras for size, quantity, quality, merchandising, finish, tolerance, cutting, coating, boxing, or other extras which you had in effect for the same items on January 25, 1951. You must deduct from your ceiling warehouse base price the applicable published quantity discounts which you had in effect for the same items on January 25, 1951.

(2) When it is necessary to send your product to a service company to perform any pickling and oiling operations, you may charge your customer the actual cost of the pickling and oiling increased by 50 percent. No trucking charge may be made to your customer for trucking involved in completing this pickling and oiling operation.

(g) *New products.* If you have received invoices during the current calendar month for a new product for which your written records show no invoices having been received since January 1, 1951, you may use your current invoices as they are received, without averaging them, and the incoming transportation charges applicable to such invoices, in computing your ceiling warehouse base price for shipments of the product covered by each invoice during the period extending through the 15th of the following month. For shipments made on and after the 16th of the following month your ceiling warehouse base price must be computed by averaging your costs in the manner described in this section. If you propose to charge any applicable extras for such a product in accordance with paragraph (f) of this section which you did not have in effect on January 25, 1951, you must establish such extras in accordance with the provisions of section 40 (a) of this regulation.

[Paragraph (g) added by Amdt. 1]

SEC. 12. *Ceiling warehouse prices for domestic industrial steel products in Table B.* If you are selling any product listed in Table B out of warehoused stock, you must determine your ceiling price in accordance with the provisions of this section.

(a) *How to determine your ceiling warehouse price for products purchased from mill sources.* (1) Your ceiling warehouse price for any product listed in Table B purchased from mill sources is determined by taking your ceiling warehouse modified base price and adding or subtracting the applicable extras and deductions in accordance with the provisions of paragraph (f) of this section and adjusting this figure in accordance with section 41.

(2) You compute your ceiling warehouse modified base price for a product in the following manner:

(i) You find your monthly average material cost factor in accordance with the provisions of paragraph (d) of this section.

(ii) You determine your dollar and cents markup in accordance with the provisions of paragraph (c) of this section.

(iii) You determine your incoming transportation factor. This may be either your "customary incoming transportation factor" or your monthly average incoming transportation cost factor determined in accordance with paragraph (e) of this section, whichever is higher.

(iv) Add the figures arrived at in (i) and (ii) and, with the exception of Structural Tubing, even the resulting sum out to the nearest five cents. In the case of Structural Tubing you use the exact sum of the two items. You then

add this amount to the figure arrived at in (iii). The resultant sum is your ceiling warehouse modified base price for the product.

(3) This ceiling warehouse modified base price must be recalculated each month in the above manner and must be used in determining your ceiling warehouse price for all your shipments from the 16th of the month to the 15th of the following month. For example: costs from November 1 to November 30 are used to determine your ceiling warehouse modified base price for all shipments made by you during the period December 16 to January 15 and correspondingly your costs from December 1 to December 31 will be used to determine your ceiling warehouse modified base price for all shipments made by you during the period January 16 to February 15.

(b) *How to determine your ceiling warehouse price for products purchased from other warehouse resellers.* (1) Where you have received shipments of a product from sources other than the producing mill in addition to shipments received from such mill sources, you must apply your ceiling warehouse modified base price for the product which you determined in accordance with the steps outlined in paragraph (a) to all your sales of that product regardless of your source of supply.

(2) (i) Where you are unable to determine a ceiling warehouse modified base price for a product in accordance with the provisions outlined in paragraph (a) because of the fact that all the invoices received by you during the preceding calendar month for that product were from warehouse sources rather than mill sources, you must use the ceiling warehouse modified base price of the reseller who was your principal source of supply for that month. In determining this, you must use the ceiling warehouse modified base price which such steel warehouse reseller had in effect on the last day of the preceding calendar month. This ceiling warehouse modified base price becomes your ceiling warehouse modified base price from the 16th of the month to the 15th of the following month.

(ii) Your ceiling warehouse price is the sum of this ceiling warehouse modified base price, plus your monthly average incoming transportation cost factor for that product determined in accordance with paragraph (e), adjusted for the applicable extras and deductions determined in accordance with the provisions of paragraph (f) of this section and adjusted in accordance with section 41 of this regulation.

(3) Your ceiling warehouse modified base prices must be recalculated each month in accordance with the provisions of this section.

(c) *How to determine your dollar and cents markup.* (1) Except as provided in subparagraph (3) of this paragraph, you compute your dollar and cents markup for a product by multiplying your monthly average material cost factor by the applicable ceiling percentage markup established in Column I of Table B.

(2) *Percentage markups.* The percentage markup which you may add for each product is set forth under Column I. These markups apply uniformly throughout the continental United States, except in the case of Aircraft Sheets, for which the markups are established according to the geographical area in which your warehouse is situated. Column II sets forth the items which are included in determining your monthly average material cost factor to which the percentage markup applies.

TABLE B

Product	Column I Percentage markup		Column II Material cost factor
Galvanized sheets—hot dipped		* 50	Mill base price + mill extras for gauge (24" to 30" width) and coating.
Galvannealed, electric coated sheets and other related zinc coated sheets.		* 50	Mill base price + mill extras for gauge (24" to 30" width) and coating.
Terne coated long sheets		* 50	Mill base price + mill extras for gauge (24" to 30" width) and coating.
Alloy bars—H. R		50	Mill base price + mill extras for grade (chemistry).
Alloy bars—C. F		50	Mill base price + mill extras for grade (chemistry).
Alloy plates		50	Mill base price + mill extras for grade (chemistry).
Tool steel sheets (approx. 1.00 percent carbon grade).		45	Mill net price.
Structural tubing (hot rolled, butt welded)		54	Mill net price.
	California	*All others*	
"4130" aircraft sheets:			
0.1875 and heavier	40	40	Mill net price.
0.160 and lighter	50	40	Mill net price.
"1020 grade" aircraft sheets	50	40	Mill net price.

(3) *Exceptions.*—(i) *California warehouses.* If you are situated in California your dollar and cents markup for a product marked with an asterisk in Table B is determined by applying the percentage markup to your monthly average delivered cost for the product from Eastern producers only. This figure is computed by adding the monthly average material cost on such products determined from invoices received for shipments from Eastern producers only, plus the average incoming transportation cost applicable to these invoices. If you did not receive any invoices from Eastern producers during the preceding calendar month you must go back to the last calendar month in which your written records show invoices having been received from such producers in determining your monthly average material cost. If the bills for transportation charges for any invoice from an Eastern producer are not available as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the invoice by using the published carrier rate (including taxes) for transporting the product involved from the shipping point shown on the invoice to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material is transported to your warehouse (e. g. railroad, truck, or barge) in effect at the time you are computing your ceiling price.

(ii) *Oregon and Washington warehouses.* If you are situated in Oregon or Washington, you determine your dollar and cents markup for any product marked with an asterisk, by applying the percentage markup to your monthly average delivered cost. Your delivered cost is the sum of your monthly average material cost factor and your monthly average incoming transportation cost factor determined in accordance with paragraphs (d) and (e) of this section respectively.

(d) *How to determine your monthly average material cost factor.* You must determine your monthly average material cost factor for each product in the following manner:

(1) For Galvanized, Galvannealed and Terne Coated Sheets you average the mill base price, exclusive of all extras, on all invoices received by you during the preceding calendar month, or the last calendar month for which your written records show invoices having been received for this product. You disregard the invoice date, or actual shipping and receiving dates of the material. To this average mill base price you add the current mill extras published by your principal source of supply for gauge (24 to 30 inch width) and coating. This sum is your monthly average material cost factor.

(2) For Alloy Bars and Plates you average the mill base prices, exclusive of all extras, on all invoices received by you during the preceding calendar month, or the last calendar month for which your written records show invoices having been received by you for this product. You disregard the invoice date, or actual shipping and receiving dates of the material. To this average mill base price you add the average mill standard grade (chemistry) extra for each grade determined from the invoices used in determining your average mill base price. The sum of the two is your monthly average material cost factor for each grade.

[Subparagraph (2) amended by Amdt. 1]

(3) For Tool Steel Sheets, Structural Tubing and Aircraft Sheets you average the mill net prices per size on all invoices received by you during the preceding calendar month, or the last calendar month for which your written records show invoices having been received for this product. You disregard the invoice date, or actual shipping and receiving dates of the material. The mill net price per size is the mill base price plus all mill extras for that size except freight and packing charges. To find the mill net price per size you divide the total dollar value exclusive of freight and packing shown on these invoices for each size by the total weight of the item involved. This figure is your monthly average material cost factor.

[Subparagraph (3) amended by Amdt. 1]

(e) *How to determine your monthly average incoming transportation cost factor.* (1) If you are computing your ceiling price in accordance with paragraph (a) of this section, you find your monthly average incoming transportation cost per 100 pounds for each product, by averaging the transportation costs to you for all shipments of this product applicable to the same invoices used in determining your monthly average material cost factor under paragraph (d). If the bills for transportation charges for any invoice are not available as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the invoice by using the published carrier rate (including taxes) for transporting the product involved from the shipping point shown on the invoice to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material is transported to your warehouse (e. g. railroad, truck, or barge) in effect at the time you are computing your ceiling price. For an example, see section 11 (e) (1).

(2) If you are computing ceiling prices in accordance with paragraph (b) (2) of this section, you find your monthly average incoming transportation cost per 100 pounds for each product by averaging the cost to you of transporting the product from the various warehouse sources of supply to your warehouse. In computing this figure you must use all shipments of this product applicable to the invoices received by you during the preceding calendar month, disregarding the invoice date, or the actual shipping and receiving dates of the material involved. If the bills for transportation charges for any invoice are not available as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the invoice by using the published carrier rate (including taxes) for transporting the product involved from the shipping point shown on the invoice to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material is transported to your warehouse (e. g. railroad, truck, or barge) in effect at the time you are computing your ceiling price.

(3) Trucking charges may be used in computing your monthly average incoming transportation costs under subparagraphs (1) or (2) only where all truck movement from the producing mill or other source of supply to your warehouse is involved. Where rail-truck movement is involved, no charge for trucking from the rail station or siding to your warehouse may be included in your computations.

(f) *Extras and deductions.* You may include in your ceiling warehouse price all published extras for size, quantity, quality, merchandising, finish, tolerance, cutting, boxing, or other extras which you had in effect on January 25, 1951. You may not add any extras which are included in your monthly average material cost factor under paragraph (d).

You must deduct from your ceiling warehouse base price the applicable published quantity discounts which you had in effect for the same item on January 25, 1951.

(g) *New products.* If you have received invoices during the current calendar month for a new product for which your written records show no invoices having been received since January 1, 1951, you must use the last mill invoice received by you for the product prior to each sale, and the incoming transportation charges applicable to this invoice, in computing your ceiling warehouse base price for shipments of the product during the period extending through the 15th of the following month. For shipments made on and after the 16th of the following month your ceiling warehouse base price must be computed by averaging your costs in the manner described in this section. If you propose to charge any applicable extras for such a product, in accordance with the provisions of paragraph (f) of this section which you did not have in effect on January 25, 1951, you must establish such extras in accordance with the provisions of section 40 (a) of this regulation.

[Paragraph (g) added by Amdt. 1]

SEC. 13. *Ceiling warehouse prices for domestic industrial steel products in Table C*—(a) *General pricing provisions.* (1) If you are selling any product listed in Table C out of warehoused stock, you must determine your ceiling price in accordance with the provisions of this section. The products listed in Table C are sold at the same price as that charged by the producing mill (up to a specified quantity), adjusted for the transportation factor and extras set forth in the provisions below, and adjusted in accordance with section 41 of this regulation. You may not add any resale markup to the mill price in computing your ceiling price for any product in this section when sold out of warehoused stock, except as specifically permitted herein for Mechanical Tubing, Tool Steel Bars and Drill Rod.

[Subparagraph (1) amended by Amdt. 1]

(2) (i) In calculating your ceiling price for each product in accordance with the provision of this section, you may use only the invoices received from your principal mill source of supply during the preceding calendar month. Correspondingly, whenever mill extras and differentials are used, they must be the mill extras, or differentials of your principal mill source of supply. The ceiling price for any product thus determined in accordance with applicable provisions set forth in this section becomes your ceiling price for all shipments from the 16th of the month to the 15th of the following month regardless of the actual source of supply. Your ceiling warehouse price for any product must be recalculated each month in accordance with the provisions of this section.

(ii) If you have received invoices during the current calendar month for a new product for which your written records show no invoices having been received since January 1, 1951, you must use the last mill invoice received by you for the product prior to each sale, the transportation charges applicable to this invoice, and the applicable extras or differentials of the mill from whom the invoice was received, in determining your ceiling warehouse prices for shipments of the new product during a period extending through the 15th of the following month. For shipments made on and after the 16th of the following month, you must determine your principal mill source of supply in the manner set forth in subdivision (i) of this subparagraph.

[Subparagraph (2) amended by Amdt. 1]

TABLE C

Stainless sheets.
Stainless bars and angles.
Stainless plates.
Stainless pipe and tubing.
Boiler tubes, seamless and welded.
Mechanical tubing, seamless and welded.
Tool steel bars and drill rod.

(b) *Stainless steel sheets, bars, angles, and plates.* You determine your ceiling warehouse price by adding the following extras to the current mill base price, f. o. b. producing point.

(1) *Quantity differentials.* You may add an amount not in excess of the current published mill quantity extras, except that the mill extra for quantities of 8,000 to 9,999 pounds may be used as your quantity extra on any amount in excess of 8,000 pounds per item when shipped out of warehoused stock.

(2) *Extras.* You may add only the current mill extras, except as follows:

(i) *Boxing charges.* Warehouses situated in California may include the following boxing extras for cold finished stainless bars instead of the current mill extra.

$1.00 per 100 pounds.
For quantities of less than 200 pounds an additional flat charge of $3.50 may be included in your ceiling price.

[Subdivision (i) amended by Amdt. 1]

(ii) *Crating charges.* Instead of the current mill extra for crating you may include a charge not in excess of $2.00 per 100 pounds. You may not include any additional warehouse charge for crating, except that warehouses situated in California may make a net charge of $5.00 for crating of sheets on orders for quantities under 200 pounds in lieu of the charge of $2.00 per 100 pounds.

[Subdivision (ii) amended by Amdt. 1]

(iii) *Cutting charges.* You may include an amount not in excess of the warehouse cutting extra you had in effect on January 25, 1951, except that if on that date you charged the mill extra for length for Bars and the mill extras for length and width for Plates you may include an amount not in excess of the current mill extra for length for Bars and the current mill extras for length and width for Plates.

[Subdivision (iii) amended by Amdt. 1]

(3) *Transportation factor.* You may include either (i) an amount not in excess of your "customary incoming transportation factor" or (ii) an amount figured at the current rail carload freight rate (in the case of warehouses situated in California, Oregon, and Washington it need not be less than the current

freight forwarder's rate) for such product from the nearest mill producing point of your principal source of supply to your warehouse plus an amount not in excess of the current transportation tax for such a shipment.

(c) *Stainless tubing and pipe.* You determine your ceiling warehouse price by adding the following extras and adjustments to the current mill base price, f. o. b. the producing point:

(1) *Quantity differentials.* If you are situated outside of the State of California, you may add an amount not in excess of the current mill quantity differential, except that the mill quantity differential for quantities from 1,000 to 2,499 feet or pounds per item may be used as your quantity extra for any quantity over 1,000 feet or pounds when shipped out of warehouse stock. If you are situated within California, you likewise must use the current mill quantity extra, except that the mill extra for quantities from 300 to 599 feet or pounds may be used as your quantity extra on any amount in excess of 300 feet or pounds per item when shipped out of warehouse stock.

(2) *Extras and deductions.* You may add only the current mill extras. You must deduct all current mill deductions.

[Subparagraph (2) amended by Amdt. 1]

(3) *Transportation factor.* You may include either (i) an amount not in excess of your "customary incoming transportation factor" or (ii) your monthly average incoming transportation cost (including taxes) for shipments of the product from the mill producing point (in the case of warehouses situated in California, Oregon or Washington this amount need not be less than the current freight forwarder's carload rate from Chicago) of your principal source of supply to your warehouse applicable to the invoices received by you during the preceding calendar month or the last calendar month in which your written records show invoices having been received by you. In selecting the invoices you disregard the invoice date or the actual shipping and receiving dates of the material. If the bills for transportation charges for any invoice are not available as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the published carrier rate (including taxes) for transporting the product involved from the shipping point shown on the invoice to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material is transported to your warehouse (e. g. railroad, truck, or barge) in effect at the time you are computing your ceiling price. Trucking charges may be used in computing your monthly average incoming transportation costs only where all truck movement from the producing mill or other source of supply to your warehouse is involved. Where rail-truck movement is involved, no charges for trucking from the rail station or siding to your warehouse may be included in your computations.

(d) *Boiler and pressure tubes, seamless and welded.* You determine your ceiling warehouse price by adding the following extras and adjustments to the current mill base price, f. o. b. the producing point:

(1) *Quantity differentials.* (i) For standard gauge boiler and pressure tubes you may add an amount not in excess of the applicable published mill quantity extra, except the mill extra for quantities of 5,000 to 9,999 pounds may be used as your quantity extra for any amount in excess of 5,000 pounds per item when shipped out of warehoused stocks.

(ii) For heavy gauge boiler and pressure tubes in the following sizes and gauges only:

1"–2½" OD 11-gauge and heavier.
2½"–3" OD 10-gauge and heavier.
3¼"–3½" OD 9-gauge and heavier.
4"–4½" OD 8-gauge and heavier.
5"–5½" OD 7-gauge and heavier.
6"– – OD 5-gauge and heavier.
6¼"–6½" OD 9/32" and heavier.

You may add an amount not in excess of the following extras on shipments out of warehoused stock for each quantity bracket as established herein:

Quantity:	Percent
30,000 to 39,999 pounds or feet	35
20,000 to 29,999 pounds or feet	40
10,000 to 19,999 pounds or feet	50
5,000 to 9,999 pounds or feet	55
2,000 to 4,999 pounds or feet	65
Under 2,000 pounds or feet	80

[Subparagraph (1) amended by Amdt. 1]

(2) *Extras.* You may add only the current mill extras, except as follows: Cutting charges—You may include in your ceiling price an amount not in excess of the cutting charge you had in effect on January 25, 1951, or the current published mill cutting extra, whichever is greater.

(3) *Transportation factor.* You may include either (i) an amount not in excess of your "customary incoming transportation factor" or (ii) your monthly average incoming transportation cost (including taxes) for shipments of the product from the mill producing point of your principal source of supply to your warehouse applicable to invoices received by you during the preceding calendar month or the last calendar month in which your written records show invoices having been received by you. In selecting the invoices you disregard the invoice date or the actual shipping and receiving dates of the material. If the bills for transportation charges for any invoice are not available as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the published carrier rate (including taxes) for transporting the product involved from the shipping point shown on the invoice to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material is transported to your warehouse (e. g. railroad, truck, or barge) in effect at the time you are computing your ceiling price. Trucking charges may be used in computing your monthly average incoming transportation costs only where all truck movement from the producing mill or other source of supply to your warehouse is involved. Where rail-truck movement is involved, no charges for trucking from the rail station or siding to your warehouse may be included in your computations.

(e) *Mechanical tubing.* You determine your ceiling warehouse price by adding the following extras and adjustments to the current mill base prices at the producing point:

(1) *Quantity differentials.* You may add an amount not in excess of the published mill quantity extras, except that the mill extra for quantities of 600 to 1,249 pounds or feet may be used as your quantity extra for any quantity over 600 pounds or feet per item when shipped out of warehouse stock.

(2) *Extras.* You may add only the current mill extras except as follows: Cutting charges—You may include in your ceiling price an amount not in excess of the cutting charge you had in effect on January 25, 1951, or the current published mill cutting extra whichever is greater.

(3) *Transportation factor.* You may include either (i) an amount not in excess of your "customary incoming transportation factor" or (ii) your monthly average incoming transportation cost (including taxes) for shipments of the product from the mill producing point of your principal source of supply to your warehouse applicable to invoices received by you during the preceding calendar month or the last calendar month in which your written records show invoices having been received by you. In selecting the invoices you disregard the invoice date or the actual shipping and receiving dates of the material. If the bills for transportation charges for any invoice are not available as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the published carrier rate (including taxes) for transporting the product involved from the shipping point shown on the invoice to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material is transported to your warehouse (e. g. railroad, truck, or barge) in effect at the time you are computing your ceiling price. Trucking charges may be used in computing your monthly average incoming transportation costs only where all truck movement from the producing mill or other source of supply to your warehouse is involved. Where rail-truck movement is involved, no charges for trucking from the rail station or siding to your warehouse may be included in your computations.

(4) *Markup.* On sales of quantities under 75 pounds or feet you may add the same percentage markup which your written records show you had in effect on June 24, 1950. If you are unable to determine a percentage markup because you were not in business at that time or were not selling Mechanical Tubing at that time and you propose to add a markup you must file an application under section 40 of this regulation.

(f) *Tool steel bars and drill rod.* You determine your ceiling warehouse price by adding the following markups to the current mill net price charged to consumers, f. o. b. point of production:

$3.50 per 100 pounds for warehouses situated on or east of the Mississippi River.

$5.50 per 100 pounds for warehouses situated west of the Mississippi River.

[Paragraph (f) amended by Amdt. 1]

SEC. 14. *Ceiling prices for imported industrial steel products listed in Tables A and B.* (a) Your ceiling price for any imported industrial steel product listed in Tables A or B, which is purchased from an importer and which is put through the warehousing operation is determined in the following manner:

(1) You find the actual cost of acquisition of the product;

(2) You add an amount determined by applying the applicable percentage markup for the same domestic product established in section 11 or 12 of this regulation, for the geographical area in which your warehouse is situated, to the lowest published mill base price at the producing point nearest to the location of your warehouse. For the products listed in Table B, the mill base price to which the percentage markup applies may be modified by the addition of the extras permitted by paragraph (d) of section 12.

(3) You may add only the published extras for services performed in the course of the warehousing operation which you had in effect on January 25, 1951. You must deduct the applicable published quantity discounts which you had in effect for the same items on January 25, 1951.

(4) You adjust the resulting sum in accordance with section 41.

(b) Your ceiling warehouse price for any imported industrial steel product listed in Tables A or B, which is purchased from another warehouse and which is put through the warehousing operation is the sum of the ceiling warehouse base price of the warehouse from whom you purchased the imported product plus your incoming transportation costs on that product, increased or decreased by the applicable extras and deductions (sections 11 (f) and 12 (f)) and adjusted in accordance with section 41 of this regulation.

(c) Your ceiling warehouse price for any imported industrial steel product listed in Tables A or B, which is purchased from a warehouse reseller (including an importer who puts such products through a warehousing operation) and which you resell without putting through the warehousing operation, is the same ceiling price for that product established by the warehouse from which you purchased, f. o. b. that warehouse.

[Section 14 amended by Amdt. 1]

SEC. 15. *Secondary or rejected industrial steel products.* You determine your ceiling prices for the secondary or rejected steel products enumerated in paragraph (b) which have been put through a warehousing operation in accordance with the provisions of this section and adjust these prices in accordance with the provisions of section 41 of this regulation. Ceiling prices determined in accordance with paragraphs (g) and (h) must be recalculated each month. The ceiling price for any product thus determined becomes your ceiling price for all shipments from the 16th of the month to the 15th of the following month.

"Secondary or rejected steel products" as used in this section includes new iron or steel products which at the time of purchase contain imperfections or evidences of deteriorations such as: surface defects; lack of flatness in excess of standard tolerances; camber in excess of standard tolerances; blisters; laminations; pipes; seams; perforations; stained, dirty, rusted, or pitted surfaces requiring scrubbing or pickling to restore clean surfaces; ragged edges or slivers; wrinkles; or any other defects customarily recognized as distinguishing secondary or off-grade from prime quality products. It also includes new steel products, which at the time of shipment contain any of these defects even though such products were of prime quality when purchased by you. It also includes steel products purchased by you as a reseller as other than prime quality or invoiced to you as such by your supplier. However, when a reseller purchases in one transaction prime quality and secondary or rejected steel products, the entire lot shall be considered secondary or rejected steel products unless the reseller's source of supply determines, before or at the time of shipment, the exact quantity of each and issues an invoice setting forth such information. The term "secondary or rejected steel products" does not include any re-usable steel products which are to be priced in accordance with section 31 of this regulation.

(a) *General pricing instructions.* (1) You may qualify any secondary or rejected steel product for a better grade of secondary or rejected product or for a prime quality product, if by sorting, gauging, or processing you can bring the products up to the specifications of the better grade or of the prime quality product. If they have been processed to qualify in all respects to the specifications of a prime quality product they will not be priced in accordance with the provisions of this section, but will be priced in accordance with the sections of this regulation applicable to prime industrial products.

(2) You must determine your ceiling prices for flat rolled products in accordance with paragraph (g) and for semi-finished products in accordance with paragraph (h) of this section.

(b) *Products covered.* (1) All flat rolled products, including but not limited to: Hot rolled sheets, cold rolled sheets, all coated sheets, hot rolled strip, cold rolled strip, plates, tin mill black sheets 28G and heavier and tin mill black plates 29G and lighter.

(2) Semi-finished products including, but not limited to: blooms, billets, slabs, sheet bars, skelp, and tube rounds, which have been rejected because of poor surface condition, lack of internal soundness or other defects which render the steel unsuitable for sale or use by the mill as a prime product.

(c) *Products not covered.* Any secondary or rejected iron or steel products described in paragraph (b) of this section which do not qualify as rejects, wasters or waste wasters as described in this section are not covered by this regulation and must be priced in accordance with Ceiling Price Regulation 5 and amendments thereto for sales of iron and steel scrap.

(d) *Specifications for rejects.* "Rejects" means flat rolled secondary or rejected steel products which meet the following requirements:

(1) Those which are sorted to a designated specific grade, size and gauge (or thickness);

(2) Contain no imperfections or have minor imperfections such as surface defects, lack of flatness, camber, off-grade, off-temper, and similar imperfections, and may be utilized without requiring unusual processing in order to remove or minimize the imperfections; and

(3) Conform to the following size restrictions:

(i) Sheet "rejects" (except for hot rolled or cold reduced sheets in U. S. S. gauge No. 28 or heavier, which were produced on a tin mill), may not be smaller than 18" wide by 50" long or have an area of less than 900 square inches. Hot rolled or cold reduced sheets in U. S. S. gauge No. 28 or heavier which were produced on a tin mill may not be smaller than 14" wide by 20" long or have an area less than 280 square inches.

(ii) Sheared plate "rejects" may not be smaller than 36" wide by 84" long or have an area less than 21 square feet.

(iii) Universal mill plate "rejects" may not be smaller than 6" wide by 60" long.

(iv) Hot rolled strip "rejects" may not be smaller than 36" long by 3" wide or have an area less than 108 square inches.

(v) Cold rolled strip "rejects" may not be smaller than 36" long by 3" wide or have an area less than 108 square inches.

(vi) Tin mill black plate "rejects" may not be smaller than 10" x 10" or have an area less than 100 square inches.

(e) *Specifications for wasters.* "Wasters" includes the following flat rolled secondary or rejected steel products which meet the requirements of either subparagraphs (1) or (2).

(1) Those which are sorted to a designated specific gauge (or thickness); are unassorted as to size; are of the same quality as rejects; and conform to the following size restrictions:

(i) Sheet "wasters" (except hot rolled or cold reduced sheets in U. S. S. Gauge No. 28, or heavier which were produced on a tin mill), may not be smaller than 15" wide by 40" long or have an area less than 600 square inches. Hot rolled or cold reduced sheets in U. S. S. Gauge No. 28, or heavier which were produced on a tin mill may not be smaller than 10" wide by 10" long or have an area less than 100 square inches.

(ii) Sheared plate "wasters" may not be smaller than 24" wide by 72" long or have an area less than 12 square feet.

(iii) Universal mill plate "wasters" may not be smaller than 6" wide by 60" long.

(iv) Hot rolled strip "wasters" may not be smaller than 36" long by 3" wide or have an area less than 108 square inches.

(v) Cold rolled strip "wasters" may not be smaller than 36" long by 3" wide or have an area less than 108 square inches.

(vi) Tin mill black plate "wasters" may not be smaller than 10" wide by 10" long or have an area less than 100 square inches.

(2) Those which would otherwise be of rejects classification (i. e., sorted as to size and of a designated specific gauge (or thickness)) except that they do not meet the rejects size restrictions but do meet the wasters size restrictions.

(f) *Specifications for waste wasters.* "Waste wasters" includes the following flat rolled secondary or rejected steel products which meet the requirements of either subparagraphs (1) or (2):

(1) Those which are unassorted as to both size and gauge (or thickness), whether of reject or lower grade and conform to the following size restrictions:

(i) Sheet "waste wasters", (except hot rolled or cold reduced sheets in U. S. S. Gauge No. 28 or heavier which were produced on a tin mill), may not be smaller than 15" wide by 40" long or have an area less than 600 square inches. Hot rolled or cold reduced sheets in U. S. S. Gauge No. 28 or heavier which were produced on a tin mill may not be smaller than 10" wide by 10" long or have an area less than 100 square inches.

(ii) Sheared plate "waste wasters" may not be smaller than 24" wide by 72" long or have an area less than 12 square feet.

(iii) Universal mill plate "waste wasters" may not be smaller than 6" wide by 60" long.

(iv) Tin mill black plate "waste wasters" may not be smaller than 10" wide by 10" long or have an area less than 100 square inches.

(2) Those which are of reject and waster classifications but contain imperfections, in addition to those specified under rejects above, which appreciably limit the utility of the product (such as blisters, laminations, fluctuating gauges, perforations, dirty surfaces, bad edges, and wrinkles), and require further processing by the purchaser (such as shearing, pickling, scrubbing or gauging) in order to remove or minimize such imperfections; and meet the waste wasters size restrictions as set forth in subparagraph (1) of this paragraph.

(g) *How to determine your ceiling warehouse price for secondary or rejected flat rolled products.* Your ceiling price for secondary or rejected flat rolled products when sold from warehoused stock is the sum of the following amounts. No extras or differentials may be added except those specifically provided for in this paragraph.

(1) The mill net price f. o. b. point of production for the respective gauge and grade classification (that is reject, waster or waste waster) of the product you are pricing. Cold Rolled Tin Mill Black Sheet rejects 28 G and heavier shall be priced on the same basis as Cold Rolled Sheet rejects of the same gauge. In calculating the mill net price you may use only the invoices received from your principal mill source of supply during the preceding calendar month, or the last calendar month for which your written records show invoices having been received for that product.

[Subparagraph (1) amended by Amdt. 1]

(2) (i) A dollars and cents markup equal in amount to the dollars and cents markup you have established in accordance with the provisions of section 11 or 12 for the prime grade classification of the same product. For Cold Rolled Tin Mill Black Sheet rejects 28 G and heavier you must use a markup equal in amount to the markup you have established for Cold Rolled Sheet rejects of the same gauge.

(ii) If you have not established a dollars and cents markup for the prime product under section 11 or 12, you determine your markup for the purposes of this sub-paragraph by using for your calculations under section 11 or 12, the current mill base price (and mill extras where applicable) for the prime product published by your principal mill source of supply of the secondary or rejected product. Your principal source of supply shall be determined from the invoices received by you during the preceding calendar month or the last calendar month in which your written records show invoices having been received by you. If the invoices you have received from mill sources during the current calendar month represent the only mill invoices received by you for the secondary or rejected product since January 1, 1951, you may consider the producing mill named in such invoices as your principal source of supply.

[Subparagraph (2) amended by Amdt. 1]

(3) *Transportation factor.* You may include either (i) an amount not in excess of your "customary incoming transportation factor" or (ii) your monthly average incoming transportation cost (including taxes) for shipments of the product from the mill producing point (in the case of warehouses situated in California, Oregon or Washington this amount need not be less than the current freight forwarder's carload rate from Chicago) of your principal source of supply to your warehouse applicable to the invoices for flat rolled secondary or rejected products received by you during the preceding calendar month or the last calendar month in which your written records show invoices having been received by you. In selecting the invoices you disregard the invoice date or the actual shipping and receiving dates of the material. If the bills for transportation charges for any invoice are not available as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the published carrier rate (including taxes) for transporting the product involved from the shipping point shown on the invoice to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material is transported to your warehouse (e. g. railroad, truck, or barge) in effect at the time you are computing your ceiling price. Trucking charges may be used in computing your monthly average incoming transportation costs only where all truck movement from the producing mill or other source of supply to your warehouse is involved. Where rail-truck movement is involved, no charges for trucking from the rail station or siding to your warehouse may be included in your computations.

(4) Quantity differential you had in effect for the same product, regardless of grade classification, on January 25, 1951.

(5) Published mill quality extras when that quality is actually being furnished. You may not add any quality extra unless the invoice from the producing mill indicates the special quality of the product or unless after proper testing in your plant you have determined that the material meets the quality required and you assume responsibility for performance in accordance with the Manufacturer's Standard Practice as published by the American Iron and Steel Institute.

(6) Cutting extras when the product is cut to specifications from a size in stock either by shearing, slitting or burning to a different and exact dimension or dimensions specified in the buyer's order. No charge may be made for cutting for the purpose of reconditioning or reclaiming the material.

(7) Pickling and oiling charges: When it is necessary to send your product to a service company to perform any pickling and oiling operations you may charge the buyer the actual cost of the pickling and oiling increased by 50 percent. No trucking charge may be made for trucking involved in completing this pickling and oiling operation. For any product for which you are charging pickling and oiling charges you must use the producing mill's net price for the applicable grade classification of the unpickled product in your computation under subparagraph (1). No pickling or oiling extra may be charged by you in addition to the mill net price for a product on which pickling and/or oiling was originally performed by the mill.

(h) *How to determine your ceiling warehouse price for secondary or rejected semi-finished products.* You compute your ceiling price for secondary or rejected semi-finished products sold out of warehoused stock in the following manner:

(1) You find the carload base price for the re-rolling grade (for prime grade if there is no re-rolling grade) for the same product, f. o. b. at the point of production.

(2) You add your average incoming transportation cost from the producing mill to your warehouse applicable to the invoices received by you during the preceding calendar month. In selecting the invoices you disregard the invoice date or the actual shipping and receiving dates of the material. If the bills for transportation charges for any invoice are not available as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the published carrier rate (including taxes) for transporting the product involved from the shipping point shown on the invoice to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material is transported to your warehouse (e. g. railroad, truck, or barge) in effect at the time you are computing your ceiling price. Trucking charges

may be used in computing your monthly average incoming transportation costs only where all truck movement from the producing mill or other source of supply to your warehouse is involved. Where rail-truck movement is involved, no charges for trucking from the rail station or siding to your warehouse may be included in your computations.

(3) You add the size extra. This is the prime mill extra for cross sectional area as published by the producing mill. No other extras may be added.

(4) You add a markup equal to 10 percent of the sum of the figures determined under subparagraphs (1), (2), and (3).

SEC. 16. *Prime or secondary or rejected new industrial steel products which are not sold out of warehouse stock.* If you are a reseller of any prime or secondary or rejected new industrial steel product listed in Appendix A (except excess stock which is covered by section 17) without putting it through the warehousing operation as defined in this regulation, you must determine your ceiling price in accordance with the provisions of this section.

(a) *Shipments direct from the producing mill.* If you purchase any prime or secondary or rejected new industrial steel product from a producing mill and resell such product without putting it through the warehousing operation, your ceiling price for such sale is the price charged by the producing mill, f. o. b. point of shipment, to the class of purchaser to whom shipment is made. However, direct mill shipment of special name steel differing in chemical analysis and quality from standard mill specifications, and on which the seller takes responsibility as to performance, may be sold, after approval by the Director of Price Stabilization as to qualification in this respect, at prices to be determined by the Director of Price Stabilization on application of the reseller. The application must be mailed to the Office of Price Stabilization, Industrial Materials Division, Washington 25, D. C. and must contain the following information: Complete description of the material, quantity, size, grade or analysis, mill net price, transportation factor and suggested resale price. You may not sell at a price in excess of the mill price, f. o. b. point of shipment, until authorized in writing by the Director.

(b) *Direct shipments from sources other than the producing mill.* (1) If you purchase any prime or secondary or rejected new industrial steel product from a warehouse reseller and resell such product without putting the product through a warehousing operation, your ceiling price for such sale is the ceiling f. o. b. price for the product of the warehouse from which you purchased.

(2) If you purchase any prime or secondary or rejected new industrial steel product from any reseller, other than a warehouse reseller, and resell such product without putting the product through a warehousing operation, your ceiling price for such sale is the ceiling price for the product of the reseller from whom you purchased.

SEC. 17. *Excess stock of industrial iron and steel products.* Ceiling prices for excess stocks of any prime or secondary industrial iron or steel product listed in Appendix A when sold by a holder or any other reseller must be determined in accordance with this section.

"Excess stock" means any industrial steel product (other than conversion steel products) purchased by the holder for any purpose other than resale in substantially the same form as received but which is resold by the holder in substantially the same form as received and is not in such a condition as would require it to be sold as a re-usable industrial steel product under section 31 or as iron or steel scrap under Ceiling Price Regulation 5. It also includes industrial steel products purchased by the holder for export but sold for delivery within the continental limits of the United States.

"Holder" means any person who buys any industrial iron or steel product for a purpose other than resale, but who nevertheless resells such product in substantially the same form as received.

(a) *Ceiling prices for sales by holders of excess stock.* If you are a holder of excess stock of any prime or secondary industrial steel product listed in Appendix A, your ceiling price for the sale of such products is the sum of the following:

(1) The lowest published mill price, exclusive of any quantity extras, at the producing point nearest to the location of the material being offered for sale.

(2) The actual transportation costs incurred by the holder.

(3) A markup of $2.00 per net ton.

(b) *Ceiling prices for the resale of excess stock by any person other than a holder.* The ceiling price for the resale of any excess stock by any person other than the holder is determined in the following manner:

(1) *Warehouse sales.* If you purchase excess stock from a holder and put the product through the operation of warehousing iron or steel products, your ceiling price, f. o. b. warehouse, is your ceiling warehouse price established for the same industrial iron or steel product under sections 11, 12, 13, and 15 of this regulation.

(2) *Direct shipments.* On excess stock shipped directly from a holder to a consumer for the account of a reseller, or for any shipments of such stock by a reseller which are not put through the operation of warehousing iron or steel products, the ceiling price f. o. b. point of shipment, is the price paid the holder, provided it does not exceed the holder's ceiling price as determined in paragraph (a) of this section, plus an amount not to exceed 20% of the price paid to the holder.

(3) *Resellers affiliated with holders.* If you are a reseller who is directly or indirectly affiliated with or controlled by any holder of excess stock, your ceiling price for any excess stock sold at any time by the holder with whom you are affiliated or by whom you are controlled is the ceiling price of that holder.

PART III—MERCHANT TRADE WIRE AND TUBULAR PRODUCTS AND OIL COUNTRY TUBULAR GOODS

SEC. 20. *Ceiling jobber prices for merchant wire and roofing and siding products.* If you are a jobber selling any merchant wire product (including standard wire nails, annealed merchant quality and galvanized merchant quality wire), tie wire for automatic balers, or any roofing or siding product as defined in paragraph (a), you must determine your ceiling price, f. o. b. point of shipment, in accordance with the provisions of this section, except as provided in paragraph (e), and adjust it in accordance with provisions of section 41 of this regulation. You do not determine your ceiling price under this regulation for any formed roofing or siding which you formed in your warehouse from sheet.

[Above paragraph amended by Amdt. 1]

(a) *Definitions.* (1) The term "Merchant Wire Products" is used in its customary trade meaning and includes such commodities as wire nails and staples; barbed wire and twisted barb wire; twisted fence stays, wire fence, including farm field fence, poultry fence, ornamental lawn fence and diamond mesh fence, annealed and galvanized fence wire; merchant wire; stone wire; single loop bale ties and wire hoops. It also includes fence posts and tie wire for automatic balers. The term does not include manufacturer's wire, wire rope, lead head and cut nails, or welded wire fabric for reinforcement.

(2) "Manufacturer's wire" means any steel wire product of a type manufactured by a producer which is sold to be further processed by bending, welding or forming, etc., before being used by an ultimate consumer.

(3) "Standard wire nails" includes any wire nails, brads or staples for which the mill price is customarily determined by using a mill producing point base price expressed in dollars and cents per 100 lbs. and which is not subject to percentage discounts.

(4) "Roofing and siding" means galvanized and other metallic coated or painted iron or steel sheets in rolls or which have been corrugated or otherwise formed and which are commonly used as overhead or side covering on buildings or other structures. It does not include metallic coated sheets in coils sold for other than roofing purposes, or formed sheets sold for use in the manufacture of culvert pipe or structural arches.

(5) "Jobber" means any seller of merchant trade products who procures his products from a producing mill and receives a jobber's allowance from any such producer on such purchases. It also includes any person who is commonly referred to as a "distributor" and who receives a like allowance from the producing mill.

(b) *Direct mill shipments.* Your ceiling price, f. o. b. producing point, for shipments directly from the producing mill to your customer for your account is the price of the producing mill to the type of customer to whom shipment is made, subject to all extras of the producing mill applicable to the particular sale. If a combination carload is shipped to a destination for several customers, none of whom has specified a full carload, you may charge an amount not in excess of the current freight rates from the pro-

ducing mill to destination for the less than carload quantities shipped to each customer, plus an amount not to exceed the current applicable transportation tax.

(c) *Shipments out of warehouse stock for sale at wholesale.* For shipments sold out of warehouse stock you determine your ceiling price, f. o. b. warehouse, for any product covered by this section when sold to dealers or retailers; industrial, commercial or institutional buyers; or the Federal or any State government or any agency or any political subdivision thereof in accordance with either one of the methods described in subparagraphs (1) or (2), but in either case you must recalculate your ceiling prices each month as described in subparagraph (3) of this paragraph.

(1) (i) You determine the average domestic mill base price you paid for the product by averaging the mill base prices, less any jobber discounts, on all invoices received by you during the preceding calendar month, or the last calendar month for which your written records show invoices having been received for the product, disregarding the invoice date or actual shipping and receiving dates. Mill base prices are the base prices for a product exclusive of all freight, and all quality, size or other extras.

(ii) You add your average actual transportation costs (including taxes) paid for the product applicable to the invoices used in determining your monthly average mill base price in subdivision (i) of this subparagraph. If the bills for transportation charges for any invoice are not available as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the published carrier rate (including taxes) for transporting the product involved from the shipping point shown on the invoice to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material is transported to your warehouse (e. g. railroad, truck or barge) in effect at the time you are computing your ceiling price. Trucking charges may be used in computing your monthly average incoming transportation costs only where all truck movement from the producing mill or other source of supply to your warehouse is involved. Where rail-truck movement is involved, no charges for trucking from the rail station or siding to your warehouse may be included in your computations.

(iii) You add an amount for extras not in excess of the current applicable mill extras, except for quantity extras, charged by the producing mill.

(iv) You add an amount equal to 25 percent of the aggregate of (i), (ii), and (iii).

[Subdivision (iv) amended by Amdt. 1]

(2) (i) You use the minimum carload base price for the product of your principal source of supply, f. o. b. its producing point nearest your warehouse, less any jobbers discount.

(ii) You add an amount figured at the current minimum carload freight rate plus an amount not to exceed the current applicable transportation tax from the producing point of your principal source of supply used in subdivision (i) of this subparagraph to the rail station or siding nearest your warehouse.

(iii) You add an amount not in excess of the current applicable mill extras, except for quantity extras, charged by your principal source of supply.

(iv) You add an amount equal to 25 percent of the aggregate of (i), (ii), and (iii).

[Subdivision (iv) amended by Amdt. 1]

(3) You must recalculate your ceiling prices each month in accordance with the provisions of this paragraph. This ceiling price becomes your ceiling price for all shipments made from the 16th of the month to the 15th of the following month.

(d) *Shipments from warehouse stock for sale at retail.* (1) For shipments out of warehoused stock your ceiling price f. o. b. warehouse for any product covered by this section when sold to contractors or individual consumers is the sum of the amount determined in accordance with paragraph (c) of this section, plus 20 percent of that amount.

(2) You must recalculate your ceiling price each month in accordance with the provisions of this paragraph. This ceiling price becomes your ceiling price from the 16th of the month to the 15th of the following month.

(e) *Small quantity sales.* Notwithstanding any other provision of this section you need not determine your ceiling price in accordance with this regulation for the sale of any merchant trade product in less than 100 pound lots.

SEC. 21. *Ceiling jobber prices for merchant trade pipe and tubular products.* If you are a jobber selling any prime quality iron and steel standard pipe; line pipe; waterwell casing; large O. D. pipe; or wrought iron pipe, you must determine your ceiling price f. o. b. point of shipment in accordance with the provisions of this section, and adjust it in accordance with the provisions of section 41 of this regulation. You must recalculate your ceiling price for shipments out of warehouse stock each month. This ceiling price becomes your ceiling price for all shipments from the 16th of the month to the 15th of the following month.

(a) *Direct mill shipments.* You determine your ceiling price f. o. b. producing point for shipments directly from the producing mill to the consumer for your account in the following manner:

(1) *Carload lots.* You use the published mill list price, subject to the current mill flat card additions or discounts for carload lots, in effect on the date of shipment, f. o. b. cars at the producing point.

(2) *Less than carload lots.* You add an amount determined by applying whichever of the following percentage markups is applicable to the amount determined under subparagraph (1). No markup may be added for wrought iron pipe.

(i) Standard weight pipe and standard weight line pipe in sizes 6 inches and smaller: 25 percent markup.

(ii) Standard weight pipe and standard weight line pipe in sizes over 6 inches and all sizes of extra strong pipe, double extra strong pipe, waterwell casing and large O. D. pipe: 30 percent markup.

(b) *Shipments from warehouse stock.* You determine your ceiling price, f. o. b. warehouse, for shipment out of your warehouse stock in any quantity in the following manner:

(1) You use the published mill list price of your principal source of supply for the preceding calendar month subject to its current mill flat card discounts or additions for carload lots. In the case of wrought iron pipe you use the published mill list price of A. M. Byers Co. adjusted for its current mill flat card discounts or additions for less than carload lots.

(2) You add an amount figured at the current rail minimum carload rate of freight from the producing point of your principal source of supply to the rail station or siding nearest to your warehouse plus an amount not to exceed the current applicable transportation tax.

(3) You add an amount determined by applying whichever of the following percentage markups is applicable to the sum of the figures arrived at under subparagraphs (1) and (2). No markup may be added for wrought iron pipe.

(i) Standard weight pipe and standard weight line pipe in sizes 6 inches and smaller: 25 percent markup.

(ii) Standard weight pipe and standard weight line pipe in sizes over 6 inches and all sizes of extra strong pipe, double extra strong pipe, waterwell casing and large O. D. pipe: 30 percent markup.

SEC. 22. *Oil country tubular goods.* You determine your ceiling prices for casing, tubing, drill pipe and drive pipe, and other products customarily referred to as Oil Country Tubular Goods in accordance with the provisions of this section. These prices must then be adjusted in accordance with section 41 of this regulation.

(a) *Direct mill shipments.* Your ceiling resale price for shipments of oil country tubular goods direct from the producing mill to the consumer in minimum carload lots is the current mill net price per 100 feet as published by the producing mill for minimum carload lots f. o. b. producing mill shipping point.

(b) *Shipments out of field or warehouse stock.* You determine your ceiling resale price, f. o. b. your stocking point, for shipments of oil country tubular goods out of your field or warehouse stock in any quantity in the following manner:

(1) You use the current mill net price per 100 feet as published by the producing mill for minimum carload lots;

(2) You add a markup of 10.6 percent on the amount determined under subparagraph (1).

(3) You add an amount figured at the current rail minimum carload freight rate from the producing mill to the rail siding nearest your stocking point plus an amount not to exceed the current applicable transportation tax.

SEC. 23. *Secondary or rejected pipe and tubular products.* If you are a jobber

selling any new secondary or rejected pipe or tubular products you determine your ceiling price f. o. b. point of shipment in accordance with the provisions of this section and adjust this price in accordance with the provisions of section 41 of this regulation.

"Secondary or rejected pipe and tubular products" as used in this section includes new iron and steel standard pipe, waterwell casing, large O. D. pipe, wrought iron pipe, oil country tubular goods and boiler tubes rejected by the producer as sub-standard and not meeting the required specifications to which it was produced, and therefore unsuited at the time of the purchase from the producer for the purpose originally intended. When you purchase in one transaction prime quality and secondary or rejected pipe and tubular products, you must treat the entire lot as secondary or rejected pipe or tubular products unless your source of supply determines, before or at the time of shipment, the exact quantity of each and issues an invoice setting forth such information. The term "secondary or rejected pipe and tubular products" does not include any reusable pipe or tubular products which are priced under section 30 of this regulation.

(a) *Limited service pipe.* Where you purchase any secondary or rejected pipe or tubular product capable of withstanding, without leakage, liquids and gases at a minimum pressure of 50 pounds per square inch and condition the products in a manner set forth in subparagraph (3) of this paragraph so that it qualifies for limited service as pipe or tube, your ceiling price is the sum of the following:

(1) Cost of acquisition of the plain end secondary or rejected pipe from the producing mill, f. o. b. mill.

(2) Actual transportation charges including taxes for the products being priced from the producing mill to your warehouse. Where all truck movement from the producing mill to your warehouse is involved you may include in your computation your actual trucking charges including taxes. However, where rail-truck movement is involved, no charges for trucking from the rail station or siding to your warehouse may be included in your computations.

(3) Actual cost of conditioning the product, including threading, coupling and the correction of any defects necessary to fit the product for any purpose for which new pipe of prime quality of the same type and standard is customarily used. This cost must be determined in accordance with the cost formula you had in effect on January 25, 1951, using your current labor and material costs.

(4) A markup equal in amount to the markup you have established as a jobber in accordance with the provisions of sections 21 and 22 for the prime grade classification of the product for which it qualifies after conditioning.

(b) *Structural pipe.* Your ceiling prices for any secondary or rejected pipe and tubular product not capable of withstanding, without leakage, liquids and gases at a minimum pressure of 50 pounds per square inch but suitable for structural purposes or for redrawing is determined under section 32 (Structural pipe).

PART IV—RE-USABLE PRODUCTS, STRUCTURAL PIPE AND CONVERSION STEEL

SEC. 30. *Re-usable iron and steel pipe and oil country tubular goods*—(a) *Reconditioned quality re-usable iron and steel pipe and oil country tubular goods.* Your ceiling price (f. o. b. the point at which the material is loaded for shipment directly to your purchaser) for the sale of any re-usable iron and steel pipe or oil country tubular goods product as defined in this section which is (1) suitable without further reconditioning for any purpose for which the new prime quality product of the same type and standard is customarily used and (2) capable of conducting without leakage, liquids and gases at a pressure of at least 50 pounds per square inch, is 95 percent of the ceiling jobber or distributor price which would apply for the same or comparable (as determined in this paragraph) new prime quality product for delivery out of warehouse or field stock at the point of shipment. Whether or not you are a jobber or distributor of the new prime quality product you must determine the ceiling jobber or distributor prices, to which the 95 percent figure is to be applied, in the manner set forth in sections 21 and 22, using as the basis of your calculations the mill list prices (mill net prices in the case of oil country tubular goods) and discounts of the mill producers specified in the following subparagraphs, and the current minimum rail carload freight rate (including transportation taxes) from the nearest producing point of such producer to the rail station or siding nearest your point of shipment. In determining your ceiling price the size, wall thickness, type, kind and grade of the re-usable product must be unmistakably identified with the new product used in your pricing calculations.

(1) *Standard steel pipe and line pipe.* (i) For buttwelded standard steel pipe and line pipe in sizes 3 inch (3½ inch O. D.) and smaller and for seamless standard steel pipe and line pipe in sizes 2 inch (2⅜ inch O. D.) and larger, you must use as the basis of your calculations under section 21 the current mill list price and discount for the new prime quality product of the same size and wall thickness or weight per foot published by the National Tube Division of the U. S. Steel Company.

(ii) For lapwelded standard steel pipe and line pipe in sizes 2 inch (2⅜ inch O. D.) to 4 inch (4½ inch O. D.) inclusive, you must use as the basis of your calculations under section 21, the current mill list price and discount for the new prime quality product of the same size and wall thickness or weight per foot published by Jones and Laughlin Steel Corporation.

(iii) Electric Welded standard steel pipe and line pipe in sizes 2 inch (2⅜ inch O. D.) and larger must be calculated on the same basis as seamless pipe in the same size and wall thickness or weight per foot.

(iv) If clear and definite identification cannot be made of the product as buttwelded, lapwelded, electricwelded or seamless, the ceiling price shall be determined on the basis of the type which will result in the lowest ceiling price for the same size and wall thickness or weight per foot. For example if you are unable to identify clearly some 2 inch standard pipe, which is made in buttwelded, lapwelded and seamless types, you must apply the applicable ceiling price for the buttwelded product.

(2) *Wrought iron pipe.* For pipe clearly identifiable as wrought iron pipe, you must use as the basis of your calculations under section 21, the current mill list price and discount for the new prime quality product of the same size and wall thickness or weight per foot published by A. M. Byers Company.

(3) *Oil country tubular goods.* (i) For casing, as defined by the American Petroleum Institute specifications, you must use as the basis of your calculations under section 22, the current mill net price per 100 feet for the new prime quality product of the same or most comparable size, wall thickness or weight per foot, and grade, published by the National Tube Division of the U. S. Steel Company. All oil well casing shall be considered as seamless casing in the applicable grades H 40, J 55, or N 80, as defined by the American Petroleum Institute. Identification as to grade and foot weight may be determined by the stenciling on the casing, from records of well performance, or any other accurate determining method. If unmistakable identification as to grade cannot be made, the product must be priced on the basis of the lowest grade in which the particular size and wall thickness or foot weight is produced. If the reusable casing is of a size, grade and/or wall thickness no longer being produced, it must be priced on the basis of the same value per 100 pounds that would apply for the nearest size and wall thickness or weight per foot for grade H 40.

(ii) For oil well tubing unmistakably identifiable as seamless tubing in A. P. I. grades you must use as the basis of your calculations under section 22, the current mill net price per 100 feet of the new prime quality seamless product of the same size and wall thickness or weight per foot and A. P. I. grade, published by the National Tube Division of the U. S. Steel Company.

(iii) For lapwelded oil well tubing or oil well tubing that cannot be unmistakably identified as seamless tubing, you must use as the basis of your calculations under section 22, the current mill net price per 100 feet of the new prime quality lapwelded product of the same or most comparable size and wall thickness or weight per foot, published by the Jones and Laughlin Steel Corporation.

(4) *Seamless drill pipe.* (i) For seamless drill pipe (including plain or threaded ends, with or without couplings) without tool joints, you must use as the basis of your calculations under section 22 the current mill net price per 100 feet of the new prime quality seamless product of the same size, wall thickness or weight per foot and A. P. I. grade as published by the National Tube Division of the U. S. Steel Company.

(ii) For seamless drill pipe recovered with tool joints attached and reconditioned without the removal of the tool joints, your ceiling price for the drill pipe assembly shall be determined by calculating the ceiling price for the pipe in accordance with (i) above and adding your ceiling price for the tool joints which you have established under the appropriate regulation.

(iii) For reusable drill pipe with tool joints forming an integral part thereof, you must use as the basis of your calculations under section 22, the current mill net price per 100 feet of the new prime quality seamless integral joint drill pipe as published by Jones and Laughlin Steel Corporation.

(5) *Drive pipe.* For drive pipe you must use as the basis of your calculations under section 22 the current mill net price per 100 feet for new prime quality drive pipe published by the National Tube Division of the U. S. Steel Company.

(b) *Unreconditioned iron and steel pipe and oil country tubular goods*—(1) *Sales to persons other than reconditioners.* Your ceiling price f. o. b. point of shipment for the sale of any unreconditioned pipe, except as provided in subparagraph (2) of this paragraph, is $75.00 per net ton. "Unreconditioned iron and steel pipe and oil country tubular goods" means any reusable iron and steel pipe, casing and tubing (except boiler or pressure tubes) included within the meaning of re-usable iron and steel pipe and oil country tubular goods which is capable of conducting without leakage, liquids and gases at a pressure of at least 50 pounds per square inch but which requires reconditioning before it is suitable for any purpose for which new pipe of prime quality of the same type and standard is customarily used. The term includes used pipe contained in pipe lines, oil wells or similar pipe assemblies whether or not it is sold in place.

(2) *Exemptions of sales to reconditioners.* Notwithstanding the provisions of any price regulation or order heretofore or hereafter issued by the Office of Price Stabilization, except an amendment to this regulation, all sales of unreconditioned iron and steel pipe to a reconditioner, as defined in this paragraph, are exempt from price control. A "Reconditioner" is a person who customarily purchases unreconditioned pipe, brings it into his stock either at a location regularly maintained and equipped for complete reconditioning of pipe, including but not limited to cleaning, cutting, straightening, threading and beveling, or at a place set up in the field equipped to fully perform such reconditioning, and who resells the pipe after such reconditioning.

(c) *Reusable iron and steel pipe and oil country tubular goods.* "Reusable iron and steel pipe and oil country tubular goods" means used iron and steel pipe, casing and tubing (except boiler or pressure tubes), with or without fittings, which is capable of conducting without leakage, liquids and gases at a pressure of at least 50 pounds per square inch. The term includes such pipe, whether black or galvanized, and whether plain end or threaded, or furnished with couplings. The term includes used pipe contained in pipe lines, oil wells, or similar pipe assemblies whether or not it is sold in place. Cast iron pipe or chrome-nickel stainless steel pipe are not included.

[Section 30 amended by Amdt. 1]

SEC. 31. *Ceiling prices for re-usable industrial steel products.*—(a) *Reconditioned quality industrial steel products.* Your ceiling price (f. o. b. the point at which the material is loaded for shipment directly to your purchaser) for any re-usable industrial steel products listed in Appendix A (except boiler or pressure tubes), which has been reconditioned for re-use or which is suitable for re-use without further reconditioning, is 80 percent of the ceiling warehouse price of the same new prime quality product at your shipping point. Whether or not you are a warehouse reseller of the new prime quality product, you must determine the ceiling warehouse price for the purposes of this Section, to which the 80 percent figure is to be applied, in the manner set forth in sections 11, 12 and 13, using in lieu of invoices as the basis of your calculations under those sections the current published mill base prices, extras and differentials of the mill producers specified in the following subparagraphs, and the current minimum rail carload freight rate (including transportation taxes) from the nearest producing point of such producer to the rail station or siding nearest your point of shipment.

(1) For all industrial steel products, except those listed in subparagraph (2), you must use the nearest producing mill of the appropriate division of the United States Steel Company for the purposes of your calculations. However, if you are situated in the State of California, you must consider for the purposes of your calculations the Kaiser Steel Company, Fontana, California, as the producer of those products in Table A which have a "W" appearing in the percentage mark-up column.

(2) Whether or not you are situated in California, you must use for the purposes of your calculations the nearest producing mill of the specified producer for each industrial steel product listed in this subparagraph.

(FROM TABLE A)	
Junior channels	Jones & Laughlin Steel Corp.
Junior beams	Jones & Laughlin Steel Corp.
C. F. carbon bars	Republic Steel Corp.
(FROM TABLE B)	
Electric coated and other related zinc-coated sheets	Republic Steel Corp.
Alloy bars, C. F.	Republic Steel Corp.
Tool steel sheets	Crucible Steel Co.
Structural tubing (hot rolled, butt welded)	Youngstown Sheet & Tube Co.
Aircraft sheets	Republic Steel Corp.
(FROM TABLE C)	
Tool steel bars and drill rod	Crucible Steel Co.

(b) *Unreconditioned industrial steel products.* Your ceiling price (f. o. b. shipping point to your purchaser) for any re-usable industrial steel product listed in Appendix A, (except for boiler or pressure tubes), which requires reconditioning such as cutting, straightening, flattening or cleaning, etc., before it is suitable for re-use, is 60 percent of the ceiling warehouse price of the same prime quality product at your shipping point. Whether or not you are a warehouse reseller of the new prime quality product you must determine the ceiling warehouse price for the purposes of this section, to which the 60 percent figure is to be applied, in the same manner as set forth in paragraph (a) of this section.

(c) *Fabrication.* You may not charge for cutting material to lengths. Any punching, drilling, welding, bending or cutting to diameter or pattern is fabrication and fabricated structural steel shapes, plates and bars are not covered by this regulation. This regulation does not cover the service of processing reusable steel products owned by others.

[Section 31 amended by Amdt. 1]

SEC. 32. *Structural pipe*—(a) *New structural pipe.* Your ceiling resale price for any new pipe or tubular product which the producing mill has determined as being not capable of withstanding, without leakage, liquids and gases at a minimum pressure of 50 pounds per square inch but which is suitable for structural purposes or for redrawing is 90 percent of the ceiling jobber warehouse price (determined in accordance with sections 21 (b) or 22 (b)) for prime pipe of the same size, finish and specifications as those for which this pipe would have qualified, were it not for the defects which restrict its use. In determining the jobber price to which the 90 percent figure is to be applied you must use the mill list prices and discounts for the new prime product currently published by the mill producer of your structural product.

(b) *Used structural pipe.* Your ceiling price, except as provided for in section 30 (b) (2), for any used pipe or tubular product (except boiler or pressure tubes) which is not capable of withstanding, without leakage, liquids and gases at a minimum pressure of 50 pounds per square inch, but which is suitable for structural purposes or for redrawing, is $75.00 per net ton, f. o. b. point of shipment.

[Section 32 amended by Amdt. 1]

SEC. 33. *Conversion steel products.* The ceiling price for sale by any person (other than the converting mill) of any steel product covered by this regulation which has been rolled or extruded from a less finished product produced by another producer will be the price estab-

lished by the Office of Price Stabilization upon application of the seller. Such conversion steel products need not necessarily have been rolled or extruded from the identical less-finished products supplied by the person having the conversion done, but may include steel products which are sold by a mill to a person who has sold to such mill a less-finished product as part of the conversion transaction. You mail the application to the Office of Price Stabilization, Industrial Materials Division, Washington 25, D. C., and state the name and address of the seller, the nature of his business, the full particulars of the conversion transaction, an itemized statement of the costs involved, a description of the material and the suggested price. You may furnish such further information as you deem pertinent to the establishment of a ceiling price.

The ceiling prices or ceiling markups established under this section will be in line with the ceiling prices and markups otherwise established by this regulation.

SEC. 34. *Used boiler and pressure tubes (including locomotive flues)*—(a) *Reconditioned quality re-usable boiler and pressure tubes.* (1) Your ceiling price (f. o. b. the point at which the material is loaded for direct shipment to your purchaser) for the sale of any re-usable boiler and pressure tubes (including locomotive flues) which are suitable for any purpose for which prime quality boiler and pressure tubes are customarily produced and used and which are sold for use for such purposes is 80 percent of the ceiling warehouse price for the new prime quality product in the same size and gauge. Whether or not you are a warehouse reseller of the prime quality product, you must determine the ceiling warehouse price for the tubing, to which the 80 percent figure is to be applied, in the manner set forth in section 13 (d), using as the basis of your calculations the current mill base price and mill differentials and extras published by the Babcock and Wilcox Tube Company and the current minimum rail carload freight rate (including transportation taxes) from their nearest producing point to the rail station or siding nearest your point of shipment.

(2) Your ceiling price (f. o. b. the point at which the material is loaded for direct shipment to your purchaser), for the sales of any re-usable boiler and pressure tubes, (including locomotive flues) which although not qualifying for use under subparagraph (1) of this paragraph are (i) suitable without further reconditioning for any purpose for which new standard line pipe is customarily used and (ii) capable of conducting, without leakage, liquids and gases at a pressure of at least 50 pounds per square inch is 80 percent of the jobber warehouse price per 100 feet that would apply for seamless line pipe of the most comparable size and wall thickness. Whether or not you are a jobber or distributor of the new prime quality product you must determine the ceiling jobber price, to which the 80 percent figure is to be applied, in the manner set forth in section 21, using as the basis of your calculations the current mill list price and discounts for new prime quality plain and seamless line pipe published by the National Tube Division of the United States Steel Company, and the current minimum rail carload freight rate (including transportation taxes) from their nearest producing point to the rail station or siding nearest your point of shipment. To determine the seamless pipe of the most comparable size and wall thickness, you must first find the nearest comparable size of seamless line pipe and then find the most comparable wall thickness in that size of seamless line pipe. Determination of the nearest comparable size shall be based on the outside diameter of both the boiler and pressure tube and the seamless line pipe. For example, the nearest comparable size of line pipe to 2½ O. D. boiler tube is 2 inch nominal diameter (2⅜ O. D.) line pipe and for 3 inch O. D. boiler tube the nearest comparable size of line pipe is 2½ inch nominal diameter (2⅞ inch O. D.) line pipe. You find the nearest comparable wall thickness by taking the average wall thickness of the boiler or pressure tube being priced and selecting the same or next lighter wall thickness of the seamless line pipe in the size which you found to be of the nearest comparable size. Where there is no lighter wall thickness in that size of seamless line pipe, you must use the lightest wall thickness in that size for which a price is published.

(b) *Unreconditioned boiler and pressure tubes (including locomotive flues).* Your ceiling price (f. o. b. the point at which the material is loaded for direct shipment to your purchaser) for any boiler or pressure tube which is either (i) capable of conducting, without leakage, liquids and gases at a pressure of at least 50 pounds per square inch but which requires reconditioning before it is suitable for any use for which new prime standard line pipe is customarily used or (ii) is incapable of withstanding without leakage, liquids and gases at 50 pounds per square inch, is $80.00 per net ton.

[Section 34 added by Amdt. 1]

PART V—GENERAL PROVISIONS

SEC. 40. *Applications for establishment of ceiling prices and adjustment of extras.* (a) (1) If, either because you were not in business on January 25, 1951, or because you were not selling the product as of that date, you have not established extras under the applicable provisions of the regulation necessary to determine your ceiling price, or if for any other reason you are unable to determine a ceiling price for any iron or steel product listed in section 2 (a) under any provision of this regulation, you must apply to the appropriate OPS Office for the establishment of a ceiling price or pricing method. The ceiling price or pricing method (the term shall include the use of proposed extras in determining your ceiling price) specifically authorized in writing by the Director of Price Stabilization will be in line with ceiling prices otherwise established by this regulation.

[Subparagraph (1) amended by Amdt. 1]

(2) Your application must be made by registered mail and must contain the following information:

(i) Your name and address; the location of your place of business (in the case of resellers other than warehouse or distributors you must give the location of all your places of business); and the nature of your business, i. e., warehouse, jobber, retail merchant, etc.

(ii) A complete description of the product (or products) for which a ceiling price or pricing method is to be established. You include in this description the producer's name where possible and a statement as to the condition of the product (e. g., whether of prime or secondary quality and a description of defects such as rust, pits, lack of flatness, out of tolerance, etc.).

(iii) Your net invoice and delivered cost of the product (or products) and your source of supply, i. e., mill production, another warehouse, excess stock or imported stock.

(iv) Your proposed ceiling price or pricing method and the classes of purchasers to which sales are to be made. Where you are including extras other than mill extras, such extras must be specified.

(v) A statement of the basis on which your proposed ceiling price or pricing method was determined.

(vi) An explanation of the reasons why you cannot determine the ceiling price (or prices) under the other provisions of this regulation. If you are a new seller organized after January 25, 1951, you must give the date of entering business.

(3) After receipt of your application, the Director may approve or disapprove the proposed ceiling price or pricing method, establish a different ceiling price or pricing method by order, or request further information. Pending any such action, you may sell the product covered by your application at your proposed ceiling price provided that you agree with the purchaser to refund the amount, if any, by which such price exceeds the ceiling price established by the Office of Price Stabilization. If, within thirty days after receipt of the required application by the Office of Price Stabilization, none of the actions listed above has been taken, your proposed ceiling price will be deemed to be established for all deliveries made between the date of filing your application and the date of any order issued by the Office of Price Stabilization disposing of your application.

[Subparagraph (3) amended by Amdt. 1]

[Subparagraph (4) deleted by Amdt. 1]

(5) If you are required to file an application pursuant to this section, and do not do so, the Director may issue an order establishing ceiling prices for you. Any ceiling price set forth in any such order will be in line with the ceiling prices otherwise established by this regulation and will apply to all deliveries for which a ceiling price was not otherwise established by this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve you of the various penal-

ties for your failure to comply with this regulation.

(b) *Adjustment of extras.* (1) If you are a warehouse reseller or jobber selling any industrial iron or steel product or merchant trade wire or tubular product covered by this regulation, you may apply to the appropriate OPS Office for an increase in the extras established in this regulation under either of the following circumstances:

(i) Where the extra currently charged you by the producing mill exceeds the mill extra you had in effect for the same item on January 25, 1951;

(ii) Where you had an extra in effect during the base period December 19, 1950, to January 25, 1951, for a service performed outside your warehouse by a job shop, such as galvanizing or heat treating, and the current service fee charged you by such job shop is higher than that charged you during the base period.

(2) The adjustment in extras granted by the Director under this paragraph will be such as to (i) permit you to charge an extra equivalent to the applicable mill extra or (ii) to reflect in your extra your increased costs of the service performed for you by another person but in no case will the adjustment reflect charges which you pay in excess of the applicable ceiling prices.

(3) Your application must be made by registered mail and must contain the following information:

(i) Your name and address and the location of your warehouse;

(ii) A statement describing the type of extra you are proposing to adjust;

(iii) Where you are proposing to increase your extra by the amount of the increase in the mill extra charged to you, you must give the name and address of the producing mill whose extra you are using, the extra it charged during the base period, the current extra charged by the mill, the date when you were first notified of the current extra and your extra during the base period;

(iv) Where you are proposing to increase your extra for a service performed for you by another person you must state the name and address of the service company, the type of operation, the rate charged during the base period, the extra you had in effect for such service, the date when you were first notified of the increase, the increased charge by the service company and your proposed increased extra.

(4) After receipt of your application, the Director may approve or disapprove your proposed adjustment in your extra, establish a different extra by order, or request further information. Pending any such action, you may charge that proposed extra covered by your application provided that you agree with the purchaser to refund the amount, if any, by which such extra exceeds the ceiling extra established by the Office of Price Stabilization. If, within thirty days after receipt of the required report by the Office of Price Stabilization, none of the actions listed above has been taken, your proposed adjusted ceiling extra will be deemed to be established for all deliveries made between the date of filing your application and the date of any order issued by the Office of Price Stabilization disposing of your application.

[Subparagraph (4) amended by Amdt. 1]

[Subparagraph (5) deleted by Amdt. 1]

SEC. 41. *Customary price differentials and terms of sale*—(a) *Class of purchaser differentials.* You must adjust the ceiling prices determined under this regulation to reflect all special customer discounts, cash discounts, and other class of purchaser differentials which you had in effect during the period April 1 through June 24, 1950, and such prices must carry all guarantees, servicing terms and other applicable conditions of sale which you had in effect during that period.

(b) *Credit charges.* You may make a charge for the extension of credit to a purchaser if you are able to show from your written records that you customarily made a charge for the extension of credit during the period April 1 through June 24, 1950, but the rate may not be greater than the rate which you had in effect on June 24, 1950, involving the same amount and term.

(c) *Transportation charges.* All ceiling prices established by this regulation are f. o. b. point of shipment. Charges for local deliveries made in your equipment may not exceed the delivery charge you had in effect for the area covered on January 25, 1951. Charges for deliveries in your equipment beyond the local delivery zone (or zones) may not exceed the current published common carrier truck rates in effect for the quantity and product delivered. You must, however, adjust all ceiling prices determined in accordance with this regulation to reflect all transportation allowances to the same class of purchasers which you had in effect on January 25, 1951. You must not require a purchaser to pay a larger proportion of transportation costs involved in a shipment than he would have been required to pay in connection with a similar purchase on that date.

[Paragraph (c) amended by Amdt. 1]

SEC. 42. *Charges by brokers, finders and other intermediaries.* If you render any services in connection with the sale of iron and steel products (including but not limited to such services as finding any product or products, finding a purchaser, or arranging a sale) you may not make a charge to the buyer for your services, if the sum of such charges and the price charged by the reseller exceeds the applicable ceiling price established in this regulation. If the reseller charges less than his applicable ceiling price established in this regulation, you may charge the buyer for your services an amount not in excess of the difference between the price actually charged by the reseller and the applicable ceiling price.

SEC. 43. *Rounding ceiling prices.* You may round out your ceiling prices determined under this regulation so that they will be expressed in the nearest cent or fraction of cent you normally employ. If you elect to so round your ceiling prices with respect to any product, you must similarly round the ceiling prices for all your products which you normally round out in the same manner, and reflect decreases as well as increases.

SEC. 44. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 45. *How to treat taxes.* The ceiling prices determined under the pricing provisions of this regulation are your ceiling prices exclusive of taxes. If a tax on a particular sale or delivery such as a sales tax or a compensating use tax is imposed and the tax law permits the tax to be stated separately and passed on to your customers, you may charge or collect the tax on the sale or delivery of the product in addition to the ceiling price, provided you state the tax separately. However, if the tax was in effect during the period May 24, 1950, to June 24, 1950, and you did not charge your customers for the tax during that period, you may not do so now.

SEC. 46. *Transfers of business or stock in trade.* If the business, assets or stock in trade of a reseller covered by this regulation are sold or otherwise transferred after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject, if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 47. *Record-keeping and filing requirements*—(a) *Record keeping.* (1) You must prepare and keep for inspection by the Office of Price Stabilization, for a period of two years after the effective date of this regulation complete and accurate records of each sale and purchase in your customary manner showing: The date thereof, the name and address of the seller (in the case of a purchase) or the name of the purchaser (in the case of a sale), a complete description of the products sold or purchased including but not limited to: quantity of each item, the size, length, finish, coating, quality or any other factor affecting the price; any conditioning performed on the product; any discounts allowed; the total price charged, the f. o. b. point and the disposition of the transportation charges.

(2) You must keep for inspection by the Office of Price Stabilization for a period of two years after the effective date of this regulation all invoices of your purchase from your sources of supply, including a record of the date of receipt of the invoice, necessary to determine whether you have computed your ceiling prices correctly. You must

mark each invoice as received with the date of receipt.

(b) *Filing requirements.* Every person subject to this regulation shall file with the appropriate OPS office within thirty days of the date of issuance of this regulation complete and accurate records of the following factors and extras (where applicable) in effect on January 25, 1951;

(1) The customary incoming transportation factor (if any) used in determining your resale price.

(2) Extras and deductions for quantity.

(3) Extras for quality, merchandising, finish and tolerance.

(4) Extras for size.

(5) Extras for boxing, annealing, heat treating, etc.

(6) Extras for cutting.

(7) Trucking charges for local delivery in equipment owned or operated by the seller, and the area involved.

Stock lists, catalogues, pamphlets, printed schedules and similar literature are all acceptable media for the filing of these items.

SEC. 48. *Interpretations.* If you have any doubt as to the meaning of this regulation, you should write to the appropriate OPS Office for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 49. *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, deliver or negotiate the sale or delivery of any product and no person in the regular course of trade or business shall buy or receive any product from you at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports, required by this regulation. You shall not charge, demand or accept any brokerage commission, finder's fee or fee of any kind where the price including such commission or fee paid by the purchaser would exceed the applicable ceiling prices established in this regulation. You shall not pay in the regular course of trade or business any brokerage commission, finder's fee or fee of any kind where the price to you including such commission or fee would exceed the applicable ceiling prices established in this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 50. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, fees, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

No seller shall require a purchaser to subdivide a requirement into small or partial orders nor shall a purchaser subdivide his requirements into small or partial orders for the purpose of enabling the seller to obtain a higher unit price.

SEC. 51. *Definitions.* This Ceiling Price Regulation and the terms which appear in it shall be construed in the following manner:

(a) *Appropriate OPS Office.* (1) For persons other than warehouse resellers this term means the District Office of the Office of Price Stabilization for the District where your home office or principal place of business is located.

(2) For warehouse resellers this term means the District Office of the Office of Price Stabilization for the District or Districts where each of your warehouses is located.

(b) *Class of purchaser or purchaser of the same class.* Class of purchaser is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers or for sales under different conditions of sale. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser, the quantity purchased by him or whether the buyer purchased for cash or on credit. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser. If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during the period April 1 through June 24, 1950, and for whom you did not have a customary differential in effect during or before this period, is a separate class of purchaser as to you.

(c) *Customary incoming transportation factor.* This term means your customary incoming transportation factor which you included in your warehouse resale price on January 25, 1951, to represent the cost of delivery from the producing mill to your warehouse. Where the factor was based upon a rail freight rate, it may be adjusted by an amount not exceeding the amount by which the current minimum carload rate of freight including transportation tax, exceeds the minimum carload rate of freight (plus 3 percent) used to determine your transportation factor on January 25, 1951. Where the factor was based upon a trucking rate, it may be adjusted by an amount not exceeding the amount by which the current minimum common carrier truckload rate including transportation tax exceeds the minimum common carrier truckload rate (plus 3 percent) used to determine your transportation factor on January 25, 1951.

[Paragraph (c) amended by Amdt. 1]

(d) *Director of Price Stabilization.* This term also applies to any official (including officials of Regional or District Offices) to whom the Director of Price Stabilization, by order, delegates a function, power or authority referred to in this regulation.

(e) *Excess stock.* This term means any industrial iron or steel product (other than conversion steel products) purchased by the holder for any purpose other than resale in substantially the same form as received but which is resold in such form. It also includes industrial iron or steel products purchased by the holder for sales for export but sold for delivery within the continental limits of the United States or a territory or possession of the United States.

(f) *Export sale.* This term means the sale of a product to a person located outside the continental United States or a territory or possession of the United States, and which is shipped to the purchaser outside the continental United States or a territory or possession of the United States, regardless of where the invoicing is done.

(g) *Sales for export.* This term means a sale to a buyer located in the continental United States or a territory or possession of the United States of a product destined for export and subsequent shipment, without resale, to any place outside the continental United States or a territory or possession of the United States.

(h) *Oil country tubular products.* This term is explained in section 22.

(i) *Imported iron or steel products.* This term means products which have been transported from a place outside the continental limits of the United States, its territories and possessions to a place inside the continental limits of the United States, its territories and possessions.

(j) *Importer.* This term means the person by whom the product is imported and who first sells it after importation.

(k) *Jobber.* This term means any seller of merchant trade products who procures his product from a producing mill and receives a jobber's allowance from any such producer on such products.

(l) *Merchant trade products.* This term is explained in section 20.

(m) *Metropolitan New York area.* This term includes the following area:

(1) All points on Long Island west of a line drawn from Huntington to Farmingdale to Amityville, Long Island.

(2) All cities and towns in New York included in a line drawn from North Tarrytown to Port Chester inclusive, and south thereof to the Battery in Manhattan including Staten Island.

(3) All cities and towns in Rockland County from New Jersey state line to, and including, a line drawn from Nyack

through Spring Valley to Suffern, New York.

(4) All cities and towns in New Jersey included in the following outline—a line drawn from Suffern, N. Y., through Butler, through Dover, including Kenvil and Wharton, Picatinny Arsenal at Picatinny, and on a line from Dover to Lyons, N. J., to the point where it intersects the Somerset County line, thence following the county line so as to include in the Metropolitan New York area the entire counties of Somerset, Middlesex, and Monmouth.

(n) *Mill base price.* This term means the fundamental base price charged by the producing mill for a product before the addition of any extras such as extras for quantity, size, quality, finish, etc.

(o) *Mill flat card additions or discounts.* This term means the percentage additions or deductions from mill list price as shown on the printed addition and discount cards issued by the producing mill.

(p) *Mill net price.* This term means the total prices charged by the producing mill for a product including the mill base price and all extras exclusive of freight and packing.

(q) *Person.* This term includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States, or any other government, or their political sub-divisions or agencies.

(r) *Preceding calendar month.* This term shall mean the calendar month immediately preceding the month in which the ceiling price you are computing goes into effect.

(s) *Principal source of supply.* This terms means the source from which you receive the greatest tonnage of the product during the specified period.

(t) *Reconditioner.* This term is explained in section 30.

(u) *Reseller.* This term is explained in section 3.

(v) *Sell.* This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The term "buy" and "purchase" shall be construed accordingly.

(w) *You.* "You" means the person subject to this regulation. "Your" and "yours" shall be construed accordingly.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

APPENDIX A—INDUSTRIAL IRON OR STEEL PRODUCTS

The industrial iron or steel products covered by this regulation are those listed below:

Standard structural shapes.
Junior channels.
Junior beams.
Wide flange beams.
H. R. carbon bars and bar shapes.
H. R. carbon plates.
Floor plates.
Abrasion resisting—all products.
H. R. carbon sheets.
H. R. carbon strip.
C. R. sheets.
Enameling sheets.
C. R. strip-low carbon.
High tensile low alloy—all products.
C. F. carbon bars.
Reinforcing bars unfabricated.
Tin plate, black plate and short ternes.
H. R. or C. R. electrical (silicon) sheets—all grades.
Galvanized sheets—hot dipped.
Galvannealed, electric coated sheets and other related zinc coated sheets.
Terne coated long sheets.
Alloy bars—H. R.
Alloy bars—C. F.
Alloy plates.
Tool steel sheets (approximately 1 percent carbon grade).
Structural tubing (hot rolled, butt welded).
"4130" aircraft sheets.
"1020 grade" aircraft sheets.
Stainless sheets.
Stainless bars and angles.
Stainless plates.
Stainless pipe and tubing.
Boiler tubes, seamless and welded.
Mechanical tubing, seamless and welded.
Tool steel bars and drill rod.

[Appendix A amended by Amdt. 1]

APPENDIX B—MERCHANT TRADE IRON OR STEEL PRODUCTS

The merchant trade iron or steel products covered by this regulation are those Merchant Wire Products, including—

Wire nails, brads, and staples.
Barbed wire and twisted barb wire.
Twisted fence stays.
Farm field fence.
Poultry fence.
Ornamental lawn fence.
Diamond mesh fence.
Annealed and galvanized fence wire.
Merchant and stone wire.
Single loop bale ties.
Wire hoops.
Fence posts.
Tie wire for automatic balers.
Roofing and siding—galvanized or other.
Metallic coated or painted iron or steel sheets in rolls, or which have been corrugated or otherwise formed for use as overhead or side covering on buildings or other structures.

Iron and Steel Standard Pipe, including—

Line pipe, waterwell casing.
Large O. D. pipe.
Wrought iron pipe.

Oil country tubular goods, including—

Casing.
Tubing.
Drill pipe.
Drive pipe.

[Appendix B amended by Amdt. 1]

By: JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-3219; Filed, Mar. 17, 1952; 11:31 a. m.]

[Ceiling Price Regulation 113, Revision 1, Amdt. 4]

CPR 113—WHITE FLESH POTATOES

SHIPPING POINT DISTRIBUTORS AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161, and Economic Stabilization Agency Order No. 2, this Amendment 4 to Ceiling Price Regulation 113, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Revision 1 to Ceiling Price Regulation 113 defines a "shipping point distributor", provides for transshipment costs between primary and secondary markets, provides a disaster adjustment in the ceiling price for potatoes produced in Utah, and effects many minor clarifications.

Some confusion has developed as to the circumstances under which a seller who is normally considered a country shipper can legally claim the markup of a carlot distributor. The definition of "carlot distributor" in section 10 (b) has been amended to make it clear that an ordinary country shipper never is entitled to a carlot distributor's markup. However, some sellers at country shipping points incur much heavier sales expenses than others and perform functions more nearly equivalent to carlot distributors. These sellers are defined in section 10 (y), added by this amendment, as "shipping point distributors". Under section 3 (h), shipping point distributors have the same markup as carlot distributors. To qualify as a shipping point distributor, a seller must make the majority of his sales to buyers located outside of the shipping point who do not buy through brokers or agents at the country shipping point. Furthermore, a person who sells to country shippers or shipping point distributors cannot himself be a shipping point distributor.

The definition of "cost of rail transportation" in section 10 (g) has been expanded to make it clear that a secondary market, defined as a "less-than-carlot or less-than-trucklot receiving market" is a wholesale receiving point for the purpose of transportation cost computations. It is also made clear that the cost of rail transportation does not include local haulage within a single wholesale distribution area.

The Department of Agriculture has just supplied the Office of Price Stabilization with quantity and quality yield estimates for potatoes produced in the State of Utah. Applying the same standards for disaster adjustments as applied in the cases of the adjustments for Idaho, Montana, Colorado, Nebraska, and Wyoming, the Office of Price Stabilization has raised the base price for Utah 20 cents per hundredweight.

A new section 2 (i) has been added, providing for ceiling prices for direct sale by growers to ultimate consumers.

Among the miscellaneous clarifications are the elimination of any ambiguity between sections 3 (c) (3) and 3 (f). All delivered sales to a retailer's retail store carry the same markup, irrespective of the type of seller.

Before issuing this amendment, the Director of Price Stabilization has consulted extensively with members of the industry affected, including trade association representatives, and has given full consideration to their recommendations. It is the judgment of the Director that the provisions of this amendment are generally fair and equitable and necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Revision 1 to Ceiling Price Regulation 113 is amended in the following respects:

1. Section 2 is amended in the following respects:

a. Table I in section 2 (a) is amended by changing the base prices for Utah to read as follows:

TABLE I—BASE PRICES FOR WHITE FLESH POTATOES

Producing States	March	April	May	June
Utah	$3.85	$3.90	$3.95	$3.95

(b) By adding at the end of section 2 a new paragraph to read as follows:

(i) *Ceiling prices for sales by growers to ultimate consumers.* If you are a grower and sell not more than 400 pounds of potatoes to an ultimate consumer who has placed his order directly with you and you make delivery of such potatoes to such ultimate consumer, your ceiling price for such a sale is the f. o. b. country shipping point ceiling price for such potatoes plus $1.25 per hundredweight.

2. Section 3 is amended in the following respects:

a. By amending the first paragraph of section 3 to read as follows:

SEC. 3. *Ceiling prices for intermediate sellers and shipping point distributors.* This section establishes ceiling prices for sales by all intermediate sellers including "carlot distributors", "primary receivers", "secondary jobbers", and "purveyors" as well as for "shipping point distributors". These terms are defined in section 10 of this regulation. In each case a seller finds his ceiling price by adding a specified markup to the "primary price" determined under paragraph (a) of this section. The same person may be one type of seller with respect to one lot of potatoes and a different type of seller with respect to a different lot of potatoes.

b. By amending section 3 (c) (3) to read as follows:

(3) *Delivered sales.* If you are a primary receiver and make delivered sales of potatoes to a buyer's physical premises other than a retail store, your ceiling price shall be your primary price plus 45 cents per hundredweight.

c. By amending section 3 (g) to read as follows:

(g) *Long distance delivered sales.* If you are an intermediate seller and make sales of potatoes on a delivered basis to a retailer, delivered to such retailer's retail store or warehouse (including a chain store warehouse), to a commercial user at such commercial user's establishment, or to an institutional user delivered to such institution and the point of delivery of such sales is located beyond a radius of 15 miles from your warehouse you may add to your ceiling price otherwise determined under this revised regulation, an amount for transportation not in excess of 5 cents for each 25 miles beyond this 15-mile radius. In any event, the total amount charged for such transportation may not exceed 30 cents per hundredweight.

d. By adding a new paragraph at the end of section 3 to read as follows:

(h) *Sales by shipping point distributors.* If you are a shipping point distributor and make carlot or trucklot sales, your ceiling price is your primary price plus 10 cents per hundredweight.

3. Section 10 is amended in the following respects:

a. By amending section 10 (b) to read as follows:

(b) "Carlot distributor" means a person, other than a country shipper or a shipping point distributor, who has purchased the potatoes being priced in unbroken carlots or trucklots and sells these potatoes in unbroken carlots or unbroken trucklots.

b. By adding at the end of section 10 (g) the following:

(g) "Cost of rail transportation" also includes costs of transportation as computed under this paragraph between the "carlot or trucklot receiving market" and the "less-than-carlot or less-than-trucklot receiving market" for potatoes transported between these points. Transportation between a "carlot or trucklot receiving market" and a "less-than-carlot or less-than-trucklot receiving market" does not include transportation between points within city limits or any other geographical area which is generally recognized as a single wholesale distribution area. "Carlot or trucklot receiving market" is defined in paragraph (w) of this section and "less-than-carlot or less-than trucklot receiving market" is defined in paragraph (x) of this section.

For example: Potatoes are shipped from country shipping points to Boston in carlots or trucklots. They are transshipped in less-than-carlots or less-than-trucklots to Salem for resale in the Salem area. Both Boston and Salem are "wholesale receiving points." Boston is the "carlot or trucklot receiving market", because it is the first place beyond the country shipping point to which the potatoes being priced have been transported and received by an intermediate seller. Salem is the "less-than-carlot or less-than-trucklot receiving market" because it is the first place beyond Boston to which the potatoes being priced have been transported in less-than-carlots or less-than-trucklots. Hence, the cost of transshipment from Boston to Salem computed under this paragraph may be included in the "cost of rail transportation". On the other hand, if the potatoes being priced are hauled from one local warehouse to another local warehouse within Boston or Salem the local hauling charges may not be included in the "cost of rail transportation."

c. Section 10 (s) is amended to read as follows:

(s) "Wholesale receiving point" means a "carlot or trucklot receiving market" or a "less-than-carlot or less-than-trucklot receiving market". Where shipments of the potatoes being priced are made directly from a country shipping point, wholesale receiving point includes a retailer's warehouse (including a chain store warehouse), or institutional or commercial user's warehouse.

d. By adding four new paragraphs at the end of section 10 to read as follows:

(w) "Carlot or trucklot receiving market" means the first place beyond the country shipping point to which the potatoes being priced have been transported and received by an intermediate seller and at which the potatoes are for sale without further transportation in the conveyance in which they were transported from the country shipping point.

(x) "Less-than-carlot or less-than-trucklot receiving market" means the first place beyond a carlot or trucklot receiving market to which the potatoes being priced have been transported in less-than-carlots or less-than-trucklots by a conveyance other than the one in which they were transported to the carlot or trucklot receiving market from the country shipping point.

(y) "Shipping point distributor" means a person who, with respect to a lot of potatoes, performs all the functions of a country shipper and, in addition, made at least 50 percent of the dollar value of his potato sales during the current season up to March 17, 1952, to purchasers located at wholesale receiving points who did not buy through brokers or agents located at the country shipping point. If 25 percent or more of the dollar value of a seller's sales of potatoes for the current season up to March 17, 1952 is made to a single purchaser, such seller is not a shipping point distributor. Furthermore, a person who makes sales of potatoes to country shippers or shipping point distributors is not himself a shipping point distributor.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective March 17, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 17, 1952.

[F. R. Doc. 52-3220; Filed, Mar. 17, 1952; 11:31 a. m.]

Chapter XV—Federal Reserve System

[Regulation W, Interpretations 50, 51]

REG. W—CONSUMER CREDIT

INT. 50—PERFORMANCE OF CONTRACT SECURED OR GUARANTEED

A question was presented recently concerning the application of Regulation W to a proposed arrangement of a Registrant to lease automobiles to the salesmen of a corporate employer engaged in a commercial enterprise.

Under the above arrangement a separate, individual lease of an automobile would be entered into with each of the several salesmen of the corporate employer. Each such lease would be for an initial term of one year, and the rental payments would be made in monthly instalments. In addition, under a separate agreement between the Registrant-lessor and the employer, the latter would guarantee both payment and performance of the individual leases executed by the salesmen.

On the basis of these facts, it was the Board's view that each of the individual

leases in question would be subject to the regulation. The fact that some third party, such as the employer in the case presented, undertakes to guarantee payment and performance in the manner described would not change that result. The essential nature of each of the transactions between the Registrant and the individual salesmen would remain unaffected for the purposes of the regulation. The performance of contracts, of course, may be secured in various ways, including, for example, conveyances of property for security purposes or various types of surety undertakings. However, whether or not an instalment contract is secured or unsecured does not of itself relieve the transaction from the provisions of the regulation.

INT. 51—"VENT-A-HOOD" AS HOME IMPROVEMENT OR ACCESSORY

A question has been presented concerning the application of Regulation W to instalment credit for the purchase or installation of a home kitchen ventilating device known as the "Vent-A-Hood." Briefly, the "Vent-A-Hood" is constructed for attachment to the wall to the rear and directly above a cooking stove, and is designed to catch cooking heat, steam, and vapor which are ejected from the house by means of an exhaust unit and duct leading to a flue or to an opening in an outside wall.

The Board is of the view that the "Vent-A-Hood," if sold or delivered by the Registrant to the customer at or about the time of the sale or delivery of a cooking stove, should be regarded as "an accessory" under subparagraph (7) of paragraph (j) of section 8 of the regulation. Consequently, the "cash price" of the stove, a Group B article, would include the price of the "Vent-A-Hood." On the other hand, a "Vent-A-Hood" sold separately and not in connection with the sale or delivery of a cooking stove should be regarded as a Group D article in view of the nature of its installation.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, 64 Stat. 812, as amended; 50 U. S. C. App. Sup. 2131. E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 52-3067; Filed, Mar. 17, 1952; 8:45 a. m.]

Chapter XXIII—Defense Materials Procurement Agency

[Mineral Order 2, Direction 1]

FOREIGN PRODUCED MANGANESE ORE

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act, as amended. In the formulation of this direction there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this direction does.
2. Foreign produced manganese ore.
3. Allocation authorizations.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., E. O. 10200; Jan. 3, 1951, 16 F. R. 61, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this direction does.* The purpose of this direction is to provide greater ease in permitting the flow of manganese ore. It permits, subject to certain limitations, the delivery and acceptance of foreign produced manganese ore without an allocation authorization when such ore is to be used in the production of ferro-alloys containing 40 percent or more of manganese. Deliveries of foreign produced manganese ore are still subject to such allocation as the Defense Materials Procurement Administrator may from time to time see fit to authorize.

SEC. 2. *Foreign produced manganese ore.* Except as provided in section 3 of this direction, the provisions of section 3 (a) of Mineral Order 2, as amended, shall not apply to manganese ore produced outside the continental United States when its intended use is for consumption in producing ferro-alloys containing 4 percent or more of manganese.

SEC. 3. *Allocation authorizations.* The Defense Materials Procurement Administrator shall continue to issue, to the extent necessary, allocation authorizations covering such deliveries of foreign-produced manganese ore as may be required in the interest of national defense, and such allocation authorizations shall be processed in accordance with section 3 (c) of Mineral Order 2, as amended.

Dated: March 13, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-3183; Filed, Mar. 14, 1952; 5:12 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 4.77, a new paragraph (f) is added as follows:

§ 4.77 *Death pension or compensation payable solely by virtue of certain amendatory laws.* * * *

(f) *Public Law 174, 82d Congress.* The date of commencement of original awards of death pension or compensation payable solely as a result of the provisions of Public Law 174, 82d Congress, shall be the day following the date of the veteran's death or October 12, 1951, whichever is the later, if claim was filed within 1 year after the date of death; otherwise the date of filing claim: *Provided, however,* That as to claims reviewed under this law either on motion of the Veterans Administration or upon receipt of a request from the claimant or his representative, where the person entitled was not in receipt of pension on October 12, 1951, the commencing date shall be October 12, 1951, if a claim is filed within 1 year from the date of notification of entitlement to benefits under this act. Where a payee who was in receipt of pension on October 12, 1951, is entitled to compensation solely by virtue of the provisions of this act, the allowance of compensation shall be effective October 12, 1951, without the filing of a new claim. A claim pending on October 12, 1951, shall be considered a claim under this act.

2. In § 4.78, the introduction of paragraph (b) is amended to read as follows:

§ 4.78 *World War II; Public No. 2, 73d Congress, as amended.* * * *

(b) Effective December 7, 1941, where a report of death or finding of death has been made by the Secretary of the Army or the Secretary of the Navy and the person was reported missing or missing in action, interned in a neutral country, captured by an enemy, beleaguered or besieged, as contemplated by Public Law 490, 77th Congress, as amended, or the claim for death compensation was filed more than 1 year after the date of (actual) death, an original award of death compensation shall commence:

* * * * *

3. In § 4.93, the title is amended and a new paragraph (d) is added as follows:

§ 4.93 *Awards where all beneficiaries do not file a claim on the same date; fractions of one cent; awards to minor widows.* * * *

(d) *Awards to minor widows.* Payment of death benefits which are otherwise payable may be made direct to a widow for herself and child or children, if any, notwithstanding that she may be a minor (section 2, Public Law 144, 78th Congress) and notwithstanding that she may have remarried. Direct payment is permissive and not mandatory, and the appointment of a fiduciary for a minor widow may be required if circumstances indicate that this action is advisable.

4. A new § 4.94 is added as follows:

§ 4.94 *Notice of continuing entitlement.* In any case in which pension or compensation is being paid under any law which authorizes the continuance of such benefits after the age of 16 or 18 years to or for a child, notice will be furnished to the payee prior to the child's sixteenth or eighteenth birthday, whichever is applicable, of the conditions under which such benefits may be continued. (See § 4.0 (e).)

5. In the Provisional Regulations, § 4.456 is canceled.

§ 4.456 *Review of death compensation and pension claims to determine presumptive service-connection for multiple sclerosis.* [Canceled.]

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective March 18, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-3106; Filed, Mar. 17, 1952; 8:50 a. m.]

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In § 6.164, the 10th paragraph of the Total Disability Provision beginning "This provision may be canceled by the insured * * *" is amended to read as follows:

§ 6.164 *Total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930.* * * *

This provision may be canceled by the insured at any time upon written request to the Veterans Administration accompanied by the policy and this provision for endorsement. This provision shall terminate and be of no further force and effect if any premium on the policy or on this provision be not paid when due or within the grace period of 31 days thereafter. If a premium be not paid as stipulated, then this provision shall cease and terminate but may be reinstated upon evidence of good health satisfactory to the Administrator of Veterans' Affairs, and upon the payment of the required premiums. The premium requirement to reinstate this provision, if attached to a permanent plan policy of insurance, is the payment of all premiums in arrears with interest at the rate of 5 percent per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 percent per annum, compounded annually. The premium requirement to reinstate this provision, if attached to a 5-year level premium term policy, is the payment of 2 monthly premiums, one for the month of lapse, the other for the month of reinstatement. If the application and the required premiums are submitted within 3 months after the due date of the premium in default, reinstatement may be effected upon evidence satisfactory to the Administrator showing the applicant to be in as good health as he was on the due date of the premium in default.

* * * * *

2. In § 6.176, paragraph (a) is amended to read as follows:

§ 6.176 *Reinstatement; 5-year level premium term policy.* (a) A United States Government life insurance policy on the 5-year level premium term plan may be reinstated at any time after lapse and within the 60-month period upon evidence of the insurability of the insured satisfactory to the Administrator of Veterans Affairs and upon the payment of 2 monthly premiums, one for the month of lapse, the other for the premium month in which reinstatement is effected. Any indebtedness against the policy must be paid or reinstated with interest. Such insurance when reinstated without payment of all premiums in arrears with interest shall have no reserve value. The provisions of the "reinstatement" clause in 5-year level premium term policies are hereby amended accordingly.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Cong., 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

This regulation effective March 14, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-3182; Filed, Mar. 17, 1952; 8:52 a. m.]

PART 14—LEGAL SERVICES, SOLICITOR'S OFFICE

SUBPART D—LEGAL SERVICES

DOMESTIC RELATIONS QUESTIONS; INITIAL INVESTIGATION

1. In § 14.502, new paragraphs (d) and (e) are added as follows:

§ 14.502 *Domestic relations questions.* * * *

(d) Veterans' Administration determinations of validity of marriage for the purposes of §§ 3.49 and 4.64 of this chapter will be based on the entire record, including evidence of conduct and reputation and applicable presumptions, as well as any available public records. Recognition of the finality ordinarily attaching to court decrees as determinative of status will not preclude independent determination of collateral questions. A "void marriage" is a purported marriage which under the law of the applicable jurisdiction, and notwithstanding the form of marriage was not a valid marriage. A voidable marriage is one which comes into existence under circumstances that entitle one of the parties to disavow the contract, for cause recognized under the law of the applicable jurisdiction.

(e) An award of compensation or pension will not be deemed properly discontinued because of marriage or remarriage if:

(1) The purported marriage, or remarriage, was void; or,

(2) The purported marriage, or remarriage, was voidable:

(i) At the option of the claimant,

(ii) On a ground relating to the essentials of the marriage relationship not known or reasonably ascertainable by the claimant at the time of the marriage or remarriage,

(iii) The claimant shall have disavowed such marriage by timely and proper action, and

(iv) Submits to the Veterans' Administration a valid decree annulling the purported marriage.

2. Section 14.604 is amended to read as follows:

§ 14.604 *Initial investigation.* An employee will be designated at each station to investigate motor vehicle collisions and other accidents involving damage to, or loss of, privately owned property or personal injury or death, apparently or allegedly resulting from the negligence of an employee of the Veterans' Administration acting within the scope of his employment, or damage to or loss of government-owned property caused by other than Veterans' Administration employees. In central office, the designation will be made by the assistant administrator for construction, supply, and real estate, and at all other stations, the employee to make such investigations will be designated by the manager. Where possible, the employee designated to conduct such investigations will be one who has had some experience in the investigation of accident cases.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective March 18, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-3105; Filed, Mar. 17, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 949]

HANDLING OF MILK IN THE SAN ANTONIO, TEXAS, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at San Antonio, Texas, on August 14-17, inclusive, 1951, pursuant to notice thereof which was issued on July 18, 1951 (16 F. R. 7160).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on January 22, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. This decision and notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on January 26, 1952 (17 F. R. 828).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was

carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are denied.

A motion was filed on behalf of a group of San Antonio handlers to reopen the hearing for receipt of additional evidence alleged to have recently become available. Such evidence was alleged to be essential to the Secretary in arriving at a proper decision with respect to the provisions of the recommended marketing agreement and order concerning the treatment of handlers subject to other orders. It was further stated that there is a distinct possibility that additional pertinent data could be developed with regard to defense activities in San Antonio.

These handlers contended that the allowance of 60 cents per hundredweight of milk used in computing the obligation of handlers under the North Texas Order (No. 43) was too great and offered data in support thereof to show that freight rates from Bloomer, Wisconsin, were only 45 cents to 51 cents greater to San Antonio than to Dallas. Such evidence cannot be considered conclusive since the 60 cents adjustment herein provided is based on the cost of hauling in bulk lots originating in Dallas with destination in San Antonio and not on the cost of hauling on the last lap of a much longer haul. Synthesized data provided by the handlers likewise cannot be considered conclusive since they lack validation under actual operating conditions.

Evidence available concerning changes in the military situation in the San Antonio market does not justify the reopening of the hearing. It is to be expected that economic conditions in the market will change continuously. The order herein provided has as one of its features an automatic provision which would lower prices when demand decreased relative to production. In addition authority is granted in the Agricultural Marketing Agreement Act as amended (7 U. S. C. 601 et seq.) to amend orders when changed conditions make this necessary.

On the basis of the facts found and herein stated the petition to reopen the hearing is hereby denied.

Rulings contained in the recommended decision upon proposed findings and conclusions submitted by interested persons are confirmed except as modified by the findings and conclusions set forth herein. To the extent that findings and conclusions proposed by interested persons and not ruled upon in the recommended decision are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions, and general findings of the aforesaid decision are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, subject to the following modifications described with reference to Federal Register Doc. 52–1078, 17 F. R. 828:

1. Delete the first and second full paragraphs beginning in column 1, page 832.

2. Insert after the period in line 15, column 2, page 833, the following:

A witness for the aforementioned Dallas handler testified that this was the cost of such shipments:

Exception was taken to this rate by some interested parties on the ground that it was too high and by others on the ground that it was too low. Additional data on hauling cost submitted with such exceptions cannot be considered because it was not presented in evidence at the hearing and therefore opportunity for cross examination and rebuttal was not afforded. Had such data been available however it would not have presented sufficient grounds to justify changes in the attached marketing agreement and order.

The material issues of record related to:

1. The character of commerce;
2. The need for regulation;
3. The extent of the marketing area;
4. The proper scope of regulation;
5. The classification and allocation of milk;
6. The determination and level of class prices;
7. Payments to producers; and
8. Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the San Antonio marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

Substantial quantities of milk produced in states other than Texas are regularly imported to supply the needs of handlers in the San Antonio marketing area. Records of the health authorities indicate that for the first six months of 1951, 8,376,714 pounds of milk from other points were shipped into San Antonio. Much of the imported milk comes from Missouri, Kansas, and Wisconsin. From January 1946 the records show that there have been only seven months that local production of milk equaled consumption. Records of imports available since August 1949 show there were shipments each month, ranging from 248,395 pounds to 1,838,793 pounds per month.

2. *Need for an order.* Marketing conditions in the San Antonio marketing area justify the issuance of a marketing agreement and order.

Producers do not participate in the establishment of milk prices in San Antonio. Handlers deal with producers through individual contracts under which payments to producers are for "base" milk and "surplus" milk at the generally prevailing cash prices for such milk in San Antonio. Handlers determine these prices. The rules concerning the establishment of bases and the declaration of surpluses are determined by the handler purchasing the milk.

All handlers in the market appear to pay the same base and surplus prices. Base plans, however, differ between handlers so that producers' returns may differ. While producers as individuals may occasionally verify the weights and tests upon which they are paid for their milk, handlers have not permitted a cooperative association of producers to make systematic checks for the benefit of its members.

Handlers imported supplemental milk from other areas during each month of 1950. Despite this situation, producers received surplus prices for considerable quantities of milk during each month from February through July 1950. In May 1950 all handlers paid surplus prices $2.00 per hundredweight less than the then current base price for from 11 to 16 percent of their receipts, while they imported 397,805 pounds of Grade A milk that month. Handlers had reduced their price for base milk by 85 cents per hundredweight (from $5.85 to $5.00) in March 1950. The total reduction per hundredweight in returns due to the price change and the surplus payments was thus from $1.08 to $1.17 during a period when local production was less than the needs of the market.

There is no systematic marketing plan whereby farmers in the San Antonio market are assured of payment for their milk in accordance with its use. Neither is there a procedure whereby producers may participate in the price determinations necessary for the marketing of their milk which because of its perishability must be delivered to the market daily as it is produced. Handlers have not cooperated with the efforts of a cooperative association representing a majority of the producers of the market to negotiate a marketing plan which would provide for producer representation in determining the prices and terms under which farmers market their milk. They claim that any such arrangement would be in violation of state law.

The adoption of a classified price plan based on the audited utilization of handlers and market-wide pooling of returns among producers will provide respectively equal costs to handlers and a fair division among all producers of the returns from the Class I sales of the market. The public hearing procedures required by the Agricultural Marketing Agreement Act will provide opportunity for representation of producers, handlers and the public in the determination of prices and marketing conditions for milk in the area.

3. *Extent of the marketing area.* The San Antonio, Texas, marketing area should be defined to include all territory within the boundaries of Bexar County, Texas. All municipal corporations, Federal military reservations, facilities and installations located in the county should be included.

The city of San Antonio and its contiguous suburbs represent the principal urban center of population in Bexar County. There are in addition five Federal military reservations physically located within the county boundaries, some within and some beyond the San An-

tonio metropolitan area. Ninety-eight percent of all milk sold by handlers whose receiving and bottling plants are located in Bexar County is sold within the county limits.

In addition to that distributed by these handlers, milk is sold in Bexar County by a handler subject to the North Texas order who operates routes in San Antonio, by a handler in an adjoining county who rather regularly serves one military base and by handlers from other markets who occasionally serve military bases.

The evidence indicates that all milk sold for fluid consumption in the county is Grade A milk. The city of San Antonio requires Grade A milk, and any milk sold in the county areas is required by the State of Texas to meet identical requirements if labeled Grade A. While these municipal and state requirements do not apply to the milk purchased under contract for use of military personnel on Federal bases, such milk is purchased on specifications for Grade A milk as defined in the U. S. Public Health Service Standard Milk Ordinance from which the state and city regulations were modeled.

All evidence offered at the hearing supported the use of Bexar County boundaries as the definition of the marketing area.

4. *Scope of regulation.* The minimum class prices of the order should apply only to that milk eligible for distribution as Grade A milk in the marketing area, or fluid consumption in the Federal bases of the marketing area, which is received directly from the farm on which it is produced at a milk plant at which such milk is packaged in consumer packages and from which it is disposed of in fluid form in the marketing area on wholesale or retail routes, through plant stores, or to a Federal institution or base.

Milk sold in the marketing area is almost exclusively Grade A milk. The health authorities of the City of San Antonio inspect the farms and issue permits to those producers meeting the requirements of the city ordinance whose milk is delivered directly from the farm to bottling plants located in San Antonio or nearby which distribute milk in the city. In addition, however, the farm and plant inspections of other health authorities enforcing similar standards and requirements are recognized for both regular distribution and supplementary supplies. A handler whose receiving and bottling plant is located in Dallas distributes milk inspected and certified as Grade A by the Dallas health officer which is accepted as Grade A milk by the San Antonio authorities. Supplementary supplies needed by local plants are accepted upon the certification of health authorities in the areas from which they originate.

In order to designate clearly what milk is to be subject to the pricing provisions of the order, which processors and distributors are to be subject to regulation and which dairy farmers will participate in the market pool, it is necessary to include in the order definitions of "approved plant", "handler", "producer", and "other source milk." "Approved plant" should be defined as a milk plant approved by the appropriate health authority of the marketing area for the processing of Grade A milk, from which Class I milk (fluid items specifically named elsewhere in the order) is delivered (including delivery by vendors or sale at plant stores) in the marketing area other than to any milk processing plant, or a milk plant supplying Class I milk to a Federal institution or base in the marketing area. This definition will thus include all plants from which Grade A milk is distributed in the marketing area or from which milk is supplied to Federal bases, but will not include plants which may furnish supplementary supplies to the plants from which route sales in the marketing area are made. To include those plants which merely furnish supplementary supplies would involve pricing milk produced in distant areas that is not primarily associated with the San Antonio market. Plants from which route disposition is made in San Antonio are, on the other hand, definitely associated with that market, and it appears from the record that all such plants should be subject to regulation. While there is now one such plant that has more extensive distribution in other markets, this plant is subject to regulation of the North Texas order, and would be partially exempt from the San Antonio order under provisions discussed elsewhere in this decision.

"Handler", to whom the regulatory provisions of the order are applicable, should be defined as the operator of an approved plant in his capacity as such. The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and for paying producers minimum prices.

"Producer" should be defined as any person, other than a producer-handler who produces "approved" milk which is received at an approved plant. The definition should specify "approved" milk as that produced under a permit or rating for the production of milk to be disposed of for consumption as Grade A milk which permit or rating is issued by the appropriate health authority of the marketing area or by another health authority whose certification is accepted by the local health authority. "Approved" milk should also include milk acceptable to Federal agencies for fluid consumption in its institutions on bases located in the marketing area. Provision should be made that any person whose milk is received by a handler subject to another Federal order will not be defined as a producer, since this would result in such person's milk being included in two pools.

The order does not propose to pool the Class I sales of a producer-handler, who is a person operating an approved plant who produces milk but receives no milk from other producers. Any milk they sell to handlers is normally surplus to their own operations; to pool such milk without also pooling the Class I sales producer-handlers make directly would result in a preferential market for producer-handlers as compared with regular producers. Producer-handlers should therefore be excluded from the definition of producers, and the milk they deliver to buying handlers be treated as other source milk. There is, however, one producer-handler in the San Antonio market a part of whose milk is regularly distributed by handlers. Such milk is bottled at the producer-handler's approved plant and distributed under his label without further processing or packaging by the handlers. Class I sales of such milk are not pooled since it is evident that such sales are a normal part of the producer-handler's operation.

One handler bottles milk on a custom basis for a producer who distributes such milk himself. It is concluded that treatment of such receipts as producer milk and the return disposition to the producer as Class I milk is appropriate. Problems arising from discrepancies between the volumes received and returned will be avoided and the parties can arrange the equivalent of a custom bottling fee in the amount of the charge for the packaged milk as compared to payments to the producer. No special provisions of the order are necessary to bring this about, as the producer does not operate an approved plant, and thus does not qualify as a producer-handler.

5. *Classification of milk.* Milk should be classified in two classes. Class I milk should include all skim milk and butterfat disposed of as Grade A milk or milk products and unaccounted for milk, except for an allowance for plant loss or shrinkage. Class II milk should include all skim milk and butterfat used to produce products not required to be from Grade A milk, disposed of for livestock feed, allowable shrinkage, and inventory variations (plus or minus) of Class I products. The provisions adopted specify as Class I milk those products which the record shows are currently required to be from Grade A milk.

Unaccounted for producer milk in excess of a reasonable allowance for plant loss should be Class I milk in order to require full accounting by handlers for the use of their receipts. Two percent is considered a reasonable maximum allowance for this purpose. No limit need be placed on shrinkage of other source milk as Class II milk since such milk is deducted from the lowest use class under the allocation provisions. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts.

To prevent other source milk, which is unpriced, from displacing from Class I the producer milk which is the regular supply of the market, other source milk should be allocated to the lowest use in a handler's plant. A handler proposal that "emergency milk" be defined as approved other source milk imported during temporary periods of sudden changes in demand and allocated pro rata with producer milk should not be adopted. The record indicates that such proposal was made on the erroneous assumption that the provision herein adopted would apply market-wide instead of to individual handlers.

In establishing the classification of milk, the responsibility should be placed upon the handler who first receives

milk from producers to account for all milk and milk products received and to prove to the market administrator his claim that such receipts should be classified other than as Class I. The handler who first receives milk from producers is the person who is in a position to satisfy this primary need of a class price plan. Such a handler must be held responsible for reporting the proper utilization of such milk and making full payment for it. He must, therefore, maintain records to establish unquestionable proof of the utilization of all milk he receives.

Provision should be made to cover the classification of milk, skim milk and cream transferred to other milk plants. Transfers between approved plants may be at classification agreed upon between the handlers, provided the transferee plant has use in the agreed class, and the prior claim of producer milk over other source milk on Class I utilization is maintained. Transfers to a producer-handler should be Class I milk, since producer-handlers normally purchase from handlers only for fluid uses. Transfers from approved plants to other milk plants should be Class I milk unless it can be shown that the receiving plant did not have Class I use in excess of its receipts from the dairy farmers constituting its regular source of supply.

6. *The determination and level of class prices.* The Class I milk price should be based upon an economic formula index. This index should be permitted to vary the price only within certain limits. These limits should be determined on the basis of prices paid by the 18 midwestern condenseries specified in the Chicago milk marketing order, plus certain differentials.

Prices determined under this formula should be modified in accordance with changes in the relationship between the supply of producer milk and the demand for milk in the marketing area.

The index contained in this recommended Class I price formula reflects conditions which affect the local San Antonio milk market. The bulky and perishable nature of fluid milk makes transportation of this product rather costly. For this reason local producers have some price advantage in supplying market needs. Supplemental supplies from outside areas may be called upon under unusual circumstances and when local production in the required volumes becomes too costly to compete with regular supplies from outside sources.

The San Antonio milkshed is located in an area naturally unfavorable to dairying. Very little manufacturing milk is produced in the area and facilities for receiving ungraded milk from producers are almost non-existent. Because of unfavorable production conditions milk prices must be somewhat higher than average in order to encourage farmers to meet the added expenses of dairying. It is considered possible however for San Antonio producers to supply milk in approximately adequate quantities without fixing prices as high as the average cost of developing and transporting regular supplies of milk from areas better adapted to dairying.

It is desirable therefore that the Class I price in the San Antonio market be established at levels which will encourage balance between supply of and demand for milk in the local market so long as that price does not exceed costs of obtaining dependable supplies elsewhere.

The composite index herein provided for setting Class I prices is based on three factors selected to measure important conditions affecting the San Antonio milk market. This index is hereinafter referred to as the "formula index." Each factor is given equal weight. The first of these is the index of wholesale prices published by the U. S. Department of Labor. This index reflects well the general level of prices and its use in the index will aid in maintaining milk prices in line with all other prices in the economy. The wholesale price index is based on a large number of commodities and markets and has widespread recognition.

The second item to be included is a composite index of the cost of mixed dairy feed and labor wage rates on farms in Texas. Dairy farming in the San Antonio milkshed is carried on under a comparatively commercialized basis. Cash expenses, and particularly those for dairy ration, are important on farms of this type. Production of milk tends to be more sensitive to current expenses on such farms than on smaller family farms. Farmers will be able to plan their production with more confidence, and the supply situation will thereby be stabilized if the milk price responds to changes in direct costs of production. Grain and labor are the two most important items of cash expense. Grain is given a weighting of 0.7 because San Antonio producers are unusually dependent upon purchased feeds. Labor is weighted 0.3.

Price reports of the Department of Agriculture are considered to be the best available measures of labor wage rates and dairy ration costs in the milkshed. The average price paid by Texas farmers for all mixed dairy feed (under 29 percent protein) as reported monthly in the publication "Agricultural Prices" and the farm wage rate per day without board or room for Texas as reported quarterly in the publication "Farm Labor" are considered to be the best quotations to use.

In addition to the general price level and cost of producing milk, it is desirable that the formula index reflect changes in consumer demand for milk. What consumer demand will be depends upon level of income, number of consumers, educational programs, price and availability of alternative food items and other factors. It is not possible to reflect all these factors in a formula. Several indices are available which are reasonably well correlated with consumer demand for milk. Of these the index of retail sales of non-durable goods in Texas as prepared by the Bureau of Business Research, University of Texas, appears to be best suited for use in the Class I pricing formula. The coverage of this index appears to be better adapted than that of the department store sales index for the 11th Federal Reserve district since it is confined to the State of Texas. Also it includes a substantially larger sample of the retail sales in the area covered.

The retail sales index as quoted in the Texas Business Review is subdivided into durable and non-durable goods. Of these the non-durable goods index was chosen because the items reflected therein tend to be the staple items of the family budget for which regular expenditures are made. Use of this index will avoid to considerable extent the effects of scare and cyclical buying sometimes experienced in durable goods and will avoid most of the unstabilizing effects of rapid expansion and contraction in the use of consumer credit. Demand for milk is fairly constant. Consumer purchases are more or less regular. Sales of non-durable goods should better reflect changes experienced in demand for milk than would other available indexes. A three months moving average of this index should be used to iron out the effects of accidental factors which would otherwise be reflected in the formula.

It is recommended that the formula index have as a base period the years 1948 through 1950. These years encompass the postwar period when prices, production and consumption for most items were most nearly in equilibrium. Milk production in the San Antonio area was more nearly adequate during each of these three years than any other for which data are available.

A prewar base is undesirable for San Antonio. The market has undergone far reaching change since that period. Demand for milk as well as supply conditions have altered materially. Actual Class I milk prices are not available for most of the prewar period. In the absence of these data, it is not possible to judge the adequacy of these years for use as a base period. There is no reason however to think that a prewar period would give a better base.

It was proposed by San Antonio handlers that the Class I price be based on manufacturing milk values. No showing was made by proponents that either prices paid for ungraded milk in the North Central States, or butter-powder prices are closely related to local supply or demand conditions.

Substantial quantities of supplemental milk have been imported by San Antonio handlers at times in the past. It is not evident that the cost of this milk bears a constant relationship to manufacturing milk prices and hence there is no reason to think that the Class I price formula (based on manufacturing milk prices) proposed by handlers would result in a close relation between the price of local milk and the cost of distant supplemental supplies. Except for seasonal surpluses obtained in nearby areas, supplemental milk usually costs handlers more than does Class I milk purchased from producers. Moreover it was not shown to be necessary that Class I prices and the cost of outside supplies be closely related. In any case, the recommended order herein provided does not price milk from outside sources, nor would it limit the movement of such milk when a handler's receipts from producers were inadequate to supply his Class I needs.

While indexes which reflect local conditions are the best factors on which to base a Class I pricing formula in this market, it is nevertheless desirable to place limits upon the fluctuations in price which this formula may provide. It would not be advisable for the formula to provide prices which would exceed the cost of obtaining suitable milk on a regular basis from the northern dairy areas. Neither would it be advisable to allow local prices to fall to a disproportionately low relationship with milk prices in other areas.

Limits should be placed upon the range within which the "formula index" can determine Class I price relative to the cost of obtaining suitable milk from producers in the northern dairy areas. It appears that the best available means to accomplish this is to provide that the formula index may not cause the Class I price to be higher than the average price paid per hundredweight for milk received during the preceding month from farmers at 18 milk manufacturing plants used for determining Class I prices in the Chicago order plus $3.00 nor lower than such paying price plus $2.00.

The price arrived at under the foregoing formula should be subject to further modification when milk sales or production indicate this is necessary. None of the factors available for inclusion in a pricing formula reflects all of the conditions important to supply and demand in the San Antonio market. Neither would all of the available indices or prices in combination accomplish this objective.

Changes in supply or demand conditions not reflected in the formula herein recommended may be expected to cause some disturbance in the balance between milk receipts from producers and sales to consumers. It would be appropriate therefore to make an adjustment in price if milk supplies either fall short of or exceed specified relationships to consumer demand. Whether or not supplies are short of or exceed demand can be measured by the percentage that receipts of milk are of Class I sales.

It is recommended that 3 cents be added to the Class I price for each percentage point by which producer milk falls below 100 percent of Class I sales during the first and second preceding months. Likewise 3 cents should be subtracted from the price for each percentage point which producer milk is above 110 percent of Class I sales for the same period. Class I sales of handlers partially exempted under § 949.61 should be excluded from this calculation since they would have no producer milk under the order herein provided. A limit of 60 cents should be placed on the amount of adjustment, either increase or decrease which this factor may bring about. If supply and demand conditions vary more than enough to bring about a 60-cent adjustment it may be better to deal with such unusual conditions through a hearing or by other means.

If handlers receive less milk from producers than they require for Class I sales it would appear appropriate that some incentive for production be offered but not beyond the point where the cost of supplemental supplies is exceeded. Even though producer milk were equal to Class I sales it would no doubt be necessary to import some outside milk in order to cover day to day fluctuations in demand or supply. Production in the San Antonio milkshed has not exceeded Class I sales by more than a few percentage points during recent years and it is doubtful whether the supply-demand provision should operate to provide additional encouragement for milk production at a higher level than 100 percent of Class I sales.

If producer milk equals 110 percent of Class I sales it can be concluded that the market is adequately supplied to provide for such sales and also allow for daily fluctuation in sales and receipts. The supply-demand adjustment should operate therefore to reduce the Class I price whenever supplies exceed 110 percent of Class I sales. If producer milk amounts to more than 110 percent of Class I sales it is probable that handlers would have more milk than required to assure adequate reserves for all Class I sales, and prices should be decreased in order to avoid unnecessary production of milk which must be sold at prices well below those provided by the formula.

A two months base period is recommended for determining the relationship between supplies and Class I sales. The most recent base period should be used so that the price adjustments may be kept as nearly as possible in line with current supply and demand conditions. Use of a two months period will make the utilization percentage more responsive to current conditions. Milk producers require some time to make substantial changes in production. It is impossible however to forecast accurately what supplies will be necessary for the future, and what prices will bring forth these supplies. The best method for keeping production in line with needs is to adjust price in accordance with latest trends in marketing conditions. It appears likely that needs for the near future will be more similar to those of the present than of an earlier period.

No seasonal change is provided in this utilization factor. Production in the San Antonio milkshed has been rather evenly distributed throughout the year, particularly in the most recent period for which data are available. The record indicates that the daily rate of production varied from average by no more than 4 percent during any month of 1950. Variations which did occur were somewhat irregular. If production continues to be even no variation in percentage would be needed. Should production begin to fall short of or to exceed needs at any season, the automatic adjustment would provide incentive to correct such a tendency toward disparity between supplies and requirements. This device would be especially desirable to help maintain even production in the absence of other incentive for maintaining level production.

The price which the recommended formula would have provided between 1935 and 1950 is quite closely correlated on an annual basis with the base prices received by farmers as shown in the hearing record.

Based on quotations available November 28, 1951 (of which official notice is hereby taken) the formula price as herein provided would have been $6.57 for December. Indications at the time of the hearing were that milk production would be below average for several months to come, and consumption would be high. In view of this it is likely that the utilization adjustment would have raised the price somewhat above $6.57.

Since data for the announcement of a supply-demand adjustment will not be available on the day of the month when the Class I formula price is calculated it will be necessary to postpone the announcement of price until the market administrator has had time to receive and tabulate handler reports.

The supply-demand provision herein recommended cannot become operative until data representing receipts of producer milk and Class I sales for two months are available on which to calculate a utilization percentage. This provision cannot be used therefore until the second month after the reporting provisions of the order become effective.

The Class II price should be based on 92-score butter prices in Chicago, and spray process nonfat dry milk solids prices f. o. b. Chicago area plants. Ice cream and cottage cheese are the primary uses made of Class II milk solids by San Antonio milk dealers. Health authorities in the area permit use of ungraded milk in the manufacture of these products. The aforementioned quotations appear to provide the best available estimates of cost to handlers of obtaining suitable alternaive butterfat and nonfat solids for use in ice cream and cottage cheese. Three cents should be subtracted from the butter quotation and 5 cents from the nonfat solids quotation as a reflection of the manufacturing and marketing margin. Yields of 1.2 and 8.16 should be applied respectively. An overrun of at least twenty percent is commonly experienced in churning butter. Also a yield of 8.5 pounds or more of powder can be expected from 100 pounds of skim milk in a reasonably efficient plant. Since 100 pounds of whole milk testing 4.0 percent contain 96 pounds of skim a yield of 8.16 per 100 pounds of whole milk is provided.

The recommended Class II pricing formula is the same as that proposed by producers except for the allowance for manufacture and marketing on nonfat solids which is slightly higher. Handlers opposed the Class II price formula proposed by producers on the grounds that solids from alternative sources were available at lower cost. The recommended allowance has been increased somewhat in recognition of this. This allowance is considered sufficient, since the quality of milk delivered by San Antonio producers is better than that contained in the ungraded products on which the formula is based. Small quantities of Class II milk have considerable value to handlers as reserves to insure adequate milk for Class I needs. It is not likely that very large quantities of Class II milk will be produced under the conditions prevailing in this area.

The yield factors are in line with general market experience, and are closely

comparable with those used in many other federally regulated markets.

The Secretary should be given authority to determine alternative or equivalent prices or indexes if any of the prices or indexes on which the operation of the order depends are altered or become unavailable. Unforeseeable circumstances may cause temporary or permanent suspension or alteration of these quotations. It would be better to allow the Secretary to select alternatives or equivalent factors until the quotations are resumed, or until the factors can be reconsidered in a hearing rather than jeopardize the operation of the order.

The minimum prices which handlers are required to pay are for milk testing 4.0 percent butterfat. These should be adjusted upward or downward in accordance with variations from 4 percent in the butterfat content of the milk. The rate of adjustment for each class should be aligned with the respective class prices in order properly to apportion the value of butterfat and nonfat solids in these classes. This adjustment does not affect the class prices for milk of standard test.

It is recommended that extra butterfat above 4.0 percent in Class II milk be priced at 1.20 times the Chicago 92-score butter price. These figures should be converted and payment made on the basis of tenths of a pound. Deductions should be made at the same rate for milk testing less than 4.0 percent butterfat.

Use of the factor 1.20 causes the fat to be priced at a somewhat lower rate than the fat in 92-score butter at Chicago. This lower price should be granted in recognition of the costs and losses of handling and processing the fat in milk received from producers.

The Class I price should also be adjusted in accordance with butterfat content of the milk, but at a slightly higher rate. Butterfat used in Class I must come from approved sources. The quality and cost of producing such butterfat are higher than that from unapproved sources. It is recommended therefore that the butterfat above or below 4.0 percent be charged or credited at a rate determined by multiplying the Chicago 92-score butter price by 1.25. This rate is only slightly higher than that used for Class II milk even though there is a considerable difference in the class prices. As a result a large portion of the difference between the Class I price and the Class II price is assigned to the skim portion of the milk. This is considered appropriate because of the greater shortage of skim than fat in the San Antonio market. Also the fluid skim is the more bulky and perishable component of the milk, and therefore most expensive to acquire and handle. Class I fluid cream for example might be obtained from distant sources at a favorable rate compared to the cost of acquiring approved fluid skim from such sources.

7. *Payments to producers.* The market-wide type of pool should be included in the order to distribute to producers the returns from the sale of their milk. Under this plan all producers receive the same uniform price for their milk without regard to the use made of such milk by individual handlers. The alternative to the market-wide pool is the individual handler pool under which producers delivering to each handler receive a uniform price based on such handler's use of milk, and consequently producers delivering to different handlers receive prices which differ as such handlers use different proportions of this milk as Class I and Class II. Under current supply conditions in the San Antonio market there would be little difference in results of the two plans. The market-wide pool, with its uniform prices to producers, should be more satisfactory when supplies are adequate for the Class I demands of the market. There was no opposition to the producer proposal for a market-wide pool.

Provision should be made to include in the value of producer milk the value of milk classified in excess of reported receipts from producers, other handlers, and other sources. This is necessary to account for the differences between reported and actual weights and tests of milk received from producers.

The butterfat differential used in making payments to producers should be fixed at one-tenth of the price of Grade A (92-score) butter at Chicago multiplied by 1.2. This is the same as the butterfat differential for Class II milk. It in no way affects handlers' costs of milk, but merely prorates returns among producers whose milk differs in butterfat test. Such a differential appears appropriate in view of the fact that the average test of producer receipts exceeds that of Class I sales. There was no opposition to the proposal for this differential by a cooperative association representing a majority of producers.

Producers and handlers both supported a proposal that returns from the sale of milk should be distributed to producers on the basis of their marketings of milk during a representative period. They attribute the comparatively level production pattern of the market to the base-rating features of present buying plans. The proposal provided that each producer establish a base by his average daily deliveries during the months of October through January each year, and that for other months total deliveries within base quantities be given prior claim to Class I sales of the market, so that deliveries in excess of base would be paid for at a lower uniform price whenever producer milk was used as Class II milk.

With year-round deficits of supply it is evident that under this plan the uniform price for excess milk would be practically the same as that for base milk. The influence of a base-rating plan on the seasonal pattern of production depends upon the effect of lower prices for excess milk in discouraging deliveries in months of surplus production and the value of a large base in encouraging production in months of short production. Since these influences can operate only when seasonal surpluses are present, it is concluded that the proposal should not be adopted until there are indications of such seasonal surpluses in the market. Producers were paid base prices for all their deliveries in 1951 and it would not now be feasible to make the proposal effective for any payments in 1952. The proposal involves considerable administrative detail which should not be incurred unless there is indication that supply conditions are such as to permit it to influence the seasonal pattern of production.

Provision is made for an advance payment to producers for milk delivered during the first 15 days of each month, at not less than the Class II milk price of the previous month. This will continue the practice of the market for payments at intervals of less than a month without requiring additional pool computations. Final payment for milk received each month should be made on or before the 15th day of the following month.

The dates which have been provided for these various payments are so spaced that ample time is provided the handlers and the market administrator for the filing of reports, the computation of the various prices and the writing and mailing of checks.

8. Certain other provisions should be adopted to enable proper and efficient administration of the order.

(a) *Administrative assessment.* Each handler should be required to pay to the market administrator, as his pro rata share of the cost of administration of the order, 4 cents per hundredweight, or such lesser sum as the Secretary may from time to time prescribe, on all receipts at his approved plant within the delivery period of (1) milk from producers (including such handler's own production) and (2) other source milk which is classified as Class I.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order and the act provides that the administration of the order be financed through assessment against handlers. In view of the anticipated volume of milk on which the rate would apply it is concluded that a maximum rate of 4 cents per hundredweight is necessary at this time to guarantee sufficient administrative funds. In the event at a later date a lesser amount proves to be sufficient for proper administration provision is made to enable the Secretary to reduce the assessment accordingly.

(b) *Deductions for marketing services.* Provision should be made for the dissemination of market information to producers and for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. This provision, including the assessing of producers in payment thereof, is specifically authorized by the act. Six cents per hundredweight or such lesser rate as the Secretary may determine should be deducted by handlers from the payment to producers and turned over to the market administrator to finance such services. There was no opposition to the proposal for this maximum rate by producer groups. In the event any qualified cooperative association is determined to be performing such services for any producer, handlers should pay to the cooperative association such deductions as are authorized

by such producer in lieu of the payment to the market administrator.

(c) *Other administrative provisions.* The other provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of the market administrator, define his powers and duties, prescribe the information to be reported by handlers each month and the length of time that records must be retained. A plan for liquidation of the order in the event of its suspension or termination should be provided.

Producer-handlers should be exempt from the regulatory provisions of the order except that they should be required to file reports as requested by the market administrator. Since a producer-handler may change his status from time to time it is necessary that the market administrator have authority to require such reports as will enable him to verify the current status of a producer-handler and to supplement other market information.

The operator of an approved plant which is subject to the regulatory provisions of another milk marketing agreement or order issued pursuant to the act and which the Secretary determines disposes of a greater volume of its Class I milk in such other marketing area than in this marketing area should be partially exempt from the provisions of this order. It would be impractical to attempt to regulate a handler under two separate orders with respect to the same milk. It appears reasonable that the effective regulation should be that of the area in which such a handler makes the greater portion of his sales. In order to insure equity between handlers, such a handler should not be permitted to purchase milk for sale as Class I in either area at less than the price paid by regulated handlers of that area. Therefore, it should be provided that if the price such handler is required to pay for Class I milk under the other order to which he is subject is less than the price provided in the proposed order, he should pay to the producer-settlement fund an amount equal to the difference between the two prices on all Class I milk disposed of within the area.

A Dallas handler subject to Order No. 43 regularly sells on routes in San Antonio milk which is received at his plant in Dallas, 275 road miles from San Antonio. While no general scheme of adjustments to handlers based upon the location at which milk is received is necessary in view of current marketing conditions in San Antonio, nor does the record furnish a basis upon which such could be devised, it is appropriate that the location of approved plants subject to other orders be considered in the determination of payments to the producer-settlement fund. Tank truck movement of milk from Dallas to San Antonio costs about 60 cents per hundredweight. A witness for the aforementioned Dallas handler testified that this was the cost of such shipments.

Exception was taken to this rate by some interested parties on the ground that it was too high and by others on the ground that it was too low. Additional data on hauling cost submitted with such exceptions cannot be considered because it was not presented in evidence at the hearing and therefore opportunity for cross examination and rebuttal were not afforded. Had such data been available, however, it would not have presented sufficient grounds to justify changes in the attached marketing agreement and order. An appropriate Class I price for a fully regulated plant subject to the San Antonio order receiving milk in Dallas would appear to be the San Antonio price less approximately 60 cents. Accordingly an adjustment of this amount is provided for in the computation of payments to the producer settlement fund of the San Antonio order by any handler subject to another Federal order whose approved plant is located in the marketing area defined in Order No. 43. A handler partially exempt under these provisions should also be required to report to the market administrator regularly so that he may ascertain the amount of milk disposed of by such persons within the area.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

General findings. (a) The proposed marketing agreement and the order, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER OF THE SECRETARY DIRECTING THAT A REFERENDUM BE CONDUCTED; DETERMINATION OF A REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the San Antonio, Texas, marketing area) who, during the month of December 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order amending the order, which is filed herewith.

The month of December 1951 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is published in the FEDERAL REGISTER.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," and "Order Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order which will be published with this decision.

This decision filed at Washington, D. C., this 13th day of March 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area

Sec.
949.0 Findings and determinations.

DEFINITIONS

949.1 Act.
949.2 Secretary.
949.3 Person.
949.4 Cooperative association.
949.5 San Antonio, Texas, marketing area.
949.6 Approved plant.
949.7 Handler.
949.8 Producer.
949.9 Producer milk.
949.10 Other source milk.
949.11 Producer-handler.

MARKET ADMINISTRATOR

949.20 Designation.
949.21 Powers.
949.22 Duties.

REPORTS, RECORDS AND FACILITIES

949.30 Reports of receipts and utilization.
949.31 Reports of payments to producers.
949.32 Reports of producer-handlers.
949.33 Records and facilities.
949.34 Retention of records.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

CLASSIFICATION

Sec.
949.40 Skim milk and butterfat to be classified.
949.41 Classes of utilization.
949.42 Shrinkage.
949.43 Responsibility of handlers and reclassification of milk.
949.44 Transfers.
949.45 Computation of the skim milk and butterfat in each class.
949.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

949.50 Minimum prices.
949.51 Class I milk.
949.52 Formula index.
949.53 Class II milk.
949.54 Butterfat differentials to handlers.
949.55 Use of equivalent factors in formulas.

APPLICATION OF PROVISIONS

949.60 Producer-handlers.
949.61 Handlers subject to other orders.

DETERMINATION OF UNIFORM PRICES

949.70 Computation of value of milk.
949.71 Computation of uniform price for all milk.

PAYMENT FOR MILK

949.80 Time and method of payment.
949.81 Producer butterfat differential.
949.82 Producer-settlement fund.
949.83 Payments to the producer-settlement fund.
949.84 Payments out of the producer-settlement fund.
949.85 Adjustment of accounts.
949.86 Marketing services.
949.87 Payment of administration expense.
949.88 Termination of obligation.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

949.90 Effective time.
949.91 Suspension or termination.
949.92 Continuing obligations.
949.93 Liquidation.

MISCELLANEOUS PROVISIONS

949.100 Agents.
949.101 Separability of provisions.

AUTHORITY: §§ 949.1 through 949.101, issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 949.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and order, to regulate the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers as defined in this subpart are in the current of interstate commerce, or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the month of (i) Other source milk which is classified as Class I milk, and (ii) Milk from producers.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 949.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 949.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 949.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 949.4 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association (a) to have its entire activities under the control of its members, (b) to have full authority in the sale of milk of its members, and (c) to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

§ 949.5 *San Antonio, Texas, marketing area.* "San Antonio, Texas, marketing area" hereinafter called the "marketing area" means all the territory including all municipal corporations and all Federal military reservations, facilities and installations located within the boundaries of Bexar County, Texas.

§ 949.6 *Approved plant.* "Approved plant" means any milk plant (a) which is approved by the appropriate health authority of the marketing area for the processing of Grade A milk and from which Class I milk is delivered (including delivery by a vendor, or sale from a plant or plant store) in the marketing area other than to any milk processing plant, or (b) which is supplying Class I milk to a federal institution or base in the marketing area.

§ 949.7 *Handler.* "Handler" means a person in his capacity as an operator of an approved plant.

§ 949.8 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk received directly from the farm at an approved plant, which milk is (a) produced under a permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by the appropriate health authority having jurisdiction in the marketing area, or by another health authority whose certification is accepted by such health authority, or (b) is acceptable to an agency of the Federal Government for fluid consumption in its institutions or bases. This definition shall not include any such person with respect to milk received by a handler partially exempt from this subpart pursuant to § 949.61.

§ 949.9 *Producer milk.* "Producer milk" means any skim milk or butterfat contained in milk received directly by a handler from producers.

§ 949.10 *Other source milk.* "Other source milk" means all skim milk or butterfat other than that contained in producer milk, or in receipts from other handlers, except producer-handlers.

§ 949.11 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 949.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 949.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 949.22 *Duties.* The market administrator shall:

(a) Within 30 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 949.87 the cost of his bond and of the bonds of his employees, his own com-

pensation, and all other expenses (except those incurred under § 949.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts has not:

(1) Made reports pursuant to §§ 949.30 to 949.32, inclusive, or

(2) Made payments pursuant to §§ 949.80 to 949.87, inclusive.

(i) On or before the twelfth day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be assigned to each class in the proportion that the total milk in each class is of the total receipts of milk from producers by such handler.

(j) Notify handlers and make announcement by such other means as he deems appropriate of prices as follows:

(1) On or before the tenth day of each month the Class I price for such month computed pursuant to § 949.51 and the Class I butterfat differential computed pursuant to §949.54;

(2) On or before the fifth day of each month the Class II price for the preceding month computed pursuant to § 949.53 and the Class II butterfat differential computed pursuant to § 949.54; and

(3) On or before the twelfth day of each month for the preceding month the uniform price computed pursuant to § 949.71, and the butterfat differential to producers computed pursuant to § 949.81.

(k) Prepare and publish such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 949.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in (or represented by) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported by this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 949.31 *Reports of payments to producers.* On or before the 20th day after the end of each month, each handler who received milk from producers shall submit to the market administrator his producer payroll for the month, which shall show for each producer:

(a) His total deliveries of milk.

(b) The average butterfat content of such milk, and

(c) The net amount of such handler's payments to such producer with the prices, deductions and charges involved.

§ 949.32 *Reports of producer-handlers.* Producer-handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

§ 949.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat received from producers, other handlers and other sources;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 949.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 949.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 949.30 shall be classified by the market administrator pursuant to the provisions of §§ 949.41 to 949.46, inclusive.

§ 949.41 *Classes of utilization.* Subject to the conditions set forth in §§ 949.43 and 949.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk, and (2) all other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent of receipts from producers;

(4) In shrinkage of other source milk; and

(5) In inventory variations of milk, skim milk, cream, or any product specified in paragraph (a) of this section.

§ 949.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in receipts from producers and of other source milk.

§ 949.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of (whether in original or other form) as Class I milk.

§ 949.44 *Transfers.* Skim milk or butterfat transferred from an approved plant in the form of bulk milk, skim milk, or cream shall be classified:

(a) As Class I milk, if transferred to the approved plant of another handler (except a producer-handler), except as:

(1) Utilization as Class II milk is mutually reported in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transfer occurred;

(2) The amount of skim milk or butterfat so transferred does not exceed Class II utilization of skim milk or but-

terfat, respectively, in the plant of the transferee handler; and

(3) Classification as Class II milk permits allocation pursuant to § 949.46 to result in maximum total assignment of Class I utilization to producer milk.

(b) As Class I milk, if transferred to a producer-handler;

(c) As Class I milk, if transferred to any plant other than an approved plant, except as:

(1) The handler claims utilization as Class II milk;

(2) The operator of the unapproved plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and

(3) The Class I utilization of skim milk and butterfat respectively at such plant is less than the total of skim milk and butterfat so transferred plus receipts at such plant of skim milk and butterfat in milk from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in the markets supplied by it.

§ 949.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 949.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 949.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 949.41 (b) (3);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in other source milk received as bottled or packaged milk from a producer-handler and disposed of as Class I milk under the label of such producer-handler without further processing or packaging;

(3) Subtract from the remaining pounds of skim milk in series beginning from Class II the remaining pounds of skim milk in other source milk;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification determined pursuant to § 949.44 (a);

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content in Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 949.50 *Minimum prices.* Subject to the appropriate butterfat differential computed pursuant to § 949.54 each handler shall pay in the manner set forth in §§ 949.70 through 949.85 for milk received at his plant from producers at no less than the prices per hundredweight set forth in §§ 949.51 and 949.53.

§ 949.51 *Class I milk.* The Class I price shall be an amount calculated as follows:

(a) Multiply the formula index computed pursuant to § 949.52 by $5.99, and divide by 100.

(b) Adjust the price calculated pursuant to paragraph (a) of this section so that it does not exceed the price calculated pursuant to paragraph (d) of this section by less than $2.00 or more than $3.00.

(c) To the foregoing price add 3 cents for each percentage point which the utilization percentage calculated pursuant to paragraph (e) of this section is less than 100 or subtract 3 cents for each percentage point which such utilization percentage is more than 110 provided that in no case shall more than 60 cents be added to or subtracted from the price because of the provisions of this paragraph. The resulting amount rounded to the nearest full cent shall be the Class I price.

(d) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the preceding month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(e) The percentage calculated as follows shall be known as the utilization percentage:

Divide the total pounds of Class I milk during the first and second preceding months for all handlers except producer-handlers and those partially exempted from the provisions of this subpart pursuant to § 949.61 by the total pounds of producer milk for the same period. Round the result to the nearest whole percentage point.

§ 949.52 *Formula index.* Based on the latest data available on the 28th day of each month, or the first business day thereafter if the 28th is not a business day the market administrator shall calculate a formula index for the following month as follows:

(a) Divide the monthly wholesale price index for all commodities as announced by the Bureau of Labor Statistics, U. S. Department of Labor, by the average of such index for the years 1948 through 1950 and multiply by 100.

(b) Divide by 3.586 the average of the three latest monthly indexes of retail sales of non-durable goods as announced by the Department of Business of the University of Texas, Austin, Texas.

(c) Compute a labor-feed index as follows:

(1) Divide by 0.0485 the daily farm wage rate without board or room for the State of Texas as reported by the U. S. Department of Agriculture and multiply by 0.3;

(2) Divide by 0.03971 the average price paid per hundredweight for all mixed dairy feed in the State of Texas as reported by the U. S. Department of Agriculture and multiply by 0.7;

(3) Add together the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Add the amounts determined pursuant to paragraphs (a), (b), and (c) of this section, divide by 3 and round to the nearest one tenth.

§ 949.53 *Class II milk.* The price for Class II milk shall be determined according to the following computations:

(a) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0;

(b) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray process, f. o. b. manufacturing plants in the Chicago area as reported by the U. S. Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, subtract 5 cents, multiply by 8.16; and

(c) Add together the amounts computed pursuant to paragraphs (a) and (b) of this section.

§ 949.54 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 949.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to §§ 949.51 and 949.53 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying

the simple average, as computed by the market administrator, of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the appropriate month by the applicable factor listed below:

(a) *Class I milk.* Multiply such price for the preceding month by 0.125;

(b) *Class II milk.* Multiply such price for the current month by 0.120.

§ 949.55 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate, specified in this subpart for use in computing class prices and for other purposes is not reported or published in the manner described in this subpart, the market administrator shall use a price, index, or wage rate, determined by the Secretary to be equivalent to or comparable with the factor specified.

APPLICATION OF PROVISIONS

§ 949.60 *Producer-handlers.* Sections 949.40 through 949.46, 949.50 through 949.55, 949.70 through 949.73 and 949.80 through 949.88 shall not apply to a producer-handler.

§ 949.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to the total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) The handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) any amount by which the value of such skim milk or butterfat as computed pursuant to this subpart (subject to a deduction of 60 cents per hundredweight if the approved plant of such handler is located in the marketing area defined in Federal Order No. 43 as the North Texas marketing area) exceeds its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICES

§ 949.70 *Computation of value of milk.* The value of milk received from producers during each month by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class price, adding together the resulting amounts and adding the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price.

§ 949.71 *Computation of uniform price for all milk.* For each month the market administrator shall compute the uniform price for all milk received from producers as follows:

(a) Combine into one total the amounts computed pursuant to § 949.70 for all handlers who made the reports prescribed in § 949.30 and who made the payments required pursuant to §§ 949.80 and 949.83 for the preceding delivery period;

(b) Add an amount representing not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of all milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which such average butterfat content varies from 4.0 percent by the butterfat differential computed pursuant to § 949.81 and multiply the resulting amount by the hundredweight of such milk;

(d) Divide by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers.

PAYMENT FOR MILK

§ 949.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the last day of each month to each producer for milk received during the first 15 days of such month at not less than the price per hundredweight for Class II milk for the preceding month.

(b) On or before the 15th day after the end of the month during which the milk was received, to each producer at not less than the uniform price per hundredweight computed for such month pursuant to § 949.71 subject to the butterfat differential pursuant to § 949.81 and less payment made pursuant to paragraph (a) of this section: *Provided,* That if by such date such handler has not received full payment pursuant to § 949.83, he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(c) In making the payments to producers pursuant to paragraph (b) of this section each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to such producer.

§ 949.81 *Producer butterfat differential.* In making payments pursuant to § 949.80 there shall be added to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or there may be deducted from the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply by 1.2 the simple average computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, divide the result by 10 and round to the nearest one-tenth of a cent.

§ 949.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 949.61, 949.83 and 949.85, and out of which he shall make all payments pursuant to §§ 949.84 and 949.85.

§ 949.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount of money owed pursuant to § 949.61 (b) or the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 949.70 is greater than the amount required to be paid producers by such handler pursuant to § 949.80.

§ 949.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 949.70 is less than the amount required to be paid producers by such handler pursuant to § 949.80.

§ 949.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify

such handler of any amount so due and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 949.86 *Marketing services*—(a) *Marketing service deduction.* Except as set forth in paragraph (b) of this section each handler, in making payments to producers (other than himself) shall make a deduction of six cents per hundredweight of milk or such lesser deduction as the Secretary from time to time may prescribe. Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for verification of weights and tests of milk received from such producers and in providing market information to such producers.

(b) *Marketing service deduction with respect to producers who are members of or are marketing through a cooperative association.* In the case of each producer who is a member of, or who has given written authorization for the rendering of marketing services and the taking of a deduction therefor to a cooperative association, which the Secretary has determined is performing the services described in paragraph (a) of this section, such handler, in lieu of the deduction specified under paragraph (a) of this section, shall deduct from the payments to such producer the amount per hundredweight specified by such association which is not in excess of the rate authorized by such producer and shall pay such deduction to the cooperative association entitled to receive it on or before the 15th day after the end of the month during which such milk was received.

§ 949.87 *Payment of administration expense.* As his pro rata share of the expense of administration of this subpart each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all receipts within the month of (a) milk from producers and (b) other source milk classified as Class I milk.

§ 949.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 949.90 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 949.91.

§ 949.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 949.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 949.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 949.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 949.101 *Separability of provisions.* If any provisions of this subpart, or its application to any person or circumstances, is held invalid, the applications of such provisions and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

[F. R. Doc. 52-3124; Filed, Mar. 17, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

TRANSFER OF LAND TO THE GOVERNMENT OF GUAM

Whereas paragraph numbered 2 of Executive Order No. 10178, dated October 30, 1950 (15 F. R. 7313) reserved to the United States and transferred to the administrative supervision of the Secretary of the Interior "all of those lands which have been selected by the Secretary of the Navy for transfer or sale pursuant to the act of November 15, 1945, 59 Stat. 584, to persons in replacement of lands acquired for military or naval purposes in Guam, a list and description of such lands being on file in the Department of the Navy," and made such lands available for disposition by the Secretary in his discretion under section 28 (c) of the Organic Act of Guam (64 Stat. 392; 48 U. S. C., 1946 ed., Sup. IV, sec. 1421f); and

Whereas section 40 of Public Law 33 of the First Guam Congress, approved August 29, 1951, the Public Lands Act, directs that the following priorities shall be observed with respect to the sale or lease of Government real property for residential or agricultural purposes: "First, persons who have had all their land acquired by the United States, the Naval government of Guam, or the government of Guam, and who have owned no other land since January 1, 1946; second, persons who have had a substantial portion of their land acquired by the United States, the Naval government of Guam, or the government of Guam, since July 1, 1944, the remaining portion whose land is not adequate or sufficient for reasonable agricultural or residential purposes."; and

Whereas the objectives of the Guam rehabilitation and resettlement program may best be realized by placing administrative responsibility for the implementation of this program in the government of Guam, to be carried out in accordance with the priorities established in section 40 of Public Law 33 of the First Guam Congress; and

Whereas Article 8 of Public Law 33 of the First Guam Congress would make the vacant and unreserved public lands of Guam available for homesteads; and

Whereas it is another primary objective of the Department of the Interior that in the interests of the people of Guam the public lands of Guam shall be available for designation by the government of Guam for conservation, recreational and other public purposes;

Now therefore, pursuant to the authority vested in the Secretary of the Interior by Executive Order No. 10178 and under section 28 (c) of the Organic Act of Guam, for the consideration of one dollar ($1), there is hereby conveyed to the government of Guam title to all of the lands reserved to the United States and transferred to the administrative supervision of the Secretary of the Interior by Executive Order No. 10178, it being expressly stipulated that if the Government of Guam, without the prior approval of the Secretary of the Interior, sells, leases or otherwise disposes of any parcel or parcels of said lands for other than (1) the purposes of the Guam rehabilitation and resettlement program in accordance with section 40 of Public Law 33 of the First Guam Congress, and (2) the homestead program in accordance with Article 8 of Public Law 33, title to such parcel or parcels of land shall automatically revert to the United States.

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 26, 1952.

[F. R. Doc. 52-3064; Filed, Mar. 17, 1952; 8:45 a. m.]

Bureau of Land Management

ALASKA

TRANSFER OF JURISDICTION OF INTEREST

MARCH 10, 1952.

By virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629, 48 U. S. C. 486e), and pursuant to section 2.56 of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Jurisdiction of interest in and to all of Blocks 33C and 33D in the East Addition to Anchorage Townsite, Alaska, shown on the Supplemental Plat approved August 30, 1941, is hereby transferred to the Office of Territories, Department of the Interior, and any subsequent conveyance which may be made of the lands to a public body under authority of the act of August 24, 1949, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States (1) all fissionable source materials in the land, together with the right of the United States to enter upon the land and prospect for, mine and remove such materials in accordance with the act of August 1, 1946 (60 Stat. 755; 43 U. S. C. 1801), (2) all oil and gas and other mineral deposits in the lands, together with the rights of the United States, its agents, representatives, lessees or permittees, to prospect for, mine and remove the same under such regulations as the Secretary may prescribe, (3) a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 305), and (4) such other reservations, covenants, terms, and conditions as may be deemed proper by the Office of Territories, as well as those which may be required for the protection of the Department of the Interior or any agency thereof.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-3063; Filed, Mar. 17, 1952; 8:45 a. m.]

ALASKA

SHORESPACE RESTORATION NO. 474

MARCH 11, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to § 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), it is hereby determined that the lands described below are not necessary for harborage uses and purposes and that no shorespace reserve in such lands shall now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), by the initiation of claims under the public land laws:

All unsurveyed lands abutting or lying within 80 rods of the right limit of the Tanana River, which when surveyed will lie within the following described sections:

FAIRBANKS MERIDIAN

T. 7 S., R. 8 E.
Sections 34 and 35.

HAROLD T. JORGENSON,
Chief, Division of Land Planning.

[F. R. Doc. 52-3100; Filed, Mar. 17, 1952; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

DETERMINATION WITH RESPECT TO NUMBER OF NOMINEES WHICH MAY BE NOMINATED BY COOPERATIVE MARKETING ASSOCIATIONS AND NUMBER OF HANDLER MEMBER NOMINEES WHICH MAY BE NOMINATED BY LARGE, MEDIUM AND SMALL INDEPENDENT HANDLERS, RESPECTIVELY, AS MEMBERS OF PRUNE ADMINISTRATIVE COMMITTEE IN 1952 ELECTION YEAR

It is provided in § 993.28 (a) (2) of Marketing Agreement No. 110, as amended, and Marketing Order No. 93, as amended (16 F. R. 8437), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), that: (1) Prior to March 1 of each election year, the committee shall report to the Secretary the

total tonnage of prunes handled by all handlers as the first handlers thereof and the total tonnage of prunes handled by cooperative marketing associations as the first handlers thereof during the crop year preceding such election year; (2) prior to March 15 of each election year, the Secretary shall determine and announce the number of producer member nominees and producer alternate member nominees which shall be nominated by cooperative marketing associations handling prunes on behalf of their members; and (3) such number of nominees shall bear, as far as practicable, the same percentage compared to the total of 14 producer members and their alternates as the prune tonnage handled by cooperative marketing associations as the first handlers thereof bears to the total tonnage handled by all handlers as the first handlers thereof during the crop year preceding such election year.

It is provided in § 993.28 (b) of said marketing agreement and order that: (1) Prior to March 15 of each election year the Secretary shall determine and announce the number of handler member nominees and handler alternate member nominees which shall be nominated by cooperative marketing associations handling prunes, on the same basis as his determination of the number of cooperative producer nominees, as set forth in paragraph (a) of such section; (2) at the same time he shall determine and announce, for those handlers who are not cooperative marketing associations (referred to as "independent handlers"), the number of handler member nominees and handler alternate member nominees to be nominated by large handlers, the number to be nominated by medium handlers, and the number to be nominated by small handlers; and (3) large handlers shall be deemed to be those who during the preceding crop year individually handled as the first handlers thereof, 17 or more percent of the total tonnage handled by independent handlers as the first handlers thereof; medium handlers, those who during the preceding crop year individually handled as the first handlers thereof, 8 or more percent but less than 17 percent of the total tonnage handled by independent handlers as the first handlers thereof; and small handlers, those who during the preceding crop year individually handled as the first handlers thereof, less than 8 percent of the total tonnage handled by independent handlers as the first handlers thereof.

It is further provided in said § 993.28 (b) that the Secretary shall, in his discretion and insofar as it is possible to do so, apportion 40 percent of the independent handler nominees to large handlers, 20 percent of the independent handler nominees to medium handlers, and 40 percent of the independent handler nominees to small handlers, but in the event that these proportions cannot be followed, there shall be at least one independent handler member nominee and handler alternate member nominee apportioned to each of the three classes of independent handlers, and the nominees for any remaining member positions, including the respective alternates, shall be apportioned to the size class or classes as determined at a general meeting of independent handlers which shall be called for that purpose by the committee, such determination to be made on the basis of a majority vote of all independent handlers who are present at such meeting and participate in the voting, and on the further basis of one vote for each such handler in each balloting.

Pursuant to the aforesaid provisions and on the basis of available information, it is hereby determined and announced that: (1) Cooperative marketing associations handling prunes on behalf of their members shall nominate, pursuant to § 993.28 (a) (2) of the aforesaid marketing agreement and order, five producer member nominees and five producer alternate member nominees and, pursuant to § 993.28 (b) of the aforesaid marketing agreement and order, three handler member nominees and three handler alternate member nominees; (2) each of the three respective classes of independent handlers, large, medium, and small, as defined in the aforesaid § 993.28 (b) shall nominate, pursuant to the provisions of that section, one handler member nominee and one handler alternate member nominee; and (3) independent handlers, in a meeting called for that purpose by the committee, shall determine, pursuant to the applicable provisions of the aforesaid § 993.28 (b), the size class to which one handler member nominee and one handler alternate member nominee shall be apportioned.

It is hereby found that it is impracticable and unnecessary to give preliminary notice, engage in public rule-making and postpone the determination and announcement of the number of member and alternate member nominees to be nominated by cooperative marketing associations handling prunes on behalf of their members and the number of handler member nominees and handler alternate member nominees to be nominated by large, medium, and small independent handlers, respectively, until 30 days after publication thereof in the FEDERAL REGISTER because: (1) The determinations are the result of mathematical computations based upon the tonnages handled by all handlers and by each cooperative marketing association, as already reported to the Prune Administrative Committee by each individual handler; (2) these determinations and this announcement are required to be made by March 15, 1952; (3) the names of the nominees must be submitted to the Secretary of Agriculture before March 31, 1952; and (4) compliance with these determinations will not require any special preparation on the part of interested parties, and a reasonable time is permitted, in the circumstances, for such compliance.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c; 7 CFR, §§ 993.28 (a) and (b))

Done at Washington, D. C., this 13th day of March 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-3125; Filed, Mar. 17, 1952; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5124 et al.]

NEW ENGLAND-SOUTHERN STATES MERGER INVESTIGATION

CORRECTION TO NOTICE OF HEARING

Reference is hereby made to the "Notice of Hearing" given in the above-entitled proceeding under the date of March 6, 1952, setting the public hearings in this case for "April 15, 1952".

On the second page of the notice it is stated that any person not party of record who desires to be heard in this proceeding must file with the Board "on or before May 15, 1952, a statement setting forth the matters of fact or law which he desires to advance." This latter date is an inadvertent error and it is hereby changed to "April 15, 1952".

Dated at Washington, D. C., March 12, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-3102; Filed, Mar. 17, 1952; 8:49 a. m.]

[Docket No. 5209]

AMERCAN AIR TRANSPORT AND FLIGHT SCHOOL, INC.

NOTICE OF ADVANCEMENT OF HEARING

In the matter of the revocation of Letter of Registration No. 4, issued to American Air Transport and Flight School, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding now assigned to be held on March 19, 1952, is advanced to March 18, 1952, at the request of Respondent, at 10:00 a. m., e. s. t., in Room 4823, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., March 13, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-3104; Filed, Mar. 17, 1952; 8:49 a. m.]

[Docket No. 5250]

AMERICAN AIRLINES, INC., ET AL.; DIRECTIONAL FREIGHT RATES

NOTICE OF HEARING

In the matter of the reduced rates proposed by various air carriers for the transportation of certain commodities from California and Texas points to Minneapolis, Minn., and points east thereof.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 403, 404 and 1002 of said act that a hear-

ing in the above-entitled proceeding is assigned to be held on March 25, 1952, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the application, particular attention will be directed to the following matters and questions:

1. Is the classification of the commodities specified in the suspended tariff unjust or unreasonable?

Incidental to this main issue are the following:

(a) Are the commodities sufficiently specific?

(b) Do these commodities move in substantial quantities in eastbound and westbound directions at present rates?

(c) Will directional minimum rates increase gross revenues from these commodities?

Notice is further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board on or before March 25, 1952, a statement setting forth the pertinent issues of fact or law which he desires to controvert.

For further details as to the issues involved in this proceeding, reference is made to the Board's order of investigation, Serial No. E–6037, to the complaint filed, to the reply to that complaint, to the Examiner's prehearing conference report, and to all other matters of record in said proceeding.

Dated at Washington, D. C., March 12, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52–3103; Filed, Mar. 17, 1952; 8:49 a. m.]

[Docket No. SA–255]

ACCIDENT OCCURRING AT SANDSPIT, BRITISH COLUMBIA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 45342, which occurred at Sandspit, British Columbia, on January 19, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, April 2, at 9:00 a. m. (local time) in the Custom Courtroom No. 117, Court House, Federal Office Building, First and Madison Streets, Seattle, Washington.

Dated at Washington, D. C., March 11, 1952.

[SEAL] EVERETT S. BOSWORTH,
Presiding Officer.

[F. R. Doc. 52–3091; Filed, Mar. 17, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1277]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF PETITION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 12, 1952.

Take notice that Transcontinental Gas Pipe Line Corporation (Transcontinental), a Delaware corporation having its principal place of business at Houston, Texas, filed on March 3, 1952, a "Petition for Amendment of Order Issuing Certificate of Public Convenience and Necessity", by which it requests the Commission to amend its order issued April 28, 1950, accompanying Opinion No. 191, issuing a certificate of public convenience and necessity in the proceeding in Docket No. G–1277.

The Commission by its order issued April 28, 1950, accompanying Opinion No. 191 in Docket No. G–1277 authorized Transcontinental to sell and deliver to Elizabethtown Consolidated Gas Company up to 12,000 Mcf of natural gas per day and to sell and deliver to Perth Amboy Gas Light Company up to 3,000 Mcf of natural gas per day.

Pursuant to an "Agreement of Merger" between Elizabethtown Consolidated Gas Company and Perth Amboy Gas Light Company, dated as of March 14, 1950, and filed with the Secretary of State of New Jersey and made effective on May 31, 1950, said companies were merged and consolidated into a single corporation, namely, Elizabethtown Consolidated Gas Company.

By agreement dated January 4, 1951, Transcontinental agreed to sell and deliver to Elizabethtown Consolidated Gas Company the quantities of natural gas (up to 3,000 Mcf per day) which Transcontinental had been authorized to sell and deliver to Perth Amboy Gas Light Company in addition to the quantities of natural gas (up to 12,000 Mcf per day) which Transcontinental had been authorized to sell and deliver to Elizabethtown Consolidated Gas Company.

Transcontinental by its petition herein referred to requests paragraph (6) (i) of the Commission's order issued April 28, 1950, be amended by substituting the figure of 15,000 Mcf per day opposite the name of Elizabethtown Consolidated Gas Company and by striking Perth Amboy Gas Light Company and the figure 3,000 Mcf per day, relating to said Perth Amboy Gas Light Company. By said petition Transcontinental further requests that paragraph (B) of said order be amended to reflect its proposed amendment to paragraph (6) (i).

The petition is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of April 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3080; Filed, Mar. 17, 1952; 8:47 a. m.]

[Docket No. G–1864]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 11, 1952.

On December 26, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at El Paso, Texas, filed an application as supplemented on January 29, 1952, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 17, 1952 (17 F. R. 536).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 1, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3065; Filed, Mar. 17, 1952; 8:45 a. m.]

[Docket No. G–1868]

CITIZENS GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 11, 1952.

On September 10, 1951, the Commission issued a certificate of public convenience and necessity to the Texas Illinois Natural Gas Pipeline Company (Texas Illinois) in Docket No. G–1669, authorizing Texas Illinois to sell and de-

liver natural gas to Citizens Gas Company (Citizens) for distribution and sale in the communities of Bement and Lovington, Illinois. The order of September 10, 1951, issuing the aforementioned certificate of Texas Illinois, contained the following condition:

This authorization is conditioned, as to each sale to a company, upon such company obtaining a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, or establishing that such certificate is not required.

Pursuant thereto, on December 29, 1951, Citizens, an Illinois corporation having its principal place of business at Tuscola, Illinois, filed an application for an order disclaiming jurisdiction.

Citizens states in its application that it proposes to construct and operate a 4-inch pipeline extending from a point of connection with the natural-gas pipeline of Texas Illinois to the corporate limits of the town of Bement, a distance of approximately 13,200 feet. Citizens states that it may render natural-gas service to six customers from this line.

Citizens also proposes to construct and operate a 4-inch pipeline extending from a point of connection with the natural-gas pipeline of Texas Illinois to the corporate limits of the town of Lovington, Illinois, a distance of approximately 1,000 feet. Citizens states that it may render natural-gas service to one customer from this line.

At each of the aforesaid points of connection with the Texas Illinois pipeline, Citizens proposes to construct and operate a "town-border station", wherein the pressure of the natural-gas will be reduced to 25 p. s. i. a.

Due notice of the filing of such application has been given, including publication in the FEDERAL REGISTER on January 17, 1952 (17 F. R. 537).

On January 11, 1952, the Illinois Commerce Commission filed a notice of intervention under § 1.8 (a) (1) of the rules of practice and procedure of the Federal Power Commission.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on April 4, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3066; Filed, Mar. 17, 1952; 8:45 a. m.]

[Docket No. G-1898]

TEXAS NORTHERN GAS CORP.

NOTICE OF APPLICATION

MARCH 12, 1952.

Take notice that on February 27, 1952, Texas Northern Gas Corporation (Applicant), a Delaware corporation with its principal place of business in Lake Charles, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transcontinental). Said application was amended by a further filing on March 4, 1952.

Applicant seeks authority to sell to Transcontinental not less than 10,000 Mcf per day nor in excess of 45,000 Mcf of natural gas per day pursuant to an agreement of January 31, 1952, commencing March 1, 1952, and continuing from month-to-month thereafter until cancelled by either party upon thirty days' notice. The application recites that Texas Northern was formed primarily to purchase gas from producers in south Louisiana and to resell such gas to its parent, Texas Gas Transmission Corporation (Texas Gas), for the purpose of supplying part of the additional gas which Texas Gas needed in connection with the expansion of its facilities proposed at Docket No. G-1578; and that pursuant to such purpose Applicant entered into purchase contracts under which it is obligated to take or pay for a minimum of 33,885 Mcf of gas per day. It is stated that a result of the limited authorization granted to Texas Gas as a result of the proceedings at Docket No. G-1578, Applicant was unable to sell to Texas Gas during the year 1951 the minimum volume of gas which Texas Northern was required to take or pay for under its gas purchase contracts. It is also estimated that Texas Gas unless and until additional facilities are authorized and constructed as applied for in its application at Docket No. G-1847 will be unable during 1952 to purchase from Applicant the minimum which Applicant is obligated to take under its contracts. The proposed sale of gas to Transcontinental is intended to enable Applicant to sell these volumes which it might otherwise have to pay for even though not taken in 1952.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3081; Filed, Mar. 17, 1952; 8:47 a. m.]

[Docket No. G-1900]

ARKANSAS-MISSOURI POWER CO.

NOTICE OF APPLICATION

MARCH 11, 1952.

Take notice that Arkansas-Missouri Power Company (Applicant), an Arkansas corporation, address, Blytheville, Arkansas, filed on February 29, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport natural gas for sale and distribution in the following Missouri communities: St. Francis, Piggott, Greenway, Rector, Monette, Blytheville, Leachville, Manila, Dell, Luxora, Osceola, Wilson and Evadale. all in Arkansas, and Hayti, Steele, Caruthersville, Holland, and Campbell. For such purpose, Applicant proposes to construct and operate natural-gas transmission lines and related facilities extending from two separate points of connection with a 10¾ inch lateral pipeline owned by Texas Eastern Transmission Corporation (Texas Eastern) and consisting of approximately 140 miles of pipe ranging in size from 10¾ inch to 2⅜ inch. One of Applicant's proposed lines will lie wholly within the State of Arkansas and the other will cross from Missouri into Arkansas at a point north of Blytheville, Arkansas, and will extend southerly to Evadale, Arkansas. By means of said facilities Applicant proposes to transport approximately 6,308 Mcf per day of natural gas authorized to be served to Applicant by Texas Eastern under Opinion No. 206 and accompanying order in Docket No. G-1012, issued by the Commission on February 27, 1951. Applicant states that the proposed facilities have been designed to provide capacity for somewhat more gas than the 6,308 Mcf per day allocated to it in said Docket No. G-1012. Applicant has intervened in the proceedings at Docket No. G-1693, "In the matter of Texas Eastern Transmission Corporation" seeking a further allotment of approximately 5,100 Mcf per day of natural gas to supplement the 6,308 Mcf hereinbefore referred to.

The estimated cost of the proposed facilities is $2,050,769 to which Applicant proposes to add for cost of distribution, general plant and cash working capital $1,760,332, making a total investment of $3,811,101 in the first year of operation. Applicant proposes to finance the construction of said facilities with temporary bank loans, to be repaid by a bond issue, issuance of Preferred Stock and Common Stock, upon the completion of the facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3082; Filed, Mar. 17, 1952; 8:47 a. m.]

[Docket No. G–1902]

LOPENO GAS CO.

NOTICE OF APPLICATION

MARCH 12, 1952.

Take notice that on March 3, 1952, Lopeno Gas Company (Applicant), a Texas corporation, address, Dallas, Texas, filed an application for a permit pursuant to the provisions of section 3 of the Natural Gas Act, authorizing the importation of natural gas from Mexico into the United States for sale to United Gas Corporation for resale in the village of Roma, Starr County, Texas.

Applicant presently sells gas produced in the Lopeno Gas Field to United Gas Corporation and transports such gas by means of a transmission line extending from the Lopeno Field to Roma, Texas. Applicant also exports natural gas to Compania Mexicana de Gas, S. A. pursuant to an order of the Commission issued on December 13, 1950, in Docket No. G–1462. Applicant states that Compania Mexicana de Gas S. A. has advised Applicant that it will hereafter purchase all of its requirements in the Republic of Mexico, and that loss of such sale to Compania Mexicana de Gas, S. A. will render unprofitable the operation of Applicant's line from the Lopeno Field to Roma. Applicant now desires to discontinue the operation of said line and to supply the requirements of the village of Roma by importing gas from the distributor who now supplies gas to the town of San Pedro de Roma which is situated in Mexico immediately across the international boundary from Roma, Texas. Applicant states that is has contracted with German Barrera, said distributor, to purchase its requirements to supply the needs of the consumers of the village of Roma, Texas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3083; Filed, Mar. 17, 1952; 8:47 a. m.]

[Docket No. G–1903]

LOPENO GAS CO.

NOTICE OF APPLICATION

MARCH 12, 1952.

Take notice that on March 3, 1952, Lopeno Gas Company (Applicant), a Texas corporation, address, Dallas, Texas, filed an application for a Presidential Permit pursuant to Executive Order No. 8202, dated July 13, 1939, authorizing the construction, operation, maintenance and connection at the borders of the United States of facilities for the importation of natural gas from the Republic of Mexico into the United States.

Applicant states that it has heretofore been exporting natural gas to Mexico through the facilities which it proposes to utilize for the importation of natural gas pursuant to two Presidential Permits dated November 1, 1928, and January 11, 1935. The gas heretofore exported by Applicant has been sold to Compania Mexicana de Gas, S. A., which has notified Applicant of its intention hereafter to supply its requirements from sources within Mexico. Applicant's only other customer is United Gas Corporation to which approximately 500 Mcf per month of natural gas has been sold for distribution in the town of Roma, Starr County, Texas. Applicant states that the loss of sales to Compania Mexicana de Gas, S. A. will render unprofitable the operation of Applicant's gas transmission line within the United States, and that it now desires to supply the requirements of the town of Roma by importing gas from Mexico through the facilities heretofore used to export gas as hereinbefore described.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3084; Filed, Mar. 17, 1952; 8:47 a. m.]

[Project No. 675]

UTAH POWER & LIGHT CO.

NOTICE OF APPLICATION FOR LICENSE

MARCH 12, 1952.

Public notice is hereby given that Utah Power & Light Company, of Salt Lake City, Utah, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for a new license for constructed waterpower Project No. 675 located on Battle Creek in Utah County, Utah, and consisting of a diversion dam and intake located on Battle Creek; a diversion dam and intake located on Blue Cliffs Creek; a wood stave pipeline 24 inches in diameter and about two miles long; a small forebay reservoir; a steel penstock about one mile long; a powerhouse containing one Pelton impulse turbine connected to a generator with a capacity of 2,400 kilowatts; a tailrace about 800 feet long; electrical facilities connecting the plant to the applicant's transmission system; and appurtenant project facilities.

Any protect against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before April 24, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3085; Filed, Mar. 17, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26885]

ROOFING GRANULES FROM LITTLE ROCK, ARK., TO MARRERO, LA.

APPLICATION FOR RELIEF

MARCH 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for The Kansas City Southern Railway Company and other carriers.

Commodities involved: Roofing granules (crushed brick, burnt clay, crushed slate, crushed rock, and crushed stone), carloads.

From: Little Rock, Ark.

To: Marrero, La.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3736, Supp. 187.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52–3078; Filed, Mar. 17, 1952; 8:47 a. m.]

[4th Sec. Application 26886]

ALCOHOLS FROM LONGVIEW, TEX., TO HOLSTON, TENN.

APPLICATION FOR RELIEF

MARCH 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Gulf, Colorado and Santa Fe Railway Company and other carriers.

Commodities involved: Isobutyraldehyde, butyraldehyde, butyl alcohol, ethyl alcohol, and other alcohols, carloads.

From: Longview, Tex.

To: Holston, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3721, Supp. 211.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3079; Filed, Mar. 17, 1952; 8:47 a. m.]

[Docket No. G-1902]

[4th Sec. Application 26884]

BRICK AND RELATED ARTICLES FROM MEXICO, MO., TO JACKSONVILLE, ILL.

APPLICATION FOR RELIEF

MARCH 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Burlington & Quincy Railroad Company.

Commodities involved: Brick and related articles, carloads.

From: Mexico, Mo.

To: Jacksonville, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: CB&Q RR. tariff I. C. C. No. 20335, Supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3034; Filed, Mar. 14, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2780]

GENERAL PUBLIC UTILITIES CORP. AND METROPOLITAN EDISON CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION HERETOFORE RESERVED WITH RESPECT TO RESULTS OF COMPETITIVE BIDDING, AND LEGAL AND ACCOUNTING FEES

MARCH 12, 1952.

Metropolitan Edison Company ("Meted"), a public utility subsidiary of General Public Utilities Corporation, a registered holding company, having filed, inter alia, an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-50 thereunder, regarding the issue and sale at competitive bidding of $7,800,000 principal amount of First Mortgage Bonds, ____ Percent Series due 1982 ("New Bonds"), and 40,000 additional shares of Preferred Stock, ____ Percent Series, of the par value of $100 per share ("New Preferred Stock"), the price to be not less than 100 percent nor more than 102¾ percent of the principal amount or par value thereof; and

The Commission having by order dated February 25, 1952, approved said application as amended, subject to the condition that neither the sale of the New Bonds nor the sale of the New Preferred Stock should be consummated until the results of competitive bidding pursuant to Rule U-50 should have been made a matter of record in this proceeding and a further order should have been entered by the Commission in the light of the record so completed; and subject to the reservation of jurisdiction with respect to all fees for legal and accounting services incurred or to be incurred in said transactions; and

Meted having, on March 12, 1952, filed a further amendment to its application setting forth the action taken by it to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids with respect to the New Bonds, the following bids were received:

Bidder	Annual interest rate, percent	Price to company,[1] percent of principal	Annual cost to company, percent
Halsey, Stuart & Co. Inc.	3¼	100.5090	3.2234
Harriman Ripley & Co., Inc., Union Securities Corp.	3¼	100.3200	3.2332
Kuhn, Loeb & Co.	3¼	100.3190	3.2333
White, Weld & Co.	3¼	100.2659	3.2361
Kidder, Peabody & Co., Drexel & Co.	3¼	100.1900	3.2401
The First Boston Corp.	3¼	100.1399	3.2427

[1] Exclusive of accrued interest from March 1, 1952.

The amendment further stating that Meted has accepted the bid of Halsey, Stuart & Co., Inc. for the New Bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 100.959 percent of their principal amount, plus accrued interest from March 1, 1952, resulting in an underwriter's spread of 0.45 percent of the principal amount of the bonds, or an aggregate of $35,100; and

The amendment also stating that, pursuant to the invitation for competitive bids with respect to the New Preferred Stock, the following bids were received:

Bidder	Annual dividend rate, dollars per share	Price to company, dollars per share	Annual cost to company, percent
Smith, Barney & Co., Goldman, Sachs & Co.	4.45	100.150	4.4433
Salomon Bros. & Hutzler	4.45	100.037	4.4434
Harriman Ripley & Co., Inc., Union Securities Corp.	4.50	100.650	4.4709
Kidder, Peabody & Co., Drexel & Co.	4.50	100.159	4.4929
The First Boston Corp.	4.55	100.156	4.5129

The amendment further stating that Meted has accepted the bid of Smith, Barney & Co. and Goldman, Sachs & Co. for the New Preferred Stock, as set forth above, and that the preferred stock will be offered for sale to the public at a price of $102.25 per share (plus accrued dividends from date of original issue), resulting in an underwriter's spread of 2.10 percent of the par value of said stock, or an aggregate of $84,000; and

The record having been amended and completed with respect to the legal and accounting fees incurred in said transactions, as follows: (1) to be paid by Meted—Harold J. Ryan, general counsel, $10,000; Berlack & Israels, special counsel, $3,000; Lybrand, Ross Bros. & Montgomery, accountants, $3,300; (2) to be paid by the successful bidders—Beekman & Bogue, independent counsel to the underwriters, $9,000 (of which $6,000 is allocated to the Bonds and $3,000 to the Preferred Stock); and

The Commission having examined said amendments and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the New Bonds, the interest rate thereon, the redemption prices thereof, or the underwriter's spread; and the Commission likewise finding no basis for imposing terms and conditions with respect to the price to be received for the New Preferred Stock, the dividend rate thereon, the redemption provisions, or the underwriter's spread; and the Commission also finding that the legal and accounting fees incurred in said transactions are not unreasonable; and it appearing to the Commission that the jurisdiction heretofore reserved over the transactions until the results of competitive bidding should be made a matter of record in this proceeding, and over all fees for legal and accounting services, should be released:

It is ordered, That the jurisdiction heretofore reserved over said transactions until the results of competitive bidding should be made a matter of record in this proceeding be, and the same hereby is, released; and that said application as further amended be, and the same hereby is, granted, subject to the provisions of Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over the payment of all fees for legal and accounting services herein be, and the same hereby is, released.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3070; Filed, Mar. 17, 1952; 8:46 a. m.]

[File No. 70-2793]

OHIO EDISON CO.

SUPPLEMENTAL ORDER CONCERNING ISSUANCE AND SALE OF PREFERRED STOCK

MARCH 12, 1952.

Ohio Edison Company ("Ohio Edison"), a registered holding company and a public utility company, having filed a declaration, and amendments thereto, with respect to the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of 150,000 shares of a new series of $100 par value preferred stock; and

The Commission by order dated March 4, 1952, having permitted said declaration, as amended, to become effective, except that the issuance and sale of said preferred stock were not to be consummated until the results of competitive bidding, pursuant to Rule U-50, were made a matter of record in this proceeding and a further order issued, for which purpose jurisdiction was expressly reserved; and

Jurisdiction also having been reserved in respect of all fees and expenses incurred or to be incurred in connection with the proposed transaction; and

A further amendment to the declaration having been filed in which it is stated that in accordance with the Commission's order dated March 4, 1952, said preferred stock was offered for sale pursuant to the competitive bidding requirements of Rule U-50 and the following bids were received:

Bidding group headed by	Annual dividend rate, percent	Price to company, dollars per share	Annual cost to company, percent
The First Boston Corp.; Lehman Bros.; Bear, Stearns & Co	4.56	100.155	4.5529
W. C. Langley & Co.; Glore, Forgan & Co., White, Weld & Co	4.60	100.80	4.5635
Morgan Stanley & Co	4.60	100.34	4.5844

Said amendment having further stated that Ohio Edison has accepted the bid of The First Boston Corporation; Lehman Brothers; Bear, Stearns & Co. for the preferred stock as set forth above and that the preferred stock will be offered for sale to the public at a price of $102.375 per share, resulting in an underwriters' spread of $2.22 per share, aggregating $333,000; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing any terms or conditions with respect to the price and spread of said preferred stock:

It is ordered, That the declaration, as further amended, be, and hereby is, permitted to become effective forthwith subject to the provisions of Rule U-24, and that the jurisdiction heretofore reserved over the issuance and sale of the preferred stock with respect to the results of competitive bidding be, and the same hereby is, released.

It is further ordered, That jurisdiction heretofore reserved herein over all fees and expenses be, and hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3069; Filed, Mar. 17, 1952; 8:46 a. m.]

[File No. 70-2816]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF VIRGINIA

NOTICE REGARDING ISSUANCE AND SALE OF PROMISSORY NOTES AND COMMON STOCK BY SUBSIDIARY COMPANY AND ACQUISITION OF SUCH SECURITIES BY ITS PARENT COMPANY

MARCH 12, 1952.

Notice is hereby given that Delaware Power & Light Company ("Delaware"), a registered holding company, and its wholly owned subsidiary, Eastern Shore Public Service Company of Virginia ("Virginia"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935. Sections 6 (b), 9 (a), 12 (b) and 12 (f) of the act and Rules U-43 and U-44 promulgated thereunder have been designated as being applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the office of the Commission for a statement of the transactions therein proposed which are summarized as follows:

All of the presently outstanding securities of Virginia are owned by Delaware and pledged with The New York Trust Company, Trustee, under the provisions of the Indenture of Mortgage and Deed of Trust of Delaware to The New York Trust Company, Trustee, dated October 1, 1943.

Virginia proposes to issue and sell, prior to December 31, 1953, its 4 percent Promissory Notes due October 1, 1973, in the total principal amount of not to exceed $700,000. Virginia also proposes to issue and sell a total of not to exceed 7,000 shares of its common capital stock of the par value of $100 per share. Delaware proposes to acquire said Notes at the principal amount thereof plus accrued interest from their issuance date and said common capital stock at the par value thereof. Virginia proposes to issue said Notes and capital stock from time to time as may be necessary to meet such company's cash requirements. At the time of the sale of any of said Notes by Virginia to Delaware, Virginia will sell and Delaware will acquire common capital stock having a par value equal to the principal amount of Notes being so sold and acquired.

Delaware proposes to pledge the Notes and the stock it acquires from Virginia with The New York Trust Company, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delaware to The New York Trust Company, Trustee, dated October 1, 1943.

The proceeds to be received by Virginia from the proposed sales of its Notes and common capital stock will be used to reimburse its treasury for monies previously expended for construction requirements and to provide funds for future construction expenditures.

It is represented that a joint application has been filed by Delaware and Virginia with the State Corporation Commission of Virginia for authority to consummate the proposed transactions.

Notice is further given that any interested person may, not later than March 27, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert; or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 27, 1952, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules of regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3068; Filed, March 17, 1952; 8:46 a. m.]

[File No. 70-2820]

LOWELL ELECTRIC LIGHT CORP.

NOTICE OF PROPOSED NOTE ISSUES

MARCH 12, 1952.

Notice is hereby given that The Lowell Electric Light Corporation ("Lowell"), a public-utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 and 7 of the Act and Rules U-23 and U-42 (b) (2) thereunder as applicable to the proposed transactions which are summarized as follows:

Lowell presently has outstanding $2,700,000 principal amount of promissory notes under a half loan agreement with five banks, namely, The First National Bank of Boston ($1,485,000), The Chase National Bank of the City of New York ($351,000), The Hanover Bank ($351,000), Irving Trust Company ($351,000) and The New York Trust Company ($162,000). The notes presently out-

standing bear interest at the rate of 2¾ percent per annum and mature April 1, 1952. In its declaration Lowell proposes to issue to said banks on April 1, 1952, six months' unsecured promissory notes in the same principal amount ($2,700,000) as the notes maturing on that date. The notes proposed to be issued will mature October 1, 1952, and will bear interest at the prime interest rate in Boston on April 1, 1952. It is stated in the declaration that at the present time said prime interest rate is 3 percent per annum. It is further stated that in the event said prime interest rate should exceed 3¼ percent per annum, Lowell will file an amendment to its declaration setting forth therein the terms of the note proposed to be issued and the proposed rate of interest, at least five days prior to the date of execution and delivery of said note and Lowell requests that unless the Commission notifies it to the contrary within said five day period, the amendment shall become effective at the end of such period. The declaration further states that the notes proposed to be issued may be prepaid, in whole or in part.

According to the declaration, the proceeds of the notes proposed to be issued are to be used to pay the $2,700,000 principal amount of notes due April 1, 1952. Lowell expects that during the year 1952 it will permanently finance its note indebtedness through the issuance of first mortgage bonds in the approximate principal amount of $3,000,000. Lowell further proposes that the proceeds of any permanent financing done before the maturity of the notes to be issued will be applied in reduction of, or in total payment of, notes then outstanding.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions, and that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated company, such cost being estimated not to exceed $500.

Lowell requests that the Commission's order herein become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than March 27, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues of fact or law, if any, proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed to: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-3071; Filed, Mar. 17, 1952; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 2]

BLUE-MOLD CHEESE

NOTICE OF HEARING

A public hearing has been ordered by the United States Tariff Commission in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C., beginning at 10 a. m. on April 14, 1952, in the investigation with respect to blue-mold cheese (not including roquefort cheese) instituted on June 29, 1951, under section 7 of the Trade Agreements Extension Act of 1951 (16 F. R. 5721).

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 13th day of March 1952.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 52-3101; Filed, Mar. 17, 1952; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region III, Redelegation of Authority No. 24, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION III

AMENDMENT TO REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101

By virtue of the authority vested in me as the Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 38, Amendment 1 (17 F. R. 1784), Redelegation of Authority No. 24 is amended by adding paragraph 2 to read as follows:

2. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act under Section 12 of CPR 101, as amended.

This amendment shall take effect as of March 7, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

MARCH 13, 1952.

[F. R. Doc. 52-3112; Filed, Mar. 13, 1952; 4:57 p. m.]

[Region VI, Redelegation of Authority No. 26]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 8 OF SR 1 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 54 (17 F. R. 1831), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices of the Office of Price Stabilization to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of March 12, 1952.

SYDNEY A. HESSE,
Director of Regional Office No. VI.

MARCH 13, 1952.

[F. R. Doc. 52-3113; Filed, Mar. 13, 1952; 4:57 p. m.]

[Region VII, Redelegation of Authority No. 27]

DIRECTORS OF DISTRICT OFFICES, REGION VII

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region VII, pursuant to Delegation of Authority No. 35, dated November 28, 1951 (16 F. R. 12025), this redelegation of authority is hereby issued:

Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34, issued June 12, 1951, or to Revised Supplementary Regulation 34 and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34, any such granted, reported or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34. The authority hereby redelegated is to be exercised concurrently with the National Office and the Regional Director.

This redelegation of authority shall take effect on March 14, 1952.

MICHAEL J. HOWLETT,
Director of Regional Office No. VII.

MARCH 13, 1952.

[F. R. Doc. 52-3114; Filed, Mar. 13, 1952; 4:57 p. m.]

[Region X, Redelegation of Authority No. 15, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION X

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 38, Amendment 1 (17 F. R. 1784), this Amendment 1 to Region X Redelegation of Authority No. 15 is hereby issued.

Region X Redelegation of Authority No. 15 is amended by numbering the first paragraph after the statement of authority as 1 and adding paragraph 2. Region X Redelegation of Authority No. 15, Amendment 1 reads as follows:

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 38, amendment 1 (16 F. R. 12299, 17 F. R. 1784) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to act under sections 7, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), and 49 (a) of CPR 101.

2. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to act under section 12 of CPR 101, as amended.

This redelegation of authority, as amended, shall take effect on March 20, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

MARCH 13, 1952.

[F. R. Doc. 52-3115; Filed, Mar. 13, 1952; 4:57 p. m.]

[Region XI, Redelegation of Authority No. 21, Amdt. 1]

DIRECTORS OF ALL DISTRICT OFFICES, REGION XI

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED, WHOLESALE VEAL

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 38, Amendment 1 (17 F. R. 1784), this redelegation of authority is hereby issued.

Redelegation of Authority No. 21 is amended by adding a new paragraph 2 to read as follows:

(2) *Authority to act under section 12 of CPR 101, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XI, to act under section 12 of CPR 101, as amended.

This redelegation of authority shall take effect as of March 12, 1952.

GEORGE F. ROCK,
Director of Regional Office No. XI.

MARCH 13, 1952.

[F. R. Doc. 52-3116; Filed, Mar. 13, 1952; 4:57 p. m.]

[Region XI, Redelegation of Authority No. 33]

DIRECTORS OF ALL DISTRICT OFFICES, REGION XI

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 8 OF SR 1 TO CPR 7, RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, and pursuant to Delegation of Authority No. 54 (17 F. R. 1831), this Redelegation of Authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region XI to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of March 10, 1952.

GEORGE F. ROCK,
Regional Director of Regional Office No. XI.

MARCH 13, 1952.

[F. R. Doc. 52-3117; Filed, Mar. 13, 1952; 4:57 p. m.]

[Region XII, Redelegation of Authority No. 10, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTED CEILING PRICES UNDER GENERAL OVERRIDING REGULATION 20

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority No. 36 (16 F. R. 12025), Redelegation of Authority No. 10 heretofore issued by me on December 7, 1951 (17 F. R. 102), is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII:

(a) To request further information from an applicant or grant or deny an application for adjusted ceiling prices, made pursuant to General Overriding Regulation 20;

(b) To request further information from an applicant who has requested, pursuant to section 8 of General Overriding Regulation 20, permission to use different calendar periods from those stipulated in the regulation for determining his cost ratios or to disapprove the periods suggested or stipulate the periods which may be used;

(c) To request further information from an applicant, or to approve or disapprove proposed adjusted ceiling prices to particular classes of purchasers for which application has been made pursuant to section 10 of General Overriding Regulation 20;

(d) To disapprove, revise or modify ceiling prices proposed to be used or being used under General Overriding Regulation 20, or to direct the applicant to continue using the ceiling prices established for him under the applicable Office of Price Stabilization regulation until further notice.

This amendment shall take effect on March 15, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

MARCH 13, 1952.

[F. R. Doc. 52-3118; Filed, Mar. 13, 1952; 4:57 p. m.]

[Region XII, Redelegation of Authority No. 33]

DIRECTORS OF DISTRICT OFFICES, REGION XII

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority No. 38, as amended (17 F. R. 1784), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to act under section 12 of CPR 101, as amended.

This redelegation of authority shall take effect on March 15, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

MARCH 13, 1952.

[F. R. Doc. 52-3119; Filed, Mar. 13, 1952; 4:58 p. m.]

[Region XII, Redelegation of Authority No. 34]

DIRECTORS OF DISTRICT OFFICES, REGION XII

REDELEGATION OF AUTHORITY TO PROCESS APPLICATIONS FOR ADJUSTMENT FILED BY MANUFACTURERS HAVING YEARLY SALES VOLUME OF $250,000 OR LESS, UNDER GOR 10

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority No. 43 (16 F. R. 12747), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to process and act on applications for adjustments, filed by manufacturers having a yearly sales volume of $250,000 or less, under GOR 10.

This redelegation of authority shall take effect on March 15, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

MARCH 13, 1952.

[F. R. Doc. 52-3120; Filed, Mar. 13, 1952; 4:58 p. m.]

[Region XII, Redelegation of Authority No. 35]

DIRECTORS OF DISTRICT OFFICES, REGION XII

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTED CEILING PRICES UNDER GOR 21

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority No. 39, as corrected (16 F. R. 12376, 17 F. R. 405), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to process in the respects indicated herein applications for adjusted ceiling prices under GOR 21 by manufacturers whose net sales for their last complete fiscal year ending not later than July 31, 1951, were not more than $1,000,000:

(a) To direct applicants to broaden the scope of their applications as provided in section 5 (e) of GOR 21.

(b) To approve, disapprove, specify an approved method, or request additional information where applicants submit proposed methods for determining the total unit cost of base-period commodities, as provided in section 8 (f) of GOR 21.

(c) To approve, disapprove or request additional information on applications for alternate methods for computing proposed ceiling prices as provided by section 15 of GOR 21.

(d) To review applications for adjusted ceiling prices, making such investigation of the facts involved, requiring such supplementary information and holding such hearings and conferences as are deemed appropriate for the proper disposition of the application as provided by section 16 of GOR 21.

(e) To issue letter orders as provided by section 16 of GOR 21 establishing or revising ceiling prices: (1) For the commodities covered by applications for adjusted ceiling prices; (2) for other commodities sold by applicants not covered by applications for adjusted ceiling prices; (3) for commodities introduced since the filing date of applications; (4) for commodities introduced after the issuance date of the letter orders.

This redelegation of authority shall take effect on March 15, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

MARCH 13, 1952.

[F. R. Doc. 52-3121; Filed, Mar. 13, 1952; 4:58 p. m.]

[Region XIV, Redelegation of Authority No. 16]

TERRITORIAL DIRECTOR FOR PUERTO RICO

REDELEGATION OF AUTHORITY TO DISAPPROVE OR REDUCE CEILING PRICES ESTABLISHED UNDER CPR 72

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, No. XIV, pursuant to Delegation of Authority No. 7, Revised (16 F. R. 10752), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Office of Price Stabilization Territorial Director for Puerto Rico to act under section 2 of GOR 25 to disapprove or reduce any ceiling price established under CPR 72 so as to bring it into line with the level of ceiling prices otherwise established by that ceiling price regulation.

This redelegation of authority shall take effect on March 14, 1952.

EDWIN S. VILLMOARE,
Acting Director of Regional Office No. XIV.

MARCH 13, 1952.

[F. R. Doc. 52-3122; Filed, Mar. 13, 1952; 4:58 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 845]

RENSIE WATCH COMPANY, INC.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Rensie Watch Company, Inc., 302 Fifth Avenue, New York 1, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of clocks sold through retailers and wholesalers and having the brand name(s) "Rensie" shall be the proposed retail and wholesale ceiling prices listed by Rensie Watch Company, Inc., 302 Fifth Avenue, New York 1, New York, hereinafter referred to as the "applicant" in its application dated July 12, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 12, 1952, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after May 12, 1952, Rensie Watch Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after June 10, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to June 10, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the pre-ticketing requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)	(Column 3)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1	Wholesaler's ceiling price for articles listed in column 1
----------	$----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in sub-paragraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective March 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 11, 1952.

[F. R. Doc. 52-3006; Filed, Mar. 11, 1952; 4:38 p. m.]

[Delegation of Authority 57]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO RECEIVE AND PROCESS NOTICES OF PARITY ADJUSTMENTS PURSUANT TO SECTION 11 (F) AND (G) OF THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Delegation of Authority is hereby issued.

Authority to act under section 11 (f) and (g) of General Ceiling Price Regulation. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively, pursuant to section 11 (g) of said regulation. In processing such notices, the Regional Directors may obtain any relevant additional information. The authority herein delegated may be redelegated to Directors of District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on March 22, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 17, 1952.

[F. R. Doc. 52-3222; Filed, Mar. 17, 1952; 4:00 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

BENJAMIN KOPF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Benjamin Kopf, Mexico City, Mexico; Claim No. 3793; $136.50 in the Treasury of the United States. Thirteen shares of Class "A" no par value common stock of General Aniline and Film Corporation, registered in the name of the Attorney General of the United States, Account No. 39-4816, evidenced by Certificate No. 4171, dated May 5, 1948, presently in the custody of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on March 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-3094; Filed, Mar. 17, 1952; 8:49 a. m.]

ADOLFO BORGARELLI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Adolfo Borgarelli, Milan, Italy; Claim No. 35213; 334 shares of $1 par value common capital stock of Fratelli-Branca & Company, Inc., a New York corporation, presently in custody of the Federal Reserve Bank of New York. $2,338.00 in the Treasury of the United States.

Antonio Broda, Milan, Italy; Claim No. 35214; 333 shares of $1 par value common capital stock of Fratelli-Branca & Company, Inc., a New York corporation, presently in custody of the Federal Reserve Bank of New York. $2,331.00 in the Treasury of the United States.

Ida F. Ranza, Emma Ranza Breschi and Riccardo Ranza, Milan, Italy; Claim No. 35215; 333 shares of $1 par value common capital stock of Fratelli-Branca & Company, Inc., a New York corporation, presently in custody of the Federal Reserve Bank of New York and $2,331.00 in the Treasury of the United States, one-third thereof to Ida F. Ranza, one-third thereof to Emma Ranza Breschi and one-third thereof to Riccardo Ranza.

Executed at Washington, D. C., on March 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-3095; Filed, Mar. 17, 1952; 8:49 a. m.]

EMMA ROEPER-ALSCHER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emma Roeper-Alscher, Rooseveltlaan 252, Amsterdam, Holland; Claim No. 37862; $5,120.73 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Emma Roeper-Alscher in and to the Trust Estate created under the Last Will and Testament of Berthold Blumenthal, deceased.

Executed at Washington, D. C., on March 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3096; Filed, March 17, 1952; 8:49 a. m.]

MAISON J. HAMELLE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY, AMDT.

The Notice of Intention To Return Vested Property published in respect to Claim No. 30289 in the FEDERAL REGISTER (16 F. R. 3605) on April 26, 1951, is hereby amended as follows and not otherwise:

By deleting from the text of said notice the name of the claimant Louis Gilbert Hamelle, Paris, France, who is now deceased, and substituting therefor, in respect to the same property, the name of Gilberte Henriette Hamelle Combes, also of Paris, France.

Executed at Washington, D. C., March 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3097; Filed, Mar. 17, 1952; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 55

Washington, Wednesday, March 19, 1952

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Appendix 1]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

Pursuant to authority contained in paragraph (a) of § 418.151 of the above-identified regulations, as amended (14 F. R. 1455, 4548, 5303, 6675, 7641, 7701; 15 F. R. 2483, 6740; 16 F. R. 4298, 9302), the following counties have been designated for insurance for the 1952 crop year. The type of coverage applicable in each county is shown opposite the name of the county.

State and county	*Type of coverage*
California:	
Kern	Commodity.
Los Angeles	Commodity.
San Luis Obispo	Commodity.
Sutter	Commodity.
Tulare	Commodity.
Yolo	Commodity.
Colorado:	
Adams	Monetary.
Baca	Commodity.
Boulder	Monetary.
Cheyenne	Monetary.
Elbert	Monetary.
Kiowa	Monetary.
Kit Carson	Monetary.
Larimer	Monetary.
Lincoln	Monetary.
Logan	Monetary.
Phillips	Monetary.
Prowers	Monetary.
Sedgwick	Monetary.
Washington	Monetary.
Idaho:	
Benewah	Commodity.
Camas	Commodity.
Idaho	Commodity.
Kootenai	Commodity.
Latah	Monetary.
Lewis	Commodity.
Nez Perce	Commodity.
Teton	Commodity.
Illinois:	
Adams	Commodity.
Bond	Commodity.
Christian	Commodity.
Effingham	Commodity.
Greene	Commodity.
Jefferson	Commodity.
Jersey	Commodity.
Macoupin	Monetary.
Madison	Commodity.
Marion	Commodity.
Mason	Commodity.
Monroe	Commodity.
Montgomery	Commodity.
Pike	Commodity.
St. Clair	Commodity.
Sangamon	Commodity.
Scott	Commodity.
Shelby	Commodity.
Vermilion	Commodity.
Washington	Commodity.
Indiana:	
Allen	Commodity.
Clinton	Commodity.
Dearborn	Commodity.
Decatur	Commodity.
De Kalb	Commodity.
Johnson	Commodity.
Kosciusko	Commodity.
Madison	Commodity.
Montgomery	Commodity.
Noble	Commodity.
Parke	Commodity.
Randolph	Commodity.
Ripley	Commodity.
Rush	Commodity.
Shelby	Commodity.
Sullivan	Monetary.
Whitley	Commodity.
Kansas:	
Atchison	Commodity.
Barber	Monetary.
Barton	Monetary.
Cheyenne	Monetary.
Clark	Monetary.
Clay	Commodity.
Cloud	Monetary.
Comanche	Monetary.
Cowley	Monetary.
Decatur	Monetary.
Dickinson	Commodity.
Edwards	Monetary.
Ellis	Monetary.
Ellsworth	Monetary.
Finney	Monetary.
Ford	Monetary.
Gove	Monetary.
Graham	Monetary.
Grant	Monetary.
Gray	Monetary.
Greeley	Monetary.
Hamilton	Monetary.
Harper	Monetary.
Harvey	Commodity.
Haskell	Monetary.
Hodgeman	Monetary.
Kearny	Monetary.
Kingman	Commodity.
Kiowa	Monetary.
Lane	Monetary.

(Continued on p. 2353)

CONTENTS

Agriculture Department — Page

See also Farm Credit Administration; Federal Crop Insurance Corporation; Production and Marketing Administration.

Notices:

Secretary of the Interior; delegation of authority with respect to fishery commodities or products — 2369

Army Department

Rules and regulations:

Claims against the U. S.; miscellaneous amendments — 2361

Civil Aeronautics Administration

Rules and regulations:

Federal aid to public agencies for development of public airports; performance of construction work, grant payments — 2354

Coast Guard

Rules and regulations:

Certification of seamen; general requirements for certification denial of merchant mariner's documents to certain aliens — 2363

Extra recharges for fixed or built-in fire extinguishing systems; portable fire extinguishers — 2364

Lifesaving apparatus and devices; miscellaneous amendments — 2364

Commerce Department

See Civil Aeronautics Administration.

Defense Department

See Army Department.

Defense Mobilization, Office of

Notices:

Shoe and footwear industry; hearing — 2374

Economic Stabilization Agency

See also Price Stabilization, Office of.

Notices:

Yuma, Ariz.; critical defense housing area, approval of extent of relaxation of credit controls — 2370

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CONTENTS—Continued

Farm Credit Administration Page
Rules and regulations:
Production Credit Associations, rules and regulations; loans to veterans for any agricultural purpose eligible for such insurance (except real-estate loans) 2354

Federal Communications Commission
Notices:
Hearings, etc.:
Azalea Broadcasting Co 2371
Conant Broadcasting Co. Inc. (WHIL) 2371
Proposed rule making:
Amateur service (2 documents) 2366

Federal Crop Insurance Corporation
Rules and regulations:
Wheat crop insurance; 1950 and succeeding crop years 2351

CONTENTS—Continued

Federal Power Commission Page
Notices:
Hearings, etc.:
Atlantic Seaboard Corp. and Virginia Gas Transmission Corp 2373
Central Kentucky Natural Gas Co 2373
Hastings, Nebr., and Kansas-Nebraska Natural Gas Co. Inc 2372
Pacific Northwest Pipeline Corp. (2 documents) 2374

Federal Security Agency
See Food and Drug Administration.

Federal Trade Commission
Rules and regulations:
Grocery industry:
Revised trade practice rules 2357
Trade practice conference rules 2357

Food and Drug Administration
Rules and regulations:
Antibiotic and antibiotic-containing drugs, miscellaneous amendments:
Certification of batches 2359
Tests and methods of assay 2359

Interior Department
See Land Management, Bureau of; Reclamation Bureau.
Delegation of authority to the Secretary with respect to fishery commodities or products (*see* Agriculture Department).

Interstate Commerce Commission
Notices:
Applications for relief:
Paper and paper boxes from Hudson and Palatka, Fla., to St. Louis, Mo., and East St. Louis, Ill 2376
Various commodities from trunk-line and New England territories to southern territory 2376
Loading requirements:
Blatchford Calf Meal Co 2379
Condensed buttermilk feeds 2378
Cooperative G. L. F. Exchange, Inc., Mills Division 2378
Corn gluten feed, and/or corn gluten meal 2379
Distillers dried feed, distillers solubles, brewers dried grains, and/or dried spent grain mash 2379
Eastern State Farmers' Exchange 2377
Evans Milling Co. and Decatur Milling Co 2380
Fish meal, fish roe meal, and/or fish scrap meal 2380
Grain, grain products and byproducts 2378
H. K. Webster Co 2380
Liquid starch 2380
Liquid starch, liquid dextrine, corn syrup, and/or glucose 2377
Livestock feed with high molasses content 2379
Ralston Purina Co 2379

CONTENTS—Continued

Interstate Commerce Commission—Continued Page
Notices—Continued
Loading requirements—Con.
Rice bran, rice polish, and rice hulls 2378
Wabash Railroad Co. and Central Soya Co. Inc 2378
Missouri intrastate freight rates and charges 2377
Nashville, Chattanooga and St. Louis Railway; rerouting or diversion of traffic 2380

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Stock driveway withdrawal, reduced:
South Dakota (2 documents) 2367
Wyoming 2367

Price Stabilization, Office of
Notices:
South Adams Field, Arenac County, Mich.; crude petroleum ceiling prices adjusted on an in-line basis 2370
Rules and regulations:
Deposit charges for containers; refundable container plan (Gen. Int. 7) 2361
General ceiling price regulation; open pricing contracts (GCPR, Int. 50) 2361

Production and Marketing Administration
Proposed rule making:
Maple sirup, U. S. Standards for grades; non-issuance of revised standards 2365
Milk handling in Louisville, Ky., marketing area 2365

Reclamation Bureau
Notices:
Central Valley Project, Calif.:
Filing objections to order withdrawing public lands 2368
First form withdrawal 2367
La Barge Project, Wyo.:
Filing objections to order withdrawing public lands 2368
First form withdrawal 2368
Yuma Irrigation Project, Arizona-California; annual operation and maintenance charges and annual water rental charges 2368

Securities and Exchange Commission
Notices:
Hearings, etc.:
Central Power and Light Co 2375
Institutional Shares, Ltd. and Hare's, Ltd 2376
Niagara Mohawk Power Corp 2375

Tariff Commission
Notices:
Specified household china tableware, kitchenware, and table and kitchen utensils; hearing 2376

CONTENTS—Continued

Treasury Department Page
See Coast Guard.

Veterans' Administration
Rules and regulations:
National Service life insurance 2362
U. S. Government life insurance 2362

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries 2369

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6	Page
Chapter I:	
Part 50	2354
Title 7	
Chapter I:	
Part 52 (proposed)	2365
Chapter IV:	
Part 418	2351
Chapter IX:	
Part 946 (proposed)	2365
Title 14	
Chapter II:	
Part 550	2354
Title 16	
Chapter I:	
Part 73	2357
Part 209	2357
Title 21	
Chapter I:	
Part 141	2359
Part 146	2359
Title 32	
Chapter V:	
Part 536	2361
Title 32A	
Chapter III (OPS):	
GCPR, Int. 50	2361
Gen. Int. 7	2361
Title 38	
Chapter I:	
Part 6	2362
Part 8	2362
Title 46	
Chapter I:	
Part 12	2363
Part 61	2364
Part 77	2364
Part 95	2364
Part 114	2364
Part 117	2365
Part 160	2365
Title 47	
Chapter I:	
Part 12 (proposed) (2 documents)	2366

State and county	Type of coverage
Kansas—Continued	
Lincoln	Monetary.
Logan	Monetary.
McPherson	Commodity.
Marion	Commodity.
Marshall	Commodity.
Meade	Monetary.
Mitchell	Monetary.
Morris	Commodity.
Nemaha	Commodity.
Ness	Monetary.
Norton	Monetary.
Osborne	Monetary.
Ottawa	Monetary.
Pawnee	Monetary.
Phillips	Monetary.
Pratt	Monetary.
Rawlins	Monetary.
Reno	Commodity.
Republic	Monetary.
Rice	Monetary.
Rooks	Monetary.
Rush	Monetary.
Russell	Commodity.
Scott	Monetary.
Seward	Monetary.
Sheridan	Monetary.
Sherman	Monetary.
Smith	Monetary.
Stafford	Monetary.
Stanton	Monetary.
Stevens	Monetary.
Sumner	Monetary.
Thomas	Monetary.
Trego	Monetary.
Wallace	Monetary.
Washington	Commodity.
Wichita	Monetary.
Maryland:	
Carroll	Commodity.
Kent	Monetary.
Michigan:	
Calhoun	Monetary.
Clinton	Monetary.
Eaton	Commodity.
Hillsdale	Commodity.
Huron	Monetary.
Ingham	Monetary.
Ionia	Commodity.
Kalamazoo	Monetary.
Monroe	Commodity.
Saginaw	Monetary.
Shiawassee	Monetary.
Minnesota:	
Becker	Commodity.
Big Stone	Commodity.
Clay	Commodity.
Kittson	Commodity.
Mahnomen	Commodity.
Marshall	Commodity.
Norman	Commodity.
Ottertail	Commodity.
Polk	Commodity.
Traverse	Commodity.
Wilkin	Commodity.
Yellow Medicine	Commodity.
Missouri:	
Bates	Commodity.
Buchanan	Commodity.
Cass	Commodity.
Chariton	Monetary.
Cooper	Commodity.
Franklin	Commodity.
Henry	Commodity.
Jasper	Commodity.
Lafayette	Monetary.
Lawrence	Commodity.
Marion	Commodity.
Perry	Commodity.
Pettis	Commodity.
Pike	Monetary.
Ray	Commodity.
St. Charles	Commodity.
Saline	Commodity.
Vernon	Monetary.
Montana:	
Blaine	Commodity.
Cascade	Commodity.
Chouteau	Commodity.
Daniels	Commodity.
Dawson	Commodity.
Fergus	Commodity.
Hill	Commodity.
Judith Basin	Commodity.
Liberty	Commodity.
McCone	Commodity.
Petroleum	Commodity.
Phillips	Commodity.
Pondera	Commodity.
Richland	Commodity.
Roosevelt	Commodity.
Sheridan	Commodity.
Teton	Commodity.
Valley	Commodity.
Nebraska:	
Banner	Monetary.
Box Butte	Monetary.
Buffalo	Commodity.
Butler	Commodity.
Chase	Monetary. Commodity.
Cheyenne	Commodity.
Dawes	Monetary.
Deuel	Commodity.
Fillmore	Commodity.
Furnas	Monetary.
Gage	Commodity.
Garden	Commodity.
Gosper	Commodity.
Hamilton	Monetary.
Hitchcock	Monetary.
Jefferson	Commodity.
Keith	Monetary.
Kimball	Commodity.
Lancaster	Commodity.
Nuckolls	Commodity.
Perkins	Commodity.
Red Willow	Monetary.
Richardson	Commodity.
Saline	Commodity.
Saunders	Commodity.
Seward	Commodity.
York	Commodity.
New Mexico:	
Curry	Commodity.
Quay	Commodity.
New York:	
Onondaga	Monetary.
Ontario	Commodity.
Seneca	Commodity.
North Dakota:	
Benson	Commodity.
Billings	Commodity.
Bottineau	Commodity.
Bowman	Commodity.
Burke	Commodity.
Burleigh	Commodity.
Cass	Commodity.
Cavalier	Commodity.
Divide	Commodity.
Dunn	Commodity.
Eddy	Commodity.
Foster	Commodity.
Golden Valley	Commodity.
Grand Forks	Monetary.
Grant	Commodity.
Griggs	Commodity.
Hettinger	Commodity.
Kidder	Commodity.
La Moure	Commodity.
Logan	Commodity.
McHenry	Commodity.
McIntosh	Commodity.
McKenzie	Commodity.
McLean	Commodity.
Mercer	Commodity.
Morton	Commodity.
Mountrail	Commodity.
Nelson	Commodity.
Oliver	Commodity.
Pembina	Commodity.
Ramsey	Commodity.
Renville	Commodity.
Richland	Commodity.
Rolette	Commodity.
Sheridan	Commodity.
Sioux	Commodity.
Slope	Commodity.
Stark	Commodity.
Steele	Commodity.
Stutsman	Commodity.
Towner	Commodity.
Traill	Commodity.
Walsh	Commodity.

State and county	Type of coverage
North Dakota—Continued	
Ward	Commodity.
Wells	Commodity.
Williams	Commodity.
Ohio:	
Auglaize	Commodity.
Clinton	Commodity.
Erie	Commodity.
Franklin	Commodity.
Greene	Commodity.
Hardin	Commodity.
Henry	Commodity.
Highland	Commodity.
Knox	Commodity.
Marion	Commodity.
Mercer	Commodity.
Montgomery	Commodity.
Pickaway	Commodity.
Preble	Commodity.
Putnam	Commodity.
Sandusky	Commodity.
Seneca	Commodity.
Stark	Commodity.
Tuscarawas	Commodity.
Williams	Commodity.
Oklahoma:	
Alfalfa	Commodity.
Beckham	Commodity.
Blaine	Monetary.
Comanche	Commodity.
Cotton	Monetary.
Custer	Commodity.
Dewey	Monetary.
Ellis	Commodity.
Garfield	Monetary.
Grady	Monetary.
Grant	Monetary.
Greer	Commodity.
Harmin	Commodity.
Harper	Commodity.
Kay	Monetary.
Kingfisher	Commodity.
Kiowa	Commodity.
Major	Monetary.
Noble	Monetary.
Texas	Commodity.
Tillman	Monetary.
Washita	Monetary.
Woods	Monetary.
Oregon:	
Baker	Commodity.
Gillian	Commodity.
Jefferson	Commodity.
Morrow	Commodity.
Sherman	Commodity.
Umatilla	Commodity.
Union	Commodity.
Wallowa	Commodity.
Wasco	Commodity.
Pennsylvania:	
Berks	Commodity.
Bucks	Commodity.
Chester	Commodity.
Lancaster	Commodity.
Lycoming	Commodity.
South Dakota:	
Beadle	Commodity.
Brown	Commodity.
Campbell	Commodity.
Clark	Commodity.
Codington	Commodity.
Corson	Commodity.
Day	Commodity.
Dewey	Commodity.
Edmunds	Commodity.
Faulk	Commodity.
Grant	Commodity.
Hand	Commodity.
Jones	Commodity.
Lyman	Commodity.
McPherson	Commodity.
Marshall	Commodity.
Meade	Commodity.
Mellette	Commodity.
Perkins	Commodity.
Potter	Commodity.
Roberts	Commodity.
Spink	Commodity.
Sully	Commodity.
Tripp	Commodity.
Walworth	Commodity.
Texas:	
Castro	Monetary.
Childress	Monetary.
Collin	Commodity.
Cooke	Commodity.
Deaf Smith	Monetary.
Denton	Commodity.
Floyd	Monetary.
Foard	Commodity.
Gray	Commodity.
Grayson	Commodity.
Hale	Monetary.
Hansford	Commodity.
Jones	Monetary.
Knox	Monetary.
Lipscomb	Commodity.
Ochiltree	Commodity.
Potter	Commodity.
Stonewall	Commodity.
Swisher	Monetary.
Taylor	Commodity.
Utah:	
Box Elder	Commodity.
Utah	Commodity.
Washington:	
Adams	Commodity.
Asotin	Commodity.
Benton	Monetary.
Columbia	Commodity.
Douglas	Commodity.
Franklin	Commodity.
Grant	Commodity.
Klickitat	Commodity.
Lincoln	Commodity.
Spokane	Commodity.
Walla Walla	Commodity.
Whitman	Commodity.
Wyoming:	
Goshen	Commodity.
Laramie	Monetary.
Platte	Monetary.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. and Sup., 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup., 1507–1509)

[SEAL] JOHN W. BRAINARD,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 52-3147; Filed, Mar. 18, 1952; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter E—Production Credit System

[FCA Order 540]

PART 50—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

LOANS TO VETERANS FOR ANY AGRICULTURAL PURPOSE ELIGIBLE FOR SUCH INSURANCE (EXCEPT REAL-ESTATE LOANS)

Section 50.22 of the rules and regulations for Production Credit Associations is hereby amended in the following respects:

1. The said section is hereby redesignated as § 50.22 (a).

2. There is added a new paragraph, to be designated § 50.22 (b), as follows:

(b) Under authorization of its board of directors, an association may make loans to veterans which are insured by the Administrator of Veterans Affairs under the provisions of Title III of the Servicemen's Readjustment Act of 1944, as amended, for any agricultural purpose eligible for such insurance (except real-estate loans). Notwithstanding the regulations governing other loans made by the association, such insured loans to veterans shall bear interest not to exceed 5.70 percent per annum, shall have a maturity in keeping with the repayment ability of the borrower but not for more than 5 years, and shall be made in accordance with the other requirements of said act and the regulations promulgated thereunder by the Administrator of Veterans Affairs. [22 (b)]

(Secs. 20, 23, 60, 48 Stat. 259, 261, 266; 12 U. S. C. 1131d, 1131g, 1138)

[SEAL] I. W. DUGGAN,
Governor.

[F. R. Doc. 52-3146; Filed, Mar. 18, 1952; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 16]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PERFORMANCE OF CONSTRUCTION WORK; GRANT PAYMENTS

The following amendment is designed primarily to implement Part 5 of the regulations of the Secretary of Labor—"Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction" (29 CFR Part 5)—issued pursuant to Reorganization Plan No. 14 of 1950.

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Cong.), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics as follows:

1. Section 550.7 is amended to read as follows:

§ 550.7 *Performance of construction work*—(a) *General.* All construction work under any project shall be accomplished by contract unless the District Airport Engineer determines that the project, or any portion thereof, can be more effectively and economically accomplished on a force account basis, by the sponsor or by another public agency acting for or as agent of the sponsor. In no instance will such use of force account be approved for work under any one project in the continental United States if the estimated United States share of the cost of all work accomplished or to be accomplished under such project by force account (including related engineering costs but excluding costs incurred in the preparation of plans and specifications) exceeds $15,000.

(b) *Letting of contracts.* A sponsor shall comply with the following requirements in awarding construction contracts with respect to the performance of any work under a project.

(1) Unless some other method is approved by the Regional Administrator for use on a particular project, all such contracts in excess of $2,000 shall be awarded on the basis of public advertisement and open competitive bidding in the same manner as provided by local law for the letting of public contracts. Any agreement or understanding, oral or written, between a sponsor and another public agency which is not a

co-sponsor of the project, pursuant to which such other public agency undertakes construction work for or as agent of the sponsor, shall not be considered a "construction contract" for purposes of this section.

(2) (i) There shall be no advertisement for bids on, or negotiation of, such a contract until the Regional Administrator has approved the plans and specifications and, unless the estimated contract price or construction cost is $2,000 or less, there shall be no advertisement or negotiation until the Regional Administrator has furnished the sponsor a copy of a decision of the Secretary of Labor establishing the minimum wage rates for skilled and unskilled labor under the proposed contract. In each case, a copy of the wage determination decision shall be set forth in the invitation for bids or proposed contract or incorporated therein by reference to a copy set forth in the advertised or negotiated specifications.

(ii) At least 45 calendar days prior to any such advertisement or negotiation, at a time specified by the District Airport Engineer, the sponsor shall submit to the District Airport Engineer a list of all classes of labor to be employed under the proposed contract, together with a suggested schedule of the minimum wage rates for each such class. If, after submitting such a list, the sponsor at any time has reason to believe that any additional classes of labor may be employed under the contract, the sponsor shall immediately advise the District Airport Engineer of such classes and take such steps as may be necessary to prevent the contractor, or any of his subcontractors, from employing any labor of such classes until he has been furnished a copy of a supplementary wage determination of the Secretary of Labor for such classes. The Regional Administrator will obtain and furnish the sponsor a copy of such supplementary wage determination as soon as possible following receipt by the District Airport Engineer of advice that such a determination is needed.

(iii) All minimum wage rates established by decision of the Secretary of Labor shall be subject to change or modification by decision of the Secretary of Labor issued prior to the award of the proposed contract for which they were established, except that if the proposed contract is awarded on the basis of public advertisement and open competitive bidding within 30 calendar days after the opening of bids or 90 calendar days from the date of the original wage determination decision, whichever is the earlier, no such changes or modifications shall be effective unless the decision of the Secretary of Labor in question is communicated to the Administrator more than five calendar days before the opening of bids. All changes or modifications which meet the requirements of the preceding sentence will be communicated to the sponsor by the Regional Administrator as soon as possible after their communication to the Administrator and a copy of the decision effecting such changes or modifications shall be incorporated in the invitation for bids or proposed contract by issuance of an addendum to the specifications or otherwise, or if bids have been opened or the contract has been awarded, the sponsor shall take such other action as may be necessary to incorporate a copy of the decision in the contract.

(3) No such contract shall be awarded except with the written concurrence of the District Airport Engineer as to the reasonableness of the contract prices and conformity of the contract to the sponsor's Grant Agreement with the United States. The sponsor shall submit to the District Airport Engineer after the opening of bids a tabulation thereof and its recommendations for award. Ordinarily, such concurrence will not be given for acceptance of other than the lowest bid received. However, if the sponsor considers the lowest bidder unqualified, incapable, or not responsible, the next lowest bidder may be recommended for approval, giving full justification for the proposed action. A bidder shall be considered unqualified if such bidder is either a contractor whose name appears on the currently effective list of ineligible contractors published by the Comptroller General of the United States pursuant to § 5.6 (b) of the regulations of the Secretary of Labor (29 CFR Part 5), or a firm, corporation, partnership, or association in which such a contractor has a substantial interest. The District Airport Engineer will not give concurrence in the award of a contract to any such bidder.

(c) *Compliance with local laws.* All contracts shall meet the requirements of local laws.

(d) *Contract requirements.* All construction contracts entered into by a sponsor with respect to any project shall contain, in addition to such other provisions as may be necessary to insure accomplishment of the work involved in accordance with the grant agreement for such project, the following provisions (or revisions thereof approved in advance by the Administrator), except that contracts for which a minimum wage determination of the Secretary of Labor is not required by paragraphs (b) (2) of this section need not contain the provisions set forth in subparagraphs (5), (6), (7), (8), (9), (10), (12), and (13) of this paragraph:

(1) "The work in this contract is included in Federal-aid Airport Project No. _____, which is being undertaken and accomplished by (insert name of sponsor) under and in accordance with the terms and conditions of a Grant Agreement entered into between (insert name of sponsor) and the United States, acting through the Administrator of Civil Aeronautics, under the Federal Airport Act (60 Stat. 170; 49 U. S. C. 1101) and Part 550 of the regulations of the Administrator of Civil Aeronautics (14 CFR 550), pursuant to which Agreement the said Administrator has offered and agreed to pay a certain percentage of the costs of the said Project that are determined by him to be allowable project costs under the said Federal Airport Act. However, any reference in this contract to the said Administrator or any rights granted to the said Administrator or the United States by this contract shall in no sense make, or be construed as making, the said Administrator or the United States a party to this contract."

(2) "The contractor shall obtain the prior written consent of the (insert name of sponsor) to any proposed assignment of any interest in or part of this contract."

(3) "No convict labor shall be employed under this contract."

(4) "In the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to qualified individuals who have served in the military service of the United States (as defined in section 101 (1) of the Soldiers' and Sailors' Civil Relief Act of 1940) and have been honorably discharged from such service, except that such preference shall be given only where such labor is available locally and is qualified to perform the work to which the employment relates."

(5) "All mechanics and laborers employed or working upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Anti-Kickback Regulations of the Secretary of Labor (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than these contained in the wage determination decision(s) of the Secretary of Labor which is (are) attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision(s) shall be posted by the contractor at the site of the work in a prominent place where it (they) can be easily seen by the workers."

(6) "Pursuant to the terms of the Grant Agreement between the United States and (insert name of sponsor), relating to Federal-aid Airport Project No. _____, and Part 550 of the regulations of the Administrator of Civil Aeronautics (14 CFR 550), the Administrator of Civil Aeronautics may withhold or cause to be withheld from the (insert name of sponsor) so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract, the Administrator of Civil Aeronautics may, after written notice to the (insert name of sponsor), take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased."

(7) "Whether or not payments or advances to the (insert name of sponsor) are withheld or suspended by the Administrator of Civil Aeronautics, the (insert name of sponsor): (a) may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed

by the contractor or any subcontractor on the work the full amount of wages required by this contract; and (b) in the event of failure of the contractor or any subcontractor to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract, may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased."

(8) "Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid."

"The contractor will submit weekly a certified copy of all payrolls to the (insert name of sponsor). The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the minimum rates determined by the Secretary of Labor for the employees in question, as prescribed in this contract, and that the classification set forth for each laborer or mechanic conforms to the work he performed. The contractor will make his employment records available for inspection by authorized representatives of the (insert name of sponsor), the Administrator of Civil Aeronautics, and the Department of Labor and will permit such representatives to interview employees during working hours on the job."

(9) "Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U. S. Department of Labor; or if no such recognized Council exists in the State, under a program registered with the Bureau of Apprenticeship, U. S. Department of Labor."

(10) "The contractor will comply with the regulations of the Secretary of Labor made pursuant to the Anti-Kickback Act of June 13, 1934, 48 Stat. 948; 62 Stat. 108; 18 U. S. C. 874, 40 U. S. C. 276c, and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of affidavits required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof."

(11) "The Administrator of Civil Aeronautics or his duly authorized representatives shall be permitted to inspect and review all work and all materials used in the performance of this contract."

(12) "The contractor will insert in each of his subcontracts the provisions set forth in paragraphs __, __, __, __, __, __, __, __, __, __, and, __, hereof (insert designations of eleven paragraphs of contract corresponding to subparagraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (13) hereof)."

(13) "A breach of paragraphs ____ (insert designation of paragraph of contract corresponding to subparagraph (5), hereof) through ____ (insert designation of paragraph of contract corresponding to subparagraph (12) hereof) may be grounds for termination of this contract."

(e) *Notices to proceed.* No sponsor shall permit any contractor or subcontractor to begin work under an approved project until the sponsor has issued to the contractor a written notice to proceed with such work. No such notice to proceed shall be issued until the sponsor has furnished the District Airport Engineer three conformed copies of the construction contract and has satisfied the Regional Administrator that the required property interests in all lands on which construction work will be performed under the project have been acquired by such sponsor or some other sponsor of the project.

(f) *Change orders.* No sponsor shall issue any change order under any of its construction contracts unless such change order has been approved in writing by the District Airport Engineer. Such change orders shall be on a form satisfactory to the District Airport Engineer and three copies thereof shall be submitted to the District Airport Enginerer at the time approval is requested.

(g) *Payments to the contractor.* A sponsor may make partial payments to a contractor on the basis of an estimate of work performed and materials delivered to the site as may be provided for in the contract.

(h) *Force account work.* Before any force account construction work is undertaken, either by a sponsor or by another public agency acting for or as agent of a sponsor, the sponsor shall obtain the written approval of the District Airport Engineer. In requesting such approval the sponsor shall submit to the District Airport Engineer the following:

(1) Adequate plans and specifications showing the nature and extent of the construction work to be accomplished by such force account;

(2) A schedule of the proposed construction and of the construction equipment that will be available for the project;

(3) Assurance that adequate labor, material and equipment, together with adequate supervisory, engineering, and inspection personnel, will be provided;

(4) A detailed estimate of cost of such force account work, broken down for each class of costs involved, such as labor, materials, rental of equipment, and other pertinent items of cost.

Whenever an application for grant payment involving force account work is made by a sponsor pursuant to § 550.9, such application shall be accompanied by a periodic cost estimate for such work on Form ACA–1629 (§ 550.11 (e)).

(i) *Owner contracts.* Contracts with the owners of airport hazards, buildings, pipe lines, power lines, or other structures or facilities, for the installation, extension, removal or relocation thereof, are exempt from the requirements of this section except that a sponsor shall obtain the approval of the District Airport Engineer before entering into any such contract.

(j) *Labor requirements.* Any sponsor required by this section to include in a construction contract the labor provisions required by paragraph (d) of this section shall see to it that such provisions are complied with by the contractor and shall cooperate as fully as possible with the Administrator and his representatives in effecting such enforcement. To this end, the sponsor shall, among other things:

(1) Maintain and preserve for a period of three years from the date of completion of the contract, all affidavits and copies of payrolls furnished by the contractor, and make such affidavits and copies available to the Regional Administrator whenever he may so request during such three-year period;

(2) Cause all such payrolls and affidavits to be examined as soon as possible upon their receipt, to the extent necessary to determine whether the contractor is complying with the labor provisions of the contract required by paragraph (d) of this section, and particularly whether the employees of the contractor have been classified correctly, all such examinations to be made by the sponsor's resident engineer or by other employees or agents of the sponsor who are qualified to make the necessary determinations;

(3) Cause such investigations to be made during the performance of work under the contract as may be necessary to determine whether the contractor is complying with the labor provisions of the contract required by paragraph (d) of this section, and particularly whether the employees of the contractor have been classified correctly, such investigations to include interviews with employees and examinations of payroll data at the site of the work and to be made by the sponsor's resident engineer or by other employees or agents of the sponsor who are qualified to make the necessary determinations; in making such investigations, complaints of alleged violations shall be given priority and statements, written or oral, made by an employee shall be treated as confidential and shall not be disclosed to his employer without his consent; and

(4) Keep the District Airport Engineer fully advised of all examinations and investigations made pursuant to this paragraph, of all determinations made on the basis of such examinations and investigations, and of all efforts made to effect or enforce compliance with the labor provisions of the contract.

2. Section 550.9 (e) is amended to read as follows:

§ 550.9 *Grant payments.* * * *

(e) *Application for grant payments.* All applications for grant payments shall be made on Form ACA–1625.1 (§ 550.11 (f)), accompanied by (1) a summary of project costs on Form ACA–1630 (§ 550.11 (g)), (2) a periodic cost estimate on Form ACA–1629 (§ 550.11 (e)) for each contract or force account representing costs for which payment is requested, and (3) such supporting information,

including appraisals of property interests, as may be required by the Regional Administrator to permit the determination of the allowability of any costs for which payment has been requested. In the case of each such application involving work accomplished by contract, the required contractor's certification contained in the periodic cost estimate must contain the statement that "there has been full compliance with all labor provisions included in the contract identified above" (see § 550.11 (e) (1)), except that, if the contractor is unable to make such a statement because of the existence of an honest dispute as to the nature of his obligations under the labor provisions of the contract, the Regional Administrator will accept as satisfactory a periodic cost estimate containing a certification by the contractor that "there has been full compliance with all labor provisions included in the contract identified above, except insofar as an honest dispute exists with respect to such provisions."

3. Section 550.9 is amended by adding a new subsection at the end thereof, numbered (g), reading as follows:

(g) *Suspension of grant payments for violations of labor provisions.* In the event of failure or refusal of a contractor or subcontractor to comply with the labor provisions of the contractor's contract with the sponsor, the Regional Administrator will suspend further grant payments to the sponsor until such time as the violations are discontinued or until the Administrator has determined the allowability of the project costs to which such violations relate or, to the extent that the violations consist of under-payments to labor, until the sponsor has furnished assurance, satisfactory to the Administrator, that restitution has been or will be made to the affected employees.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U. S. C. and Sup., 1101–1114)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-3126; Filed, Mar. 18, 1952; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

PART 73—GROCERY INDUSTRY

CROSS REFERENCE: For supersedure of the trade practice rules for the grocery industry contained in Part 73, see Part 209 of this subchapter, *infra*.

[File No. 21-399]

PART 209—GROCERY INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I, as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of March 18, 1952.

Statement by the Commission. Trade practice rules for the Grocery Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. The rules constitute a revision and extension of the trade practice rules for this industry as promulgated by the Commission on March 14, 1932, and supersede such previously promulgated rules.

The rules are directed to the prevention and elimination of unfair trade practices to the end that the industry, the trade, and the public may be protected from the harmful effects of such competitive methods and that the conduct of business throughout the industry may be effectively maintained on a high plane of free and fair competition.

Members of the industry are the persons, partnerships, corporations and organizations engaged in the business of marketing one or more products to or in the grocery trade and include manufacturers, brokers, wholesalers, retailers, and other marketers of such products. The total annual volume of business of the industry is estimated to be in excess of twenty-six billion dollars.

Proceedings to revise the 1932 rules for the Grocery Industry were instituted upon application from members of the industry. A general industry conference was held in Washington, D. C., at which suggestions and proposals for rules were submitted for the consideration of the Commission. Thereafter a draft of proposed rules in appropriate form was made available and public notice was given whereby all interested or affected parties were afforded opportunity to present their views, including such pertinent information, suggestions, or objections respecting the rules as they desired to offer. Pursuant to such notice a public hearing was held in Washington, D. C., on November 1, 1951, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Following such hearing, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

Such rules become operative thirty (30) days after the date of promulgation.

The rules are set forth under four separate sections but all are of the Group I classification and embrace practices considered to be prohibited under laws administered by the Federal Trade Commission. Subject to jurisdictional requirements, appropriate proceedings in the public interest will be taken by the Commission to prevent the employment of any such practices by any member of the industry.

Sec.
209.0 Definitions.

GROUP I

SUBGROUP A

209.1 Statutory basis of §§ 209.3 to 209.8.
209.2 Definition of "commerce."
209.3 Prohibited discrimination in price.
209.4 Prohibited brokerage and commissions, etc.
209.5 Prohibited discrimination in advertising or promotional allowances.
209.6 Prohibited discrimination in services or facilities.
209.7 Prohibited inducing or receiving discrimination in price.
209.8 Exemptions from §§ 209.3 to 209.7.

SUBGROUP B

209.9 Statutory basis of §§ 209.11 to 209.25.
209.10 Definition of "purchasing public."
209.11 Prohibited wrongful selling below cost.
209.12 False use of the term "bargain" prohibited.
209.13 Prohibited use of fictitious price.
209.14 Prohibited use of any false or misleading term of sale.
209.15 Prohibited use of any false or misleading invoice, etc.
209.16 Prohibited misrepresentation of available product supply.
209.17 Prohibited use of any misleading or deceptive selling method.
209.18 Prohibited misrepresentation in general.
209.19 Prohibited defamation of competitor.
209.20 Prohibited enticing of competitor's employee.
209.21 Prohibited substitution of competitor's product.
209.22 Prohibited interference with competitor's contract.
209.23 Prohibited coercion of purchase.
209.24 Prohibited use of lottery scheme.
209.25 Prohibited forms of trade restraints (unlawful price fixing, etc.)

SUBGROUP C

209.26 Prohibited use of unfair exclusive deals.

SUBGROUP D

209.27 Prohibited aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 209.0 to 209.27, issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 209.0 *Definitions.* The term "member of the industry," as used in this part, means any person engaged in the business of marketing one or more products to or in the grocery trade. The term "person," as thus used, means any individual, partnership, corporation, association, or other organization.

GROUP I

SUBGROUP A

§ 209.1 *Statutory basis of §§ 209.3 to 209.8.* Sections 209.3 to 209.8 contain rules which repeat the statutory language in section 2 (a) and (c) to (f) of the Clayton Act, as amended by the Robinson-Patman Act and otherwise. This law is qualified by the following meet-competition provisions in section 2 (b) of the Clayton Act:

Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima-facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively

shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima-facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor.

§ 209.2 *Definition of "commerce."* The term "commerce," as used in §§ 209.3 to 209.8, is to be construed as it is defined in section 1 of the Clayton Act. This definition is as follows:

"Commerce" * * * means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided,* That nothing in this Act contained shall apply to the Philippine Islands.

§ 209.3 *Prohibited discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities of like grade and quality, whether either or any of the purchases involved in such discrimination are in commerce, where such commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided,* That nothing contained in this section shall prevent—

(a) Differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities [1] in which such commodities are to such purchasers sold or delivered; or

(b) Price changes from time to time where in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned; or

(c) Persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade. [Rule 1]

§ 209.4 *Prohibited brokerage and commissions, etc.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid. [Rule 2]

§ 209.5 *Prohibited discrimination in advertising or promotional allowances.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or contract for the payment of anything of value to or for the benefit of a customer of such person as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such person, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities. [Rule 3]

§ 209.6 *Prohibited discrimination in services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms. [Rule 4]

§ 209.7 *Prohibited inducing or receiving discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by §§ 209.3 to 209.8. [Rule 5]

§ 209.8 *Exemptions from §§ 209.3 to 209.7.* Nothing in §§ 209.3 to 209.7—

(a) Shall prevent a cooperative association from returning to its members, producers, or consumers the whole, or any part of, the net earnings or surplus resulting from its trading operations, in proportion to their purchase of sales from, to, or through the association,[2] or

(b) Shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.[3]

SUBGROUP B

§ 209.9 *Statutory basis of §§ 209.11 to 209.25.* Sections 209.11 to 209.25 contain rules based on sections 5 and 12 of the Federal Trade Commission Act. Said section 5 prohibits the use of all unfair methods of competition and of all unfair or deceptive acts or practices in commerce, and said section 12–a (1) prohibits the dissemination of "any false advertisement by United States mails, or in commerce by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of food, drugs, devices, or cosmetics." As used in said sections 5 and 12, the term "commerce" is to be construed as it is defined in section 4 of the Federal Trade Commission Act. This definition reads as follows:

"Commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

§ 209.10 *Definition of "purchasing public."* The term "purchasing public," as used in §§ 209.11 to 209.25, means actual and prospective trade or consumer purchasers, as the case may be.

§ 209.11 *Prohibited wrongful selling below cost.* (a) It is an unfair trade practice for any member of the industry to advertise, offer, or sell a product at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products. As used in this section, the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, sale, and delivery.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and where the effect may be unreasonably to restrain trade, tend to create a monopoly, or substantially lessen competition. [Rule 6]

§ 209.12 *False use of the term "bargain" prohibited.* It is an unfair trade practice for any member of the industry to falsely represent in the advertisement,

[1] This exemption of quantity price differentials is further qualified by the following additional provisions in amended section 2 (a) of the Clayton Act:

"* * * the Federal Trade Commission may, after due investigation and hearing to all interested parties, fix and establish quantity limits, and revise the same as it finds necessary, as to particular commodities or classes of commodities, where it finds that available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promotive of monopoly in any line of commerce; and the foregoing shall then not be construed to permit differentials based on differences in quantities greater than those so fixed and established * * *".

[2] Paragraph (a) repeats the statutory language in section 4 of the Robinson-Patman Act.

[3] Paragraph (b) repeats the statutory language in an amendment to the Robinson-Patman Act.

offer, or sale of a product, either expressly or impliedly, that the price at which such product is sold is a bargain price or an otherwise reduced price. [Rule 7]

§ 209.13 *Prohibited use of fictitious price.* It is an unfair trade practice for any member of the industry to advertise, offer, or sell a product (a) at a price purported to be reduced from what is in fact a fictitious price, or (b) at a purported reduction in price which is in fact a fictitious one. [Rule 8]

§ 209.14 *Prohibited use of any false or misleading term of sale.* It is an unfair trade practice for any member of the industry to quote or disseminate any price or any other term (including condition) of sale which is false, or which otherwise has the capacity and tendency or effect of misleading or deceiving the purchasing public. [Rule 9]

§ 209.15 *Prohibited use of any false or misleading invoice, etc.* It is an unfair trade practice for any member of the industry, in connection with the sale or purchase of a product, (a) to make an invoice a false record of a sale by adding or omitting any statement with respect to it, or (b) to falsify a purchase record by any manipulation of it, or (c) to use an invoice or purchase record which otherwise has the capacity and tendency or effect of misleading or deceiving the purchasing public. [Rule 10]

§ 209.16 *Prohibited misrepresentation of available product supply.* In connection with the advertisement, sale, offering for sale, or distribution of products, it is an unfair trade practice for any member of the industry, either expressly or impliedly, to misrepresent the available supply of a product. [Rule 11]

§ 209.17 *Prohibited use of any misleading or deceptive selling method.* It is an unfair trade practice for any member of the industry to use any method of selling a product which has the capacity and tendency or effect of misleading or deceiving the purchasing public in any material respect. [Rule 12]

§ 209.18 *Prohibited misrepresentation in general.* It is an unfair trade practice for any member of the industry, either directly or indirectly, to make any misrepresentation in the advertisement, offer, or sale of a product (a) about its production or distribution, or (b) about its identity, nature, character, composition, grade, quality, quantity, size, use, or value, or (c) in any other material respect. [Rule 13]

§ 209.19 *Prohibited defamation of competitor.* It is an unfair trade practice for any member of the industry to defame a competitor, or to disparage his product, his business or its conduct, by any false or otherwise unfair representation. [Rule 14]

§ 209.20 *Prohibited enticing of competitor's employee.* It is an unfair trade practice for any member of the industry to entice away any employee of a competitor with the purpose and tendency or effect of unfairly injuring him: *Provided*, That nothing in this section shall be construed as prohibiting employees or agents from seeking or obtaining more favorable employment. [Rule 15]

§ 209.21 *Prohibited substitution of competitor's product.* It is an unfair trade practice to ship or deliver products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchasers as to such substitution and obtaining consent thereto at or before the time of shipment or delivery, and with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. [Rule 16]

§ 209.22 *Prohibited interference with competitor's contract.* (a) It is an unfair trade practice for any member of the industry (1) to induce the breach of a competitor's unlawful purchase, sale, or other business contract, or (2) to interfere with or obstruct the performance of such a contract by a competitor, where either of such practices has the capacity and tendency or effect of substantially injuring or lessening present or potential competition.

(b) Nothing in this section is intended to imply that it is improper for any member of the industry to solicit the business of a customer of a competing member of the industry; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more members of the industry not to solicit business from the customers of either or any of them, or from customers of any other member of the industry. [Rule 17]

§ 209.23 *Prohibited coercion of purchase.* It is an unfair trade practice for any member of the industry to require by coercion, or by any other means, the purchase of one or more products as a condition to the purchase of one or more other products, where the effect may be substantially to lessen competition, unreasonably restrain trade, or tend to create a monopoly. [Rule 18]

§ 209.24 *Prohibited use of lottery scheme.* It is an unfair trade practice for any member of the industry to sell or promote the sale of products by means of a game of change, gift enterprise, or other lottery scheme, or to sell or distribute any punchboards, push cards, or other lottery devices which are to be used, or may be used, in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or other lottery scheme. [Rule 19]

§ 209.25 *Prohibited forms of trade restraints (unlawful price fixing, etc.)* It is an unfair trade practice for any member of the industry, either directly or indirectly—

(a) To engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy with one or more members of the industry or with any other person or persons, unlawfully to fix, maintain, or enhance the price of any goods, or otherwise unlawfully to restrain trade; or

(b) To use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy.

SUBGROUP C

§ 209.26 *Prohibited use of unfair exclusive deals.*[4] It is an unfair trade practice for any member of the industry engaged in commerce,[5] in the course of such commerce, to make a sale or contract for sale of goods, for use, consumption or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement or understanding that the purchaser thereof shall not deal in the goods of a competitor or competitors of the seller, where the effect of such sale or contract for sale, or such condition, agreement or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 21]

SUBGROUP D

§ 209.27 *Prohibited aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any member of the industry, either directly or indirectly, knowingly to aid, abet, coerce, or induce another to use or promote the use of any unfair trade practice forbidden by the rules in this part.

Industry Committee. A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the furtherance of fair competitive practices and in promoting the effectiveness of this part.

Issued: March 12, 1952.

Promulgated by the Federal Trade Commission March 18, 1952.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-3062; Filed, Mar. 18, 1952; 8:45 a. m.]

[4] This section is based on section 3 of the Clayton Act.

[5] The term "commerce," as used in this section, is to be construed as it is defined in section 1 of the Clayton Act. This definition is quoted in § 209.2.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Fed-

eral Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1950 Supp., Part 141; 16 F. R. 4182) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1950 Supp., Part 146; 16 F. R. 714, 2471; 17 F. R. 1178) are amended as indicated below.

1. Section 141.112 (b) (1) is amended to read as follows:

§ 141.112 *Streptomycin-polymyxin-bacitracin tablets* * * *

(b) *Polymyxin used in making the tablets*—(1) *Potency*—(i) *Cylinders (cups)*. Use cylinders described under § 141.1 (a).

(ii) *Culture medium.* Using ingredients that conform to the standards prescribed, if any, by the U. S. P. or N. F., make nutrient agar for the seed and base layers.

(*a*) *Base layer.*

Pancreatic digest of casein	17.0 gm.
Papaic digest of soybean	3.0 gm.
Sodium chloride	5.0 gm.
Dipotassium phosphate	2.5 gm.
Dextrose	2.5 gm.
Agar	20.0 gm.
Distilled water, q. s	1,000.0 ml.
Final pH	7.3.

(*b*) *Seed layer.* For seed layer make the following changes in the medium described in (*a*) of this subdivision.

Agar	12.0 gm.
Tween 80 (add Tween 80 after boiling)	10.0 gm.
Final pH	7.3.

In lieu of preparing the medium from the individual ingredients as specified, it may be prepared from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such medium. Minor modifications of the specified individual ingredients are permissible if the resulting medium possesses growth-promoting properties at least equal to the medium described.

(iii) *Working standard.* Weigh out a sufficient quantity of the working standard (obtained from the Food and Drug Administration) and make a convenient stock solution by diluting with glycine buffer, which is prepared as follows:

Glycine	3.5 gm.
Sodium chloride	3.0 gm.
Distilled water, q. s	1,000 ml.

(Adjust to *p*H 2.0 with concentrated HCl.)

(iv) *Standard curve.* Prepare daily a standard curve as directed in § 141.101 (d), with the following exceptions: Using a solution of the polymyxin working standard in glycine buffer described under subdivision (iii) of this subparagraph, prepare volumetrically the following concentrations: 20, 40, 60, 80, 100, 120, 140, 160, and 180 units per milliliter in 1-percent phosphate buffer, *p*H 6.0. The 100 units per milliliter concentration is used as the reference point.

(v) *Preparation of test organism.* The test organism is Brucella bronchiseptica (American Type Culture Collection 4617) which is maintained on agar described under subdivision (ii) (*a*) of this subparagraph. Inoculate a Roux bottle containing this agar, subdivision (ii) (*a*), from a stock slant and incubate 24 hours at 32° C.–35° C. Wash the growth into sterile distilled water and standardize the resulting organism suspension to 50-percent light transmission using a filter having a wave length of 6,500 A. Run test plates, and use in the assay the amount of inoculum per 100 milliliters of seed agar which gives (ca) 15.0-millimeter zones of inhibition against the test organism with the 100 units per milliliter solution of polymyxin. Make a new suspension every two weeks.

(vi) *Preparation of plates.* Using the agar described in subdivision (ii) of this subparagraph, prepare the plates as described in § 141.101 (g), except allow the agar for the secondary layer to cool to 48° C.–50° C. before adding the inoculum. It is not necessary to refrigerate the plates.

(vii) *Assay.* Dissolve volumetrically into sterile 1-percent phosphate buffer, *p*H 6.0, the sample to be tested to a final concentration of 100 units (estimated) per milliliter, and proceed as directed in § 141.101 (h) and (i).

2. In § 146.31 *Penicillin dental cones* * * *, the first sentence of paragraph (a) *Standards of identity, etc.*, is amended to read as follows: "Penicillin dental cones are composed of calcium penicillin or crystalline penicillin and one or more suitable and harmless diluents, binders, and lubricants, with or without a suitable local anesthetic and with or without one or more suitable sulfonamides."

3. Part 146 is amended by adding the following new section:

§ 146.72 *Antibiotics for fish diseases.* Penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, or bacitracin intended for use solely in the treatment or prevention of disease in fish and conspicuously so labeled shall be exempt from the requirements of sections 502 (l) and 507 of the act.

4. Section 146.402 (c) (2) and (4) are amended to read as follows:

§ 146.402 *Bacitracin ointment* * * *

(c) *Labeling.* * * *

(2) On the outside wrapper or container, if it is packaged for ophthalmic use by humans or if it is intended for use by humans and it contains one or more sulfonamides, the statement "Caution: Federal law prohibits dispensing without prescription" and a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such ointment by practitioners licensed by law to administer such drug; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

* * * * *

(4) On a circular or other labeling within or attached to the package, unless it is packaged for ophthalmic use in humans or is intended for human use and contains one or more sulfonamides, adequate directions and warnings for prophylactic use in humans or for the veterinary use of such ointment. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other uses of such ointment by practitioners licensed by law to administer such drug will be sent to such a practitioners upon request.

Those parts of this order which provide for a modification of the assay procedure for polymyxin to increase the accuracy of the test; for the optional use of sulfonamides other than sulfanilamide and sulfathiazole in the manufacture of penicillin dental cones; for exemption from the certification provisions of the Federal Food, Drug, and Cosmetic Act of penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, and bacitracin intended for use solely in the treatment or prevention of disease in fish shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

That part of this order which provides for deletion of the requirement that bacitracin ointment intended for prophylactic use by man bear the prescription legend and substitution therefor of adequate directions for use (unless it is packaged for ophthalmic use or its contains one or more sulfonamides) shall become effective 180 days after publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since those parts which provide for a modification of the assay procedure for polymyxin to increase the accuracy of the test; for the optional use of sulfonamides other than sulfanilamide and sulfathiazole in the manufacture of penicillin dental cone; and for certain exemptions from the certification provisions of the Federal Food, Drug, and Cosmetic Act were drawn in collaboration with interested members of the affected industry, and since that part of this order which provides for the deletion of the requirement that bacitracin ointment intended for prophylactic use by man bear the prescription legend (unless it is packaged for ophthalmic use or it contains one or more sulfonamides) is based upon a review of the scientific literature by the technical divisions of the Food and Drug Administration which showed the drug to be safe and efficacious for prophylactic use in self-medication and which raised no questions indicating a need for public proceedings to develop further facts.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: March 13, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-3174; Filed, Mar. 18, 1952; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Paragraphs (h) of § 536.31, and (a) (1) (i) of § 536.32 are amended to read as follows:

§ 536.31 *Definitions.* * * *

(h) *Citizen.* Any person whether or not a citizen of the United States, except a member of the uniformed services.

§ 536.32 *Payment for arrest and delivery of members absent without leave, deserters, and escaped military prisoners*—(a) *Services or expenses for which payment will be made.* (1) Persons or agencies * * *

(i) Reimbursement for travel performed by privately owned conveyance at a rate not to exceed 7 cents a mile from place of apprehension or civil police headquarters to place of return to military control and return to place of apprehension or civil police headquarters.

* * * * *

[C1, AR 35-1570, Mar. 5, 1952] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, USA,
The Adjutant General.

[F. R. Doc. 52-3175; Filed, Mar. 18, 1952; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Interpretation 50]

GENERAL CEILING PRICE REGULATION

INT. 50—OPEN PRICING CONTRACTS UNDER AMENDMENT 6, GCPR (SECTION 22)

Section 22, GCPR, as amended by Amendment 6, effective March 19, 1951, provides: * * * "Nothing in this regulation shall be construed to prohibit the making of a contract or offer to sell a commodity or service at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery."

The question arises whether a seller under the above provision may make a contract for future delivery at a fixed price which is no higher than the existing ceiling price, with a clause stating "seller reserves the right to increase the price stated herein to the ceiling price in effect at the time of delivery." Such a contract provision is valid under clause (a) of Amendment 6 quoted above since it permits delivery at a price higher than the stated fixed price only if such higher price is within the ceiling price at the time of delivery.

The question also arises whether in a contract for future delivery a seller whose ceiling price is $10 may properly include a provision to the effect that the price shall be "the lower of either $15 or the ceiling price in effect at the time of delivery." Such a contract provision would be valid under clause (b) of Amendment 6 quoted above. Under such a contract provision, if the seller's ceiling price has gone up to $20 at the time of delivery he would nevertheless be bound under his contract to deliver at $15. On the other hand, if the seller's ceiling price at the time of delivery was $10 he would be bound to deliver at $10, under the requirement of the regulation as well as under the terms of the contract itself.

Clause (b) of Amendment 6 is intended for the benefit of a buyer who may be willing, in the event the seller's ceiling price is raised subsequent to the date of the contract but prior to the date of delivery, to pay a price higher than the ceiling price in effect at the time of the contract provided that his liability is limited to a fixed figure within such new ceiling price.

Any inconsistent interpretations previously issued on this subject are hereby revoked.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Chief Counsel,
Office of Price Stabilization.

MARCH 17, 1952.

[F. R. Doc. 52-3244; Filed, Mar. 17, 1952; 4:16 p. m.]

[General Interpretation 7]

GEN. INT. 7—DEPOSIT CHARGES FOR CONTAINERS; REFUNDABLE CONTAINER PLAN

A marketer of petroleum products has asked whether a proposed Refundable Container Plan, for the return of used light steel drums in which its products are sold, constitutes a "deposit charge" arrangement within the meaning of section 21 (a), CPR 63, which authorizes sellers to place a deposit charge up to $10.00 on 55-gallon steel drums, and the similar provision of section 19 (a), CPR 66. Under the proposed plan, which would apply only to products which the seller sold on a returnable drum basis in the base period, customers would be invoiced at a unit price which would include the refund value for the container of 10¢ per gallon, equivalent to $5.30 per barrel, which would be refunded to the customer upon return of the identifiable barrel.

The deposit charge provisions of CPR 63 and 66 are to be read in conjunction with section 2 (b) of CPR 36, which establishes ceiling prices for used steel drums. Section 2 (b) of CPR 36 provides that where a product is shipped in a steel drum on condition that the buyer shall resell such drum to the shipper, any such resale shall be subject to the ceiling prices for used drums established in CPR 36 (the CPR 36 ceiling price for a 55-gallon used steel drum being established at $1.75). However, section 2 (b) also provides that nothing in that paragraph shall be construed to prohibit a person selling a product shipped in a steel drum on condition that the buyer shall return such drum to the shipper on penalty of forfeiture of a deposit. Thus, if title to the drum remains in the shipper and the additional amount collected from the customer represents merely a legitimate deposit charge, to be refunded to the customer upon return of the steel drum, section 21 (a) of CPR 63 and section 19 (a) of CPR 66 become applicable and deposit charges may be collected within the limits set forth in those provisions.

The proposed plan includes the following essential elements:

(1) At the time of purchasing the product, customers will be invoiced at a unit price, which will include the refund value for the container of 10¢ per gallon, equivalent to $5.30 per barrel. Barrels classified as Refundable Containers will be identified on the invoice received by the customer as "RC", and such invoice will include a suitable notice that the price charged for the products delivered in such drums includes the refundable value of the container.

(2) Upon return of the Refundable Container with the positive identification described below, the seller will refund the $5.30 per drum originally collected, either by cash payment to the customer or by credit to his merchandise account.

(3) All barrels included in this plan will be classified as "Refundable Containers" and will bear suitable identifying insignia to distinguish them from other barrels. At the beginning of the plan, the seller will identify such barrels with a decalcomania which will state:

> Return promptly for further use. Refund value of this barrel $5.30, if returned in good condition with this label attached. X Company.

Within a short time such decalcomania identification will be replaced with stencilled identification on either the head or side of such barrels, and ultimately, if found practicable, stencilled identification will be replaced with a metal identification band affixed around the bung of the drum.

(4) In view of the fact that title to the drum will remain in the seller, with the 10¢ per gallon for the container being merely a deposit charge to be refunded to the customer upon return of the identifiable barrel, State sales taxes will not be assessed upon that portion of the unit price representing the refund value of the container.

(5) Because the funds collected as refund value for the containers will be a liability which must be refunded to the customer, such funds will be carried on the books of the seller in a Liability Account, distinct from funds collected in payment for merchandise. In addition, adequate records will be maintained showing the customers to whom barrel refunds are made and the amounts of such refunds.

(6) All drums involved in the Refundable Container arrangement will be classified on the books of the company as capital assets and depreciated in accordance with accepted accounting procedures.

(7) The seller will pay all applicable personal property taxes on such drums, since it will retain title to the drums.

(8) All customers will be advised of the inauguration of the new plan by medium of individual letters setting

forth the entire arrangement, and appropriate public postings. The letter addressed to each customer will state that products delivered in the Refundable Containers will be charged at prices including a refund value for the containers at a rate of 10¢ per gallon, equivalent to $5.30 per barrel; that each Refundable Container will bear a label positively identifying it as a barrel delivered to the customer by the seller and for which the 10¢ per gallon refund value has been assessed; that upon return of the barrel in good condition, including the identifying label which must accompany it, a refund of $5.30 will be credited to the customer; that although the price charged will thus include the refund value of $5.30, sales tax will not apply upon such refund value, since sales tax will be charged on the product only and not upon the container. In the event any customer inquires as to why the new gallon price to be paid by him will be 10¢ higher than his previous price, the seller will make it clear that the OPS has not authorized any increase in the ceiling price of the product, that the 10¢ per gallon charge represents a deposit charge under section 21 (a), CPR 63, or section 19 (a), CPR 66, and that title to the drum will remain in the seller.

A Refundable Container Plan including the essential elements outlined above is considered a "deposit charge" arrangement within the meaning of section 21 (a), CPR 63, and section 19 (a), CPR 66. In addition, if a Refundable Container Plan including these essential elements is instituted under a ceiling price regulation which does not have an express deposit charge provision, such plan will be regarded as a "deposit charge" arrangement and therefore subject to the principles set forth in General Interpretation 2, Deposit Charges for Containers, dated August 7, 1951.

It should, of course, be noted that if the seller was on a nonreturnable drum basis during the applicable base period, his ceiling price must first be reduced appropriately as required under section 21 (b), CPR 63, section 19 (b), CPR 66, or section 1 (a), General Interpretation 2, before a deposit charge may be imposed.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Chief Counsel,
Office of Price Stabilization.

MARCH 18, 1952.

[F. R. Doc. 52-3257; Filed, Mar. 18, 1952; 11:10 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, § 6.185 (c) is amended to read as follows:

§ 6.185 *Premium waiver on United States Government life insurance under section 622 of the National Service Life Insurance Act, as amended April 25, 1951.* * * *

(c) No premiums may be waived under this section which became due on or prior to June 1, 1951, or which become due on or prior to the first day of the second calendar month following the insured's entry into active service, whichever is the later date: *Provided,* That no premium shall be waived for any period prior to the date of application therefor. Subject to these limitations, premium waiver under this section shall be effective as follows:

(1) As of the premium due date of the policy on or after the date application for waiver is delivered to the Veterans Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery.

(2) As of the premium due date of the policy on or after the date application for waiver is executed and placed in military or naval channels. Unless otherwise shown, the date the application is executed will be taken as the date it was placed in such channels.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

2. In Part 8, §§ 8.26 and 8.26a are amended to read as follows:

§ 8.26 *How paid.* (a) A National Service life insurance policy, except as hereinafter provided in this section, shall participate in and receive such dividends from gains and savings as may be determined by the Administrator of Veterans' Affairs: *Provided,* That insurance issued under the provisions of sections 620 and 621 of the National Service Life Insurance Act, as amended, shall not be entitled to dividends, and insurance on which premiums are waived, in whole or in part, under the provisions of section 622 of the National Service Life Insurance Act, as amended, shall not be entitled to dividends for the period during which such premium waiver is in effect: *Provided further,* That insurance on which the requirements of good health have been waived under the provisions of section 602 (c) (2) of the National Service Life Insurance Act, as amended, at the time of issue or reinstatement of such insurance shall not be entitled to dividends. Dividends becoming payable after January 1, 1952, shall be payable on the date preceding the anniversary of the policy unless the Administrator shall declare them payable on some other date.

(b) Unless and until the Veteran's Administration receives a written request from the insured that National Service life insurance dividends be paid in cash, or, that they be placed on deposit or be used to pay premiums in advance, or that they be used to pay the premiums on a particular policy or policies, any such dividends shall be held to the credit of the insured to be applied to pay monthly premiums becoming due and unpaid after the date such dividends are payable on any National Service life insurance policy or policies held by the insured: *Provided,* That such dividend credits will be applied as of the due date of any unpaid premium and interest at such rate as the Administrator may determine will be added to any remaining dividend credit until so applied or paid in cash.

(c) In the event premiums on more than one policy having the same premium due date are unpaid and the dividend credit of the insured for application to payment of premiums is not sufficient to keep all policies in force, in the absence of instructions to the contrary by the insured, such dividend credit will be applied to pay premiums in such manner as will provide the maximum amount of insurance protection.

(d) At the expiration of any term period, dividend credit of the insured held for payment of premiums will be applied to pay the required premium for renewal of term insurance unless the insured requests otherwise in writing prior to the expiration of the term period.

(e) A request for payment of dividends in cash or for other disposition will be effective as of the date the request is delivered to the Veterans' Administration: If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery: If forwarded through military channels by the insured while in military service, the date the request is placed in military channels will be accepted as the date of delivery. Unless otherwise stipulated by the insured, such request will remain in force until revoked in writing signed by the insured and delivered to the Veterans Administration.

(f) Dividend credit of the insured held for payment of premiums as provided in Public Law 36, 82d Congress, may not be used to satisfy any indebtedness due the United States without the insured's consent. If the insured requests payment of such dividend credit, or any unusued portion thereof, in cash, or requests that such credit be left to accumulate on deposit, as provided in paragraph (g) of this section, then any indebtedness due the United States, such as described in § 8.60 (b), will be recovered therefrom.

(g) At the written request of the insured, National Service life insurance dividends may be left to accumulate on deposit at interest which will be credited annually at such rate as the Administrator may determine: *Provided,* That the policy is in force on a basis other than extended term insurance or level premium term insurance. Dividend credit of the insured under Public Law 36 held for payment of premiums or left to accumulate on deposit as provided in this paragraph may be applied to the payment of premiums in advance upon written request of the insured made before default in payment of a premium. Dividends on deposit under the provisions of this paragraph will be used in addition to the reserve on the policy for the purpose of computing the period of extended term insurance or the amount of paid-up insurance as provided in §§ 8.29 and 8.30, respectively. Any dividend credit of a

person who no longer has insurance in force by payment or waiver of premiums will be paid in cash to such person. Upon maturity of the policy, any dividend on deposit, any unpaid dividend payable in cash, and any dividend credit accruing from such policy which cannot be used to pay premiums as provided in Public Law 36, will be paid to the person currently entitled to receive payments under the policy. If the policy is not in force at death, any such unpaid dividends and dividend credits will be paid to the insured's estate.

(Sec. 10, Pub. Law 23 and Pub. Law 36, 82d Cong.)

§ 8.26a *Special dividends.* Any special National Service life insurance dividend declared prior to January 1, 1952, shall be paid in cash only. Such special dividends shall not be acepted to accumulate on deposit and shall not be available to pay premiums.

3. In § 8.60, paragraph (b) is amended to read as follows:

§ 8.60 *Taxation and exemption.*
* * *

(b) The exemption shall apply against the United States or any agency thereof: *Provided,* Except as to dividends being held to the credit of the insured for the payment of premiums under the provisions of Public Law 36, 82d Congress, May 18, 1951, the United States shall be entitled to collect by set-off or otherwise out of benefits, payable to any beneficiary under a National Service life insurance policy, the amount of any indebtedness due the United States by such beneficiary because of overpayments or illegal payments made to such beneficiary under laws administered by the Veterans Administration: *Provided further,* In the settlement of any claim arising out of the National Service Life Insurance Act of 1940, the United States shall be entitled to deduct the amount of unpaid premiums or loans, or interest on such premiums or loans; or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits; or any other indebtedness existing under the particular insurance contract.

4. In § 8.113, paragraph (c) is amended to read as follows:

§ 8.113 *Premium waiver under section 622 of the National Service Life Insurance Act, as amended April 25, 1951.*
* * *

(c) No premiums may be waived under this section which become due on or prior to June 1, 1951, or which become due on or prior to the first day of the second calendar month following the insured's entry into active service, whichever is the later date: *Provided,* That no premium shall be waived for any period prior to the date of application therefor. Subject to these limitations, and except as hereinafter provided in this paragraph, premium waiver under this section shall be effective as follows:

(1) As of the premium due date of the policy on or after the date application for waiver is delivered to the Veterans Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery.

(2) As of the premium due date of the policy on or after the date application for waiver is executed and placed in military or naval channels. Unless otherwise shown, the date the application is executed will be taken as the date it was placed in such channels.

(3) If premiums are being waived under section 602 (n) of the National Service Life Insurance Act, as amended, at the time application for waiver under this section is made, such waiver will be effective at the termination of the premium waiver under section 602 (n) of the act, provided the insured has continued in the active service without interruption and is still eligible for waiver under this section at the later date.

* * * * * *

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation effective March 19, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-3107; Filed, Mar. 18, 1952; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 52-17]

PART 12—CERTIFICATION OF SEAMEN

SUBPART 12.02—GENERAL REQUIREMENTS FOR CERTIFICATION

DENIAL OF MERCHANT MARINER'S DOCUMENTS TO CERTAIN ALIENS

The navigation and vessel inspection laws relating to merchant seamen are definite concerning the requirements for a merchant seaman, below the rating of officer, to have one or more documents issued by the United States Coast Guard in the form of a certificate of service, or a certificate of efficiency, or a certificate of identification, or a continuous discharge book, or a merchant mariner's document, depending upon circumstances, before he may be employed in the United States to serve on board a majority of the types of merchant vessels comprising the United States merchant marine. The immigration laws of the United States also make it unlawful to pay off or discharge an alien seaman employed on board any vessel arriving in the United States from any port or place unless such alien is duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens; and, furthermore, the Immigration and Naturalization Service has the duty to require either the detention or deportation of any alien crew member of any vessel arriving in the United States when such alien is unlawfully present in the United States.

The United States Coast Guard has been issuing documents to aliens without determining whether or not such aliens have been lawfully admitted to the United States for permanent residence. This practice has created difficulties in the enforcement of the navigation and vessel inspection laws by the United States Coast Guard and has created difficulties in carrying out the Coast Guard's responsibility for safeguarding of the national security insofar as shipping is concerned. The work of the Immigration and Naturalization Service is and has been also hampered by the fact that the Coast Guard has issued merchant mariner's documents to aliens whom the Immigration and Naturalization Service must at some later date order detained or deported. It is also apparent that an alien unlawfully present in the United States or lawfully present for a period of twenty-nine days will afford a sufficiently grave security risk so that he should be required to present evidence of lawful presence for permanent residence in the United States before the Coast Guard issues to him merchant seaman's documents.

The purpose of the following new regulations, designated as 46 CFR 12.02-10 and 12.02-23 (f), is to establish a definite requirement that no alien may be given a merchant seaman's document in the absence of acceptable proof from the United States Immigration and Naturalization Service that he is lawfully admitted to the United States for permanent residence. The acceptable documentary evidence may be in the form of an alien registration receipt card issued by the Immigration and Naturalization Service, or a declaration of intention to become a citizen of the United States issued by a naturalization court. Because of the difficulties encountered in the enforcement of the navigation and vessel inspection laws and immigration laws of the United States, as well as the national emergency declared by the President, it is found that compliance with a notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), as well as the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on the date of publication of this document in the FEDERAL REGISTER.

1. Part 12 is amended by adding a new § 12.02-10 reading as follows:

§ 12.02-10 *Applications for documents from aliens.* (a) No application from an alien for a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document shall be accepted unless the alien presents acceptable documentary evidence from the United States Immigration and Naturalization Service that he is lawfully admitted to the United States for permanent residence.

(b) This evidence may be in the form of an alien registration receipt card issued by the Immigration and Naturali-

zation Service bearing the certification that the alien was admitted to the United States as an immigrant, or a declaration of intention to become a citizen of the United States issued by a naturalization court.

(Interprets or applies sec. 5, 49 Stat. 1935, as amended, sec. 302, 49 Stat. 1992, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 672a, 1132, 50 U. S. C. App. 1275)

2. Section 12.02–23 is amended by adding paragraph (f) reading as follows:

§ 12.02–23 *Issuance of duplicate documents.* * * *

(f) No application from an alien for a duplicate of a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document shall be accepted unless the alien complies with the requirements of § 12.02–10 with respect to proof that he is lawfully admitted to the United States for permanent residence.

(Interprets or applies sec. 5, 49 Stat. 1935, as amended, sec. 302, 49 Stat. 1992, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 672a, 1132, 50 U. S. C. App. 1275)

(R. S. 4405, 4417a, 4488, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 49 Stat. 1544, 1545, sec. 7, 49 Stat. 1936, sec. 1, 52 Stat. 753, 55 Stat. 579; 46 U. S. C. 375, 391a, 481, 643, 672, 367, 689, 672b, 672–1, 672–2)

Dated: March 13, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral,
U. S. Coast Guard, Commandant.

[F. R. Doc. 52–3199; Filed, Mar. 18, 1952; 8:52 a. m.]

[CGFR 52–12]

EXTRA RECHARGES FOR FIXED OR BUILT-IN FIRE EXTINGUISHING SYSTEMS

PORTABLE FIRE EXTINGUISHERS

The regulations for portable fire extinguishers on passenger and cargo vessels are in 46 CFR 61.13, 77.13, 95.13, and 114.15. In paragraph (g) of these sections there is a requirement for extra recharges for fixed or built-in fire extinguishing systems installed for lamp and paint lockers, emergency generator rooms, and similar spaces. The practice has been to accept the extinguishing agent for other spaces as being available as the recharge for a particular space in question. Inasmuch as at present there are few, if any, vessels actually carrying a bona fide spare charge for such fixed or built-in fire extinguishing systems, and since there appears to be no special need to require spare charges for each of the smaller hazards when the present regulations permit the use of a single supply for a combination of major hazards (for example, both machinery and cargo protection), therefore 46 CFR 61.13 (g), 77.13 (g), 95.13 (g), and 114.15 (g) are canceled in order to prevent a possible undue hardship in any particular case if a literal interpretation of the regulations were taken.

These amendments shall become effective immediately upon publication of this document in the FEDERAL REGISTER. These amendments are published without prior general notice of their proposed issuance for the reason that notice, public rule making procedure thereon, and effective date requirements in connection therewith are hereby found to be unnecessary since they are a relaxation and clarification of present requirements.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

Subchapter G—Ocean and Coastwise; General Rules and Regulations

PART 61—FIRE APPARATUS; FIRE PREVENTION

Section 61.13 *Portable fire extinguishers* is amended by canceling paragraph (g) thereof.

(R. S. 4405, as amended, secs. 1, 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 367, 50 U. S. C. 1275. Interprets or applies R. S. 4426, as amended, 4470, as amended, 4471, as amended, 4479, as amended, sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 404, 463, 464, 472, 463a)

Subchapter H—Great Lakes; General Rules and Regulations

PART 77—FIRE APPARATUS; FIRE PREVENTION

Section 77.13 is amended by canceling paragraph (g) thereof and this section will read as follows:

§ 77.13 *Portable fire extinguishers.* (See § 61.13 of this chapter, as amended, which is identical with this section.)

(R. S. 4405, as amended; 46 U. S. C. 375. Interprets or applies R. S. 4426, as amended, 4470, as amended, 4471, as amended, 4479, as amended, sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 404, 463, 464, 472, 463a)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes; General Rules and Regulations.

PART 95—FIRE APPARATUS; FIRE PREVENTION

Section 95.13 is amended by canceling paragraph (g) thereof and this section will read as follows:

§ 95.13 *Portable fire extinguishers.* (See § 61.13 of this chapter, as amended, which is identical with this section.)

(R. S. 4405, as amended; 46 U. S. C. 375. Interprets or applies R. S. 4426, as amended, 4470, as amended, 4471, as amended, 4479, as amended, sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 404, 463, 464, 472, 463a)

Subchapter J—Rivers; General Rules and Regulations

PART 114—FIRE APPARATUS; FIRE PREVENTION

Section 114.15 is amended by canceling paragraph (g) thereof and this section will read as follows:

§ 114.15 *Portable fire extinguishers.* (See § 61.13 of this chapter, as amended, which is identical with this section.)

(R. S. 4405, as amended; 46 U. S. C. 375. Interprets or applies R. S. 4426, as amended, 4470, as amended, 4471, as amended, 4479, as amended, sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 404, 463, 464, 472, 463a)

Dated: March 13, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 52–3201; Filed, Mar. 18, 1952; 8:52 a. m.]

[CGFR 52–10]

LIFESAVING APPARATUS AND DEVICES

MISCELLANEOUS AMENDMENTS

A notice regarding proposed changes in the regulatory specifications for lifeboat mechanical disengaging apparatus and the regulatory requirements for life preservers to be carrier on ferryboats navigating on rivers was published in the FEDERAL REGISTER dated August 16, 1951, 16 F. R. 8136–8139, as Items XIII and XIV, respectively, on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 18, 1951, in Washington, D. C. No written comments were submitted for consideration and the proposed amendments are adopted without change.

The purpose of the amendment to 46 CFR 117.4 (a) is to require children's life preservers on motor propelled river ferry vessels so that no possible error in the intent of the regulations may be made. This amendment is in agreement with previous changes made in 46 CFR 25.4–1 (a), 26.2–1, 27.2–1, and 113.44a, which require that motorboats and motor vessels carrying passengers for hire shall be provided with an approved life preserver for each person on board and with an additional number of approved life preservers suitable for children equal to at least ten percent of the total number of persons carried.

The purpose of the changes in the regulatory specification for lifeboat mechanical disengaging apparatus in 46 CFR Subpart 160.033 is to change these requirements to agree with present regulations in 46 CFR 59.63 and 60.61 or to provide new requirements so that the equipment will comply with shipboard requirements set forth in 46 CFR 59.3a, 60.21a, 76.15a, and 94.14a in the General Rules and Regulations for Vessel Inspection. The purpose of the amendment to 46 CFR 160.033–2 (c) is to revise the regulation to agree with requirements in 46 CFR 59.68 and 60.61. The purpose of the new regulation, designated 46 CFR 160.033–3 (f), is to require affidavits relative to the materials used in order to insure that subsequent releasing gears will maintain a factor of safety at least equivalent to that provided in the first gear tested. The purpose for revising 46 CFR 160.033–4 (c) (1) is to increase the test load to an amount equivalent to the weight

of the fully loaded lifeboat plus ten percent so that the operating test load for initial approval of the gear will not be less than the load used in the shipboard installation test required by 46 CFR 59.3a, 60.21a, 76.15a, and 94.14a in the General Rules and Regulations for Vessel Inspection.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below the following amendments to the regulations are prescribed which shall become effective thirty days after date of publication of this document in the FEDERAL REGISTER:

Subchapter J—Rivers; General Rules and Regulations

PART 117—FERRYBOATS

Section 117.4 (a) is amended to read as follows:

§ 117.4 *Life preservers, life floats, and fire-fighting equipment.* (a) (1) After July 1, 1929, all ferryboats propelled by steam shall be equipped with a life preserver (or float where same is allowed by law) for every 5 square feet of passenger deck surface on single-deck ferryboats and for every 8.5 square feet of such deck surface on ferryboats having more than one passenger deck, such measurement to include all deck space in the team gangways at each end of the cabins: *Provided, however,* That ferryboats navigating on routes where the number of passengers carried is less than the number of life preservers required by this measurement shall be required to carry one life preserver for each person on board.

(2) All motor-propelled ferryboats shall be provided with one approved life preserver for each person on board and with an additional number of approved life preservers suitable for children equal to at least ten percent of the total number of persons carried.

* * * * *

(R. S. 4405, as amended; 46 U. S. C. 375. Interprets or applies R. S. 4426, as amended; 46 U. S. C. 404)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

SUBPART 160.033—MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

1. Section 160.033–2 (c) is amended to read as follows:

§ 160.033–2 *General requirements for mechanical disengaging apparatus.* * * *

(c) Other types of mechanical disengaging apparatus will be considered for lifeboats fitted on vessels operating on waters other than ocean and coastwise, or for vessels of 3000 gross tons and under operating in ocean and coastwise service.

2. Section 160.033–3 is amended by adding a new paragraph (f), reading as follows:

§ 160.033–3 *Construction of mechanical disengaging apparatus.* * * *

(f) The manufacturer shall furnish mill or foundry affidavits relative to the physical and chemical properties of the materials used.

3. Section 160.033–4 (c) is amended to read as follows:

§ 160.033–4 *Inspection and testing of mechanical disengaging apparatus.* * * *

(c) *Installation test prior to passing first unit installed.* (1) Each new type or arrangement of mechanical disengaging apparatus shall be tested by suspending a lifeboat loaded with deadweight equivalent to the number of persons allowed in the lifeboat (165 pounds per person) together with the weight of the equipment, plus 10 percent of the total load. The release lever shall then be thrown over with this load suspended until the lifeboat is released. This test shall demonstrate the efficiency of the installation in an actual lifeboat. (This test may be conducted ashore by suspending the lifeboat just clear of the ground.)

(Interprets or applies R. S. 4420, as amended, 4482, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428; 46 U. S. C. 396, 404, 475, 481, 489)

(R. S. 4405, 4417, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 367, 526p, 1333, 50 U. S. C. 1275)

Dated: March 13, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 52–3200; Filed, Mar. 18, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF MAPLE SIRUP

NOTICE OF NONISSUANCE OF REVISED STANDARDS

A notice of proposed rule making was published in the April 21, 1951, issue of the FEDERAL REGISTER (16 F. R. 3487) concerning the issuance of revised United States Standards for Grades of Maple Sirup, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951).

This notice provided a period of 90 days for all persons to submit written data, views, or arguments for consideration in connection with the proposed revision. An extension until January 1, 1952, of the period of time within which such written data, views, or arguments could be filed was published August 1, 1951, in the FEDERAL REGISTER (16 F. R. 7520).

On the basis of all such data, views, and arguments which have been filed with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration and all relevant matters presented pursuant to such notice, it has been concluded that it is not desirable to issue the proposed standards at this time.

It is determined, therefore, that the United States Standards, as proposed in the aforementioned notice, will not be made effective at this time.

Done this 13th day of March 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administraton.

[F. R. Doc. 52–3148; Filed, Mar. 18, 1952; 8:47 a. m.]

[7 CFR Part 946]

[Docket No. AO–123 A–14]

MILK HANDLING IN LOUISVILLE, KY., MILK MARKETING AREA

NOTICE OF HEARING; PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Brown Hotel, Louisville, Kentucky, beginning at 10:00 a. m., c. s. t., March 25, 1952, for the purpose of receiving evidence with respect to economic conditions which relate to the handling of milk in the Louisville, Kentucky, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area (7 CFR 946 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order (No. 46), as amended, for the Louisville, Kentucky, milk marketing area were proposed, as follows:

By the Louisville Milk Dealers Association, Louisville, Kentucky:

1. Amend order No. 46, as amended, by adding a new section as follows:

§ 946.53 *Location and station differentials to handlers.* With respect to

skim milk and butterfat contained in milk received from producers at a country plant, which is moved in the form in which it is received from such plant to a city plant or which is disposed of outside the marketing area there shall be deducted in the computation of the net obligation of the handler the amounts set forth in the following schedule according to the shortest hard surfaced highway as determined by the market administrator from the plant where the milk is first received from producers to City Hall in Louisville:

Mileage Zones	*Cents per hundredweight*
More than 25 but not more than 35 miles	13
More than 35 but not more than 45 miles	15
More than 45 but not more than 55 miles	17
For each additional 10 miles or fraction thereof an additional	1

2. Amend Order No. 46, as amended, by designating § 946.81 as § 946.81 (a) and adding a new paragraph as follows:

(b) *Location and station differentials to producers.* In making payments to producers pursuant to § 946.80 a handler may deduct, with respect to all milk received from producers at a country plant not more than the following respective amount per hundredweight of milk as set forth in the following schedule according to the distance by shortest hard surfaced highway from the country plant where the milk is first received from producers to the City Hall in Louisville:

Mileage zones	*Cents per hundredweight*
More than 25 but not more than 35 miles	13
More than 35 but not more than 45 miles	15
More than 45 but not more than 55 miles	17
For each additional 10 miles or fraction thereof an additional	1

3. Make such other changes as may be required to make the entire marketing agreement and order conform with the proposed amendments.

By the Dairy Branch, Production and Marketing Administration:

4. Delete § 946.51 (b) (1) and substitute therefor the following:

(1) From the average of the basic or field prices per hundredweight determined by the market administrator to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at plants at the following locations:

Present Operator and Location

Kraft Foods Co., Lawrenceburg, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Salem Cheese & Milk Co., Salem, Ind.
Madison Milk Co., Madison, Ind.
Producers Dairy Marketing Association, Orleans, Ind.

subtract the amount computed by multiplying the Chicago butter price for the month by 0.12, and then by 2.

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the Market Administrator, 565 Starks Building, Louisville 2, Kentucky, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 14, 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-3198; Filed, Mar. 18, 1952; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 12]

[Docket No. 10157]

AMATEUR SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of Amendment of § 12.111 of the Commission's rules and regulations to delete authority for operation in the 14,350–14,400 kc band by stations in the Amateur Service; Docket No. 10157.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 12.111 of the Commission's rules and regulations, effective April 1, 1952, by deleting the provision authorizing stations in the Amateur Service to operate in the 14,350–14,400 kc band of frequencies. The Atlantic City (1947) Table of Frequency Allocations, ratified by the United States on June 18, 1948, allocates the 14,350–14,400 kc band for use by stations in the Fixed Service, and the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), to which the United States is a signatory, contains provisions which permit stations in the Fixed Service to be licensed in this band at this time. It is imperative, in order to protect the telecommunications interests of the United States and to carry out existing international obligations, that stations in the Amateur Service cease operating in the 14,350–14,400 kc band by April 1, 1952, in order that the Commission may issue authorizations in that band to stations in the Fixed Service in accordance with the Atlantic City Table.

3. The proposed amendment to the rules is issued under the authority of sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

4. Any interested person who is of the opinion that the proposed amendment should not be adopted may file with the Commission on or before March 28, 1952, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendment.

5. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: March 17, 1952.

Released: March 17, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-3207; Filed, Mar. 10, 1952; 8:53 a. m.]

[47 CFR Part 12]

[Docket No. 10158]

AMATEUR SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 12.111 of the Commission's rules and regulations to authorize use of the 21,000–21,450 kc band by stations in the Amateur Service; Docket No. 10158.

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. It is proposed to amend § 12.111 of the Commission's rules and regulations to authorize stations in the Amateur Service to operate, commencing May 1, 1952, in the 21,000–21,450 kc band of frequencies using type A–1 emission only. The Atlantic City (1947) Table of Frequency Allocations, ratified by the United States on June 18, 1948 allocates the 21,000–21,450 kc band of frequencies for use by stations in the Amateur Service, and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), to which the United States is a signatory, contains provisions which permit amateur stations to be licensed in this band at this time.

3. The Commission also proposes to institute further rule making proceedings to determine what types of emission should be permanently authorized to be used in this band, how the band should be apportioned among those types of emission, and the classes of amateur operator licenses to be required when using each of those types of emission.

4. The proposed amendment to the rules is issued under the authority of sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended, and the provisions of the final acts of the International Telecommunications and Radio Conference, 1947, and the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

5. Any interested person who is of the opinion that the proposed amendment should not be adopted may file with the Commission on or before April 17, 1952 a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments and briefs presented before taking action with respect to the proposed amendment.

6. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: March 17, 1952.

Released: March 17, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-3245; Filed, Mar. 18, 1952; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

STOCK DRIVEWAY WITHDRAWAL NO. 200, SOUTH DAKOTA NO. 4, REDUCED

MARCH 10, 1952.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental Order of June 24, 1929, establishing Stock Driveway Withdrawal No. 200, South Dakota No. 4, under section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands:

BLACK HILLS MERIDIAN

T. 9 N., R. 6 E.,
Sec. 4, lot 4.

The area described aggregates 40.44 acres.

The above described land is primarily suitable for grazing purposes. No application for this land may be allowed under the homestead, small tract, desert land or any other nonmineral public land laws until the land has been classified. It is unlikely that the land will be classified as suitable for homestead, desert land or small tract use.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager, Montana Land Office, Bureau of Land Management, Billings, Montana, or the Director, Bureau of Land Management, Washington, D. C.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 52-3179; Filed, Mar. 18, 1952; 8:51 a. m.]

SOUTH DAKOTA

STOCK DRIVEWAY WITHDRAWAL NO. 208, SOUTH DAKOTA NO. 5, REDUCED

MARCH 10, 1952.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental Orders of February 13, 1930 and March 8, 1930, establishing Stock Driveway Withdrawal No. 208, South Dakota No. 5, under section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands:

BLACK HILLS MERIDIAN

T. 10 N., R. 6 E.,
Sec. 5, lots 1, 2, SW¼SW¼,
Sec. 24, S½SE¼,
Sec. 25, SE¼NW¼, NE¼SW¼,
Sec. 29, W½SW¼.
T. 11 N., R. 6 E.,
Sec. 33, SW¼.

The areas described aggregate 533.82 acres.

The above described lands are primarily suitable for grazing purposes. No application for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws until the lands have been classified. It is unlikely that the lands will be classified as suitable for homestead, desert land, or small tract use.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager, Montana Land Office, Bureau of Land Management, Billings, Montana, or the Director, Bureau of Land Management, Washington, D. C.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 52-3180; Filed, Mar. 18, 1952; 8:51 a. m.]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 23, WYOMING NO. 6, REDUCED

MARCH 10, 1952.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental Order of June 20, 1918, establishing Stock Driveway Withdrawal No. 23, Wyoming No. 6, under section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 88 W.,
Sec. 24, NE¼NE¼, N½SE¼NE¼.

The area described aggregates 60 acres.

These lands are principally suited for business and homesites under the small tract act and shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Region III, Billings, Montana, opening the lands to application under the small tract act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a 91-day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 52-3181; Filed, Mar. 18, 1952; 8:51 a. m.]

Bureau of Reclamation

CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 1, 1951.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 10 N., R. 7 E.,
Sec. 25, Lot 3;
Sec. 35, Lot 1.

The above areas aggregate 16.50 acres.

WESLEY R. NELSON,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

MARCH 5, 1952.

[F. R. Doc. 52-3127; Filed, Mar. 18, 1952; 8:45 a. m.]

Central Valley Project, California

NOTICE FOR FILING OBJECTIONS TO ORDER[1] WITHDRAWING PUBLIC LANDS

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the Central Valley Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

Wesley R. Nelson,
Assistant Commissioner.

[F. R. Doc. 52-3128; Filed, Mar. 18, 1952; 8:45 a. m.]

La Barge Project, Wyoming

FIRST FORM RECLAMATION WITHDRAWAL

May 8, 1951.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

Sixth Principal Meridian, Wyoming

T. 29 N., R. 110 W.,
Sec. 5, Lots 1, 2, and 3, S½NE¼, and SE¼NW¼.
T. 30 W., R. 110 W.,
Sec. 31, Lots 2, 3, 4, 5, 8, 9 and 10, and SE¼NE¼;
Sec. 32, S½NW¼, E½SW¼, and E½.
T. 29 N., R. 111 W.,
Sec. 1, Lots 1, 2 and 3;
Sec. 3, Lot 5;
Sec. 4, Lot 5;
Sec. 17, SW¼SW¼;
Sec. 20, W½;
Sec. 21, Lots 2, 4 and 5;
Sec. 29, W½E½;
Sec. 32, W½NE¼, SE¼NE¼, SW¼SE¼, N½SE¼, and W½.
T. 30 N., R. 111 W.,
Sec. 33, NE¼, E½NW¼, and NE¼SW¼;
Sec. 35, NE¼SW¼, and SE¼.
T. 26 N., R. 112 W.,
Sec. 6, Lots 2, 3, 4, 5 and 9, and SE¼NW¼;
Sec. 7, Lot 5;
Sec. 18, Lots 1, 2 and 3.
T. 27 N., R. 112 W.,
Sec. 4, Lots 2, 3 and 4, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 5, Lots 1 and 2, S½NE¼, and SE¼;
Sec. 7, E½;
Sec. 8, W½NE¼, NW¼, and S½;
Sec. 9, SW¼SW¼;
Sec. 17, W½NW¼, SE¼NW¼, SW¼, and SW¼SE¼;
Sec. 18, Lots 1, 2, 3 and 4, E½, and E½W½;
Sec. 19, Lots 1, 2, 3 and 4, E½, and E½W½;
Sec. 20, Lot 6, W½NE¼, NW¼, N½SW¼, and SW¼SW¼;
Sec. 29, Lots 4 and 5;
Sec. 30, Lots 1 to 7, incl., N½NE¼ SW¼NE¼, E½W½, and W½SE¼;
Sec. 31, Lots 3, 4, 9, 10 and 11, W½E½, and E½W½.
T. 28 N., R. 112 W.,
Sec. 1, Lots 1 to 13, incl., 17 and 18, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 2, S½;
Sec. 11, N½SW¼, and N½;
Sec. 12, Lots 4 and 5, and W½NW¼;
Sec. 13, Lots 4, 10 and 11;
Sec. 14, SW¼NE¼, SE¼NW¼, and S½;
Sec. 22, E½;
Sec. 23, Lots 1, 2, 3 and 8, NW¼, and NE¼ SW¼;
Sec. 27, all;
Sec. 28, SE¼;
Sec. 32, SE¼;
Sec. 33, all.
T. 26 N., R. 113 E.,
Sec. 2, Lots 1, 2, 9, 13 and 14, and W½ SE¼;
Sec. 11, Lots 1 to 4, incl., and W½E½;
Sec. 14, Lots 1, and NW¼NE¼;
Sec. 23, W½E½.
T. 27 N., R. 113 W.,
Sec. 13, SE¼;
Sec. 24, E½;
Sec. 25, E½.

The areas described aggregate 13,285.58 acres.

Wesley R. Nelson,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

William Zimmerman, Jr.,
Acting Director,
Bureau of Land Management.

February 28, 1952.

[F. R. Doc. 52-3129; Filed, Mar. 18, 1952; 8:45 a. m.]

La Barge Project, Wyoming

NOTICE FOR FILING OBJECTIONS TO ORDER[1] WITHDRAWING PUBLIC LANDS

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Wyoming, for use in connection with the La Barge Project may present their objections to the Secretary of the Interior. Such objections should be in writing, addressed to the Secretary of the Interior, and filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

Wesley R. Nelson,
Assistant Commissioner.

[F. R. Doc. 52-3130; Filed, Mar. 18, 1952; 8:45 a. m.]

Yuma Irrigation Project, Arizona-California

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES AND ANNUAL WATER RENTAL CHARGES

February 28, 1952.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum annual operation and maintenance charge for the calendar year 1952 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $7.50 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 7 acre-feet of water per acre on certain sandy areas shown on the list attached to public notice No. 64[1] and to 5 acre-feet of water per irrigable acre on all other lands of the division under public notice. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot.

Where in the opinion of the Chief, Operations Division, Lower Colorado River District, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Chief, Operations Division that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All operation and maintenance charges shall be due and payable on October 1 of each year for the current calendar year.

2. *Annual water rental charges for other lands, Reservation Division.* Irrigation water will be furnished during the calendar year 1952 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: The minimum annual charge shall be $7.50 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre.

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[1] See F. R. Doc. 52-3127, *supra.*

[1] See F. R. Doc. 3129, *supra.*

[1] 16 F. R. 5882.

Additional water, if available, will be furnished at the rate of $2.00 per acre-foot. All charges shall be payable in advance of the delivery of water. Refund will be made for additional water paid for but not used.

3. *Annual water rental charges for lands in the Valley Division not under public notice.* Irrigation water will be furnished during the calendar year 1952 and thereafter until further notice for lands in the Valley Division not under public notice which can be irrigated from the present distribution system without further construction expense by the United States, upon a rental basis under approved applications for temporary water service, at the following rates:

(a) The minimum annual charge shall be $15.50 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per irrigable acre. Additional water, if available, will be furnished at the rate of $1.50 per acre-foot.

(b) The charge per calendar year for each city or town lot having a maximum width not exceeding sixty (60) feet shall be $10.00. Where an applicant requests water service for more than one such lot in the same city or town the charge per calendar year for each additional lot shall be $4.00. Where lots exceed sixty (60) feet in width, each sixty (60) feet of additional width or fractional part thereof shall be considered as one additional lot.

All charges shall be payable in advance of the delivery of water. Refund will be made for additional water paid for under subdivision (a) hereof but not used.

4. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. *Place of payment.* All payments should be made to the Agent-Cashier, Bureau of Reclamation, Yuma Air Base, or mailed to the Agent-Cashier, Bureau of Reclamation, Bin 151, Yuma, Arizona.

E. A. Moritz,
Regional Director.

[F. R. Doc. 52-3131; Filed, Mar. 18, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Defense Food Delegation No. 2, Revision 1]

SECRETARY OF INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO FISHERY COMMODITIES OR PRODUCTS

Defense Food Delegation No. 2 (16 F. R. 3311, 3519)[1] is hereby revised to read as follows:

The Department of the Interior has certain responsibilities and exercises certain functions with respect to the production of the Nation's supply of fishery commodities. It is highly desirable in order to insure the necessary production that the exercise of all functions with respect to the production of fish be closely coordinated. To effectuate this purpose and to utilize to the fullest extent possible the technical knowledge and experience of the fishery staff of the Department of the Interior, it is the purpose of the Secretary of Agriculture to delegate to the Secretary of the Interior certain defense functions delegated to the Secretary of Agriculture.

Therefore, pursuant to the provisions of section 902 (b) of Executive Order 10161 (15 F. R. 6105), as amended, the Secretary of Agriculture hereby delegates, subject to the terms and conditions set forth herein, to the Secretary of the Interior the following functions vested in the Secretary of Agriculture by Executive Order 10161, Executive Order 10200, Executive Order 10281, and Defense Production Administration Delegation No. 1, as amended (15 F. R. 6105, 16 F. R. 61, 16 F. R. 8789, and 16 F. R. 11245):

(1) The priority and allocation functions set forth in sections 101 (b) and 102 of Executive Order 10161, as amended, with respect to the production of fishery commodities or products.

(2) The claimant functions under section 103 (a) of Executive Order 10161, as amended, with respect to all materials and additional facilities requisite to the production of fishery commodities or products, but excluding tin container supply and materials and facilities used in common for processing of fish and other foods: *Provided,* That the Secretary of the Interior, prior to the exercise of this claimant function, shall, to assure full coordination, notify the Secretary of Agriculture of his intent to do so, and shall provide with such notice complete and detailed information as to the materials and additional facilities concerned.

(3) Requisitioning functions under section 201 (a) of Executive Order 10161, as amended, with respect to the production of fishery commodities or products, except that with respect to the processing of fish the Secretary of Agriculture reserves the right to prohibit or modify the exercise of this function in any instance where, in his opinion, such action would interfere with or have an adverse effect upon the processing of other foods: *Provided,* That the Secretary of the Interior, prior to the exercise of the requisitioning function, shall notify the Secretary of Agriculture of his intent to do so. The Secretary of Agriculture will consult with the Secretary of the Interior in order to assure full coordination before exercising the requisitioning function with respect to food processing when he determines that such action may interfere with the processing of fish.

(4) The function of certifying under sections 310 (b) and 311 (b) of Executive Order 10161, as amended, with respect to loans required for the production of fishery commodities or products.

(5) The function of recommending to the Defense Production Administrator for the issuance of certificates under subsection (e) of section 124A of the Internal Revenue Code with respect to the production of fishery commodities or products.

(6) Such functions relating to labor supply as are delegated to the Secretary of Agriculture under section 601 (b) of Executive Order 10161, as amended, with respect to the production of fishery commodities or products.

(7) The functions delegated to the Secretary of Agriculture under section 701 (a) (1) of Executive Order 10161, as amended, with respect to the production of fishery commodities or products.

(8) The functions delegated to the Secretary of Agriculture under sections 902 (a), (b), (d) (1), (d) (2), and 904 of Executive Order 10161, as amended, with respect to the production of fishery commodities or products.

The term "production" as used herein means the catching and harvesting of any form of aquatic animal or plant life and the processing thereof.

The term "fishery commodities or products" as used herein means any edible or nonedible fish, any form of aquatic animal or plant life, or any other commodity or product, including fats and oils, of marine or fresh water origin, which is within the meaning of the term "food" as defined in section 901 (h) of Executive Order 10161, as amended.

The functions hereby delegated to the Secretary of the Interior shall be exercised with respect to the production of fishery commodities or products to fulfill the requirements for military, essential civilian, and foreign needs, as determined by the Secretary of Agriculture.

Nothing herein shall be construed to delegate to the Secretary of the Interior functions vested in the Secretary of Agriculture with respect to (1) the distribution in consumer channels of unprocessed fishery commodities after delivery to the initial purchaser; or (2) the distribution; procurement; inspection; container supply; specification of product, container, standards, and labeling; of or relating to, processed fishery commodities or products.

Nothing contained herein shall affect the validity of any action taken pursuant to Defense Food Delegation No. 2 prior to this revision.

Done at Washington, D. C., this 17th day of March 1952.

[SEAL] K. T. Hutchinson,
Acting Secretary of Agriculture.

[F. R. Doc. 52-3246; Filed, Mar. 17, 1952; 5:11 p. m.]

[1] Originally published in 15 F. R. 6998.

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower

than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of regulations, Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special indsutry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043).

Armored Garments, Inc., Spruce Pine, N. C., effective 3-7-52 to 9-6-52; six learners for expansion purposes (pants, overalls, coveralls, work shirts).

Banks & Pusey, Delmar, Del., effective 3-6-52 to 3-5-53; 10 learners (work pants).

Blain Associates, Perry County, Blain, Pa., effective 3-7-52 to 3-6-53; five learners (women's rayon underwear).

General Shirt Corp., Louisville, Ga., effective 3-5-52 to 3-4-53; 10 percent of the productive factory force (dress and sport shirts).

Glenridge Trouser Corp., Tipton, Mo., effective 3-5-52 to 3-4-53; 10 percent of the productive factory force (trousers and slacks).

Halamar Garment Co., Inc., Dean Sub-Division, Alexander City, Ala., effective 3-3-52 to 9-2-52; 36 learners for expansion purposes (dresses).

G. H. Hess, Inc., corner Main and Twenty-fourth Street, Wheeling, W. Va., effective 3-3-52 to 3-2-53; 10 learners (wash dresses, cotton uniforms).

Hortex Manufacturing Co., Inc., 209-219 South Oregon Street, El Paso, Tex., effective 3-7-52 to 3-6-53; 10 percent of the productive factory force (pants, overalls and work shirts).

Jesse Jean Manufacturing Corp., College and Line Streets, Ellwood City, Pa., effective 3-3-52 to 3-2-53; 10 learners (children's dungarees).

Joy Togs, Inc., 930 Highland Avenue, Greensburg, Pa., effective 3-4-52 to 3-3-53; 10 learners (children's snow suits).

Joy Togs, Inc., 930 Highland Avenue, Greensburg, Pa., effective 3-4-52 to 9-3-52; 10 learners for expansion purposes (children's snow suits).

The Kaynee Co., Williamsburg, Ky., effective 3-7-52 to 3-6-53; 10 percent of the productive factory force (shirts, pajamas, trousers).

Liberty Frock Co., Inc., 1331 Oak Street, Kansas City, Mo., effective 3-6-52 to 3-5-53; 10 learners (dresses).

Metro Pants Co., 38 West Rock Street, Harrisonburg, Va., effective 3-6-52 to 3-5-53; 10 percent of the productive factory force (trousers).

Mrs. Esther Page, 8 Loring Street, Lawrence, Mass., effective 3-3-52 to 3-2-53; 3 learners (ladies' sportswear).

Palm Beach Corp., St. Paul, Va., effective 3-3-52 to 3-2-53; 10 learners (ladies' lingerie).

Streamline Garment Corp., 1010 West Main Street, West Frankfort, Ill., effective 3-7-52 to 9-6-52; 10 learners for expansion purposes (dresses and housecoats).

Streamline Garment Corp., 1010 West Main Street, West Frankfort, Ill., effective 3-7-52 to 3-6-53; 10 percent of the productive factory force (dresses and housecoats).

I. Taitel & Son, 12 South Prettyman Street, Knox, Ind., effective 3-12-52 to 3-11-53; 10 percent of the productive factory force (pants, overalls, coveralls, work shirts).

Thorntown Textile Co., Thorntown, Ind., effective 3-7-52 to 3-6-53; 10 learners (cotton blouses).

Washco Corp., P. O. Box 1110, Millry, Ala., effective 3-3-52 to 3-2-53; 10 learners (sport shirts).

Wentworth Manufacturing Co., Lake City, S. C., effective 3-6-52 to 3-5-53; 10 percent of the productive factory force (women's house dresses).

Wentworth Manufacturing Co., Lake City, S. C., effective 3-6-52 to 4-16-52; 75 additional learners for expansion purposes (women's house dresses) (supplemental certificate).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Indianapolis Glove Co., Inc., Glenwood, Ark., effective 3-3-52 to 9-2-52; 25 learners for expansion purposes (canton flannel and leather work gloves).

Lambert Manufacturing Co., 1123 North Osteopathy, Kirksville, Mo., effective 3-7-52 to 3-6-53; 10 learners (cotton and jersey work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

The Bella Co., Mount Pleasant, Tenn., effective 3-1-52 to 10-31-52; 10 learners for expansion purposes.

Berkshire Knitting Mills, Andrews, N. C., effective 3-3-52 to 11-2-52; 50 learners for expansion purposes.

Guilford Hosiery Mills, Inc., High Point, N. C., effective 3-5-52 to 3-4-53; 5 percent of the productive factory force.

McDonough Hosiery Mils, Inc., McDonough, Ga., effective 3-6-52 to 3-5-53; five learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Sleepy Eye Telephone Co., Sleepy Eye, Minn., effective 3-6-52 to 3-5-53.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Borinquen Artificial Flower Co., Naranjito, P. R., effective 2-27-52 to 8-26-52; 15 learners; manufacture by hand of artificial flowers, except flower cutting, pressing and packing; 160 hours at 33 cents per hour (artificial flowers).

Mark Ross Optical Corp., Caguas, P. R., effective 2-27-52 to 8-26-52; eight learners; temple maker, front maker, and finisher, combined; polishing operation; each 300 hours at 34 cents per hour (ophtalmic frames).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 12th day of March 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-3173; Filed, Mar. 18, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination 97]

YUMA, ARIZONA; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9th, 1950 and Executive Order 10276 of July 31st, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated March 11, 1952, that the Yuma, Arizona, area (this area consists of that part of Yuma County, Arizona, lying west of 114 degrees longitude and south of 33 degrees latitude) is a critical defense housing area, and in view of the defense housing program announced for the said area on December 29, 1951, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Yuma, Arizona, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

MARCH 14, 1952.

[F. R. Doc. 52-3239; Filed, Mar. 17, 1952; 3:21 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 6]

SOUTH ADAMS FIELD, ARENAC COUNTY, MICHIGAN

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced

from the South Adams Field, Arenac County, Michigan.

The Bay Pipe Line Corporation of Saginaw, Michigan, desires to eliminate the differentials it has heretofore imposed upon the crude petroleum produced from the South Adams Field, Arenac County, Michigan. During the base period there was a lack of low cost pipe line transportation and full production had not been attained. As a result, the crude petroleum produced from the South Adams Field, Arenac County, Michigan, was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It now appears that full production has been attained, adequate low cost pipe line transportation has been installed and the former differentials resulting in prices for this crude petroleum below the in-line ceiling price for comparable crude petroleum in the same general producing area should no longer be imposed.

From information available to this Office, it appears that the requested adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.75 per barrel.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *it is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the South Adams Field, Arenac County, Michigan, shall be: $2.75 per barrel.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 13, 1952.

[F. R. Doc. 52-3108; Filed, Mar. 13, 1952; 4:55 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9964]

AZALEA BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Charles W. Holt, Clarence M. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, d/b as Azalea Broadcasting Company, Mobile, Alabama, for construction permit; Docket No. 9964, File No. BP-7830.

It appearing, that the undersigned Hearing Examiner by order dated September 26, 1951, continued the consolidated hearing on the above-entitled application and that of WSMB, Inc. (WSMB), New Orleans, Louisiana, Docket No. 9665, until thirty days after action by the Commission upon the joint petition of said applicants filed September 5, 1951, for reconsideration and grant of their respective applications without hearing; and

It appearing further, that on February 13, 1952, the Commission, by order, severed the application of Azalea Broadcasting Company, (Docket No. 9964) from the application of WSMB, Inc. (WSMB), (Docket No. 9965), retained the application of Azalea Broadcasting Company in hearing status, and amended the issues upon which that application is to be heard; that said order of February 13, 1952, was released by the Commission on February 27, 1952; that the time for scheduling the hearing should be thirty days from the date of the release of the Commission's Order of February 13, 1952;

Therefore, it is ordered, This 5th day of March 1952, that the hearing in the above-entitled matter is hereby scheduled for 10 o'clock a. m., Friday, March 28, 1952, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-3177; Filed, Mar. 18, 1952; 8:51 a. m.]

[Docket No. 10156]

CONANT BROADCASTING CO., INC., (WHIL)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

By the Commission: Commissioners Jones and Hennock dissenting and issuing a dissenting statement.[1]

In re application of Conant Broadcasting Company, Inc. (WHIL), Medford, Massachusetts, for broadcast license; Docket No. 10156, File No. BL-4653.

1. The Commission has under consideration a petition filed February 25, 1952, by the Northern Corporation, licensee of Radio Station WMEX, Boston, Massachusetts, requesting the Commission to withdraw the program test authorization granted January 15, 1952, to Conant Broadcasting Company, Inc., for the operation of Station WHIL, Medford, Massachusetts, and to designate for hearing the above-entitled application for license for Station WHIL; and an opposition to said petition filed March 4, 1952, by Conant Broadcasting Company, Inc.

2. A brief discussion of the history of this matter is necessary to an understanding of the problems involved. Station WMEX holds a license to operate at Boston, Massachusetts, on the frequency 1510 kc, with power of 5 kw, unlimited time, using a directional antenna.[2] On September 10, 1948, Conant Broadcasting Company, Inc., filed an application (BP-6928), for a construction permit for a new station to operate on 1540 kc with power of 250 watts, daytime only, at Beverly, Massachusetts. This application was granted May 5, 1949, subject to later approval of the antenna site and construction. The application (BMP-5415) to specify a site was filed May 10, 1950. On December 19, 1950, it was amended to specify a studio and transmitter location in Medford, Massachusetts, in lieu of Beverly. The application as amended was granted February 7, 1951. On August 17, 1951, a second application for modification of construction permit (BMP-5669) was filed requesting a change in the transmitter location of approximately 600 feet. This application was granted September 11, 1951. Public notice of the filing of all of the foregoing applications and amendments was given, as well as public notice of Commission actions thereon. No protests against any of the applications were received nor were any petitions filed seeking reconsideration of any of the Commission actions.

3. Following the grant of the last application mentioned above, the proposed station was constructed and on January 9, 1952, the above-entitled application for license was filed, together with a request for authority to commence program tests. Preliminary examination of this application indicated that the station had been constructed in full compliance with the requirements of the construction permit and the Commission rules and standards; and accordingly, pursuant to § 3.168 of the Commission rules, telegraphic authority for the commencement of program tests was issued January 15, 1952. The operation of Station WHIL, pursuant to this authority, commenced the following day.

4. On February 1, 1952, WMEX for the first time indicated its objection to the operation of Station WHIL by filing a petition substantially identical with the petition which is now under consideration. This petition was based upon a claim that the 25 mv/m contour of WHIL overlaps the 25 mv/m contour of WMEX contrary to the Commission rules and standards. This allegation was supported merely by a reference to certain measurements which had been filed in 1940 in support of the proof of performance of the WMEX directional antenna. Following oral argument before the Commission en banc on February 12, 1952, the Commission by Memorandum Opinion and Order adopted February 15, 1952, denied this first WMEX petition for the reason that the measurements referred to were insufficient to constitute a prima facie showing that any overlap existed between the 25 mv/m contours of WMEX and WHIL.

5. By letter dated February 20, 1952, WMEX submitted affidavits containing a report and analysis of new measurements made on the operation of WHIL and WMEX. The instant petition is based upon these new measurements which it is asserted demonstrate conclusively that overlap of 25 mv/m contours exists.

6. We have examined the new measurements submitted by WMEX and are of the opinion that a prima facie case

[1] Filed as part of original document.

[2] An application (BR-833) for regular renewal of this license was granted February 25, 1952. For some months prior thereto, WMEX was operating under temporary extension of license pending action on this renewal application.

has now been made that the 25 mv/m contours of WMEX and WHIL will overlap contrary to the Commission rules and standards governing the allocation of standard broadcast stations. A substantial question therefore arises whether the issuance of a license to WHIL authorizing operation on the frequency 1540 kc on a regular basis would serve public interest, convenience, and necessity. We therefore believe that in accordance with section 319 of the Communications Act of 1934 as amended, the above-entitled application for license should be designated for hearing. We also believe that WMEX has sufficient interest in this matter to warrant their participation in that hearing. It does not necessarily follow, however, that the program test authority issued Station WHIL must be summarily cancelled. Section 3.168 (b) of the Commission rules provides that program tests may be cancelled or revoked when in the Commission's judgment such action may be required in the public interest. For the reasons indicated below, however, we do not believe that the program test authority now issued to Station WHIL should be cancelled at this time.

7. In filing its application for construction permit WHIL relied upon the map of soil conductivities contained in the Commission standards. If the location of the WHIL and WMEX 25 mv/m contours is estimated on the basis of the conductivity indicated by this soil map no overlap occurs. In granting the WHIL construction permit application the Commission also relied upon its standards. This reliance was in accord with established practice and the Commission rules. WMEX had notice of the WHIL application as well as of the grant of that application. It also had notice of the measurements which it, itself, had filed in 1940 and which in its judgment indicated that the soil conductivity for the area in the vicinity of Boston is higher than that indicated by the soil map. Under the Commission rules WMEX could have raised the issue of overlap either before the grant of the construction permit or within twenty days thereafter. If it had so raised the issue the matter would have been set for hearing and the hearing would have been held in advance of any authorization to WHIL.[3]

8. At the present time, however, an entirely different situation is presented. A construction permit has been issued, a station has been built, and program tests have been authorized. All this has occurred in normal course in full accordance with the Commission rules and without any objection from WMEX. It is following this sequence of events that WMEX not only raises an issue which it could have raised earlier but, moreover, demands that the Commission forthwith and summarily order WHIL from the air. We believe the more orderly and equitable procedure here to be designation of the pending license application of WHIL for hearing, raising the question of the 25 mv/m overlap and its significance in a manner which will permit both parties to present evidence and by cross-examination test the data presented, rather than undoing what has been properly and legally done thus far in accordance with established procedure by the precipitate removal of WHIL from the air at this point.

9. As we have said above, under our rules we have discretion to cancel the program test authority of WHIL, and we would not hesitate to do so if we believed that the public interest so required. In the instant case, however, we perceive no need for precipitous action. WMEX has alleged that it is receiving interference from WHIL. It has not presented to the Commission, however, any substantial evidence supporting this allegation. The fact of interference may not be inferred from the overlap of 25 mv/m contours. Interference such as that usually encountered between co-channel and immediately adjacent channel stations is not to be expected between stations separated by 30 kc regardless of the relative intensity of the desired and undesired signals. The standards recognize, however, that, by reason of intermodulation and other effects, interference problems may arise when two or more stations with the same general service area are operated on channels 30 kc apart and that the extent of this interference is undeterminable on the basis of any existing Commission standards. For this reason, the Commission as a matter of allocation policy has established minimum separations for adjacent channel stations which it has adhered to in all cases. In this instant case, not withstanding the fact that this allocation policy may have been departed from, there has been no showing whatever that a significant amount of interference such as that last mentioned has in fact resulted. For the foregoing reasons we are unable to conclude at this time that serious harm will result from the continuation of program tests by WHIL pending resolution of the basic question whether WHIL is to receive a regular license for operation on 1540 kc—a question which we are now making the subject of a formal hearing.

10. WMEX has argued that the program tests must be cancelled because they are illegal. It is stated that under section 301 of the act no station may operate without a license and it is urged that program test authority cannot be a license, because § 3.168 (e) of the Commission rules provides "The granting of program test authority shall not be construed as approval by the Commission of the application for station license." This argument is little more than a play upon words. The Commission issues many types of authorizations of varying degrees of formality and permanence. All such authorizations must of necessity be "licenses" within the meaning of section 301, but not necessarily "licenses" within the meaning of the Commission rules wherein the term "license" has been limited to a particular form of authorization. The need for and the Commission's authority to use more than one form of authorization in the administration of the complex field of radio has been recognized by the Courts.[4]

11. The Commission has previously found that Conant Broadcasting Company, Inc. is legally, technically, financially and otherwise qualified to construct and operate WHIL as proposed. This finding has not been challenged, and accordingly, these matters need not be placed in issue in the hearing on the above-entitled application.

12. In its opposition to the instant petition WHIL has included an alternative prayer which in effect constitutes an independent petition for reconsideration of the Commission's action as February 25, 1952, granting the application (BR–833) for regular renewal of license of WMEX. We are withholding action on this petition for further study.

Accordingly, it is ordered, This 10th day of March 1952, that the said petition of The Northern Corporation is granted in so far as it requests designation of the above-entitled application for hearing and is denied in so far as it requests cancellation of the WHIL program test authority;

It is further ordered, That the above-entitled application for license to cover construction permit is designated for hearing commencing at 10:00 a. m. on the 7th day of April 1952, at Washington, D. C., upon the following issues.

1. To determine whether the installation and operation of the proposed station would be in compliance with the Commission rules and standards of Good Engineering Practice concerning Standard Broadcast Stations with particular reference to the possibility of overlap of 25 mv/m contours between the proposed station and Station WMEX, Boston, Massachusetts.

It is further ordered, That The Northern Corporation, licensee of WMEX, Boston, Massachusetts, is made a party to this proceeding.

Released: March 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–3178; Filed, Mar. 18, 1952; 8:51 a. m.]

[3] If the issue had been raised by petition for reconsideration of the grant of the WHIL application, the grant would have been set aside as provided in § 1.390 (a) of the Commission rules.

[4] See American Broadcasting Company v. FCC 191 F. 2d 492.

FEDERAL POWER COMMISSION

[Docket No. G–1487]

CITY OF HASTINGS, NEBR., *vs.* KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER PROVIDING FOR HEARING, DIRECTING THAT A PREHEARING CONFERENCE BE HELD, FIXING DATES THEREOF, AND DEFERRING DECISION ON MOTION TO DISMISS AND OTHER MOTION UNTIL AFTER COMPLETION OF HEARING

MARCH 12, 1952.

On September 20, 1950, the City of Hastings, Nebraska (Hastings) filed with the Commission a complaint against Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) alleging, among other things, that a restriction contained in the applicability clause of Kansas-Nebraska's Rate Schedule G–1 contained

in its tariff on file with the Commission, is improper and unlawful in that such restriction provides that said rate schedule shall not apply to the volume of gas which may be used by the buyer in its electric generating station.

On October 30, 1950, Kansas-Nebraska filed a motion to dismiss said complaint upon the ground that the Commission is without jurisdiction to grant the relief sought. On November 10, 1950, Hastings filed an affidavit in opposition to Kansas-Nebraska's motion to dismiss complaint.[1]

Hastings having requested oral argument on the matters raised in its complaint, and Kansas-Nebraska having requested oral argument on its motion to dismiss the complaint, the Commission, by order issued December 28, 1951, fixed the date of oral argument before the Commission for February 28, 1952. Said argument was duly held as ordered.

The Commission, upon consideration of the complaint, the motion to dismiss the complaint, and other pleadings filed in this proceeding, and oral argument of counsel, finds:

(1) The pleadings filed in this proceeding do not alone afford an adequate basis upon which to determine properly the issues presented.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest that a public hearing be held as hereinafter ordered with respect to the matters involved and the issues presented in this proceeding.

(3) It is appropriate and in the public interest that a prehearing conference be held pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure (18 CFR 1.18), as hereinafter ordered, in order to aid in the orderly and expeditious conduct of this proceeding, including particularly the provision of an opportunity for:

(a) The simplification of the issues.

(b) The exchange and acceptance of service of exhibits proposed to be offered in evidence.

(c) The obtaining of admission as to, or stipulations of, facts not remaining in dispute, and the authenticity of documents.

(d) The obtaining of admission as to, or stipulations of, matters to be incorporated by reference from other Commission dockets.

(e) Such other matters as may be appropriate.

(4) It is appropriate and in the public interest to defer decision on the motion to dismiss complaint filed by Kansas-Nebraska and on the motion to strike filed by Hastings until after the completion of the hearing hereinafter ordered.

The Commission orders:

(A) A public hearing be held commencing on May 28, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW, Washington, D. C., concerning the matters involved and the issues in this proceeding.

(B) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference be held for the purpose set forth in finding (3) above, on May 26, 1952, at 10:00 a. m., e. d. s. t., in the office of the Secretary of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C. Such prehearing conference shall be presided over by the Presiding Examiner designated to preside at the hearing in this proceeding.

(C) Decision on the motion to dismiss complaint made by Kansas-Nebraska Natural Gas Company, Inc., on October 30, 1950, and on the motion to strike made by the City of Hastings, Nebraska, on February 25, 1952, be and the same hereby are deferred until after completion of the hearing herein ordered.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: March 13, 1952.

By the Commission. Commissioner Draper dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3133; Filed, Mar. 18, 1952; 8:46 a. m.]

[1] In addition, on February 18, 1952, Kansas-Nebraska filed with the Commission additional exhibits, designated as Exhibits I to O inclusive, alleged to be in support of the motion to dismiss. Copies of said exhibits were served upon Hastings. On February 25, 1952, Hastings filed a motion to strike said additional exhibits on the ground, among others, that if the Commission considers said exhibits in support of the motion to dismiss, Hastings will be deprived of its right of cross-examination and its right to explain or contradict the import of such exhibits. In the same motion, Hastings requests the Commission to overrule the motion to dismiss and set the complaint for hearing. On February 28, 1952, Kansas-Nebraska filed a statement in opposition to Hasting's motion to strike.

[Docket No. G-1905]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 13, 1952.

Take notice that Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation, address, Charleston, West Virginia, filed on March 3, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 8.8 miles of 20-inch natural-gas transmission pipeline paralleling Applicant's existing 14-inch line "E" extending northwestward from North Means, Kentucky.

Applicant proposes, by means of the proposed facilities, to complete the looping of its said Line "E" in order to provide the protection of a double line and minimize an existing hazard of single-line operation. Applicant states that the installation of the proposed facilities will necessarily increase the capacity of its facilities for making deliveries of natural gas in the Cincinnati, Ohio area by approximately 85,000 Mcf per day. Applicant further states that it does not contemplate service to any new markets but that the increased capacity will be utilized as a safety measure and in due course to furnish such additional gas to its customers as normal growth of demand requires. Applicant does not intend to use the increased capacity in the winter of 1952-53 to supply additional volumes, above those now contemplated, to its existing customers.

The estimated cost of the proposed facilities is $676,000. Applicant proposes to finance such cost with funds to be provided by The Columbia Gas System, Inc., its parent company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3132; Filed, Mar. 18, 1952; 8:46 a. m.]

[Docket No. G-1906]

ATLANTIC SEABOARD CORP., AND VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

MARCH 13, 1952.

Take notice that Atlantic Seaboard Corporation (Atlantic Seaboard), a Delaware corporation, and Virginia Gas Transmission Corporation (Virginia Gas), a Virginia corporation, sometimes referred to herein as "Applicants", both of which have their principal place of business at Charleston, West Virginia, jointly filed on March 3, 1952 an application pursuant to section 7 of the Natural Gas Act, seeking authorizations, as hereinafter described, for Atlantic Seaboard to acquire and operate all the facilities of Virginia Gas, and to assume all natural-gas transmission services rendered thereby, and for Virginia Gas to discontinue all natural-gas transmission services and to abandon its facilities.

Atlantic Seaboard is a wholly owned subsidiary of The Columbia Gas System, Inc., and Virginia Gas is a wholly owned subsidiary of Atlantic Seaboard. Each Applicant owns and operates sections of a continuous 421 mile 20-inch natural-gas transmission pipeline between Boldman, Kentucky, and the Maryland-Pennsylvania State Line, and a continuous 262 mile pipeline between Clendenin, West Virginia, and Rockville, Maryland. The portion of said lines which lies in the States of Kentucky, West Virginia and Maryland is owned and operated by Atlantic Seaboard, and the portion which lies in Virginia is owned and operated by Virginia Gas and used for the service of natural gas at wholesale to the City of Charlottesville, Virginia, and to Lynchburg Gas Company, Roanoke Pipe Line Company, Commonwealth Natural Gas Corporation, and Virginia Gas Distribution Corporation.

Applicants propose the transfer of facilities and services from Virginia Gas

to Atlantic Seaboard as part of a general corporate reorganization program involving certain affiliated companies of The Columbia Gas System, Inc., and in order to bring about unitization of corporate structures and a simplification of existing transmission operations. Applicants state that the proposed acquisition will result in savings from elimination of accounting costs and of the necessity for operation and maintenance of facilities presently used for deliveries of gas from Atlantic Seaboard to Virginia Gas.

Atlantic Seaboard proposes to continue without interruption all services presently being rendered by Virginia Gas. After the proposed acquisition has been consummated, Applicants proposes to cause dissolution of Virginia Gas, all of whose assets and liabilities will be acquired by Atlantic Seaboard.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 2d day of April 1952. The joint application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3170; Filed, Mar. 18, 1952; 8:49 a. m.]

[Docket No. G-1908]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION

MARCH 13, 1952.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation, address 774 M & M Building, Houston, Texas, filed on March 5, 1952, an application for a permit pursuant to section 3 of the Natural Gas Act, authorizing the importation of natural gas from the Dominion of Canada into the United States and authorizing the exportation of natural gas from the United States into the Dominion of Canada.

Applicant proposes to import 250 million cubic feet per day natural gas produced in the Province of Alberta, Canada, into the States of Washington and Oregon where such gas is proposed to be sold to purchasers for resale and their use; and to export 25 million cubic feet of such gas into the Province of British Columbia, Canada. The natural gas to be imported will be purchased from Prairie Transmission Lines, Ltd., applicant's wholly owned subsidiary, at the international boundary between United States and Canada adjacent to Stevens County, Washington, and the gas to be exported will be sold to Prairie Transmission Lines, Ltd., at said international boundary adjacent to Whatcom County, Washington.

Applicant also proposes to export 225 million cubic feet per day of natural gas into the Provinces of Ontario and Quebec, Canada. The natural gas to be exported will be purchased from Panhandle Eastern Pipe Line Company near the international boundary adjacent to River Rouge, Michigan, and sold to Canadian Natural Gas Pipe Lines, Ltd., at said point on the international boundary.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3171; Filed, Mar. 18, 1952; 8:49 a. m.]

[Docket No. G-1909]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION

MARCH 13, 1952.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation, address 774 M & M Building, Houston, Texas, filed on March 5, 1952, an application for a Presidential Permit pursuant to Executive Order No. 8202, dated July 13, 1939, authorizing the construction, maintenance, operation, and connection at the international boundary of facilities for the importation of natural gas from the Dominion of Canada and the exportation of natural gas to the Dominion of Canada.

Applicant proposes to construct for the importation of natural gas a 26-inch O. D. transmission line, crossing the international boundary between Canada and the United States at a point adjacent to the northern line of Stevens County, Washington, with valves and meter stations. At that point Applicant will purchase 250 million cubic feet per day of natural gas from Prairie Transmission Lines, Ltd., a wholly owned subsidiary, for service in the States of Washington and Oregon and for export to Vancouver, British Columbia.

Applicant proposes to construct for the exportation of natural gas a 10-inch O. D. transmission line crossing the international boundary between Canada and the United States at a point adjacent to the northern line of Whatcom County, Washington, with valves and meter stations. At that point Applicant will sell 25 million cubic feet per day of natural gas to Prairie Transmission Lines, Ltd., for service to Vancouver, British Columbia.

Applicant also proposes to construct for exportation of natural gas two 18-inch submerged river crossing lines under the Detroit River and crossing the international boundary at a point adjacent to the City of River Rouge, Michigan, with valves and meter stations. At that point Applicant will sell 225 million cubic feet per day of natural gas to Canadian Natural Gas Pipe Lines, Ltd., for service to the Toronto, Ottawa, and Montreal areas of Ontario and Quebec, Canada.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3172; Filed, Mar. 18, 1952; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

SHOE AND FOOTWEAR INDUSTRY

NOTICE OF HEARING BEFORE THE SURPLUS MANPOWER COMMITTEE

Pursuant to section 8 of Defense Manpower Policy No. 4 (17 F. R. 1195), relating to placement of procurement in areas of current or imminent labor surplus, notice is hereby given of a public hearing to be held before a panel of the Surplus Manpower Committee in Room 159, Executive Office Building, Washington, D. C., beginning at 9:30 a. m., e. s. t., April 17, 1952.

The purpose of the hearing is to receive evidence with respect to:

1. The nature and extent of the labor surplus in the shoe and footwear industry, including the availability of skills necessary to the fulfillment of Government contracts and purchases, and the need for preserving these skills in the public interest.

2. The nature and extent of the facilities in the shoe and footwear industry, including their suitability and availability for the fulfillment of Government contracts and purchases, and the need for maintaining these facilities in the public interest.

3. Whether it is in the public interest that insofar as it affects the shoe and footwear industry, Defense Manpower Policy No. 4 should be applied to the shoe and footwear industry as a whole in order to achieve a greater utilization of the manpower skills and facilities of the entire industry than is currently the case.

4. Appropriate methods of applying the policy to the shoe and footwear industry in the event an affirmative finding is made under paragraph three above.

Interested persons may submit statements in writing and may appear and present evidence and oral argument at the hearing, and at the close of the hearing may file briefs with the panel. Upon completion of the hearing the panel will make findings and conclusions and submit its recommendations to the Surplus Manpower Committee.

Persons wishing to be heard or to submit statements or briefs, must notify the Secretary of the Surplus Manpower Committee, Room 106, Executive Office Building, Washington 25, D. C., not later than April 14, 1952. Copies of Defense Manpower Policy No. 4 may be obtained from the Secretary of the Surplus Manpower Committee.

OFFICE OF DEFENSE MOBILIZATION,
SURPLUS MANPOWER COMMITTEE,
ARTHUR S. FLEMMING,
Chairman.

[F. R. Doc. 52-3256; Filed, Mar. 18, 1952; 10:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2795]

CENTRAL POWER AND LIGHT CO.

SUPPLEMENTAL ORDER CONCERNING THE ISSUANCE AND SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

MARCH 13, 1952.

Central Power and Light Company ("Central"), a subsidiary of Central and South West Corporation, a registered holding company, having filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the issuance and sale by Central, pursuant to the competitive bidding requirements of Rule U-50, of $10,000,000 principal amount of First Mortgage Bonds, Series D, due March 1, 1982; and

The Commission having, by order dated March 4, 1952, permitted said declaration to become effective subject to the condition, among others, that the proposed sale of bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and

Central having on March 13, 1952, filed a further amendment to said declaration in which it is stated that it has offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidding group headed by—	Annual interest rate (percent)	Price to company (percent) of principal)[1]	Annual cost to Central (percent)
Halsey, Stuart & Co., Inc.--	3½	101.80	3.4038
Blyth & Co., Inc., Harriman, Ripley & Co., Inc., and Stono & Webster Securities Corp.----------	3½	101.609	3.4139
Union Securities Corp-----	3½	101.52999	3.4181
Kuhn, Loeb & Co----------	3½	101.527	3.4182
Lehman Bros. and Glore, Forgan & Co----------	3½	101.3599	3.4271
Kidder, Peabody & Co-----	3½	101.3511	3.4276
Merrill Lynch, Pierce, Fenner & Beane and Solomon Bros. & Hutzler.	3½	101.319	3.4293
The First Boston Corp-----	3½	101.22	3.4345

[1] Exclusive of accrued interest from Mar. 1, 1952.

The amendment further stating that Central has accepted the bid of Halsey, Stuart & Co., Inc., for the bonds as set forth above and that the bonds will be offered for sale to the public at a price of 102.44 percent of principal amount thereof, resulting in an underwriters' spread of 0.64 percent of principal amount; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the bonds, redemption prices of the bonds and the interest rate thereon, and the underwriters' spread with respect thereto:

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said bonds be and the same hereby is, released, and that the said declaration, as further amended, be and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3135; Filed, Mar. 18, 1952; 8:46 a. m.]

[File No. 70-2810]

NIAGARA MOHAWK POWER CORP.

MEMORANDUM OPINION AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO PROPOSED ISSUANCE AND SALE OF NOTES

MARCH 13, 1952.

Niagara Mohawk Power Corporation ("Niagara Mohawk") has filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the proposed issuance and sale to twenty-one banks of an aggregate of $40,000,000 principal amount of unsecured notes, to bear interest at the rate of three percent per annum, to mature March 1, 1953, and to be dated as of the date of issuance.

Under the terms of the loan agreement pursuant to which the notes are to be issued Niagara Mohawk is to borrow at least $6,000,000 by April 1, 1952, at least an aggregate of $14,000,000 by July 1, 1952, at least an aggregate of $24,000,000 by October 1, 1952, and the entire $40,000,000 before December 31, 1952. The participating banks are to be paid a commitment fee at the rate of ½ of 1 percent per annum for the period from February 15, 1952, on the average daily difference between the amount of the bank's commitment and the amount borrowed from the bank under the loan agreement. Niagara Mohawk will use the proceeds from the sale of such notes for construction of additional utility plant.

Prior to the organization of Niagara Mohawk in January 1950 through the consolidation of the three principal subsidiaries of Niagara Hudson Power Corporation ("Niagara Hudson"), Niagara Hudson and all of its subsidiaries were subsidiaries of The United Corporation ("United"), a registered holding company, by virtue of the latter's ownership of in excess of 10 percent of Niagara Hudson's outstanding voting securities. As a result of the liquidation of Niagara Hudson and the consolidation of its subsidiaries, United received over 10 percent of the voting stock of Niagara Mohawk. In our findings, opinion and order of August 14, 1943, directing, among other things, that United cease to be a holding company, we discussed somewhat in detail the historical and existing relationships between United and its subsidiaries, including Niagara Hudson, which concluded in part:

* * * It is clear from our discussion of United's 11 (e) plan that no mere reduction in holdings below 10 percent or to any specific percentage will be sufficient. Before we can make a finding that United has complied with the order and ceased to be a holding company it will be necessary for United to satisfy us that no control or controlling influence remains over its present statutory subsidiaries. (13 S. E. C., 854, 899)

In our findings and opinion issued in June 1951, in respect of a plan filed by United proposing, among other things, reduction of its holdings of voting securities of Niagara Mohawk, we stated in part:

* * * while the proposed reduction of United's holdings to below 4.9 percent would reduce its voting power in the subsidiaries, United would continue to be the largest single stockholder in each of them despite such reduction.

* * * * * * * * * when United renews its request for a section 5 (d) order, it will have the burden of showing that it has not been exercising control and would not do so after the entry of such an order. Absent such a showing a 5 (d) order would not issue to United. (Holding Company Act Release No. 10614.)[1]

Niagara Mohawk is a public utility company; it is also a holding company exempt, as such, from the provisions of the act pursuant to the provisions of Rule U-2 promulgated thereunder. In December 1951, United's holdings of the voting securities of Niagara Mohawk were reduced from about 11 to 9.8 percent through the issuance and sale by Niagara Mohawk of 1,000,000 shares of additional common stock to the public. The question is presented therefore as to whether Niagara Mohawk is presently a subsidiary of United subject to the provisions of section 7 of the act with respect to the proposed issuance and sale of notes. We do not think it necessary or appropriate to pass upon that question at this time. In any event, to the extent that the provisions of section 7 are applicable to the proposed issuance and sale of the notes by Niagara Mohawk, we find that such provisions are satisfied and that no adverse findings are necessary, and deem it appropriate in the public interest and the interest of investors and consumers that the said declaration, as amended, be permitted to become effective forthwith.

Due notice was given of the filing of the declaration, and no hearing was requested of or ordered by the Commission.

It is therefore ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3136; Filed, Mar. 18, 1952; 8:47 a. m.]

[1] Our order dated June 26, 1951 in this matter is under review in Downing, et al., v. S. E. C., et al., United States Court of Appeals for the District of Columbia, No. 11158.

[File No. 812-766]

INSTITUTIONAL SHARES, LTD. AND HARE'S, LTD.

NOTICE OF APPLICATION

MARCH 13, 1952.

Notice is hereby given that Institutional Shares, Ltd. (hereinafter referred to as "Institutional"), a registered, open-end, investment company, and Hare's, Ltd., the principal underwriter for the shares of Institutional, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 22 (d) of the act, the offering of Institutional's shares at reduced public offering prices based on quantity purchases under the circumstances hereinafter described.

The offering price of Institutional's shares is equal to the net asset value per share plus a percentage selling commission. Quantity discounts, as a result of a decreasing scale of selling commissions in relation to the aggregate purchase price, are presently available with respect to individual purchases of $50,000 or more. It is proposed to increase the discount by further decreases in selling commissions with respect to purchases in excess of $15,000.

The application seeks to permit a charitable, religious, educational, and other corporation, fund or foundation exempt from taxation under section 101 (6) of the Internal Revenue Code and an employee's trust exempt from taxation under section 165 of the Internal Revenue Code, to cumulate its purchases to obtain the benefit of the reduced sales charge provided the purchaser has continued to hold the shares previously acquired.

Since the proposal, in the manner set forth, may result in varying prices to members of the public of Institutional's shares and thus contravene the policy, purposes and provisions of section 22 (d) of the act, applicants seek an order of exemption under section 6 (c) of the act to the extent necessary to permit the offering to such charitable, religious, educational and other nonprofit organizations on the basis proposed.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after March 28, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than March 26, 1952, at 5:30 p. m., e. s. t., his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3134; Filed, Mar. 18, 1952; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 11]

SPECIFIED HOUSEHOLD CHINA TABLEWARE, KITCHENWARE, AND TABLE AND KITCHEN UTENSILS

NOTICE OF PUBLIC HEARING

A public hearing has been ordered by the United States Tariff Commission in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C., beginning at 10 a. m. on June 23, 1952, in the investigation with respect to Specified Household China Tableware, Kitchenware, and Table and Kitchen Utensils instituted on February 15, 1952, under section 7 of the Trade Agreements Extension Act of 1951 (17 F. R. 1639).

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 13th day of March 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-3176; Filed, Mar. 18, 1952; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26887]

VARIOUS COMMODITIES FROM POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to tariffs shown in exhibit A of the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities, carloads.

From: Specified points in trunk-line and New England territories.

To: Specified points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3149; Filed, Mar. 18, 1952; 8:47 a. m.]

[4th Sec. Application 26888]

PAPER AND PAPER BOXES FROM HUDSON AND PALATKA, FLA., TO ST. LOUIS, MO. AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

MARCH 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1218.

Commodities involved: Paper articles and paper boxes, carloads.

From: Hudson and Palatka, Fla.

To: St. Louis, Mo., and East St. Louis Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3150; Filed, Mar. 18, 1952; 8:47 a. m.]

[No. 31003]

MISSOURI INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 11th day of March A. D. 1952.

It appearing, that in the proceedings listed in Appendix A hereto the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing, that a petition, dated February 15, 1952, has been filed in behalf of certain common carriers by railroad operating to, from and between points in the State of Missouri, averring that the Public Service Commission of the State of Missouri, by various orders in its Cases Nos. 10821, 11192, and 11533, has refused to authorize or permit, in whole or in part, petitioners to apply to their rates on the commodities, classes, services, and minimum charges, described in Appendix A hereto, increases corresponding to those increases approved for interstate application in the proceedings listed; and alleging that such refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate commerce in violation of section 13 (4) of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Missouri:

It is ordered, That, in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Missouri, for intrastate transportation of property, made or imposed by authority of the State of Missouri, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceedings listed in Appendix A hereto, any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Missouri which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Missouri be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Public Service Commission of the State of Missouri at Jefferson City, Mo.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX A

Ex Parte No. 162, Increased Railway Rates, Fares, and Charges, 1946, and

Ex Parte No. 148, Increased Railway Rates, Fares, and Charges, 1942, 264 I. C. C. 695, and 266 I. C. C. 537

Specific exceptions made by the Public Service Commission of the State of Missouri on:
Road aggregates; sand, gravel, stone, chatt;
Limestone;
Cinders;
Commodities moving under rates in Item 90, Western Trunk Lines' Tariff No. 237-G, Public Service Commission of Missouri No. 833, I. C. C. No. A-3697;
Motor-compelled class rates in eastern territory.

Ex Parte No. 166, Increased Freight Rates, 1947, 269 I. C. C. 33, 270 I. C. C. 81, 93, and 403

Exceptions made by the Public Service Commission of the State of Missouri on the territorial percentage increases on:
Commodities not moving on standard class rates;
Less-than-carload motor-compelled class rates;
Switching;
Other accessorial services;
Minimum rate on less-than-carload shipments.

Specific exceptions made by the Public Service Commission of the State of Missouri on:
Road aggregates; sand, gravel, stone, chatt;
Limestone;
Cinders;
Minimum charge per shipment, less-than-carload or any quantity.

Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695, and 276 I. C. C. 9

Exceptions made by the Public Service Commission of the State of Missouri on the territorial percentage increases on:
Commodities not moving on standard class rates;
Less-than-carload motor-compelled class rates;
Switching;
Other accessorial services;
Minimum rates on less-than-carload shipments;
Minimum charge per shipment, less-than-carload or any quantity.

[F. R. Doc. 52-3151; Filed, Mar. 18, 1952; 8:47 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 1]

EASTERN STATES FARMERS' EXCHANGE

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

General Permit No. 1 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD F. KLINE, *Permit Agent.*

[F. R. Doc. 52-3152; Filed, Mar. 18, 1952; 8:47 a. m.]

[Rev. S. O. 874, Amdt. 2 to 2d Rev. General Permit 2]

LIQUID STARCH, LIQUID DEXTRINE, CORN SYRUP, AND/OR GLUCOSE

LOADING REQUIREMENTS

Pursuant to the authority vested in me in Paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

Second Revised General Permit No. 2 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3153; Filed, Mar. 18, 1952; 8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to Rev. General Permit 3]

CONDENSED BUTTERMILK FEEDS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

Revised General Permit No. 3 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3154; Filed, Mar. 18, 1952; 8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 4]

GRAIN, GRAIN PRODUCTS AND BYPRODUCTS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

General Permit No. 4 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3155; Filed, Mar. 18, 1952; 8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 5]

WABASH RAILROAD CO. AND CENTRAL SOYA CO., INC.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

General Permit No. 5 is hereby amended by substituting the following paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit and any consignor forwarding cars under this General Permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this General Permit, as well as the car numbers, initials, and weights of all cars loaded with this commodity; such information to be furnished on the first day of each month.

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3156; Filed, Mar. 18, 1952; 8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 6]

COOPERATIVE G. L. F. EXCHANGE, INC. MILLS DIVISION

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

General Permit No. 6 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March, 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3157; Filed, Mar. 18, 1952; 8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to Corr. Rev. General Permit 7]

RICE BRAN, RICE POLISH, AND RICE HULL

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

Corrected Revised General Permit No. 7 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of

the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3158; Filed, Mar. 18, 1952; 8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to Rev. General Permit 8]

LIVESTOCK FEED WITH HIGH MOLASSES CONTENT

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

Revised General Permit No. 8 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3159; Filed, Mar. 18, 1952; 8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to 2d Rev. General Permit 9]

DISTILLERS DRIED FEED, DISTILLERS SOLUBLES, BREWERS DRIED GRAINS, AND/OR DRIED SPENT GRAIN MASH

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

Second Revised General Permit No. 9 is hereby amended by substituting the following paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit and any consignor forwarding cars under this General Permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this General Permit, as well as the car numbers, initials, and weights of all cars loaded with these commodities; such information to be furnished on the first day of each month.

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3160; Filed, Mar. 18, 1952; 8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 11]

RALSTON PURINA CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

General Permit No. 11 is hereby amended by substituting the following paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit and any consignor forwarding cars under this General Permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this General Permit, as well as the car numbers, initials, and weights of all cars loaded with these commodities; such information to be furnished on the first day of each month.

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3161; Filed, Mar. 18, 1952; 8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 12]

BLATCHFORD CALF MEAL CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

General Permit No. 12 is hereby amended by substituting the following paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit and any consignor forwarding cars under this General Permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this General Permit, as well as the car numbers, initials, and weights of all cars loaded with this commodity; such information to be furnished on the first day of each month.

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3162; Filed, Mar. 18, 1952; 8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to 2d Rev. General Permit 15]

CORN GLUTEN FEED, AND/OR CORN GLUTEN MEAL

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

Second Revised General Permit No. 15 is hereby amended by substituting the following paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit and any consignor forwarding cars under this General Permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this General Permit, as well as the car numbers, initials, and weights of all cars loaded with these commodities; such information to be furnished on the first day of each month.

This General Permit shall expire at 11:59 p.m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3163; Filed, Mar. 18, 1952; 8:49 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 16]

H. K. WEBSTER CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

General Permit No. 16 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3164; Filed, Mar. 18, 1952; 8:49 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 17]

FISH MEAL, FISH ROE MEAL, AND/OR FISH SCRAP MEAL

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

General Permit No. 17 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March, 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3165; Filed, Mar. 18, 1952; 8:49 a. m.]

[Rev. S. O. 874, Amdt. 2 to Corr. General Permit 18]

EVANS MILLING CO. AND DECATUR MILLING CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

Corrected General Permit No. 18 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3166; Filed, Mar. 18, 1952; 8:49 a. m.]

[Rev. S. O. 874, Amdt. 1 to General Permit 19]

LIQUID STARCH

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

General Permit No. 19 is hereby amended by substituting the following paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit and any consignor forwarding cars under this General Permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this General Permit, as well as the car numbers, initials, and weights of all cars loaded with these commodities; such information to be furnished on the first day of each month.

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3167; Filed, Mar. 18, 1952; 8:49 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 65]

NASHVILLE, CHATTANOOGA, AND ST. LOUIS RAILWAY

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the Nashville, Chattanooga, and St. Louis Railway because of high water, is unable to transport traffic routed over its lines between Hobbs Island and Guntersville. *It is ordered,* That:

(a) Rerouting NC & StL traffic: The Nashville, Chattanooga, and St. Louis Railway is hereby authorized to reroute or divert traffic moving on its lines, routed via its car ferry, over any avail-

able route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic, divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p. m., March 12, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m. ,March 31, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., March 12, 1952.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 52-3168; Filed, Mar. 18, 1952; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 56

Washington, Thursday, March 20, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Farm Housing Loans and Grants

[FHA Instruction 401.11]

PART 301—BASIC REGULATIONS

ADDITION OF 25 YEAR REPAYMENT PERIOD FOR LOANS

Section 301.2 (a), Title 6, Code of Federal Regulations (14 F. R. 6545) is amended so as to permit Farm Housing loans to be made for 25 years, as well as 5, 10, 15, 20, or 33 years, in the discretion of the loan approval officer, subject to the applicable regulations. The section is amended to read as follows:

§ 301.2 *Terms of loans*—(a) *Amortization period.* Farm Housing loans will be made for periods of 5, 10, 15, 20, 25, or 33 years depending upon the probable debt-paying ability of the borrower, but not in excess of the useful life of the improvement, except that:

(1) A section 503 loan will be made for a period of 33 years.

(2) A section 504 loan will generally be made for 5 years and never for more than 10 years.

(Sec. 510 (g), 63 Stat. 438; 42 U. S. C. 1480 (g). Interprets or applies sec. 502 (a), 63 Stat. 433; 42 U. S. C. 1472 (a))

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

MARCH 3, 1952.

Approved: March 14, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-3226; Filed, Mar. 19, 1952; 8:46 a. m.]

[FHA Instruction 421.13]

PART 303—FARMS

ADDITION OF 25 YEAR REPAYMENT PERIOD FOR LOANS

Section 303.2 (b) (2), Title 6, Code of Federal Regulations (14 F. R. 6548), is amended to permit a County Committee to recommend that a Farm Housing section 502 loan may be made repayable over a period of 25 years, as well as 5, 10, 15, 20, or 33 years, in the discretion of the County Committee, subject to the applicable regulations. The section is amended to read as follows:

§ 303.2 *Recommendations to be made by County Committee.* * * *

(b) *Recommendations of type of assistance, amount of assistance, and repayment period.* * * *

(2) In the case of a section 502 loan, the Committee will recommend that the loan be repaid over 5, 10, 15, 20, 25, or 33 years after considering:

(i) *The debt-paying ability of the applicant.* The period of repayment should be clearly within the borrower's debt-paying capacity but should not be longer than judgment indicates will be required.

(ii) *The quality of the security.* Loans should not run for longer periods than the probable life of the security. In this connection, type of building construction and probable rate of depreciation are important.

(iii) *The dependability and probable duration of off-farm income.* When the repayment of the loan is dependent to a large degree upon off-farm income, the repayment period should be adjusted in accordance with the dependability and probable duration of such income.

(Sec. 510 (g), 63 Stat. 438; 42 U. S. C. 1480 (g). Interprets or applies sec. 502 (a), 63 Stat. 433; 42 U. S. C. 1472 (a))

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

MARCH 3, 1952.

Approved: March 14, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-3227; Filed, Mar. 19, 1952; 8:46 a. m.]

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; ALABAMA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient

(Continued on p. 2385)

CONTENTS

Agriculture Department Page

See also Farmers Home Administration; Federal Crop Insurance Corporation; Production and Marketing Administration.

Notices:
- Sale of mineral interests, revised area designation; Fair Market Values and One Dollar Areas ... 2400

Alien Property, Office of

Notices:
- Hearings, etc.:
  - Beck, Erna Martha ... 2409
  - Imperial Japanese Government ... 2408
  - Unknown Japanese nationals ... 2408

Canal Zone

Rules and regulations:
- Customs service ... 2389
- Operation and navigation of Panama Canal and adjacent waters ... 2389
- Tolls for use of Canal ... 2389

Civil Aeronautics Administration

Rules and regulations:
- Alterations:
  - Danger areas ... 2387
  - Designation of civil airways ... 2385
  - Designation of control areas, control zones, and reporting points ... 2386

Civil Aeronautics Board

See Civil Aeronautics Administration.

Commerce Department

See Civil Aeronautics Administration.

Defense Materials Procurement Agency

Rules and regulations:
- Foreign produced manganese ore; correction (MO 2, Dir. 1) ... 2389

Defense Production Administration

Notices:
- Dover Steamship Co., Inc., and Standard Oil Co. (Kentucky); additional companies accepting request to participate in the voluntary plan to contribute tanker capacity ... 2400

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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Titles 22–23 ($0.40)
Title 25 ($0.30)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Economic Stabilization Agency Page
See Price Stabilization, Office of.

Farmers Home Administration
Rules and regulations:
Addition of 25-year repayment period for loans:
Basic regulations 2383
Farms 2383
Farm ownership loans; average values of farms and investment limits, Alabama 2383

Federal Crop Insurance Corporation
Rules and regulations:
Multiple crop insurance; 1950 and succeeding crop years 2385

Federal Power Commission
Notices:
Hearings, etc.:
Iowa-Illinois Gas and Electric Co 2400

CONTENTS—Continued

Federal Power Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Ohio Fuel Gas Co 2401
Rockland Light and Power Co 2400

Federal Reserve System
Proposed rule making:
Credit, consumer 2399

General Services Administration
Notices:
Investigation into rates and practices of Pacific Lighting Corp. and Pacific Lighting Gas Supply Corp 2401

Indian Affairs Bureau
Rules and regulations:
Wind River Indian Irrigation Project, Wyo.; operation and maintenance charges 2387

Interior Department
See Indian Affairs Bureau; Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Cement from Kansas, Missouri, Oklahoma and Texas to New Mexico 2402
Commodities, all, between Boston, Mass., and Harlem River, N. Y. 2401
Grain products from Illinois, Missouri and Tennessee to Alexandria, La 2402
Newsprint paper and paper articles from Minnesota mills to Chicago, Ill., and vicinity 2401
Paper and paper articles from Wisconsin, Michigan and Ontario to Des Moines, Iowa 2402
Peanuts from Suffolk, Va., and Albany, Ga., to North Dakota and Minnesota 2402

Justice Department
See Alien Property, Office of.

Labor Department
Proposed rule making:
Child labor regulations, orders and statements of interpretation; occupations in or about plants manufacturing explosives or articles containing explosive components 2397
Records to be kept by employers 2398

Land Management, Bureau of
Notices:
Delegation of authority; contracts and leases 2399
Idaho; partial revocation of order opening public land to entry 2400

Post Office Department
Rules and regulations:
Postal service, international; miscellaneous amendments 2394

CONTENTS—Continued

Price Stabilization, Office of Page
Notices:
Ceiling prices at retail:
Chittenden & Eastman Co 2408
Englander Co., Inc 2405
Enterprise Mfg. Co 2408
Ideal Toy Corp 2406
Interwoven Stocking Co 2406
J. Wiss & Sons Co 2405
Leslie Fay Fashions, Inc 2406
Reed & Barton Corp 2406
Revere Copper and Brass, Inc., Rome Mfg. Co. Division 2407
Sanson Hosiery Mills, Inc 2407
St. Marys Woolen Mfg. Co 2407
Ceiling prices at retail and wholesale:
Aristocrat Leather Products, Inc 2407
Oneida, Ltd 2406
Rules and regulations:
General ceiling price regulation; soft surface floor coverings, retention by sellers other than manufacturers and wholesalers of ceiling prices (GCPR, SR 11) 2381
Potatoes, white flesh; "prevailing costs" for grower sales of Maine potatoes (CPR 113, SR 1) 2381

Production and Marketing Administration
Proposed rule making:
Milk handling, marketing areas:
Greater Kansas City 2390
Topeka, Kans 2390

Securities and Exchange Commission
Notices:
Hearings, etc.:
Alabama Gas Corp 2403
American Gas and Electric Co 2403
American Superpower Corp. and Webb & Knapp, Inc 2404
Lawrence Gas and Electric Co 2404
New England Gas and Electric Assn. and Negea Service Corp 2404

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 Page
Chapter III:
Part 301 2381
Part 303 2381
Part 311 2381

Title 7
Chapter IV:
Part 420 2381
Chapter IX:
Part 913 (proposed) 2390
Part 980 (proposed) 2390

Title 14
Chapter II:
Part 600 2381
Part 601 2381
Part 608 2381

CODIFICATION GUIDE—Con.

Title 25	Page
Chapter I:	
Part 130	2387
Title 29	
Subtitle A:	
Part 4 (proposed)	2397
Chapter V:	
Part 516 (proposed)	2398
Title 32A	
Chapter III (OPS):	
CPR 113, SR 1	2388
GCPR, SR 11	2388
Chapter XV (FRS):	
Reg. W (proposed)	2399
Chapter XXIII (DMPA):	
MO 2, Dir. 1	2389
Title 35	
Chapter I:	
Part 4	2389
Part 9	2389
Part 27	2389
Title 39	
Chapter I:	
Part 127	2394

family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

ALABAMA

County	Average value	Investment limit
Autauga	$13,500	$12,000
Baldwin	15,000	12,000
Barbour	14,000	12,000
Bibb	13,000	12,000
Blount	13,500	12,000
Bullock	16,500	12,000
Butler	14,500	12,000
Calhoun	15,000	12,000
Chambers	13,000	12,000
Cherokee	14,000	12,000
Chilton	13,600	12,000
Choctaw	14,000	12,000
Clarke	14,000	12,000
Clay	13,500	12,000
Cleburne	12,000	12,000
Coffee	14,000	12,000
Colbert	15,500	12,000
Conecuh	15,000	12,000
Coosa	13,500	12,000
Covington	13,500	12,000
Crenshaw	14,000	12,000
Cullman	14,700	12,000
Dale	14,000	12,000
Dallas	15,000	12,000
De Kalb	14,000	12,000
Elmore	14,000	12,000
Escambia	14,500	12,000
Etowah	13,500	12,000
Fayette	13,500	12,000
Franklin	13,800	12,000
Geneva	15,000	12,000
Greene	15,500	12,000
Hale	15,800	12,000
Henry	15,000	12,000
Houston	15,000	12,000
Jackson	15,000	12,000
Jefferson	13,500	12,000
Lamar	14,500	12,000
Lauderdale	15,000	12,000
Lawrence	15,000	12,000
Lee	15,000	12,000
Limestone	15,000	12,000
Lowndes	15,000	12,000
Macon	13,500	12,000
Madison	15,500	12,000
Marengo	15,000	12,000
Marion	13,500	12,000

ALABAMA—Continued

County	Average value	Investment limit
Marshall	$14,500	$12,000
Mobile	15,000	12,000
Monroe	15,000	12,000
Montgomery	16,000	12,000
Morgan	15,400	12,000
Perry	15,000	12,000
Pickens	15,000	12,000
Pike	14,500	12,000
Randolph	14,000	12,000
Russell	14,000	12,000
Saint Clair	13,000	12,000
Shelby	13,000	12,000
Sumter	15,750	12,000
Talladega	15,000	12,000
Tallapoosa	13,500	12,000
Tuscaloosa	13,500	12,000
Walker	13,000	12,000
Washington	15,000	12,000
Wilcox	15,000	12,000
Winston	14,000	12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 14th day of March 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-3225; Filed, Mar. 19, 1952; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 7]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended, (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110) are hereby amended, effective beginning with the 1953 crop year, as follows:

1. Sections 420.27 and 420.32 are deleted.

2. Section 6 (a) of the policy shown in § 420.33 is amended to read as follows:

6. *Life of contract, cancellation thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until cancelled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the cancellation date for any year, provided, however, that if any amount due the Corporation remains unpaid on such cancellation date, the time during which the Corporation may cancel shall be extended to the following closing date. Such cancellation shall be effective (1) beginning with insurable crops planted for harvest in the next calendar year after the cancellation date in counties where the cancellation date is between July 1 and January 1, or (2) beginning with insurable crops planted for harvest in the same calendar year in counties where the cancellation date is between January 1 and July 1. The insured shall give such notice to the county office or another office of the Corporation. The Corporation shall mail notice of cancellation to the insured's last known address and the mailing of such notice shall constitute notice to the insured.

3. The policy shown in § 420.33 is amended by adding thereto a section 6.1 to read as follows:

6.1 *Death or incompetence of insured.* The contract shall terminate upon death, or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of planting of insurable crops in any crop year but before the end of the insurance period for such year, the contract shall (1) cover any additional insurable crops planted for the insured or his estate for that crop year, and (2) terminate at the end of such insurance period.

4. Section 13 of the policy shown in § 420.33 is amended to change so much of that section as reads "An insured may change his contract beginning with any crop year to or from a combination unit basis by advising the Corporation in writing at the county office prior to the applicable closing date" to read as follows: "An insured may change his contract beginning with any crop year to or from a combination unit basis by advising the Corporation in writing at the county office prior to the applicable cancellation date."

5. Section 23 of the policy as shown in § 420.33 is amended by deleting items (a) (3) and (7).

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on March 4, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved on March 14, 1952.

C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-3228; Filed, Mar. 19, 1952; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 64]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.209 is amended to read:

§ 600.209 *Red civil airway No. 9 (San Diego, Calif., to Winslow, Ariz.).* From the San Diego, Calif., radio range station via the intersection of the east course of the San Diego, Calif., radio range and

the west course of the El Centro, Calif., radio range; El Centro, Calif., radio range station; Yuma, Ariz., radio range station, excluding the portion which lies outside the continental United States; Gila Bend, Ariz., radio range station to the intersection of the east course of the Gila Bend, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range. From the Phoenix, Ariz., radio range station via the Payson, Ariz., nondirectional radio beacon to the Winslow, Ariz., radio range station.

2. Section 600.214 is amended to read (caption changed):

§ 600.214 *Red civil airway No. 14 (Lone Rock, Wis., to Bowling Green, Ky.).* From the Lone Rock, Wis., radio range station via the Rockford, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; Chicago, Ill., radio range station; Indianapolis, Ind., radio range station to the intersection of the south course of the Indianapolis, Ind., radio range and the west course of the Louisville, Ky., radio range. From the intersection of a line bearing 354° True from the Godman AFB, Fort Knox, Ky., non-directional radio beacon and the west course of the Louisville, Ky., radio range via the Godman AFB nondirectional radio beacon to the intersection of a line bearing 171° True from the Godman AFB non-directional radio beacon and the northeast course of the Bowling Green, Ky., radio range, excluding the portion which overlaps danger areas.

3. Section 600.227 is amended to read:

§ 600.227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).* From the Atlanta, Ga., NAS radio range station via the intersection of the north course of the Atlanta, Ga., NAS radio range and the south course of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Corbin, Ky., radio range station; the intersection of the north course of the Corbin, Ky., VHF VAR radio range and a line bearing 150° True from the Lexington, Ky., nondirectional radio beacon; Lexington, Ky., non-directional radio beacon; the intersection of a line bearing 358° True from the Lexington, Ky., non-directional radio beacon and the south course of the Dayton, Ohio, radio range; Dayton, Ohio, radio range station; Toledo, Ohio, radio range station to the intersection of the north course of the Toledo, Ohio, radio range and the west course of the Detroit, Mich., radio range.

4. Section 600.274 is amended to read (caption changed):

§ 600.274 *Red civil airway No. 74 (Louisville, Ky., to Cincinnati, Ohio).* From the Louisville, Ky., radio range station via the intersection of the north course of the Louisville, Ky., radio range and a line bearing 241° True from the Cincinnati, Ohio, radio range station to the Cincinnati, Ohio, radio range station.

5. Section 600.621 is amended to read (caption changed):

§ 600.621 *Blue civil airway No. 21 (Louisville, Ky., to Erie Pa.).* From the intersection of the south course of the Louisville, Ky., radio range and a line bearing 268° True from the Lexington, Ky., non-directional radio beacon via the Lexington, Ky., non-directional radio beacon; the intersection of a line bearing 82° True from the Lexington, Ky., non-directional radio beacon and the southwest course of the Huntington, W. Va., radio range to the intersection of the east course of the Louisville, Ky., radio range and the southwest course of the Huntington, W. Va., radio range. From the Charleston, W. Va., radio range station via the intersection of the north course of the Charleston, W. Va., radio range and the southwest course of the Parkersburg, W. Va., VHF radio range; Parkersburg, W. Va., VHF radio range station; the intersection of the northeast course of the Parkersburg, W. Va., VHF radio range and the southwest course of the Wheeling, W. Va., VHF radio range to the Wheeling, W. Va., VHF radio range station. From the intersection of the northwest course of the Pittsburgh, Pa., radio range and the south course of the Youngstown, Ohio, radio range via the Youngstown, Ohio, radio range station to the intersection of the north course of the Youngstown, Ohio, radio range and the southwest course of the Erie, Pa., radio range.

6. Section 600.644 is amended to read:

§ 600.644 *Blue civil airway No. 44 (Advance, Mo., to U. S.-Canadian Border).* From the Advance, Mo., radio range station via the Paducah, Ky., non-directional radio beacon; Evansville, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range; Fort Wayne, Ind., radio range station; the intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range; the intersection of the north course of the Toledo, Ohio, radio range and the southwest course of the Windsor, Ontario, Canada, radio range to the intersection of the southwest course of Windsor, Ontario, Canada, radio range and the United States-Canadian Border.

7. Section 600.687 is amended to read (caption changed):

§ 600.687 *Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).* From the Lexington, Ky., non-directional radio beacon via the intersection of a line bearing 7° True from the Lexington, Ky., non-directional radio beacon and the south course of the Wright-Patterson, Ohio, AFB radio range; Wright-Patterson AFB radio range station to the intersection of the northeast course of the Wright-Patterson AFB radio range and the west course of the Columbus, Ohio radio range.

8. Section 600.19 *Green civil airway No. 9 (Hawaiian Islands)* is amended by changing last portion to read: "excluding the portion below 6,000 feet which overlaps the Kaneohe Naval Airspace Reservation."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., March 18, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-3203; Filed, Mar. 18, 1952; 12:34 p. m.]

[Amdt. 69]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.14 *Green civil airway No. 4 control areas (Los Angeles, Calif., to Philadelphia, Pa.),* is amended between the Kansas City, Mo., omnirange station and the Columbia, Mo., omirange station by adding the following portion to read: "excluding the portion below 4,000 feet which overlaps the Lake City, Mo., Danger Area;".

2. Section 601.214 is amended by changing caption to read:

§ 601.214 *Red civil airway No. 14 control areas (Lone Rock, Wis., to Bowling Green, Ky.).*

3. Section 601.274 is amended by changing caption to read:

§ 601.274 *Red civil airway No. 74 control areas (Louisville, Ky., to Cincinnati, Ohio).*

4. Section 601.621 is amended by changing caption to read:

§ 601.621 *Blue civil airway No. 21 control areas (Louisville, Ky., to Erie, Pa.).*

5. Section 601.644 *Blue civil airway No. 44 control areas (Advance, Mo., to U. S.-Canadian Border)* is amended by changing the first portion to read: "All of Blue civil airway No. 44 including all that area within 5 miles either side of the en route radials from the Evansville, Ind., omnirange station."

6. Section 601.687 is amended by changing caption to read:

§ 601.687 *Blue civil airway No. 87 control areas (Lexington, Ky., to Dayton, Ohio).*

7. Section 601.1027 *Control area extension (Kansas City, Mo.)* is amended by adding the following portion to present control area extension: "and excluding the portion below 4,000 feet

which overlaps the Lake City, Mo., Danger Area."

8. Section 601.1139 is amended to read:

§ 601.1139 *Control area extension (Lexington, Ky.).* Within 5 miles either side of a line bearing 222° True extending from the Lexington, Ky., nondirectional radio beacon to a point 20 miles southwest, and within 5 miles either side of the 123° True radial of the Lexington omnirange extending from the omnirange station to a point 25 miles southeast.

9. Section 601.1297 is added to read:

§ 601.1297. *Control area extension (Paducah, Ky.).* All that area within 5 miles either side of a line bearing 220° True extending from the Paducah, Ky., non-directional radio beacon to a point 20 miles southwest.

10. Section 601.2025 *Big Spring, Tex., control zone* is amended by correcting name of airport to read: "Big Spring AFB."

11. Section 601.2179 *Los Angeles, Calif., control zone* is amended by correcting name of airport to read: "Los Angeles International Airport."

12. Section 601.2208 *Stockton, Calif., control zone* is amended by correcting name of airport to read: "Stockton Field Airport."

13. Section 601.2237 *New York, N. Y., control zone* (Floyd Bennett NAS) is revoked.

14. Section 601.2238 is amended to read:

§ 601.2238 *New York, N. Y., control zone.* Within a 5-mile radius of the New York International Airport including a 5-mile radius of the Floyd Bennett NAS, extending 2 miles either side of the southeast course of the Idlewild, N. Y., radio range to its intersection with the southwest course of the Mitchel AFB radio range, extending 2 miles either side of the southwest course of the Idlewild, N. Y., radio range to its intersection with the northeast course of the Philadelphia, Pa., radio range and extending 2 miles either side of a direct line from the Scotland, N. Y., nondirectional radio beacon to the Floyd Bennett NAS.

15. Section 601.2242 is amended to read:

§ 601.2242 *Lexington, Ky., control zone.* Within a 5-mile radius of the Blue Grass Airport, Lexington, Ky., within 2 miles either side of a line bearing 222° True from the Lexington nondirectional radio beacon to a point 10 miles southwest of the non-directional beacon and within 2 miles either side of the 303° and 123° True radials of the Lexington omnirange extending from the Blue Grass Airport control zone to a point 10 miles southeast of the omnirange station.

16. Section 601.2306 is added to read:

§ 601.2306 *Paducah, Ky., control zone.* Within a 5-mile radius of the Paducah Municipal Airport (Barkley Field) and within 2 miles either side of a line bearing 220° True, from the nondirectional radio beacon extending from the Paducah Municipal Airport to a point 10 miles southwest.

17. Section 601.2307 is added to read:

§ 601.2307 *Brunswick, Me., control zone.* All that area within a 5-mile radius of the Brunswick, Me., Naval Air Station excluding the portion which overlaps Amber civil airway No. 7.

18. Section 601.4214 is amended by changing caption to read:

§ 601.4214 *Red civil airway No. 14 (Lone Rock, Wis., to Bowling Green, Ky.).*

19. Section 601.4274 is amended by changing the caption to read:

§ 601.4274 *Red civil airway No. 74 (Louisville, Ky., to Cincinnati, Ohio).*

20. Section 601.4621 is amended by changing caption to read:

§ 601.4621 *Blue civil airway No. 21 (Louisville, Ky., to Erie, Pa.).*

21. Section 601.4687 is amended by changing caption to read:

§ 601.4687 *Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).*

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., March 18, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-3204; Filed, Mar. 18, 1952; 12:34 p. m.]

[Amdt. 18]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.52, a Great Salt Lake, Utah, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
GREAT SALT LAKE (Salt Lake City Chart)	Beginning at lat. 41°04'00" N, long. 112°33'00" W; SE to lat. 40°57'00" N, long. 112°30'00" W; due W to long. 112°50'00" W; due N to lat. 41°10'00" N; SE to lat. 41°04'00" N, long. 112°33'00" W, point of beginning.	Surface to unlimited.	Continuous Mar. 19, 1952, through Apr. 30, 1952.	Headquarters, 15th Air Force.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 19, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-3202; Filed, Mar. 19, 1952; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

WIND RIVER INDIAN IRRIGATION PROJECT, WYOMING

MARCH 14, 1952.

On February 13, 1952, there was published in the daily issue of the FEDERAL REGISTER a notice of intention to modify § 130.95 *Charges* of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Wind River Indian Irrigation Project. Interested persons were thereby given opportunity to participate in the preparation of the proposed amendment by submitting their views, data or arguments to the Area Director within 30 days from the date of publication of the notice. No objections or other data concerning the amendment having been received, the said section is amended as proposed, to be effective for the calendar year of 1952 and thereafter until further notice:

§ 130.95 *Charges.* In compliance with the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 45 Stat. 210, 25 U. S. C. 387), the operation and maintenance charges for the lands under the Wind River irrigation project, Wyoming, for the calendar year 1952 and subsequent years until further notice, are hereby fixed at $2.00 per acre for the assessable area under the constructed works on the Diminished Wind River Project and on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 (45 cents) per acre is hereby fixed.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 52-3235; Filed, Mar. 19, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 113, Revision 1, Supplementary Regulation 1]

CPR 113—White Flesh Potatoes

SR 1—"Prevailing Costs" for Grower Sales of Maine Potatoes

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 1 to Ceiling Price Regulation 113, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

At the time Revision 1 to Ceiling Price Regulation 113 was issued, no ceiling prices were established for sales of potatoes by growers who were not country shippers. It was hoped that this would promote flexibility and maintain normal price relationships for sales by growers since costs between farm gate and country shipping points vary markedly among defferent producing areas. It rapidly became apparent, however, that considerable price pressure was being applied against sellers beyond the producer level. To relieve this price pressure, Amendment 3 to CPR 113, Revision 1 was issued which established ceiling prices for sales by growers on the basis of prevailing marketing service and selling charges without specifically naming dollar-and-cent ceiling prices. The Office had been advised that in each producing area the amount of prevailing costs for each marketing function was clearly recognized within the trade. Thus, the regulation was designed to fix definite ceiling prices but to permit variations among producing areas according to local practices.

The Office of Price Stabilization hoped to retain this desirable flexibility. However, growers and country shippers of Maine potatoes have represented to the Office of Price Stabilization that they have been unable to calculate precisely ceiling prices for growers under section 2 (h) of Revision 1 to Ceiling Price Regulation 113. Sellers and buyers have apparently been unable to determine the dollar-and-cent amount of the costs or charges prevailing in Maine for the services involved in preparing potatoes for shipment. OPS has sought and obtained information as to these amounts from representative growers and shippers in Maine. Accordingly, this supplementary regulation sets forth dollar-and-cent amounts to be used in calculating ceiling prices for sales of Maine potatoes by growers. It is believed that this will obviate much of the present difficulty.

No reports have been received from other producing areas indicating similar difficulties. If this problem appears to confront sellers in other areas, OPS will name dollar-and-cent amounts for these services upon receipt and analysis of proper data.

Before issuing this supplementary regulation, the Director of Price Stabilization has consulted with individual members of the industry affected and has given full consideration to their recommendations. It was deemed impracticable to consult formal industry advisory committees or trade associations because of the necessity for speed. It is the judgment of the Director that the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. "Prevailing costs" for grower sales of Maine potatoes.

Authority: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended, 50 U. S. C. App. Sup. 2101–2110, E. O. 10161; Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Section 1. *What this supplementary regulation does.* This supplementary regulation modifies Ceiling Price Regulation 113, Revision 1 by setting forth specific dollar-and-cent amounts to be used as the costs "prevailing in the area in which your farm is located" in determining ceiling prices under section 2 (h) of CPR 113, Revision 1 for sales by growers of potatoes produced in Maine.

Sec. 2. *"Prevailing costs" for grower sales of Maine potatoes.* If you calculate your ceiling price for sales of potatoes produced in Maine under section 2 (h) of CPR 113, Revision 1, you shall use the following dollar-and-cent amounts as the costs or charges "prevailing in the area in which your farm is located."

Prevailing costs in Maine per hundredweight	*Amount per hundredweight*
Hauling from farm to country shipping point	$0.08
Grading, sizing, and packing (in new 100-pound burlap bags)	.40
Loading on the carrier	.07
Country shipper's selling charge	.15
Total	0.70

Example. Assume you are a grower of potatoes and are selling in March unwashed storage potatoes in bulk ex your farm located in Maine. For that part of the particular lot of potatoes which grades out U. S. No. 1, you calculate your ceiling price as follows:

Adjusted base price under sec. 2 (b) of CPR 113, Rev. 1: Your adjusted base price determined under section 2 (b) is	$3.70
Prevailing costs under SR 1 to CPR 113, Rev. 1: You subtract the "prevailing costs" under this supplementary regulation	.70
Your ceiling price: Your ceiling price is	3.00
If you had hauled these potatoes in bulk to the country shipper your ceiling price would have been	3.08

All other provisions of Ceiling Price Regulation 113, Revision 1, not inconsistent with this supplementary regulation remain in full force and effect.

Effective date. This supplementary regulation is effective March 18, 1952.

Edward F. Phelps, Jr.,
Acting Director of Price Stabilization.

March 18, 1952.

[F. R. Doc. 52-3286; Filed, Mar. 18, 1952; 4:29 p. m.]

[General Ceiling Price Regulation, Amdt. 3 to Supplementary Regulation 11, Revision 2]

GCPR, SR 11—Soft Surface Floor Coverings

Retention by Sellers Other Than Manufacturers and Wholesalers of Ceiling Prices

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to General Ceiling Price Regulation, Supplementary Regulation 11, Revision 2 (16 F. R. 6510) is issued.

STATEMENT OF CONSIDERATIONS

On March 13, 1951, SR 11 to the GCPR granted manufacturers and wholesalers of soft surface floor coverings a "permitted increase" of fifteen percent over their GCPR ceiling prices. Retailers were not allowed to include this "permitted increase" of cost in computing their normal markup. They were limited to adding it to their ceiling prices.

Amendment 2 to Revision 2 of SR 11 withdrew the fifteen percent increase on December 19, 1951 to manufacturers and wholesalers. This had a paper, but no actual, effect on them because their selling prices were below their ceiling prices as reduced by Amendment 2.

A different situation prevailed as to retailers and certain other resellers. Unlike the wholesalers, they did not enjoy inventory protection from the manufacturers. Unless the withdrawal of the fifteen percent were modified as to inventory in the hands of those resellers, they would have been squeezed if they had bought at prices which contained any part of the "permitted increase." To protect these resellers against such a squeeze, a provision was inserted in Amendment 2 authorizing them to continue to add the "permitted increase" to their ceiling prices until March 17, 1952 on inventory acquired before December 19, 1951. The March 17 date was selected because it was felt that inventories purchased before December 19, 1951 would be moved by that date, and it was so stated in the "Statement of Considerations" accompanying Amendment 2 to Revision 2 of SR 11.

It may be, however, that some of these resellers have inventory on hand after March 17, 1952, which they have purchased before December 19, 1951, at prices which included all or a part of the "permitted increase." This amendment permits such resellers to continue to charge their higher, pre-December 19, 1951, ceiling prices on such inventory indefinitely.

In the formulation of this regulation, consultation has been had with resellers of soft surface floor coverings and retail trade association representatives and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Ceiling Price Regulation, Supplementary Regulation 11, Revision 2, as amended, is further amended as follows:

1. Section 12b is deleted.

2. A new section, designated section 9A, is added to read as follows:

SEC. 9A. *Addition of "permitted increase."* (a) If you are a seller, other than a manufacturer or wholesaler, and you determine your ceiling price for a unit of floor covering under section 3 of the General Ceiling Price Regulation, you may add to your ceiling price so established an amount equal to the "permitted increase" on units of floor covering purchased before December 19, 1951. The result becomes your new ceiling price on such units.

(b) If you are a seller, other than a manufacturer or wholesaler, and you determine your ceiling price for a unit of floor covering purchased before December 19, 1951, under section 5 of the General Ceiling Price Regulation and either your ceiling price on the comparison floor covering or the net invoice cost to you of the floor covering being priced includes a "permitted increase," such "permitted increase" should be ignored in making your calculation. Thus, if both your ceiling price for the comparison floor covering and the net invoice cost of the floor covering being priced include a permitted increase, you must treat the "permitted increase" as follows:

(1) First, subtract from your ceiling price on the comparison floor covering the "permitted increase."

(2) Next subtract from the result of paragraph (a) of this section, the "basic price" of the comparison floor covering. This will give you the dollar margin over cost of the comparison floor covering.

(3) Divide this dollar margin by the "basic price" of the comparison floor covering. This will give you your percentage markup.

(4) Apply this percentage markup to the "basic price" of the floor covering being priced. This will give you your dollar markup.

(5) Then add to the dollar markup the "basic price" and the "permitted increase" on the floor covering being priced. The result is your ceiling price on the unit of the floor covering being priced.

Example You are pricing a unit of floor covering for which the invoice to you shows a "basic price" of $50.00 and a "permitted increase" of $2.50, the total cost to you being $52.50. Your comparison floor covering had a "basic price" of $60.00 and a "permitted increase" of $9.00. Your ceiling price on the comparison floor covering was $69.00. (1) $99.00 minus $9.00 is $90.00. $90.00 is your ceiling price minus the "permitted increase" of the comparison floor covering. (2) $90.00 minus $60.00 is $30.00. $30.00 is the dollar margin over cost which you received on the comparison floor covering. (3) $30.00 divided by $60.00 is 50 percent. This is the percentage markup for the comparison floor covering. (4) 50 percent of $50.00, the "basic price" of the floor covering being priced, is $25.00, your dollar markup. (5) $25.00 plus $50.00, the "basic price," plus $2.50, the "permitted increase," is $77.50. This is your ceiling price for the floor covering being priced.

3. Section 13 is amended by adding after the caption the following paragraph:

Basic price. The "basic price" and the manufacturer's ceiling price are the same on every unit of floor covering except one which contains some wool or synthetic material and whose ceiling price at the mill is higher than $2.10 a square yard for a unit of punched felt floor covering; $4.50 a square yard for a unit of axminister floor covering; $7.50 a square yard for a unit of velvet floor covering; and $9.50 a square yard for a unit of wilton floor covering. On a unit of floor covering which contains wool or synthetic material and whose ceiling price at the mill is higher than the amounts named for the types of floor covering referred to above, the "basic price" is the manufacturer's ceiling price minus the "permitted increase."

4. Section 13 is amended by adding after the paragraph entitled "Category" the following paragraph:

Permitted increase. On a unit of floor covering, whose face is entirely made of wool, of synthetic materials or of a blend of both, the "permitted increase" shall be an amount equal to 13 percent of the manufacturer's ceiling price at the mill. On a unit of floor covering, whose face is made partially of wool, of synthetic materials, or of a blend of both and partially of some other face materials, the "permitted increase" shall be that proportion of 13 percent of the manufacturer's ceiling price at the mill established by this regulation which the cost of wool and synthetic materials is to the total cost of face materials.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective March 18, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MARCH 18, 1952.

[F. R. Doc. 52-3287; Filed, Mar. 18, 1952; 4:29 p. m.]

Chapter XXIII—Defense Materials Procurement Agency

[Mineral Order 2, Direction 1]

FOREIGN PRODUCED MANGANESE ORE

Correction

In F. R. Doc. 52-3183, appearing at page 2326 of the issue for Tuesday, March 18, 1952, "4 percent" in section 2 should be "40 percent", so that section 2 reads:

SEC. 2. *Foreign produced manganese ore.* Except as provided in section 3 of this direction, the provisions of section 3 (a) of Mineral Order 2, as amended, shall not apply to manganese ore produced outside the continental United States when its intended use is for consumption in producing ferro-alloys containing 40 percent or more of manganese.

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

PART 9—CUSTOMS SERVICE

PART 27—TOLLS FOR USE OF CANAL

MISCELLANEOUS AMENDMENTS

1. Pursuant to the authority cited in Parts 4, 9, 10, 12, 24, 25 and 27 of Title 35 of the Code of Federal Regulations, the Governor's regulations contained in such parts are hereby adopted in the form therein appearing, as Governor's regulations, superseding the source documents cited for such regulations, effective upon publication of this regulation in the FEDERAL REGISTER.

2. Sections 4.116 through 4.127a of Part 4, and the section analyses and center headings appertaining thereto, are amended to read as follows:

HAZARDOUS LIQUID CARGOES

Sec.
4.116 Definitions.
4.116a Grading of vessels in accordance with products transported.
4.116b Construction of Grade "A" cargo tanks.
4.116c Transportation of Grade "B" or "C" liquids in shelter-deck vessels.
4.117 Classification of vessels for carrying petroleum products in bulk.
4.117a Information to be furnished by vessels of all grades.
4.117b Venting of cargo tanks.
4.117c Venting of bunker tanks.
4.118 Venting of cofferdam.
4.118a Ventilation.
4.118b Ventilation for certain hold spaces.
4.118c General safety requirements during transfer operations.
4.119 Fire fighting requirements.
4.119a Smoking.
4.119b General safety requirements.
4.119c Cargo handling—men on duty.
4.120 Closing of scuppers and sea valves.
4.120a Connecting cargo hose.
4.120b Electric bonding.
4.120c Inspection prior to transfer of cargo.
4.121 Declaration of inspection.
4.121a Duties of Senior Deck Officer during transfer operations.
4.121b When transfer operations may not be commenced or continued.
4.121c Moving alongside vessels; handling cargo across deck of another vessel.
4.122 Deck officer to be on duty.
4.122a Transfer of cargo from vessel to vessel.
4.122b Loading through open end hoses.
4.123 Termination of transfer operations.
4.123a Vessels at oil berths.
4.123b Responsibility for connections and operations.
4.124 Transfer of package goods, freight, and ship's stores.
4.124a Cargo handling equipment.
4.124b Emergencies.

Sec.
4.125 General requirements while transiting.
4.125a Requirements concerning liquefied petroleum gases.

OTHER HAZARDOUS MATERIALS

4.127 Ammonium nitrate.

AUTHORITY: §§ 4.1 to 4.176 issued under sec. 5, 37 Stat. 562, as amended; 2 C. Z. Code 9, 48 U. S. C. 1318. E. O. 9746, July 1, 1946, 11 F. R. 7329, 3 CFR, 1946 Supp.

HAZARDOUS LIQUID CARGOES

§ 4.116 *Definitions.* For the purpose of §§ 4.116–4.125a, the following definitions of terms shall govern:

(a) *Cargo.* The term "cargo" means combustible liquid, inflammable liquid, or liquefied inflammable gas unless otherwise stated.

(b) *Classification requirements.* The term "classification requirements" means applicable rules and supplementary requirements of the American Bureau of Shipping, or other recognized classification society.

(c) *Combustible liquid.* The term "combustible liquid" means any liquid having a flash point above 80° F. (as determined from an open cup tester, as used for test of burning oils). Combustible liquids are referred to by grades, as follows:

(1) Grade "D": Any combustible liquid having a flash point below 150° F. and above 80° F.

(2) Grade "E": Any combustible liquid having a flash point of 150° F. or above.

(d) *Flame arrestor.* The term "flame arrestor" means any device or assembly of a cellular, tubular, pressure, or other type, used for preventing the passage of flames into enclosed spaces.

(e) *Flash point.* The term "flash point" indicates the temperature in degrees Fahrenheit at which a liquid gives off an inflammable vapor when heated in an open cup tester. For the purpose of these regulations, flash points determined by other testing methods will be equivalent to those determined with an open cup tester as follows:

EQUIVALENT FLASH POINTS

Open cup tester	Tag closed cup tester (A.S.T.M.)	Pensky-Martens closed tester (A.S.T.M.)
°F.	°F.	°F.
80	75	----------
150	----------	140

(f) *Inflammable liquid.* The term "inflammable liquid" means any liquid which gives off inflammable vapors (as determined by flash point from an open cup tester, as used for test of burning oils) at or below a temperature of 80° F. Inflammable liquids are referred to by grades as follows:

(1) Grade "A": Any inflammable liquid having a Reid [1] vapor pressure of 14 pounds or more.

(2) Grade "B": Any inflammable liquid having a Reid vapor pressure under 14 pounds and over 8½ pounds.

(3) Grade "C": Any inflammable liquid having a Reid vapor pressure of 8½ pounds or less and flash point of 80° F. or below.

(g) *Liquefied inflammable gas.* The term "liquefied inflammable gas" means any inflammable gas having a Reid vapor pressure exceeding 40 pounds, which has been compressed and liquefied for purposes of transportation. Liquefied inflammable gases are referred to by classes as follows:

(1) Class 1: Any liquefied petroleum gas, including gases or mixtures of gases produced with or derived from petroleum or natural gas, and composed predominantly of hydro-carbons or mixtures of hydro-carbons such as propane, propylene, butane, butylene or butadiene.

(2) Class 2: Any liquefied inflammable gas other than liquefied petroleum gas.

(h) *Pressure vacuum relief valve.* The term "pressure vacuum relief valve" means any device or assembly of a mechanical, liquid, weight, or other type used for the automatic regulation of pressure or vacuum in enclosed places.

(i) *Reid vapor pressure.* The term "Reid vapor pressure" means the vapor pressure of a liquid at a temperature of 100° F. expressed in pounds per square inch, absolute, as determined by the "Reid Method" as described in the American Society for Testing Materials, Standard D–323 (most recent revision) Method of Test for Vapor Pressure of Petroleum Products. This standard is available at U. S. Coast Guard Headquarters for reading purposes, or it may be purchased from the society in Philadelphia, Pa.

(j) *Flame screen.* The term "flame screen" means a single screen of corrosion-resistant wire of at least 30 by 30 mesh or two screens, both of corrosion-resistant wire, of at least 20 by 20 mesh, spaced not less than one-half inch or more than one and one-half inches apart.

(k) *Cofferdam.* The term "cofferdam" means a void or empty space separating two or more compartments for the purpose of isolation or to prevent the contents of one compartment from entering another in the event of the failure of the walls of one to retain their tightness.

(l) *Spark arrestor.* The term "spark arrestor" means any device, assembly, or method of a mechanical, centrifugal, cooling, or other type and of a size suitable for the retention or quenching of sparks in exhaust pipes from internal combustion engines.

§ 4.116a *Grading of vessels in accordance with products transported.* Vessels which are transporting Grade "A", Grade "B", Grade "C", Grade "D", or Grade "E" cargoes in bulk, or which being in ballast have on a previous voyage transported cargoes of these grades and whose tanks are not free of explosive gases, will be dealt with as Grade "A", Grade "B", Grade "C", Grade "D", or Grade "E" vessels, respectively. In case a vessel is carrying two grades of hazardous cargo at the same time, it will be treated as a vessel of the grade corresponding to that of the more volatile product. A vessel in ballast, whose tanks are kept charged with an inert gas during transit shall be dealt with as a Grade "E" vessel. Tanks which are ballasted full to the level of the expansion hatch deck coaming will be accepted as the equivalent of a tank which has been gas-freed since last transporting hazardous cargo.

§ 4.116b *Construction of Grade "A" cargo tanks.* Grade "A" cargo tanks shall extend to the main deck with hatches and vents located on the weather deck.

§ 4.116c *Transportation of Grade "B" or "C" liquids in shelter-deck vessels.* Transportation of Grade "B" or "C" liquids is prohobited in cargo tanks having a shelter between deck space, not adapted or used for carrying hazardous liquid cargo in bulk, located over the tanks (between the tank top and main deck) unless such space is separated from other parts of the vessel by gas tight steel bulkheads. Hatches and vents of such tanks shall be located on the weather deck. Where ullage plugs are located in this space they must be secured and sealed in such manner as to necessitate breaking of the seal to open them: *Provided,* That the ullage holes may be opened during cargo transfer operations.

§ 4.117 *Classification of vessels for carrying petroleum products in bulk.* Grade "A", "B", "C", "D", or "E" vessels are required to be maintained in class for carrying hazardous cargo in bulk by the American Bureau of Shipping, or other recognized classification society. If not so classed, vessels shall obtain from the Board of Local Inspectors of the Canal Zone Government a certificate of inspection stating their fitness for carrying hazardous cargoes in bulk in Canal Zone waters.

§ 4.117a *Information to be furnished by vessels of all grades.* Vessels of Grade "A", "B", "C", "D", and "E" shall furnish the following information:

(a) Classification status.

(b) Amount and name of each grade of cargo carried.

(c) The actual vapor pressure in the case of Grade "A" cargoes, and certification that the vapor pressures for Grade "B" cargoes are less than 14 and more than 8½ pounds per square inch, vapor pressures for Grade "C" cargoes are 8½ pounds per square inch or less, and the flash points in the case of Grade "D" and "E" cargoes; all determinations to be made in accordance with definitions contained in § 4.116.

§ 4.117b *Venting of cargo tanks.* (a) On all tank ships each cargo tank shall be equipped with a vent. The diameter of a vent shall be not less than 2½ inches.

(b) Cargo tanks in which Grade "A" liquids are to be transported shall be fitted with a venting system consisting of branch vent line from each cargo tank connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or pressure-vacuum

[1] American Society for Testing Materials Standard D–323 (most recent revision) Method of Test for Vapor Pressure of Petroleum Products (Reid method).

relief valve. Each branch vent line may be provided with a manually operated control valve, provided it is by-passed with a pressure-vacuum relief valve, or each cargo tank to which such a branch vent line is connected is fitted with an independent pressure-vacuum relief valve which shall extend to a reasonable height above the weather deck, or the control valve is locked in open position while in Canal Zone waters. Venting of Grade "A" cargo tanks near the deck line is prohibited.

(c) Cargo tanks in which Grade "B" or "C" liquids are to be transported shall be fitted with individual pressure-vacuum relief valves, which shall extend to a reasonable height above the weather deck, or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrestor or a pressure-vacuum relief valve.

(d) Venting systems required for Grade "A" liquids may be used in lieu of systems required for Grade "B" and "C".

(e) Cargo tanks in which Grade "D" or "E" liquids only are to be transported shall be fitted with gooseneck vents and flame screens unless such tanks are vented by pressure-vacuum relief valves or a venting system of branch vent lines and a vent header.

(f) Venting systems required for Grade "A", "B", or "C" liquids may be used in lieu of systems required for Grade "D" or "E".

§ 4.117c. *Venting of bunker tanks.* Bunker fuel tanks shall be fitted with a gooseneck vent with suitable wire flame screen or a standard pressure-vacuum relief valve. The minimum size of vents shall not be less than 2½ inches. The vent outlet shall be located above the weather deck.

§ 4.118 *Venting of cofferdam.* Cofferdams shall be provided with gooseneck vents fitted with a flame screen or pressure-vacuum relief valves. The diameter of a vent shall not be less than 2½ inches.

§ 4.118a *Ventilation.* All enclosed parts of the vessel other than cargo, fuel, and water tanks and cofferdams, shall be provided with efficient means of ventilation. Pump rooms and compartments containing machinery where sources of vapor ignition are normally present shall be ventilated in such a way as to remove vapors from points near the floor levels or bilges. Effective steam or air actuated gas ejectors, blowers or ventilators fitted with heads for natural ventilation, will be approved for this purpose.

§ 4.118b *Ventilation for certain hold spaces.* Hold spaces containing independent cargo tanks shall be considered to be equivalent to cargo pump rooms and shall be ventilated and safeguarded as such.

§ 4.118c *General safety requirements during transfer operations.* (a) Boiler fires are normally permitted during cargo transfer operations: *Provided,* That prior to transferring Grade "A", "B" or "C" cargoes, the Master or Senior Deck Officer on duty and the Panama Canal Company Oil Plant Foreman or his representative shall make an inspection to determine whether, in their judgment, boiler fires may be maintained with reasonable safety during transfer operations.

(b) Galley fires are normally permitted during cargo transfer operations: *Provided,* That prior to transferring Grade "A", "B" or "C" cargoes, the Master or Senior Deck Officer on duty and the Panama Canal Company Oil Plant Foreman or his representative shall make an inspection to determine whether in their judgment galley fires may be maintained with reasonable safety during transfer operations.

(c) During transfer operations a red signal (flag by day and electric lantern at night) shall be so placed that it will be visible on all sides.

(d) Warning placards shall be displayed at the gangway, in a conspicuous place, during transfer of cargo, to warn persons approaching the gangway. The placard shall state in letters not less than two (2) inches high the following:

DANGER
HANDLING PETROLEUM
NO LOITERING
NO FIRES NO SMOKING
NO VISITORS

(The placards shall be supplied by the Panama Canal Company.)

(e) A sign shall be placed in the radio room warning against the use of radio equipment during transfer of Grade "A", "B", or "C" liquids, except as authorized by the Governor.

§ 4.119 *Fire fighting requirements.* (a) Fire fighting equipment shall be adequate and in good operating condition. It shall include a steam smothering or a flue gas or a carbon dioxide or a foam system to the cargo tanks and water service, fire hoses and portable extinguishers.

(b) Fire hoses with suitable nozzles attached shall be connected to the outlets at all times while in Canal Zone waters. Sufficient hose shall be connected to reach all parts of the vessel. While moored to a dock, connections to shore lines shall be made if water pressure is not available aboard the vessel.

(c) In case of fire aboard a vessel the Port Captain shall be in complete charge for the purpose of coordinating the various Canal Zone Government or Panama Canal Company functions concerned. The Panama Canal Company Oil Plant Foreman or his representative shall direct terminal fire fighting facilities until the arrival of the Canal Zone Government Fire Department, or the Port Captain or his representative. The vessel's crew shall cooperate with the terminal authorities. Nothing contained herein shall relieve the master of responsibility for the safety of his vessel.

§ 4.119a *Smoking.* (a) Smoking shall not be permitted aboard tank vessels in Canal Zone waters while loading or unloading Grade "A", "B" or "C" cargoes.

(b) Smoking shall not be permitted on tank vessels carrying Grade "A", "B" or "C" cargoes while they are in the locks or within one-half mile of any lock.

(c) Smoking shall not be permitted on the weather deck of tank vessels in Canal Zone waters when they are not gas free.

(d) Smoking shall not be permitted on a dock in close proximity of a tank vessel that is not gas free.

(e) "No smoking" signs shall be posted in appropriate places.

(f) Except where smoking is prohibited as provided above, the master or senior deck officer on duty shall designate where smoking is permitted.

§ 4.119b *General safety requirements.* (a) Nonsparking tools shall be provided for opening and closing of cargo hatch covers.

(b) On Grade "A", "B", "C", or "D" vessels the electrical installation in a cargo pump room, or any enclosed space immediately adjoining cargo tanks shall meet the following requirements:

(1) Switch boards, distributing panels, switches, fuses and other circuit-interrupting devices are not to be fitted in these spaces.

(2) No portable lighting equipment except explosion proof, self contained, battery fed lamps shall be used in spaces that are not gas free.

(3) Wiring is to be leaded and armored and shall be run through gas tight fittings having stuffing glands at inlets and outlets.

(4) Joints in wiring shall be made only in wiring appliances, such as junction boxes, outlet boxes, etc., and such boxes shall be metallic and shall be gas tight.

(5) Lighting fixtures shall be of approved type.

(6) Electric motors shall be of approved type either totally enclosed or ventilated to the atmosphere by suction and discharge air ducts.

(c) Stacks of vessels shall not be cleaned while vessel is moored to an oil dock.

(d) Tank covers, ullage holes and butterworth plates shall, unless tanks are gas free, be kept closed under the following conditions:

(1) During transit.

(2) While self-propelled vessels are directly alongside, or any source of vapor ignition is present or in close proximity to tanks.

(3) Unless special permission has been granted by Canal authorities to open tanks: *Provided,* That ullage plugs may be removed when necessary for the purpose of gauging or sampling, or during cargo transfer operations.

(4) No cargo tank hatches, ullage holes, or butterworth plates shall be opened or shall remain open without flame screens, except under the supervision of the senior members of the crew on duty, unless the tank opened is gas free.

(e) No pitch, tar, turpentine, or other combustible shall be boiled on any pier or on board any vessel without permission of the Port Captain.

(f) All doors, air ports, etc., in compartments on weather deck that are facing or adjacent to cargo tanks and where fires, open flames, or other sources of vapor ignition exist shall be kept closed while in Canal Zone waters on all tank vessels that are not gas free.

(g) Riveting, burning, welding or like fire-producing operations shall not be undertaken within or on the boundaries of bulk cargo spaces or in spaces adjacent thereto until an inspection has been made by an authorized Canal Zone chemist to determine that such operations can be undertaken with safety.

(h) Tank vessels equipped to carry Grade "A", "B", "C", or "D" liquids shall have their galleys, living quarters, general cargo spaces, boiler rooms, and enclosed spaces containing propelling machinery, or other machinery where sources of vapor ignition are normally present, segregated from their cargo tanks by cofferdams or pump rooms, tanks, or air spaces.

(i) Exhaust lines from internal combustion engines, where run through the deck, or through the sides of the superstructure, shall be extended to a height of at least 4 feet above the deck. The exhaust piping shall be either insulated or water-cooled. A spark arrestor shall be installed in each exhaust line.

(j) Storage batteries shall not be located in cargo pump rooms. The space in which they are located shall be well ventilated and they shall be protected against mechanical and electrical injury.

(k) Tank vessels handling Grade "A", "B", "C", or "D" liquids shall have their cargo pumps isolated from all sources of vapor ignition by gas tight bulkheads. Totally enclosed motors of the "explosion proof" type, motors ventilated on both the intake and exhaust by ducts to the atmosphere, and engines driven by steam shall not be considered to be sources of vapor ignition.

§ 4.119c *Cargo handling; men on duty.* A sufficient number of the crew shall be on duty to perform transfer operations.

§ 4.120 *Closing of scuppers and sea valves.* The Deck Officer in charge shall see that all scuppers are properly plugged during transfer operations except on tank vessels using water for deck cooling. Sea valves shall be closed and lashed, or sealed to indicate that they should not be open during all cargo loading operations. Under no circumstances shall such valves be secured by locks.

§ 4.120a *Connecting cargo hose.* Sufficient hose shall be used to provide for the movement of the vessel. When cargo hose is supported by ship's tackle, the Deck Officer in charge is responsible for raising and lowering of the hose to prevent strains and chafing or other damage to hose.

§ 4.120b *Electric bonding.* A tank vessel shall be electrically connected to the shore piping, through which the cargo is to be transferred, prior to connecting the cargo hose, and electrical connection shall be maintained until after the cargo hose has been disconnected and any spillage removed. The Senior Deck Officer on duty shall ascertain that no hoses on board the vessel are connected or disconnected unless the bonding cable is properly connected. The Panama Canal Company Oil Plant Foreman or his representative shall be responsible for the proper connecting and disconnecting of the cable. The cable shall be furnished by the Panama Canal Company.

§ 4.120c *Inspection prior to transfer of cargo.* Prior to transfer of cargo the Senior Deck Officer on duty, who shall be a licensed officer or a certificated tanker-man, shall inspect the vessel and ascertain that the following conditions exist:

(a) There is a sufficient number of crew on duty.

(b) All scuppers are properly plugged.

(c) Warning signs are displayed as required.

(d) Cargo hose is connected and cargo valves are set.

(e) All cargo connections for the transfer of "A", "B" and "C" cargoes have been made to the vessel's pipe lines and not through open end hose in a hatch.

(f) In transferring Grades "A", "B" and "C" cargoes that there are no fires or open flames present on the deck, or any compartment which is located on, facing, or open and adjacent to that part of the deck on which cargo hose is connected.

(g) The shore terminal or other tank vessel concerned has reported itself in readiness for transfer of cargo.

(h) All sea valves connected to the cargo piping system are closed.

(i) In transferring Grade "A", "B" and "C" cargoes, that an inspection has been made to determine whether boiler fires can be maintained with reasonable safety.

(j) In transferring Grade "A", "B" and "C" cargoes that an inspection has been made to determine whether galley fires can be maintained with reasonable safety.

(k) No repair work in way of cargo spaces is being carried on without permission of the proper Panama Canal authority.

(l) That bonding cable has been properly connected.

§ 4.121 *Declaration of inspection.* After completing the inspection required by § 4.120c and prior to giving his approval to start the cargo transfer operation, the Master or Senior Deck Officer on duty shall fill in the following Declaration of Inspection in duplicate. The original of the Declaration of Inspection shall be kept aboard for the information of authorized persons. The duplicate shall be available to the Panama Canal Company Oil Plant Foreman or his representative who shall on demand be given the opportunity to satsify himself that the condition of the vessel is as stated in the Declaration of Inspection.

DECLARATION OF INSPECTION PRIOR TO BULK CARGO TRANSFER

/S _____ Port of _____
date _____ I, _____
(Signature)

being the master or Senior Deck Officer in charge of the transfer of bulk inflammable and combustible cargo about to be undertaken, do certify that I have personally inspected this vessel with reference to the following requirements set forth in § 4.120c and that opposite each of them I have indicated that the Regulations have been complied with:

(a) Is there a sufficient number of crew on duty? _____

(b) Are all scuppers properly plugged? _____

(c) Are warnings displayed as required? _____

(d) Is cargo hose of sufficient length properly connected and supported, and are cargo valves properly set? _____

(e) Have all cargo hose connections for transferring Grade "A", "B", and "C" cargoes been made to the vessel's pipe lines? _____

(f) Are there any fires or open flames present on the deck or in any compartment which is located, on, facing, open and adjacent to that part of the deck on which the cargo hose is connected? _____

(g) Has the shore terminal or other tank vessel concerned reported itself in readiness for transfer of cargo? _____

(h) Are sea valves connected to the cargo piping system closed? _____

(i) If Grade "A", "B" and "C" cargoes are to be transferred and the boiler fires are lighted, has an inspection been made to determine that they may be operated with reasonable safety? _____

(j) If Grade "A", "B" and "C" cargoes are to be transferred and galley fires are lighted, has an inspection been made to determine that they may be operated with reasonable safety? _____

(k) Is there any repair work in way of cargo spaces being carried on for which permission has not been given? _____

(l) Has bonding cable been connected? _____

§ 4.121a *Duties of Senior Deck Officer during transfer operations.* The Senior Deck Officer on duty shall control the operations as follows:

(a) Supervise the operations of cargo system valves.

(b) Start transfer of cargo slowly.

(c) Observe hose and connections for leakage.

(d) Observe operating pressure on cargo system.

(e) Observe rate of loading for the purpose of avoiding overflow of tanks.

(f) Ascertain that ship's valves shall not be closed against loading pressure during loading operations until Panama Canal Company Oil Plant Foreman has been notified.

§ 4.121b *When transfer operations may not be commenced or continued.* Conditions under which transfer operations shall not be commenced or, if started, shall be discontinued:

(a) During severe electrical storms.

(b) If a fire occurs on the wharf or on the tanker or in the vicinity.

(c) If a self-propelled vessel comes alongside in way of cargo tanks of a tanker or tank barge which is transferring Grade "A", "B", and "C" cargo.

(d) When another vessel is being moored to a terminal wharf where a tank vessel is transferring cargo, if in the judgment of the Master or Senior Deck Officer on duty and the Panama Canal Company Oil Plant Foreman or his representative conditions arise under which continued operations may be hazardous.

§ 4.121c *Mooring alongside vessels; handling cargo across deck of another vessel.* No vessel shall be moored alongside of another vessel while the latter is transferring grade "A", "B" or "C" cargoes. Grade "A", "B" or "C" cargoes shall not be handled across the deck of another vessel except in the case of United States Government vessels when

Military Service Officials advise the Port Captain of military need for such action and the Port Captain approves.

§ 4.122 *Deck officer to be on duty.* There shall be a deck officer on duty and readily available at all times during bunkering or cargo transfer operations.

§ 4.122a *Transfer of cargo from vessel to vessel.* Transfer of Grade "A", "B" or "C" cargoes from vessel to vessel shall not be permitted in Canal Zone waters except under emergency conditions or military service need: *Provided,* That before such transfers are made permission must be obtained from the Port Captain or his representative. Grade "D" and "E" cargoes shall not be transferred from ship to ship unless special permission has been obtained from the Port Captain, or his representative.

§ 4.122b *Loading through open end hoses.* Grade "D" and "E" cargoes may be loaded through open end hoses into tanks qualified to carry Grade "D" and "E" cargoes. This manner of loading Grade "D" and "E" cargoes shall not be permitted into tanks that have formerly carried Grades "A", "B" or "C" cargoes unless the tanks have been gas freed since last carrying Grades "A", "B" or "C" cargoes: *Provided,* That the following procedure shall be followed:

(a) At start of loading the hose shall extend to the bottom of the tank, and unloading end of hose shall be kept submerged until completion of loading operations.

(b) Necessary precautions shall be taken to prevent excessive movement of the hose.

§ 4.123 *Termination of transfer operations.* On completion of transfer operations the Deck Officer on duty and the Panama Canal Company Oil Plant Foreman shall make a prompt inspection to ascertain that all cargo valves at ship's hose connections are closed and blank flanged, all hatches properly secured and ullage plugs inserted.

§ 4.123a *Vessels at oil berths.* Except under those circumstances while handling Grade "A", "B" and "C" cargoes where boiler fires are not allowed, a vessel at an oil berth shall have steam up and be ready to move at short notice.

§ 4.123b *Responsibility for connections and operations.* Responsibility for all connections and operations aboard the vessel during bunkering or cargo transfer operations remains with the vessel's crew.

§ 4.124 *Transfer of package goods, freight, and ship's stores.* (a) Package goods, freight and ship's stores shall not be loaded or discharged during the transfer of Grade "A", "B" or "C" cargoes until an inspection by the Senior Deck Officer on duty and the Panama Canal Company Oil Plant Foreman has been made, and in their judgment such loading or discharging can be done with reasonable safety. Explosives as cargo shall not be loaded or carried on any tank vessel containing "A", "B" or "C" cargo.

(b) Before loading or unloading package goods, freight or stores in any compartment near or adjacent to tanks carrying Grade "A", "B" or "C" cargoes, inspection shall be made by an authorized Canal Zone chemist to determine whether in his judgment the handling of such package goods, freight or stores is reasonably safe. Where package goods and general cargo is carried directly over bulk cargo tanks, it shall be properly dunnaged to prevent chafing of metal parts and securely lashed or stowed, and such space shall be adequately ventilated. Blowers or ventilators fitted with heads for natural ventilation will be approved for this purpose.

(c) Grade "A", "B", "C" or "D" cargo in containers shall be marked and packaged in accordance with United States Interstate Commerce Commission regulations or regulations as established by any other recognized governmental agency. These containers shall be stowed in accordance with United States Coast Guard regulations or regulations as established by any other recognized governmental agency.

(d) Package goods, freight or stores shall not be handled over a cargo hose while hose is in service and under pressure.

§ 4.124a *Cargo handling equipment.* (a) Where a cargo pump is capable of developing a pressure exceeding 125 pounds at the pump under shut-off head conditions, a suitable relief valve shall be installed between the pump and the shut-off valve in the pump discharge and piped back into the suction. The relief valve setting shall not exceed the pressure for which the piping system is designed.

(b) A pressure gauge shall be installed for each pump discharge and it shall be located at a point visible with respect to the pump controls.

(c) Cargo hose, when carried on tank vessels shall be of a grade suitable for oil service, and shall be designed to withstand the pressure of the shut-off head of the cargo pump or pump relief valve setting, less static head, but in no case less than 100 pounds per square inch.

(d) The cargo piping of all tank vessels transferring cargo in the Canal Zone shall be tight.

§ 4.124b *Emergencies.* In case of emergencies nothing in the regulations shall be construed as preventing the Senior Officer present from pursuing the most effective action in his judgment for rectifying the conditions causing the emergency.

§ 4.125 *General requirements while transiting.* (a) Manila or hemp rope shall be used for mooring to piers, lock walls or buoys.

(b) While moored to piers and during transit, except when entering or passing through the locks, vessels carrying inflammable or combustible cargoes shall have connecting shackles or wire pendants of sufficient strength, one forward and one aft, fastened to bitts or to the deck and overboard, so that they can be used for emergency towing.

(c) Vessels carrying Grade "A", "B", or "C" cargoes shall, when in the locks, use insulated towing gear. This gear shall be supplied by the Panama Canal.

(d) No tanks shall be cleaned in Canal Zone waters without permission of Panama Canal authorities. Tank cleaning and repairing shall be done in accordance with Panama Canal "Rules and Regulations for Repairs to Ships and Structures Containing Gases."

(e) Vessels transporting Grade "A", "B" or "C" cargo shall start transit of the Canal at the discretion of the Port Captain concerned, with due regard to the safety of the Canal and the shipping in transit. So far as practicable, they will be dispatched through Gaillard Cut so as not to meet any traffic therein.

(f) Normally, vessels transporting Grade "A", "B" or "C" cargo when overdraft, as defined in the Panama Canal Commercial Tariff, shall transit the Canal during daylight hours only: *Provided,* That the Port Captain may, when he considers it safe and reasonable to do so, permit such vessels to transit during other hours.

(g) Grade "A", "B" or "C" vessels shall be prepared to keep the tank top decks effectively covered with a film of water throughout the transit when such action is required by the Canal Zone authorities.

§ 4.125a *Requirements concerning liquefied petroleum gases.* (a) Cargo tanks shall be designed and installed in accordance with Part 38, Subchapter D, United States Coast Guard Tank Vessel Regulations (46 CFR Part 38), or regulations of any recognized agency that are substantially equivalent thereto.

(b) Piping, valves, fittings and accessory equipment shall be in accordance with Part 38, Subchapter D, United States Coast Guard Tank Vessel Regulations (46 CFR Part 38), or regulations of any Governmental agency that are equivalent thereto.

(c) Filling densities shall be in accordance with Part 38, Subchapter D, United States Coast Guard Tank Vessel Regulations (46 CFR Part 38), latest revision.

(d) *Cargo hose.* (1) Flexible metal hose fabricated of seamless steel pipe and flexible joints of steel or bronze, or hose fabricated of other suitable material resistant to the action of liquefied petroleum gases shall be fitted to the liquid and vapor lines during filling and discharging of the tanks.

(2) Hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tank.

(3) Hose subject to discharge pressure of pumps or vapor compressors shall be designed for a bursting pressure of not less than five times the pressure setting of the pump or compressor relief valve.

(4) Before being placed into service each new cargo hose, with all necessary fittings attached, shall be tested hydrostatically by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected. The hose shall be marked with the maximum pressure guaranteed by the manufacturer.

(e) The tank vessel shall be electrically connected to the shore piping prior to connecting the cargo hose. This electrical connection shall be maintained until after the cargo hose has been

disconnected and any spillage has been removed.

(f) Cargo tanks shall be vented in accordance with Part 38, Subchapter D, United States Coast Guard Tank Vessel Regulations (46 CFR Part 38).

(g) Each tank shall be subjected to an internal examination biennially at the annual inspection period. Each lagged tank shall be subjected to an external inspection at least once every 8 years by having jacket and lagging removed.

(h) Each tank shall be subjected to a hydrostatic test at the annual inspection period on the 8th year of the installation, and a like test shall be applied every 4th year thereafter. The hydrostatic test shall be equal to one and one-half times the allowable pressure as determined by the safety relief valve setting. If the jacket and lagging are not removed during the internal hydrostatic tests, the tank shall hold the hydrostatic pressure for at least 20 minutes without pressure drop.

OTHER HAZARDOUS MATERIALS

§ 4.127 *Ammonium nitrate.* Vessels carrying cargoes of ammonium nitrate in Canal Zone waters shall comply with all regulations issued by the United States Coast Guard or other recognized governmental agency with respect to the handling and storage of such cargo and the precautionary measures to be taken in connection therewith. The provisions of sections 162, 163, 164, 165, 167, and 172 shall also apply to all vessels carrying cargoes of ammonium nitrate.

3. Section 9.13 is revoked and § 9.18 is amended to read as follows:

§ 9.18 *Punishment for violations.* Any person who shall violate any of the provisions of this part shall be punished, as provided in section 62 of title 2, Canal Zone Code, as amended, by a fine of not more than $100 or by imprisonment in jail for not more than 30 days, or by both.

(Sec. 1, 47 Stat. 813; 2 C. Z. Code 61, 48 U. S. C. 1325a)

4. Section 27.8 is amended by deleting therefrom the numbers "4.54, 4.55" and substituting the numbers "4.83, 4.84."

(Sec. 5, 37 Stat. 562, as amended; 2 C. Z. Code, 411, 412; 48 U. S. C. 1315)

Issued at Balboa Heights, Canal Zone, March 5, 1952.

F. K. NEWCOMER,
Governor of the Canal Zone.

[F. R. Doc. 52-3073; Filed, Mar. 19, 1952; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.10 *Small packets* make the following changes:

1. Amend paragraph (e) by inserting "Kenya and Uganda", "Tanganyika Territory" and "Zanzibar and Pemba" in alphabetical order in the list of countries therein.

2. Amend paragraph (f) by deleting "Kenya and Uganda", "Tanganyika Territory" and "Zanzibar and Pemba" from the list of countries therein.

b. In § 127.287 *Kenya and Uganda,* amend paragraph (a) (1) to read as follows:

(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, § 127.1. Small packets accepted.

c. In § 127.362 *Tanganyika Territory,* amend paragraph (a) as follows:

1. Amend subparagraph (1) to read:

(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, § 127.1. Small packets accepted.

2. Amend subparagraph (4) to read:

(4) *Special delivery.* Fee 20 cents. Special delivery service is confined to Arusha, Bukoba, Dar-es-Salaam, Dodoma, Kigoma, Kilosa, Lindi, Morogoro, Moshi, Mwanza, Tabora and Tanga. (See § 127.19.)

d. In § 127.381 *Zanzibar and Pemba,* amend paragraph (a) (1) to read as follows:

(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, § 127.1. Small packets accepted.

e. In § 127.19 *Special delivery (Exprès) service,* amend paragraph (a) by inserting "Tanganyika Territory" between "Trans-Jordan" and "Union of South Africa" in the list of countries therein.

f. In § 127.229 *Ceylon,* amend paragraph (b) (1) by the addition of a subdivision (ii) immediately after the table of rates in subdivisien (i) and before the tabulation of information thereunder, to read as follows:

(ii) Air parcels. (Effective March 1, 1952.)

Rates: $1.75 first 4 oz. or fraction; $1.00 each additional 4 oz. or fraction.

Each air parcel must have affixed the blue Par Avion label (Form 2978).

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-3211; Filed, Mar. 19, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 913]

[Docket No. AO-23-A11]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et. seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Kansas City, Missouri, on February 18-19, 1952, pursuant to notice thereof which was issued on February 12, 1952 (17 F. R. 1479).

The material issues of record related to proposed changes in the method of determining class prices and of the level of such prices, in the fall incentive payment program, in the classification of milk transferred between handlers, and in the definition of "producer."

This decision will consider only the issues with respect to the price for Class I milk applicable for April 1952 and the need for immediate change in order provisions affecting such price. A recommended decision with respect to all other issues will be issued at a later date.

Findings and conclusions. The findings and conclusions relative to the aforementioned material issues considered in this decision, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. The Class I price for April 1952 should be the basic formula price plus $1.45.

By amendment effective November 1, 1951, the Class I price was established at the basic formula price plus $1.90 for the months through March 1952. Such action was taken because fall supplies indicated a prospective shortage of milk to meet the Class I needs of the market and because producers would have short supplies of home grown feeds with which to produce milk throughout the feeding season. As currently provided in the order the Class I price for April 1952 would be the basic formula plus $1.00.

Various proposals were made at the hearing which would change substantially the method of determining the Class I price. Adequate consideration of the evidence on such proposals will require analysis of many factors not involved in the pricing of Class I milk for April 1952. Further, the situation for April 1952 is not such as can be expected to recur each year. To meet the immediate problem it is concluded that separate consideration should be given to the Class I price for this month. This will permit analysis of the evidence con-

cerning longer range pricing problems of the market.

Despite the emergency pricing provided for the 5-month period ending March 31, 1952, the number of producers supplying the Kansas City market was 68 less in January 1952 than in September 1951 and 183 less than in January 1951. Daily deliveries per producer in January 1952 were 19 pounds less than in the corresponding month a year earlier. As a result, producer receipts were almost 10 percent less than in January 1951. In contrast Class I sales were almost 10 percent less than in year earlier. While producer receipts exceeded Class I sales by approximately 50,000 pounds of milk for the month, variations in supply between handlers was such that almost one million pounds of other source milk were allocated to Class I sales.

The record indicates that by April of this year conditions relative to the supply and demand of milk for the market will not have improved to the point that the Class I differential should be reduced by the 90 cent change that would occur if no action is taken. Milk producers in the Kansas City area cannot depend to any great extent upon native pasture for their feed supply during the month of April. Consequently they must rely upon continued feeding during a considerable portion of the month. The conditions which have affected production during the current feeding season may be expected to affect April production to a considerable extent.

A differential of $1.45 will provide a reduction of 45 cents from that used in determining the Class I price for March. In view of the prospective conditions for the month of April, it is concluded that such a differential should be provided in the order for April 1952.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity of filing exceptions thereto with respect to the issuance of this decision was indicated on the record.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers associations and handlers subject to the order.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area in the manner set forth below is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Greater Kansas City Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Kansas City Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 17th day of March 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Kansas City Marketing Area

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that;

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

amended, is hereby further amended as follows:

1. Delete the second proviso appearing at the end of § 913.51 (a), and substitute therefor the following: *"And provided further,* That for the delivery period of April 1952 such Class I price shall be the basic formula price for the preceding delivery period plus $1.45."

[F. R. Doc. 52-3247; Filed, Mar. 19, 1952; 8:48 a. m.]

[7 CFR Part 980]

[Docket No. AO-182-A3]

Handling of Milk in Topeka, Kansas, Marketing Area

Decision with respect to a proposed marketing agreement and a proposed order amending the order, as amended

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Topeka, Kansas, on February 21, 1952, pursuant to notice thereof which was issued on February 12, 1952 (17 F. R. 1480).

The material issues proposed on the record of hearing are concerned with the level of class prices, the fall incentive payment program, classification of milk disposed of as concentrated milk and aerated cream, qualifications of a "pool plant", definition of "producer", and various administrative changes.

This decision will consider only the issues relating to the pricing of Class I and Class II milk for April 1952 and the need for immediate change in order provisions affecting such prices. A recommended decision with respect to all other issues will be issued at a later date.

Findings and conclusions. The findings and conclusions relative to the afore-mentioned material issues considered in this decision, all of which are based on evidence introduced at the hearing and the record thereof, are as follows:

1. The Class I price for April 1952 should be the basic formula price plus $1.45, and the Class II price for April 1952 should be the Class I price minus 25 cents.

By amendment effective November 1, 1951, the Class I and Class II prices were established at the basic formula price plus $1.80 and plus $1.55, respectively, for the months through March 1952. Such action was taken because fall supplies indicated a prospective shortage of milk to meet the Class I and Class II needs of the market and because producers would have short supplies of home grown feeds with which to produce milk throughout the feeding season. As currently provided in the order the Class I and Class II prices for April 1952 would be the basic formula price plus $0.35 and plus $0.60, respectively.

Various proposals were made at the hearing which would change substantially the method of determining the Class I price. Adequate consideration of the evidence on such proposals will require analysis of many factors not involved in the pricing of Class I and Class II milk for April 1952. Further, the situation for April 1952 is not such as can be expected to recur each year. To meet the immediate problem it is concluded that separate consideration should be given to the Class I and Class II prices for this month. This will permit analysis of the evidence concerning longer range pricing problems of the market.

Despite the emergency pricing provided for the 5 month period ending March 31, 1952, producer receipts in recent months have not been adequate to meet the needs of the Topeka market of milk for fluid purposes (Class I and II). From September 1951 through the most recent month for which data are available; January 1952, Class I and II milk disposition under the order was significantly in excess of producer receipts during each of these months. During November 1951, for example, all but one-half of one percent of the 2,798,000 pounds of milk were used in Classes I and II while outside milk used in Classes I and II during that month were 406,000 and 516,000, respectively.

A decision resulting from the recent hearing with regard to amending the Greater Kansas City marketing order establishes a Class I price for April 1952 at the basic formula price plus $1.45. Testimony at the hearing indicated that as long as milk is short in Topeka handlers have to pay producers substantially the same price as do Kansas City handlers. When the Topeka order Class I price in recent months was below that of Kansas City the difference was consistently offset by payment of premiums by handlers.

The record indicates that by April of this year production conditions will not have improved to the point that the Class I and Class II prices should be reduced by the 95 cent change in the differential that would occur if no action is taken. Milk producers in the Topeka area cannot depend to any great extent upon native pasture for their feed supply during the month of April. Consequently, they must rely upon continued feeding during a considerable portion of the month. The conditions which have affected production during the current feeding season may be expected to affect April production to a considerable extent.

A Class I differential of $1.45 will provide a reduction of 35 cents from that used in determining the Class I and Class II prices for March. In view of the prospective conditions for the month of April, it is concluded that such a differential should be provided in the order for April 1952.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity of filing exceptions thereto with respect to the issuance of this decision was indicated on the record.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers associations and handlers subject to the order.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area in the manner set forth below is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regu-

lating the Handling of Milk in the Topeka, Kansas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 17th day of March 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area*

§ 980.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Topeka, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the proviso appearing at the end of § 980.5 (a) (1) and substitute therefor the following: "*Provided,* That for the month of April 1952 such Class I price shall be the price determined pursuant to paragraph (b) of this section plus $1.45."

2. Delete the proviso appearing at the end of § 980.5 (a) (2) and substitute therefor the following: "*Provided,* That for the month of April 1952 the Class II price shall be the Class I price minus 25 cents."

[F. R. Doc. 52-3248; Filed, Mar. 19, 1952; 8:48 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

OCCUPATIONS HAZARDOUS FOR EMPLOYMENT OF MINORS; OCCUPATIONS IN OR ABOUT PLANTS MANUFACTURING EXPLOSIVES OR ARTICLES CONTAINING EXPLOSIVE COMPONENTS (ORDER 1)

Hazardous-Occupations Order No. 1, as amended, provides that certain occupations in or about plants manufacturing explosives or articles containing explosive components are particularly hazardous for the employment of minors between 16 and 18 years of age. Section 4.51 (a) (1) provides that all occupations in or about any plant manufacturing explosives or articles containing explosive components (except plants manufacturing small-arms ammunition not exceeding .50 caliber in size, shotgun shells, or blasting caps when manufactured in conjunction with small-arms ammunition) are particularly hazardous for minors between 16 and 18 years of age. Section 4.51 (a) (2) declares certain specified occupations in plants manufacturing small-arms ammunition to be particularly hazardous for 16 and 17 year old minors.

Since the adoption of Hazardous-Order No. 1, the standard industrial classification for the maximum caliber of small-arms ammunition has been increased from .50 caliber to .60 caliber as the result of the development of .60 caliber ammunition by the Army. Accordingly, it is proposed to substitute the words ".60 caliber" for ".50 caliber" in the order.

The order does not, at the present time, apply to occupations in or about plants or establishments where explosives or articles containing explosive components are stored. Available information indicates that the hazards incident to the storage of such explosives warrant the proposed extension of the scope of the order to include occupations in or about establishments (but not including retail establishments) where explosives and articles containing explosive components (other than small-arms ammunition) are stored.

It would also seem desirable to permit the employment of 16 and 17 year old minors in occupations now prohibited by § 4.51 (a) (1) of the order when such occupations do not involve the handling or use of explosives and are performed in a "nonexplosives area" as that term is defined in subparagraph (3) of paragraph (b) of the proposed amendments set forth below.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act that under the authority conferred by section 3 (l) of the Fair Labor Standards Act, as amended (52 Stat. 1061; 29 U. S. C. 203), and Reorganization Plan No. 2, effective July 16, 1946, pursuant to the Reorganization Act of 1945 (59 Stat. 613), and pursuant to the Procedure Governing Determinations of Hazardous-Occupations (29 CFR, Part 4, Subpart D), the Secretary of Labor proposes to amend § 4.51 to read as follows:

§ 4.51 *Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components (Order 1)*—(a) *Finding and declaration of fact.* The following occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components are particularly hazardous for minors between 16 and 18 years of age or detrimental to their health or well-being:

(1) All occupations in or about any plant or establishment (other than retail establishments or plants or establishments of the type described in subparagraph 2 of this paragraph) manufacturing or storing explosives or articles containing explosive components except where the occupation is performed in a "nonexplosive area" as defined in subparagraph (3) of paragraph (b) of this section.

(2) The following occupations in or about any plant or establishment manufacturing or storing small-arms ammunition not exceeding .60 caliber in size, shotgun shells, or blasting caps when manufactured or stored in conjunction with the manufacture of small-arms ammunition:

(i) All occupations involved in the manufacturing, mixing, transporting, or handling of explosive compounds in the manufacture of small-arms ammunition

and all other occupations requiring the performance of any duties in the explosives area in which explosive compounds are manufactured or mixed.

(ii) All occupations involved in the manufacturing, transporting, or handling of primers and all other occupations requiring the performance of any duties in the same building in which primers are manufactured.

(iii) All occupations involved in the priming of cartridges and all other occupations requiring the performance of any duties in the same workroom in which rim-fire cartridges are primed.

(iv) All occupations involved in the plate loading of cartridges and in the operation of automatic loading machines.

(v) All occupations involved in the loading, inspecting, packing, shipping and storing of blasting caps.

(b) *Definitions.* For the purpose of this section:

(1) The term "plant or establishment manufacturing or storing explosives or articles containing explosive components" means the land with all the buildings and other structures thereon used in connection with the manufacturing or processing or storing of explosives or articles containing explosive components.

(2) The term "explosives" and "articles containing explosive components" mean and include ammunition, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder, and all goods classified and defined as explosives by the Interstate Commerce Commission in regulations for the transportation of explosives and other dangerous substances by common carriers (49 CFR Parts 71–78) issued pursuant to the act of June 25, 1948 (62 Stat. 739; 18 U. S. C. 835).

(3) An area meeting all of the following criteria shall be deemed a "nonexplosives area":

(i) None of the work performed in the area involves the handling or use of explosives;

(ii) The area is separated from the explosives area by a distance not less than that prescribed in the American Table of Distances for the protection of inhabited buildings;

(iii) The area is separated from the explosives area by a fence or is otherwise located so that it constitutes a definite designated area; and

(iv) Satisfactory controls have been established to prevent employees under 18 years of age within the area from entering any area in or about the plant which does not meet criteria (i) through (iii) of this subparagraph.

(c) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

(d) The amended order, when adopted, will be made effective 30 days after due publication in the FEDERAL REGISTER.

Prior to the adoption of the amended order, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Secretary of Labor, Washington 25, D. C., within 30 days from publication of this notice in the FEDERAL REGISTER.

(Sec. 3 (l), 52 Stat. 1061, as amended; 29 U. S. C. 203)

Signed at Washington, D. C., this 13th day of March 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52–3208; Filed, Mar. 19, 1952; 8:50 a. m.]

Wage and Hour Division

[29 CFR Part 516]

RECORDS TO BE KEPT BY EMPLOYERS

NOTICE OF PROPOSED RULE MAKING

Part 516 of the current record-keeping regulations issued pursuant to section 11 (c) of the Fair Labor Standards Act of 1938, as amended, is divided into two subparts. Subpart A contains the requirements applicable to all employers employing employees engaged in commerce or in the production of goods for commerce including the general requirements relating to the posting of notices, the preservation and location of records, and similar general provisions. This subpart also contains the requirements applicable to employers of employees to whom both the minimum wage provisions of section 6 and the overtime pay provisions of section 7 (a) of the act apply together with the requirements relating to executive, administrative, professional, local retailing and outside sales employees. Subpart B deals with the information and data which must be kept with respect to employees (other than executive, administrative, professional, local retailing and outside sales employees) who are subject to any of the exemptions provided in the act, and with special provisions relating to deductions from and additions to wages for "board, lodging, or other facilities," industrial homeworkers, employees dependent upon tips as part of wages, and employees in Puerto Rico and the Virgin Islands subject to more than one minimum wage.

The present regulation contains no special requirements applicable to employers who employ minor employees whose employment may be subject to the child labor provisions of the act. Administrative experience has demonstrated the need for such regulations.

Section 13 (c) of the act provides that the provisions of section 12 relating to child labor shall not apply with respect to any employee employed in agriculture "outside of school hours for the school district where such employee is living while so employed." Experience in applying the exemption has demonstrated the need for the preservation of information and data which would demonstrate compliance or noncompliance with the conditions of the exemption.

It would also seem advisable to require the preservation of certain information and data by employers who employ minors in occupations other than agriculture. Section 3 (l) of the act establishes a 16 year age minimum for general employment and an 18 year age minimum for employment in any occupation which the Secretary of Labor finds and by order declares to be particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being. This section also directs the Secretary of Labor to provide by regulation or order that the employment of employees between the ages of 14 and 16 years in occupations other than manufacturing or mining shall not be deemed to constitute oppressive child labor if and to the extent that the Secretary of Labor determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health or well-being. The Secretary of Labor's regulation governing the employment of minors between 14 and 16 years of age is set forth at 29 CFR 4.31 et seq. This regulation delineates the occupations in which the employment by an employer of minor employees between 14 and 16 years of age for the periods and under the conditions therein specified shall not be deemed to be oppressive child labor within the meaning of the act. The proper administration of this regulation requires the preservation of information and data which would show compliance with the terms of the regulation. The information and data required by proposed § 516.25 would also assist in the determination of whether or not a particular minor is employed contrary to the terms of any order issued by the Secretary of Labor finding and declaring specified occupations to be particularly hazardous or detrimental to the health or well-being for minors between 16 and 18 years of age.

Accordingly, notice is given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) that under the authority conferred by sections 11 (c) and 12 of the Fair Labor Standards Act, as amended (52 Stat. 1066; 29 U. S. C. 211), Reorganization Plan No. 6 of 1950 (64 Stat. 1236; 5 U. S. C. 133z–15), and Reorganization Plan No. 2 of 1946 (60 Stat. 1095), the Secretary of Labor proposes to amend the regulations relating to the records to be kept by employers (29 CFR Part 516) by adding a new subpart as hereinafter set forth. Prior to final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Secretary of Labor, United States Department of Labor, Washington 25, D. C., within 30 days from publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Amend § 516.1 by adding a new paragraph at the end of that section to read as follows:

Subpart C deals with the information and data which must be kept with respect to minors whose employment may be subject to the child labor provisions of the act whether or not such minors might be subject to section 6 or 7 of the act.

2. Following § 516.23 add a new subpart to read as follows:

SUBPART C—RECORDS PERTAINING TO MINORS [1]

Sec.
516.24 Minors employed in agriculture.
516.25 Other minors.

AUTHORITY: §§ 516.24 to 516.25 issued under sec. 11, 52 Stat. 1066; 29 U. S. C. 211; Reorg. Plan No. 6 of 1950 (64 Stat. 1236; 5 U. S. C. 133z–15); Reorg. Plan No. 2 of 1946 (60 Stat. 1095).

§ 516.24 *Minors employed in agriculture*—(a) *Items required.* Every employer (other than a parent or a person standing in the place of a parent employing his own child or a child in his custody) who employs in agriculture any minor under 18 years of age shall, during every calendar week in which school is in session,[2] maintain and preserve records containing the following information and data with respect to each and every such minor so employed:

(1) Name in full. This shall be the same name as that used for Social Security.

(2) Place where minor actually lives while employed.

(3) Permanent home address. This shall be the permanent home address of the minor where mail can reach him.

(4) Date of birth.

(5) Occupation in which employed.

(6) Place or places of employment.

(7) Each calendar date on which any work is performed and the starting and stopping time for each period of work during such day.

Provided, however, The data required by this section need not be kept for any minor with respect to whom the employer has on file an official certificate of age issued in accordance with 29 CFR 4.1 et seq., showing such minor to be at least 16 years of age.

§ 516.25 *Other minors*—(a) *Items required.* Every employer who employs any employee under 19 years of age shall maintain and preserve the following information and data with respect to each and every such minor, except minors employed in agriculture with respect to whom the records in § 516.24 are required to be kept.

(1) Name in full. This shall be the same name as that used for Social Security purposes.

(2) Permanent home address. This shall be the permanent home address of the minor where mail can reach him.

(3) Date of birth.

(4) Occupation in which employed.

(5) Place or places of employment.

(6) Time of day and day of week on which the employee's workweek begins.

(7) Each calendar date on which any work is performed and the starting and stopping time for each period of work during such day. This data need not be kept for any minor with respect to whom the employer has on file an official age certificate issued in accordance with 29 CFR 4.1 et seq., showing such minor to be at least 16 years of age.

(8) Such other records as are required to be kept under Subpart A or Subpart B of this part, and under any other part in this chapter.

The proposed amendments, when adopted, will be made effective 30 days after due publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 13th day of March 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52–3238; Filed, Mar. 19, 1952; 8:47 a. m.]

[1] For a discussion of the child labor provisions of the act and to whom they apply, see the Secretary of Labor's Interpretative Bulletin on the Child Labor Provisions of the act (29 CFR Part 4, Subpart G).

[2] The term "school" refers to the school for the school district where the minor is living while employed.

FEDERAL RESERVE SYSTEM

[32A CFR Ch. XV]

REG. W—CONSUMER CREDIT

NOTICE OF PROPOSED RULE MAKING

Regulation W—Consumer Credit, issued by the Board of Governors of the Federal Reserve System pursuant to section 601 of the Defense Production Act of 1950, as amended, regulates instalment credit and contains certain provisions concerning records from which compliance with the statute and regulation by those subject thereto may be determined.

The Board is considering the sufficiency of the provisions of the regulation concerning such records, including the desirability or necessity of clarifying certain of the provisions in question along the lines indicated below:

1. By amending subparagraph (3) of paragraph (c) of section 6 to read as follows:

(3) The amount of the purchaser's down payment (i) in cash and (ii) in property accepted as trade-in, together with a statement of the monetary value assigned thereto in good faith and such specific description as will permit the property to be readily identified;

2. By deleting the word "and" at the end of subparagraph (5) of paragraph (c) of section 6; by substituting "; and" for the period at the end of subparagraph (6) of paragraph (c) of section 6; and by inserting after said subparagraph (6) the following new subparagraph (7):

(7) The date of delivery of the article or, in the case of an article listed in Group D, the date of completion of the agreed upon repairs, alterations, or improvements.

3. By amending the first part of paragraph (a) of section 8 to read as follows:

(a) *Records, reports, and inspections.* Every Registrant shall keep or make such books of account and other appropriate records as may be necessary to establish whether or not a credit qualifies for exemption under section 7, or whether or not it is otherwise in conformity with or subject to the requirements of this regulation. All such books or records (including, in addition, any statements, agreements, or records required by or obtained pursuant to other provisions of this regulation) shall be preserved for the life of the obligation to which they relate: *Provided, however,* That the Registrant may preserve photographic reproductions in lieu of such books or records.

To aid in the consideration of this matter, the Board will be glad to receive from interested persons any relevant explanations, data, or other information. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than April 2, 1952.

Approved this 14th day of March 1952.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 52–3210; Filed, Mar. 19, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 464]

CONTRACTS AND LEASES

DELEGATION OF AUTHORITY

MARCH 14, 1952.

SECTION 1. *Authority of certain officers to enter into contracts and leases.* (a) Pursuant to the authority contained in sections 50 and 52 of Order No. 2509 of January 13, 1949 of the Secretary of the Interior, the following classes of employees are authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amounts, and leases for space in real estate, as provided in those sections:

Regional Administrators,
Acting Regional Administrators,
Chief, Division of Administration,
Regional Chiefs, Division of Administration,
Chief, Branch of Administrative Services, Division of Administration,
Acting Chief, Branch of Administrative Services, Division of Administration.

The following classes of employees in Region VII, Alaska, are authorized to enter into such contracts, when the amount in any one contract does not exceed $2,000, and such leases for space in real estate:

Regional Forester.
District Foresters.

(b) Contracts and leases entered into under this authority must be in conformity with applicable regulations and statutory requirements and are subject to the availability of appropriations.

SEC. 2. *Revocation.* Order No. 308, of June 18, 1948, is revoked.

MARION CLAWSON,
Director.

[F. R. Doc. 52-3205; Filed, Mar. 19, 1952; 8:45 a. m.]

[Misc. 708739]

IDAHO

PARTIAL REVOCATION OF ORDER OPENING PUBLIC LAND TO ENTRY UNDER THE FOREST HOMESTEAD ACT

MARCH 14, 1952.

Pursuant to the request of the Department of Agriculture and in accordance with Departmental Order No. 2583 section 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to any valid intervening adverse claims, the order of the First Assistant Secretary of the Interior of December 13, 1917, opening certain public lands to entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. 506-509), is hereby revoked so far as it affects the following-described land in Idaho:

BOISE MERIDIAN

T. 56 N., R. 2 E.,
Sec. 16, SW¼ (List 1-3546).

The area described, containing 160 acres, is within the Kaniksu (formerly Pend Oreille) National Forest.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52-3206; Filed, Mar. 19, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

FAIR MARKET VALUE AND ONE DOLLAR AREAS

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Nebraska, in alphabetical order, add the county "Valley."

In Schedule B, under Nebraska, delete the county "Valley."

(Sec. 3 Public Law 760, 81st Congress)

Done at Washington, D. C., this 17th day of March, 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-3264; Filed, Mar. 19, 1952; 9:17 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[DPAV-1 (g)]

DOVER STEAMSHIP CO., INC., AND STANDARD OIL CO. (KENTUCKY)

ADDITIONAL COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE VOLUNTARY PLAN TO CONTRIBUTE TANKER CAPACITY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies are herewith published which have accepted the request to participate in the voluntary plan entitled "Voluntary Plan Under Public Law 774, 81st Congress, for the Contribution of Tanker Capacity for National Defense Requirements," dated January 18, 1951, which request, original list of companies accepting such request, and voluntary plan were published on March 1, 1951, at 16 F. R. 1964. Additional lists of companies accepting such request were published on April 14, 1951, at 16 F. R. 3315; on May 3, 1951, at 16 F. R. 3931; on July 4, 1951, at 16 F. R. 6545; on August 22, 1951, at 16 F. R. 8378; on September 25, 1951, at 16 F. R. 9734; and on February 6, 1952, at 17 F. R. 1161.

Dover Steamship Company, Inc.,
66 Beaver Street,
New York, New York.

Standard Oil Company (Kentucky),
Starks Building,
Louisville, Kentucky.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Supp. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: March 18, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-3306; Filed, Mar. 19, 1952; 11:30 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1899]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

MARCH 14, 1952.

Take notice that on February 28, 1952, Iowa-Illinois Gas and Electric Company (Applicant) an Illinois corporation having its principal office in Davenport, Iowa, filed an application for an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the continued operation of 23 miles of 4-inch duplicate-transmission pipeline serving its Ottumwa district in Iowa, and 17 miles of 10-inch duplicate-transmission pipeline serving its Davenport district in Iowa, should it be ultimately determined that the said facilities and operation thereof are subject to the Commission's jurisdiction.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 3d day of April 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3209; Filed, Mar. 19, 1952; 8:45 a. m.]

[Docket No. G-1901]

ROCKLAND LIGHT AND POWER CO.

NOTICE OF APPLICATION

MARCH 17, 1952.

Take notice that on February 29, 1952, Rockland Light and Power Company (Applicant), a New York corporation with its principal place of business at Nyack, New York, filed an application pursuant to section 7 of the Natural Gas Act:

(1) For an order directing Home Gas Company to establish physical connection of its transmission facilities with the proposed facilities of and to sell and deliver natural gas to Applicant for resale in certain municipalities located in Orange County, New York;

(2) For a certificate of public convenience and necessity authorizing the construction and operation of a 4-inch natural-gas transmission pipeline, approximately 9½ miles in length, extending from the proposed point of interconnection with an existing 10-inch natural-gas transmission pipeline of Home Gas Company near the village of Warwick, New York, to the town and village of Warwick, the village of Florida, and the town and village of Chester, all located in New York; and the construction and operation of a 4-inch natural-gas transmission pipeline, approximately 12½ miles in length, extending from the proposed point of interconnection with the aforesaid pipe line of Home Gas Company near the village of Greenwood Lake, New York, to the village of Greenwood Lake, village of Harriman, and the town and village of Monroe, also all located in New York.

Applicant proposes to make a full and complete natural-gas service to municipalities named above, none of which has such service at present. Applicant estimates maximum demands for natural gas of 134 and 791 Mcf on the peak days in the first and fifth years of natural-gas service, respectively. It estimates annual requirements of 13,592 and 81,397 Mcf in the first and fifth years.

The estimated total overall capital cost of the facilities proposed is approximately $304,596, which Applicant proposes to finance in the first instance by short term bank loans which will eventually be replaced by first mortgage bonds or preferred stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 3d day of April 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3236; Filed, Mar. 19, 1952; 8:47 a. m.]

[Docket No. G-1911]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

MARCH 14, 1952.

Take notice that the Ohio Fuel Gas Company (Applicant), an Ohio corporation, address, Columbus, Ohio, filed on March 6, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 33.0 miles of 20-inch replacement natural-gas transmission pipeline extending from its existing Line "D" in Crawford County, Ohio, to its Line "D-36" in Seneca County, Ohio, and the subsequent removal of approximately 42.0 miles of 8⅝ inch and 10¾ inch pipe from its existing Line "D-42" and sections of Line "D-31."

Applicant proposes, by means of said facilities and changes in operation, to provide capacity required for the winter of 1952-53 for improved service to existing markets in Ohio which include Bucyrus, Tiffin, Fostoria, Findlay, and various smaller communities. The proposed replacement will remove existing limitations in operating pressures on Applicant's system serving those markets and form the foundation for future extensions of the proposed 20-inch line and increased market service in the Toledo, Ohio area. Applicant estimates that future extensions will increase the volumes to be transported through the facilities proposed herein to 100,000 Mcf per day under peak load conditions, and said facilities will be designed for operation at pressures up to 500 p. s. i. g. Applicant states that the lines to be replaced were constructed in the period from 1902 to 1920, and that Line "D-31," which constitutes the greater portion of pipe involved in such replacement is limited in operating pressure to 160 p. s. i. g. so that only a portion of the gas requirements of markets served from said line can be transported under existing conditions. Removal of facilities as proposed herein will make it necessary for Applicant to discontinue service to two domestic rural right-of-way customers. No new markets are proposed to be served.

The total estimated capital cost of proposed construction is $1,400,000. Applicant proposes to finance such cost with funds to be provided by the Columbia Gas System, Inc., its parent company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3217; Filed, Mar. 19, 1952; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO INVESTIGATION INTO RATES AND PRACTICES; CALIFORNIA PUBLIC UTILITIES COMMISSION CASE NO. 5340

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of investigation into rates and practices of Pacific Lighting Corporation and Pacific Lighting Gas Supply Company, before the Public Utilities Commission of the State of California, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officer, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: March 14, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-3237; Filed, Mar. 19, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26889]

NEWSPRINT PAPER AND PAPER ARTICLES FROM MINNESOTA MILLS TO CHICAGO, ILL.

APPLICATION FOR RELIEF

MARCH 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-3432 and Canadian Pacific Railway Company's tariff I. C. C. No. W-992.

Commodities involved: Paper and paper articles, including newsprint paper, carloads.

From: Brainerd and Cloquet, Minn., and other producing points in Minnesota, Port Arthur and Fort William, Ont., and points grouped therewith.

To: Chicago, Ill., and points generally intermediate to Chicago, in Illinois, Indiana, Wisconsin, etc.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3432, Supp. 160; Can. Pac. Ry. tariff I. C. C. No. W-992, Supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3229; Filed, Mar. 19, 1952; 8:46 a. m.]

[4th Sec. Application 26890]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

MARCH 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and H. T. Smith Express Company.

Commodities involved: All commodities.

Between: Boston, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3230; Filed, Mar. 19, 1952; 8:46 a. m.]

[4th Sec. Application 26891]

GRAIN PRODUCTS FROM POINTS IN ILLINOIS, MISSOURI, AND TENNESSEE TO ALEXANDRIA, LA.

APPLICATION FOR RELIEF

MARCH 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3940.

Commodities involved: Grain, grain products, seeds, and related articles, carloads.

From: Cairo and East St. Louis, Ill., St. Louis, Mo., and Memphis, Tenn.

To: Alexandria, La.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3940, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52—3231; Filed, Mar. 19, 1952; 8:46 a. m.]

[4th Sec. Application 26892]

PAPER AND PAPER ARTICLES FROM POINTS IN WISCONSIN, MICHIGAN, AND ONTARIO TO DES MOINES, IOWA

APPLICATION FOR RELIEF

MARCH 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3432 and Canadian Pacific Railway Company's tariff I. C. C. No. W-992.

Commodities involved: Newsprint paper, paper and paper articles, carloads.

From: Producing points in Wisconsin, Michigan, and Ontario.

To: Des Moines, Iowa.

Grounds for relief: Competition with rail and motor carriers and market competition.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3432, Supp. 160; Can. Pac. Ry. tariff I. C. C. No W-992, Supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3232; Filed, Mar. 19, 1952; 8:46 a. m.]

[4th Sec. Application 26893]

CEMENT FROM POINTS IN KANSAS, MISSOURI, OKLAHOMA, AND TEXAS TO NEW MEXICO

APPLICATION FOR RELIEF

MARCH 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3848 and 3870.

Commodities involved: Cement and related articles, carloads.

From: Points in Kansas, Missouri, Oklahoma, and Texas.

To: Points in New Mexico.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3848, Supp. 22; F. C. Kratzmeir's tariff I. C. C. No. 3870, Supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3233; Filed, Mar. 19, 1952; 8:47 a. m.]

[4th Sec. Application 26894]

PEANUTS FROM SUFFOLK, VA., AND ALBANY, GA., GROUPS TO NORTH DAKOTA AND MINNESOTA

APPLICATION FOR RELIEF

MARCH 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 887.

Commodities involved: Peanuts, in the shell, raw, and peanuts, shelled (nut meats), salted or not salted, carloads.

From: Suffolk, Va., and Albany, Ga., and points grouped therewith.

To: Devils Lake, Grand Forks, Minot and Williston, N. Dak., and Thief River Falls, Minn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 887, Supp. 116.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3234; Filed, Mar. 19, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 37-43, 70-2794]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND NEGEA SERVICE CORP.

NOTICE OF FILING OF PROPOSED SALE BY PARENT COMPANY TO SUBSIDIARY SERVICE COMPANY OF ADDITIONAL COMMON STOCK

MARCH 14, 1952.

Notice is hereby given that New England Gas and Electric Association ("New

England"), a registered holding company, and its subsidiary service company, NEGEA Service Corporation ("NEGEA"), have filed an application-declaration pursuant to sections 6 (b), 10 and 13 of the Public Utility Holding Company Act of 1935 ("act") and the rules thereunder proposing transactions which are summarized as follows:

NEGEA now has outstanding 1,000 shares of $100 par value common stock, all of which is owned by New England. By order of the Commission dated September 9, 1942 (Holding Company Act Release No. 3790), NEGEA has been authorized to conduct its business of performing services for its associate companies at cost in the manner set forth in the findings and opinion which accompanied such order, including the payment of compensation at the rate of 4 percent for the capital procured by the issuance of common stock.

NEGEA proposes to issue and sell, and New England proposes to purchase, 1,500 additional shares of NEGEA's $100 par value common stock at a price of $100 per share. NEGEA also proposes that it be authorized to pay compensation at the rate of 6 percent for the use of all capital procured by the issuance of common stock, including the capital represented by the common stock now outstanding. The filing states that the proceeds of the sale of the additional common stock will be used for working capital.

The filing also states that no regulatory body, other than this Commission, has jurisdiction over the proposed transactions and that the total fees and expenses in connection therewith are estimated at approximately $500, and it requests that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than March 28, 1952, at 5:30 p. m., request, in writing, that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be address: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 28, 1952, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3213; Filed, Mar. 19, 1952; 8:45 a. m.]

[File No. 70-1847]

AMERICAN GAS AND ELECTRIC CO.

ORDER EXTENDING TIME FOR DISPOSITION OF WATER PROPERTIES AND BUSINESS

MARCH 14, 1952.

American Gas and Electric Company ("American Gas") having acquired all of the outstanding securities of Citizens Heat, Light and Power Company ("Citizens") in accordance with an order of this Commission dated August 19, 1948, said order providing that American Gas should dispose of the water properties and business of Citizens within one year from the date of acquisition, or such later date as the Commission should determine pursuant to a request for an extension of time for good cause shown; and

The Commission having previously extended the time for disposition of such properties to March 15, 1952, and American Gas having filed a further application setting forth that continuing efforts are being made for the disposition of such properties and business and requesting that the time for such disposition be extended for a period of six months from March 15, 1952; and

It appearing to the Commission in the light of the circumstances set forth that it is appropriate to grant said application for an extension of time:

It is ordered, That the time for disposition of the water properties and business of Citizens by American Gas be, and the same hereby is, extended to September 15, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3214; Filed, Mar. 19, 1952; 8:45 a. m.]

[File No. 70-2817]

ALABAMA GAS CORP.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE AT COMPETITIVE BIDDING OF FIRST MORTGAGE BONDS

MARCH 14, 1952.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Alabama Gas Corporation ("Alabama"), a subsidiary of Southern Natural Gas Company ("Southern"), a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than March 31, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 31, 1952, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Alabama proposes the issuance and sale, at competitive bidding, of $4,000,000 principal amount of its First Mortgage Bonds, _____ percent Series C due 1971. The interest rate (which will be a multiple of one-eighth of one percent) and the price (exclusive of accrued interest) which will be paid Alabama for the new bonds will be fixed by proposals to be invited by Alabama. The redemption price or prices will likewise be fixed by such proposals. The proceeds from the sale of the new bonds are to be used to pay for the future construction of additions to Alabama's gas distribution system and to reimburse its treasury for expenditure previously made for the construction of such additions. Application for approval of the issuance and sale of the bonds has been filed with the Alabama Public Service Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3212; Filed, Mar. 19, 1952; 8:45 a. m.]

[File No. 70-2821]

LAWRENCE GAS AND ELECTRIC CO.

NOTICE OF PROPOSED NOTE ISSUES

MARCH 14, 1952.

Notice is hereby given that Lawrence Gas and Electric Company ("Lawrence"), a public-utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 and 7 of the act and Rules U-23 and U-42 (b) (2) thereunder as applicable to the proposed transactions, which are summarized as follows:

Lawrence presently has outstanding unsecured promissory notes in the aggregate face amount of $1,350,000 under a bank loan agreement with five banks, namely, The First National Bank of Boston ($742,500), The Chase National Bank of the City of New York ($175,500), The Hanover Bank ($175,500), Irving Trust Company ($175,500) and The New York Trust Company ($81,000). All of said notes mature April 1, 1952, and $400,000 principal amount thereof bear interest at the rate of 2½ percent per annum and the balance, $950,000, bear interest at 2¾ percent per annum. Lawrence proposes to issue under an amendment to its bank loan agreement,

$2,250,000 principal amount of unsecured promissory notes maturing March 1, 1953, of which $1,350,000 principal amount will be issued on April 1, 1952, to pay off the notes presently outstanding in a like principal amount and the remaining amount of notes, $900,000, will be issued, from time to time but not later than December 31, 1952, to finance temporarily its construction and gas conversion program. The $1,350,000 principal amount of notes will bear interest to October 1, 1952, at the prime six month commercial rate generally charged by banks in Boston on April 1, 1952, but not less than 3 percent per annum nor more than 3¼ percent per annum and said notes will bear interest from October 1, 1952, to March 1, 1953, at the prime rate in effect on October 1, 1952, but not less than 3 percent per annum nor more than 3½ percent per annum. That portion of the $900,000 principal amount of proposed additional notes issued prior to October 1, 1952, will bear interest to that date at the prime rate in effect five days prior to the issue date, but not less than 3 percent per annum nor more than 3¼ percent per annum and thereafter at the prime rate in effect on that date, but not less than 3 percent per annum nor more than 3½ percent per annum. That portion of the $900,000 principal amount of additional notes issued after October 1, 1952, will bear interest at the prime rate in effect 5 days prior to the issue date, but not less than 3 percent per annum nor more than 3½ percent per annum. The amended bank loan agreement provides for a commitment commission of ¼ percent per annum to be payable from April 1, 1952, to December 31, 1952, on the average daily unborrowed balance.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that incidental services in connection with said transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $1,000. The proposed bank loan agreement provides that Lawrence will reimburse The First National Bank of Boston, as Agent for the five lending banks, for out-of-pocket expenses, including counsel fees incurred in connection with the bank loan agreement, such amount being believed to be nominal. Other expenses, including the printing of the bank loan agreement, are estimated not to exceed $100.

According to the declaration, Lawrence expects during the year 1952 to finance permanently its note indebtedness through the issuance of gas conversion notes in the approximate principal amount of $700,000 and of first mortgage bonds in the approximate principal amount $1,500,000, Lawrence proposes that the proceeds of any permanent financing done before the maturity date of the notes proposed to be issued will be applied in reduction of, or in total payment of, notes then outstanding and the amount of notes, if any, then unissued, but authorized pursuant to any order of this Commission, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

Lawrence requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than March 27, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues of fact or law, if any, proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed to: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-3216; Filed, Mar. 19, 1952; 8:46 a. m.]

[File No. 812-765]

AMERICAN SUPERPOWER CORP. AND WEBB & KNAPP, INC.

NOTICE OF APPLICATION; STATEMENT OF ISSUES; ORDER FOR HEARING

MARCH 14, 1952.

Notice is hereby given that The American Superpower Corporation (Superpower) has filed an application under section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of sections 18 and 23 of the act, to the extent necessary, the issuance of 1,000,000 shares of Second Preferred Stock $1.50 Series, no par value, and 11,707,004.7 shares of common stock, 10 cents par value, of Superpower to William Zeckendorf (Zeckendorf) in exchange for 333 shares of common stock representing all of the stock outstanding, of Webb & Knapp, Inc. (Webb & Knapp).

Superpower is a non-diversified, closed-end, management investment company registered under the act, which was incorporated in the State of Delaware and has its principal place of business at 270 Park Avenue, New York, New York. Webb & Knapp is organized under the laws of the State of New York with its principal place of business at 383 Madison Avenue, New York, New York, and is engaged primarily in the business of investing and dealing in real estate and interests in real estate. Zeckendorf, 383 Madison Avenue, New York, New York, owns all of the outstanding stock of Webb & Knapp consisting of 333 shares of common stock, $100 par value.

Superpower had net assets at market value on December 31, 1951, of $9,948,900. It has outstanding 63,000.4 shares of $6 Cumulative, no par value, Preference Stock (Preference) entitled to a priori upon liquidation of the company of $1 per share plus accrued, unpaid dividen and 8,292,995.3 shares of 10 cents p value common stock. Each class stock is entitled to one vote per shar As of December 31, 1951, accrued ar unpaid dividends on the Preference sto amounted to $114.50 per share. The n capital loss carryover of Superpower f tax purposes was approximately $7,400 000 as of January 1, 1952.

It is proposed that Superpower a quire the 333 shares of outstandi common stock of Webb & Knapp fro Zeckendorf and issue to Zekendorf consideration therefor 1,000,000 shares a newly created Second Preferred Sto $1.50 series, no par value (Second Pr ferred), and 11,707,004.7 shares of co mon stock, 10 cents par value. Supe power proposes to amend its charter stockholder action so as to elimina presently authorized First Preferr Stock, of which no shares are outstan ing; reduce the amount of authoriz Preference Stock to the amount now ou standing; create a new Second Preferr Stock in an authorized amount 2,000,000 shares, no par value, of whic 1,000,000 shares will be of the $1.50 seri with cumulative dividends of $1.50 p share; and increase the amount of au thorized shares of common stock 35,000,000 shares. Each share of Pre erence, Second Preferred, and commo stock will be entitled to one vote p share. The $1.50 Series of Second Pr ferred will be completely subordinated the Preference Stock now outstandin and no dividends will be payable on th Second Preferred until the entire issue Preference Stock now outstanding h been retired. The Second Preferred w have a preference on liquidation of $ per share, plus accrued dividends, an will be redeemable at $26.875 per shar plus accrued dividends. "Current divi dends" on the Preference Stock are de fined to mean all dividends payable o July 1 and October 1, 1952, and, for an subsequent years, all dividends payabl in that year. "Dividends in arrears" o the Preference Stock are defined as un paid dividends accrued to April 1, 195 To the extent that there are curren earnings in any calendar year, Super power must apply them to payment c current dividends on Preference Stoc for that year. Superpower will apply 2 percent of any current earnings remain ing after payment of current dividend on Preference Stock to the payment c dividends in arrears on Preference Stoc Superpower may, at the discretion of th board of directors, use the remainin current earnings for any corporate pur poses, including the repurchase of Pref erence Stock. If Superpower is i default in the payment of four quarterl current dividends or fails to apply cur rent earnings as provided above, holder of Preference Stock shall be entitled a a class to elect a majority of the boar of directors. The general nature of th business and purposes of Superpower, a stated in its charter, shall be revised t provide that its business is primaril that of investing and dealing in rea estate and interests in real estate an Superpower's name shall be changed t

"Webb & Knapp, Inc.," or a similar name. In addition to submitting the proposed charter amendments to stockholders for approval, Superpower states that it will not adopt these proposals unless a vote in favor thereof has been received from the holders of at least a majority of the shares of Preference Stock outstanding.

Webb & Knapp engages in buying, leasing, managing, developing, and selling real estate and related operations. If the proposed transaction is consummated, it is intended that substantially all of the investments and assets of Superpower will be converted into cash for use in real estate operations. The application asserts that the appraised value of the net assets of Webb & Knapp is in excess of the involuntary liquidating preference of the Second Preferred and of the par value of the common stock of Superpower to be issued for all of the stock of Webb & Knapp.

Section 18 (a) of the act makes it unlawful for any registered, closed-end, investment company to issue any class of senior security which is a stock unless such security has an asset coverage of at least 200 percent and has certain protective provisions relating to the payment of dividends and voting rights. Section 18 (c) of the act makes it unlawful for a close-end investment company to issue or sell any senior security which is a stock if immediately thereafter such company will have outstanding more than one class of senior security which is a stock, with certain exceptions herein irrelevant. Section 23 (a) of the act states that, with certain specified exceptions, no registered, closed-end investment company shall issue any of its securities for services or for property other than cash or securities. To the extent that these provisions may prohibit the proposed issuance by Superpower of Second Preferred and common stock in exchange for the common stock of Webb & Knapp, the application requests an order of the Commission pursuant to section 6 (c) of the act exempting the proposed transaction from the applicable provisions of sections 18 and 23.

For a more detailed statement of matters of fact and law, all interested persons are referred to said application which is on file at the offices of the Commission at 425 Second Street NW., Washington 25, D. C.

The Division of Corporation Finance has advised the Commission that upon a preliminary examination of the application, it deems the following matters and issues to be raised thereby, without prejudice to the specification of additional issues upon examination:

(1) Whether the proposed exemption of the transaction from sections 18 and 23 of the act is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act;

(2) Whether or not the existing rights and values of the Preference Stock and common stock of Superpower will be adversely affected by the proposed transactions; and

(3) Whether or not the fair value and the earning power of the assets of Webb & Knapp will support and justify the proposed issuance of Second Preferred and common stock of Superpower in exchange for all of the outstanding stock of Webb & Knapp.

It appearing to the Commission that a hearing upon the application is necessary and appropriate;

It is ordered, Pursuant to section 40 (a) of said act that a public hearing on the aforesaid application be held on April 3, 1952, at 10:00 a. m., e. s. t., in Room 193 of the offices of the Commission, 425 Second Street NW., Washington 25, D. C.

It is further ordered, That Richard Townsend or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named The American Superpower Corporation, Webb & Knapp, Inc., William Zeckendorf, and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any person desiring to be heard in said proceeding should file with the hearing officer or the Secretary of the Commission, on or before April 1, 1952, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above matters or issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-3215; Filed, Mar. 19, 1952; 8:46 a .m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 45, Amdt. 4]

J. WISS & SONS CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 45, under section 43 of Ceiling Price Regulation 7, issued on May 29, 1951, established ceiling prices for sales at retail of shears, scissors, snips, pinking shears, pruning shears and clippers, manufactured by J. Wiss & Sons Co., having the brand name "Wiss."

This amendment deletes the words "snips," "pruning shears" and "clippers" from the special order. Amendment 1 deleted these three items and amendment 3 inadvertently reinstated them in the special order.

Amendatory provisions. Special Order 45, under section 43 of Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 1, of the special order, as amended, delete the words "snips," "pruning shears" and "clippers" from the special order.

Effective date. This amendment shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3185; Filed, Mar. 14, 1952; 4:45 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 50, Amdt. 1]

ENGLANDER CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 50 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for mattressess and box springs, manufactured by The Englander Company, Inc., and having the brand names "Airfoam," "Riviera," "Bodyform," "Fortune," "Super Bodyguard," "Featherest," "Super Properest," "Supreme," "Super Viceroy," "Properest," "Dream King," "Dream Queen," "Dream Prince," "Super Dream Princess" and "King's Rest."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 12, 1952.

This amendment also adds the brand names "Aristo-Foam," "Red Line," "Bodyguard," "Ortho-Body Deluxe" and "Ortho-Body" to the coverage of the special order.

Amendatory provisions. Special Order 50 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated March 16, 1951," insert the words "as supplemented and amended by its application dated February 12, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 12, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 10, 1952.

3. In paragraph 1 following the word "King's Rest" add the words "Aristo-Foam," "Red Line," "Bodyguard," "Ortho-Body Deluxe" and "Ortho-Body."

4. In paragraph 1 delete the word "and" following the word "Princess."

Effective date. This amendment shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3186; Filed, Mar. 14, 1952; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 72, Amdt. 5]

INTERWOVEN STOCKING CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 72, under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's socks and neckwear, manufactured by Interwoven Stocking Company and having the brand name "Interwoven".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 14, 1952.

Amendatory provisions. Special Order 72, under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "November 15, 1951," the following date "February 14, 1952".

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturers' supplemental application dated February 14, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 10, 1952.

Effective date. This amendment shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3187; Filed, Mar. 14, 1952; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 132, Amdt. 3]

REED & BARTON CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 132 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for plated holloware, flatware chests, sterling and plated flatware and sterling holloware manufactured by Reed & Barton Corporation and having the brand name "Reed & Barton."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated August 31, 1951.

Amendatory provisions. Special Order 132 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the date "June 8, 1951", the following dates should be inserted "July 23, 1951," "August 24, 1951," "August 31, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated August 31, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 9, 1952.

Effective date. This amendment shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3188; Filed, Mar. 14, 1952; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Revocation of Special Order 150]

LESLIE FAY FASHIONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 150, issued to Leslie Fay Fashions, Inc., issued July 19, 1951, effective July 19, 1951, established ceiling prices at retail for misses dresses having the brand name "Leslie Fay."

Leslie Fay Fashions, Inc., has applied for a revocation of this special order, stating that it is unable to comply with the provisions of the special order. The Director has determined that sufficient reasons have been shown for revocation of the special order.

This order of revocation requires the applicant to send a copy thereof to all purchasers for resale who have received notice of the special order.

Revocation. 1. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, Special Order 150 issued to Leslie Fay Fashions, Inc., on July 19, 1951, effective July 19, 1951, establishing ceiling prices at retail for misses dresses having the brand name "Leslie Fay" shall be, and the same hereby is, revoked in all respects.

2. Leslie Fay Fashions, Inc., must, within 15 days after the effective date of this order of revocation, send a copy of this order of revocation to all purchasers for resale to whom it has given notice of special order 150.

Effective date. This order of revocation shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3189; Filed, Mar. 14, 1952; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 382, Amdt. 1]

IDEAL TOY CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 382 under Section 43, Ceiling Price Regulation 7, established retail ceiling prices for toys, vinyl inflatable, molded plastic, stuffed dolls, manufactured by Ideal Toy Corporation, and having the brand name "Ideal".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 15, 1951.

This amendment deletes toys, vinyl inflatables, molded plastic, stuffed dolls from paragraph 1 of the special order, and adds the words "Toni Doll, Bonny Braids, Baby Coo, Sparkle Plenty", and "Blue Willow Tea Sets" having the brand name "Ideal" to the coverage of the special order.

Amendatory provisions. Special Order 382 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated July 16, 1951," insert the words "as supplemented and amended by its application dated November 15, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated November 15, 1951, shall become effective on receipt of a copy of the notice for each article, but in no event later than April 10, 1952.

3. In paragraph 1 following the words "retail of" add the words "Toni Doll, Bonny Braids, Baby Coo, Sparkle Plenty" and "Blue Willow Tea Set."

Effective date. This amendment shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3190; Filed, Mar. 14, 1952; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 427, Amdt. 4]

ONEIDA LTD.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 427 under section 43, Ceiling Price Regulation 7, established retail and wholesale ceiling prices for sterling and plated silver flatware and holloware manufactured by Oneida Ltd. and having brand names "Heirloom Sterling", "Community", "Tudor Plate", "1881 (R) Rogers (R)", "(O) (C) (L) Oneida Community, Ltd.".

This amendment establishes new retail and wholesale ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation

7. The retail and wholesale ceiling prices are established by incorporating into the special order the amended application dated February 25, 1952.

Amendatory provisions. Special Order 427 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1-(a), insert after the date "November 28, 1951", the following date "February 25, 1952".

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 25, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 10, 1952.

Effective date. This amendment shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3191; Filed, Mar. 14, 1952; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 511, Amdt. 2]

SANSON HOSIERY MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 511 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for women's hosiery, manufactured by Sanson Hosiery Mills, Inc., and having the brand name "Picturesque."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated January 14, 1952 and January 22, 1952.

This amendment also adds the new brand name "Lanvin" to the special order.

Amendatory provisions. Special order 511, under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 3, 1951," insert the words "as supplemented and amended by its applications dated January 14, 1952 and January 22, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturers' supplemental applications dated January 14, 1952 and January 22, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 14, 1952.

3. In paragraph 1, add the word "and" after the brand name "Picturesque," and then follow with the addition of the new brand name "Lanvin."

Effective date. This amendment shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3192; Filed, Mar. 14, 1952; 4:47 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 561, Amdt. 1]

ARISTOCRAT LEATHER PRODUCTS, INC.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 561 under section 43, Ceiling Price Regulation 7, established retail and wholesale ceiling prices for men's and women's leather and plastic billfolds, purses and key cases, manufactured by Aristocrat Leather Products, Inc., and having the brand name "Aristocrat".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 6, 1952.

This amendment also adds to the brand name "Aristocrat" the brand names "Croydan", "Mighty Money Master", "Life", and "Aristocrat Fifth Avenue", to the coverage of the special order.

Amendatory provisions. Special Order 561 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated June 25, 1951," insert the words "as supplemented and amended by its application dated February 6, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the distributor's supplemental application dated February 6, 1952, shall become effective on receipt of the copy of the notice for such articles, but in no event later than April 7, 1952.

3. In paragraph 1 following the brand name "Aristocrat" add a "comma" and add the brand names "Croyden", "Mighty Money Master", "Life", and "Aristocrat Fifth Avenue".

Effective date. This amendment shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3193; Filed, Mar. 14, 1952; 4:47 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 705, Amdt. 3]

REVERE COPPER AND BRASS, INC., ROME MFG. CO. DIVISION

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 705 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for kitchen utensils manufactured by Revere Copper and Brass Incorporated, Rome Manufacturing Company Division and having the brand name "Revere Ware."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 21,1952.

Amendatory provisions. Special Order 705 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "January 30, 1952," the following date "February 21, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 21, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 11, 1952.

Effective date. This amendment shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3194; Filed, Mar. 14, 1952; 4:47 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 706, Amdt. 2]

ST. MARYS WOOLEN MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 706 under section 43 of Ceiling Price Regulation 7, established retail ceiling prices for wool blankets manufactured by St. Marys Woolen Manufacturing Co., and having the brand name "St. Marys."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated January 8, 1952, January 9, 1952, and March 4, 1952.

Amendatory provisions. Special Order 706 under section 43 of Ceiling Price

Regulation 7 is amended in the following respects:

1. In paragraph 2 insert after the date "December 11, 1951," the following dates "January 8, 1952, January 9, 1952 and March 4, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental applications dated January 8, 1952, January 9, 1952 and March 4, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 10, 1952.

Effective date. This amendment shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3195; Filed, Mar. 14, 1952; 4:47 p. m.]

[Ceiling Price Regulation 7, Section 43, Revocation of Special Order 815]

ENTERPRISE MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 815, issued to The Enterprise Manufacturing Co., February 8, 1952, issued effective February 9, 1952, established ceiling prices at retail for fishing reels, having the brand name "Pflueger".

The Enterprise Manufacturing Co., has applied for a revocation of this special order, stating that it is unable to comply with the provisions of the special order. The Director has determined that sufficient reasons have been shown for revocation of the special order.

This order of revocation requires the applicant to send a copy thereof to all purchasers for resale who have received notice of the Special Order.

Revocation. 1. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, Special Order 815 issued to The Enterprise Manufacturing Co., on February 8, 1952, effective February 9, 1952, establishing ceiling prices at retail for fishing reels having the brand name "Pflueger," shall be, and the same hereby is, revoked in all respects.

2. The Enterprise Manufacturing Co., must, within 15 days after the effective date of this order of revocation, send a copy of this order of revocation to all purchasers for resale to whom it has given notice of Special Order 815.

Effective date. This order of revocation shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3196; Filed, Mar. 14, 1952; 4:47 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 818, Amdt. 1]

CHITTENDEN & EASTMAN CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 818 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for mattresses and box springs manufactured by Chittenden & Eastman Company and having the brand name "Square Brand".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 19, 1952.

Amendatory provisions. Special Order 818 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application" insert the words "dated December 14, 1951, as supplemented and amended by your supplier's application dated February 19, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated February 19, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 9, 1952.

Effective date. This amendment shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3197; Filed, Mar. 14, 1952; 4:47 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order P 847]

IMPERIAL JAPANESE GOVERNMENT

In re: Cash owned by the Imperial Japanese Government.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); the Philippine Property Act of 1946, as amended (22 U. S. C. Sup. 1382); Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Sup.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.); Executive Order 9818 (3 CFR 1947 Supp.); Executive Order 10254 (16 F. R. 5829, June 19, 1951), and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

a. Cash in the amount of ₱17,640.00 in Philippine National Bank notes presently held in deposit by the National Treasurer of the Philippines, said deposit made by the Philippine Alien Property Administrator on October 10, 1947, together with any and all rights to demand, enforce and collect the same,

b. Cash in the amount of ₱45.00 in Bank of the Philippine Islands notes presently held in deposit by the National Treasurer of the Philippines, said deposit made by the Philippine Alien Property Administrator on October 10, 1947, together with any and all rights to demand, enforce and collect the same, and

c. Cash in the amount of ₱55.00 in Philippine Treasury Certificates presently in the custody of the Philippine Office, Office of Alien Property, United States Department of Justice, Manila, The Philippines, together with any and all rights to demand, enforce and collect the same,

is property in the Philippines owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, in accordance with the provisions of said Trading with the Enemy Act, as amended, and said Philippine Property Act of 1946, as amended.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 14, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-3240; Filed, Mar. 19, 1952; 8:47 a. m.]

[Vesting Order P-848]

UNKNOWN JAPANESE NATIONALS

In re: Claim of persons unknown.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); the Philippine Property Act of 1946, as amended (22 U. S. C. Sup. 1382); Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.); Executive Order 9818 (3 CFR, 1947 Supp.); Executive Order 10254 (16 F. R. 5829, June 19, 1951), and pursuant to law, after investigation it is hereby found:

1. That the United States Army seized currency and coin in the aggregate

amount of $32,492.56 in The Philippines which property was covered into the United States Treasury Department as Miscellaneous Receipt Accounts 213900 and 213897;

2. That the names of the persons who own the aforesaid property are unknown;

3. That the persons who own the property described in subparagraph 4 hereof and who, if individuals, there is reasonable cause to believe, are residents of Japan and, which, if partnerships, corporations, associations or other organizations there is reasonable cause to believe are organized under the laws of Japan and have, or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Japan, are nationals of a designated enemy country (Japan);

4. That the property described as follows: That certain claim to the sum of $32,492.56 representing Philippine Treasury Certificates and mutilated United States and Philippine Silver coins seized by the United States Army, said sum covered into the United States Treasury Department in Miscellaneous Receipt Accounts numbered as listed below, in the amount set forth opposite each such account:

Miscellaneous receipt account:	*Amount*
213900	$21,537.55
213897	10,955.01

including in particular all rights to demand, enforce and collect such claim (G. A. O. Claim No. 2-5 (155)) under General Regulation 104, Revised April 5, 1951, issued by the Comptroller General of the United States,

is property owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 3 hereof, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons referred to in subparagraph 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, in accordance with the provisions of said Trading With the Enemy Act, as amended, and said Philippine Property Act of 1946, as amended.

Executed at Washington, D. C., on March 14, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3241; Filed, Mar. 19, 1952; 8:48 a. m.]

ERNA MARTHA BECK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Erna Martha Beck, Offenbach on the Main, Germany; Claim No. 29625; $4,439.09 in the Treasury of the United States. An undivided 1/54 interest in each of two pieces of real property in Baltimore, Maryland, known as 225 South Hanover Street and 16 North Charles Street, respectively. A 1/3 part of all the right of the Attorney General of the United States to receive and collect from Safe Deposits and Trust Company of Baltimore the proceeds from the sale of a 2/3 interest in certain store equipment and trade fixtures, vested by Vesting Order No. 2547.

Executed at Washington, D. C., on March 13, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3242; Filed, Mar. 19, 1952; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 57

Washington, Friday, March 21, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter A—Presidential Regulations

[Departmental Reg. 108.149]

PART 301—ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF THE FEDERAL GOVERNMENT SERVING OUTSIDE THE UNITED STATES

SUBPART E—UNHEALTHFUL POSTS

1. Pursuant to section 853 of the Foreign Service Act of 1946, the following places at which diplomatic or consular offices were formerly or are now maintained are hereby added to the list of unhealthful posts established by Executive Order No. 5644 of June 8, 1931, as amended by the second paragraph of Executive Order No. 6942 of January 8, 1935, Executive Order No. 7062 of June 5, 1935, and Executive Order 10000 of September 16, 1948.

§ 301.61 *Designation of unhealthful posts in the Foreign Service.* * * *

Amman, Jordan.
Cebu, Philippines.
Chiengmai, Thailand.
Dacca, Pakistan.
Dar-es-Salaam, Tanganyika, East Africa.
Davao, Philippines.
Hanoi, Vietnam.
Iloilo, Philippines.
Isfahan, Iran.
Kuala Lumpur, Malaya.
Lahore, Pakistan.
Legaspi, Philippines.
Medan, Indonesia.
Meshed, Iran.
Pusan, Korea.
Seoul, Korea.
Surabaya, Indonesia.
Tuguegarao, Philippines.

2. The effective dates of inclusion of the above places on the unhealthful post list shall be the respective date of first establishment of the post, with the following exceptions:

Medan, Indonesia—September 12, 1949.
Surabaya, Indonesia—February 19, 1950.

(E. O. 5644, June 8, 1931, as amended by E. O. 6942, Jan. 8, 1935, E. O. 7062, June 5, 1935, E. O. 10000, Sept. 16, 1948, 13 F. R. 5456)

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

MARCH 13, 1952.

[F. R. Doc. 52-3275; Filed, Mar. 20, 1952; 8:58 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.6]

PART 361—ROUTINE

SUBPART B—SERVICING FARM OWNERSHIP LOANS

CALCULATION OF INTEREST ON FINAL PAYMENT OF INDEBTEDNESS

Section 361.27 (a) (1), Title 6, Code of Federal Regulations (16 F. R. 6995), is amended to provide for the calculation of interest for an additional 20 days, instead of 10 days, when final payment on the loan account is made by an uncertified check drawn on the bank account of an individual, and as so amended reads as follows:

§ 361.27 *Payment in full from borrower's funds, refinancing by a new lender on a non-insured basis, and sale of farm except when holder of insured mortgage finances purchaser.* * * *

(a) *Determining balance of indebtedness and collection.* * * *

(1) Interest on the note account will be calculated to a date 10 days (20 days if payment is made by an uncertified check drawn on the bank account of an individual) beyond the date on which the collection is received by the County Supervisor. This becomes necessary in order for the holder of the insured mortgage to receive interest to the date of the U. S. Treasury check. Any overpayment will be refunded to the borrower by the Area Finance Office. On any advances made for the account of the borrower from the mortgage insurance fund, interest will be calculated to the date

(Continued on p. 2413)

CONTENTS

Agriculture Department Page
See Farmers Home Administration; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Boss, Friedrich H. 2469
Kaerger, Ernst, et al. 2469
Kohmann, Luise 2470
Liebl, Theresie 2469
Riedmann, Linus 2470
Schrauf, Heinrich, et al. 2471
Takehara, Takeo 2470
Tanaka, James Matsuo 2472
Wichert, Hermina 2472

Army Department
Rules and regulations:
General provisions 2419
Procurement by formal advertising 2419
Procurement by negotiation 2419

Civil Aeronautics Administration
Rules and regulations:
Minimum en route instrument altitudes; alterations 2413

Civil Aeronautics Board
Notices:
K. L. M. Royal Dutch Airlines renewal case; hearing 2462

Commerce Department
See Civil Aeronautics Administration.

Defense Department
See Army Department.

Defense Mobilization, Office of
Notices:
Determination and certification of a critical defense housing area; Lawrence-Olathe, Kansas area 2468

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of; Wage Stabilization Board.

Farmers Home Administration
Rules and regulations:
Servicing farm ownership loans; calculation of interest on final payment of indebtedness 2411

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CFR

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(For use during 1952)

The following Pocket Supplements are now available:

Titles 10–13 ($0.35)
Title 17 ($0.30)
Title 18 ($0.35)
Titles 22–23 ($0.40)
Title 25 ($0.30)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Page

Federal Communications Commission
Notices:
Engineer in Charge; delegation of authority to act upon requests for temporary extension of authority from broadcast stations to operate without certain indicating instruments 2466

Federal Trade Commission
Rules and regulations:
Floor machinery industry; trade practice rules 2414

Interior Department
See Land Management, Bureau of.

CONTENTS—Continued

Page

Interstate Commerce Commission
Notices:
Applications for relief:
Acetic acid and anhydride:
Texas and Arkansas to southern and official territories 2467
West Virginia to Asheville and Biltmore, N. C 2467
Cheese from Siebert, Ala., to southern territory 2466
Paper from Kansas and Missouri to Mississippi, Louisiana and Arkansas 2466
Phosphate, dicalcium from Chicago and Chicago Heights, Ill., to Ohio, Indiana and Michigan 2467
Woods, foreign, from Memphis, Tenn., to Hampton, S. C 2467

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Opening of public lands restored from:
Idaho; Mountain Home Project 2460
Nevada; Newlands Project 2460
Oregon; Umatilla Project 2461

Price Stabilization, Office of
Notices:
Crude petroleum ceiling prices adjusted on an in-line basis for certain fields in the Permian Basin 2463
Famous-Sternberg, Inc.; ceiling prices at retail 2463
Milam Chevrolet Co. et al.; postponement of hearing 2466
Redelegation of authority:
Director of New York City District Office; accept, disapprove or modify ceiling prices 2463
Directors of District Offices:
Region I:
Act under CPR 74 2462
Act under CPR 101 2462
Modify, revise or request further information concerning applications filed 2462
Process statements filed, and to approve, deny, or request further information concerning filing names 2462
Region II; take certain actions under DR 1 2463
Region III; act under CPR 7 2463
Willys-Overland Motors, Inc.; basic prices and charges for new passenger automobiles 2464
Rules and regulations:
Area milk price adjustments; New York Metropolitan Milk Marketing Area, New York; miscellaneous amendments (GCPR, SR 63, AMPR) 2428

CONTENTS—Continued

Page

Price Stabilization, Office of—Continued
Rules and regulations—Continued
Ceiling prices of certain foods sold at wholesale; zone differentials and freight charges (CPR 14) 2431
Papers, waxed (CPR 130) 2420

Production and Marketing Administration
Notices:
Bowman & Bowman Commission Co.; deposting of stockyard 2461
Proposed rule making:
Grading and inspection of poultry and edible products thereof and U. S. specifications for classes, standards and grades with respect thereto 2432
Milk handling, marketing areas:
Columbus, Ohio 2450
Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Mass 2434
Oklahoma City, Okla 2440
Referendum be conducted among producers supplying milk; determination of a representative period, and designation of an agent to conduct such referendum 2442
Tri-State 2442
Rules and regulations:
Lemons grown in California and Arizona; limitation of shipments 2413

Rent Stabilization, Office of
Rules and regulations:
Defense-rental areas:
California, Colorado, Illinois, Michigan and Texas; housing and rooms 2431
Colorado and Texas; hotels 2432

Securities and Exchange Commission
Notices:
Hearings, etc.:
Northern Natural Gas Co 2468
Oklahoma Gas and Electric Co 2468
Rules and regulations:
Forms, Securities Exchange Act of 1934; miscellaneous amendments 2418

State Department
Rules and regulations:
Additional compensation and credit granted certain employees of the Federal Government serving outside the United States; additional unhealthful posts 241

Wage Stabilization Board
Rules and regulations:
Complaint and notice of hearing; waiver by written Stipulation for Entry of Consent Disallowance 243

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5	Page
Chapter III:	
Part 301	2411
Title 6	
Chapter III:	
Part 361	2411
Title 7	
Chapter I:	
Part 70 (proposed)	2432
Chapter IX:	
Part 904 (proposed)	2434
Part 905 (proposed) (2 documents)	2440, 2442
Part 934 (proposed)	2434
Part 947 (proposed)	2434
Part 953	2413
Part 972 (proposed)	2442
Part 974 (proposed)	2450
Part 996 (proposed)	2434
Part 999 (proposed)	2434
Title 14	
Chapter II:	
Part 610	2413
Title 16	
Chapter I:	
Part 210	2414
Title 17	
Chapter II:	
Part 249	2418
Title 32	
Chapter V:	
Part 590	2419
Part 591	2419
Part 592	2419
Title 32A	
Chapter III (OPS):	
CPR 14	2431
CPR 130	2420
GCPR, SR 63, AMPR 1	2428
Chapter IV:	
Subchapter B (WSB):	
GWPR	2431
Chapter XXI (ORS):	
RR 1	2431
RR 2	2431
RR 3	2432

payment of the mortgage insurance account is received by the County Supervisor.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 12, 60 Stat. 1076, 1077 as amended; 7 U. S. C. 1005b)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

FEBRUARY 29, 1952.

Approved: March 17, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-3259; Filed, Mar. 20, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 426]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

EDITORIAL NOTE: Federal Register Document No. 52-3123, appearing at page 2247 of the issue for Saturday, March 15, 1952, has been corrected so that "§ 953.933" now reads "§ 953.533."

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 5]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The minimum en route instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.19 *Green Civil Airway No. 9,* is added to read:

From—	To—	Minimum altitude
South Port Allen (INT)	Makai (INT):	
	E-bound	3,000
	W-bound	1,000
Makai (INT)	Honolulu (LFR)[1]	2,000
Honolulu (LFR)	30 miles NE Honolulu	6,500
30 miles NE Honolulu	North Maui (INT)	6,000
North Maui (INT)	North Hilo (INT)	1,000

[1] 6,000'—Minimum crossing altitude at Honolulu, east-bound.

2. Section 610.110 *Amber Civil Airway No. 10,* is added to read:

From—	To—	Minimum altitude
South Honolulu (INT)	Honolulu (LFR):	
	N-bound	5,000
	S-bound	1,000

3. Section 610.111 *Amber Civil Airway No. 11,* is added to read:

From—	To—	Minimum altitude
South Maui (INT)	Maui (LFR):	
	N-bound	8,000
	S-bound	1,000
Maui (LFR)	North Maui (INT)	8,000

4. Section 610.112 *Amber Civil Airway No. 12,* is added to read:

From—	To—	Minimum altitude
25 miles south of Hilo	Hilo (LFR)	4,000
Hilo (LFR)	Kuku Point (INT):	
	N-bound	3,000
	S-bound	4,000
Kuku Point (INT)	North Hilo (INT)	1,000

5. Section 610.209 *Red Civil Airway No. 9,* is amended to read in part:

From—	To—	Minimum altitud
Phoenix, Ariz. (LFR)	Winslow, Ariz. (LFR)	10,000

6. Section 610.213 *Red Civil Airway No. 13,* is amended by adding:

From—	To—	Minimum altitude
Butler Pa. (RBN)	Philipsburg, Pa. (LFR).	4,000

7. Section 610.215 *Red Civil Airway No. 15,* is amended to read in part:

From—	To—	Minimum altitude
Prescott, Ariz. (LFR)	Phoenix, Ariz. (LFR)	10,000

8. Section 610.221 *Red Civil Airway No. 21,* is amended to read in part:

From—	To—	Minimum altitude
Williamsport, Pa. (LFR).	Int. NE crs. Allentown, Pa. (LFR) & NW crs. Newark, N. J. (LFR).	4,000

9. Section 610.229 *Red Civil Airway No. 29,* is amended by adding:

From—	To—	Minimum altitude
Williamsport, Pa. (LFR).	Int. N crs. Williamsport, Pa. (LFR) & SW crs. Elmira, N. Y. (LFR).	4,000

10. Section 610.287 *Red Civil Airway No. 87,* is added to read:

From—	To—	Minimum altitude
100 miles West of Port Allen (LFR).	Port Allen (LFR)	7,000
Port Allen (LFR)	Makai (INT):	
	E-bound	3,000
	W-bound	6,000
Honolulu (LFR)	Maui (LFR)[1]	6,000

[1] 8,000'—minimum crossing altitude at Maui, east-bound.

From—	To—	Minimum altitude
Maui (LFR)	Kuku Point (INT) [1]	8,000
Hilo (LFR)	East Hilo (INT):	
	E-bound	1,000
	W-bound	4,000
East Hilo (INT)	100 miles East of Hilo (LFR).	1,000

[1] 5,000'—minimum crossing altitude at Kuku Point, eastbound. Descent below 8,000' not authorized prior to reaching 20 miles east of Maui.

11. Section 610.1001 *Direct routes; Northeast United States,* is amended by adding:

From—	To—	Minimum altitude
New Brunswick (INT), N. J.	Flatbush, N. Y. (RBN).	1,500
	Chatham, N. J. (RBN).	2,000

12. Section 610.1002 *Direct routes; Southeast United States,* is amended by adding:

From—	To—	Minimum altitude
Dyersburg, Tenn. (VOR) (RBN).	Nashville, Tenn. (VOR) (LFR).	2,500

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective March 21, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-3249; Filed, Mar. 20, 1952; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-434]

PART 210—FLOOR MACHINERY INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of March 21, 1952.

Statement by the Commission. Trade practice rules for the Floor Machinery Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The rules are directed to the maintenance of free and fair competition in the industry and to the elimination and prevention of unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses.

The industry is composed of the persons, firms, corporations and organizations engaged in the manufacture, distribution or sale of household, commercial, or industrial power-driven machines for wet or dry cleaning, polishing, resurfacing, or maintenance of floors or floor coverings, or of parts, accessories, or attachments for such machines, but not including the type of machines commonly designated as dry-suction "vacuum cleaners" except when designed for use in connection with other products of the industry. The total annual volume of business of the industry is in excess of $20,000,000 at the manufacturers' level.

Proceedings to establish trade practice rules for the Floor Machinery Industry were instituted upon application from members of the industry. A general industry conference was held in Washington, D. C., at which proposals for rules were submitted for the consideration of the Commission. Thereafter a draft of proposed rules was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, suggestions, objections, or amendments respecting the rules, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington, D. C., and all matters there presented, or otherwise received in the proceedings, were duly considered by the Commission.

Following such hearings, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the trade practice rules hereinafter appearing in Group I and Group II.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

GROUP I

Sec.
210.0 Definitions.
210.1 Misrepresentation and deception in general.
210.2 Misrepresentation as to character of business.
210.3 Deception through failure to differentiate between wholesale and retail transactions.
210.4 Misrepresentation as to installment sales contracts, their terms, conditions, etc.
210.5 Deceptive "salesmen wanted" advertisements.
210.6 Misrepresenting products as conforming to standard.
210.7 Deception as to rebuilt or second-hand products.
210.8 Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.
210.9 Substitution of products.
210.10 Deceptive use, and imitation of, trade or corporate names, trade-marks, etc.
210.11 False invoicing.
210.12 Fictitious prices, price lists, etc.
210.13 Guarantees, warranties, etc.
210.14 Use of lottery schemes.
210.15 Consignment distribution.
210.16 Coercing purchase of one product as a prerequisite to the purchase of other products.
210.17 Coercion or concerted action to fix prices, etc.
210.18 Prohibited wrongful selling below cost.
210.19 Prohibited discrimination.
210.20 Price discrimination by making small deliveries at prices applicable only to larger quantities.
210.21 Defamation of competitors and false disparagement of their products.
210.22 Procurement of competitors' confidential information by unfair means and wrongful use thereof.
210.23 Enticing away employees of competitors.
210.24 Commercial bribery.
210.25 Inducing breach of contract.
210.26 Unfair threats of infringement suits.
210.27 Unlawful interference with competitors' purchases or sales.
210.28 Aiding or abetting use of unfair trade practices.

GROUP II

210.101 Price lists.
210.102 Bidding to be in good faith.
210.103 Repudiation of contracts.
210.104 Settlement of disputes.
210.105 Maintenance of accurate records.
210.106 Recording of trade-marks, trade names, etc., to avoid confusion.

AUTHORITY: §§ 210.0 to 210.106 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 210.0 *Definitions.* (a) As used in this part, the term "industry products" means all household, commercial, and industrial power-driven machines for wet or dry cleaning, polishing, resurfacing, or maintenance of floors or floor coverings, and parts, accessories, and attachments for such machines, but does not include machines which function solely as dry-suction vacuum cleaners except when designed for use in connection with other products of the industry.

(b) The term "member of the industry" means any person, firm, corporation or organization engaged in the manufacture, distribution or sale of such industry products.

GROUP I

General statement. The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 210.1 *Misrepresentation and deception in general.* It is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers—

(a) With respect to the type, kind, grade, quality, size, weight, capacity, durability, serviceability, construction, manufacture, or distribution of any industry product, or concerning any parts, accessories, or attachments for such product; or

(b) With respect to the terms or conditions of sale, rental, or distribution of such products and parts, accessories, and attachments therefor; or

(c) With respect to the types and kinds of cleaning and maintenance work that such products, and attachments and accessories, will perform, or the rate of speed at which they will perform such work; or

(d) With respect to the average or customary savings or reduction in time, labor, or money expenditures resulting from the use of such products, or the average or customary earnings or profits derived from the sale, distribution, or operation of such products; or

(e) Which in any other material respect has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. [Rule 1]

§ 210.2 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising or otherwise, that he is a manufacturer of industry products, or that he is the owner or operator of a factory manufacturing them, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. [Rule 2]

§ 210.3 *Deception through failure to differentiate between wholesale and retail transactions.* Where industry products are sold at wholesale and at retail in the same establishment, it is an unfair trade practice to misrepresent, directly or indirectly, either type of business as being the other type of business. [Rule 3]

§ 210.4 *Misrepresentation as to installment sales contracts, their terms, conditions, etc.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation, through advertising or otherwise, concerning installment sales contracts to be used in the sale of industry products, the terms or conditions of such contracts relating to the down payment to be required, the rate of interest or the financing cost to be charged, or respecting any other matters relative to such contracts. [Rule 4]

§ 210.5 *Deceptive "salesmen wanted" advertisements.* In connection with the promotion of the sale of industry products, it is an unfair trade practice for any member of the industry to use, or cause to be used, any advertisement which directly or by implication is false, misleading, or deceptive concerning—

(a) The salary, commission, income, earnings, or other remuneration which agents, canvassers, solicitors, or sales representatives receive or may receive; or

(b) The chances or opportunities for such remuneration. [Rule 5]

§ 210.6 *Misrepresenting products as conforming to standard.* In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 6]

§ 210.7 *Deception as to rebuilt or second-hand products.* (a) It is an unfair trade practice for any member of the industry to sell, offer for sale, advertise, or otherwise represent, any industry product as being new when such is not the fact.

(b) In the marketing of industry products which are second-hand or rebuilt, or which contain second-hand or rebuilt parts, it is an unfair trade practice to fail to make full and nondeceptive disclosure, by a conspicuous tag or label firmly attached to the products, and in all advertising and promotional literature relating thereto, of the fact—

(1) That such products are second-hand, rebuilt, or contain rebuilt or second-hand parts, as the case may be; and

(2) That the rebuilding was done by other than the original manufacturer, when such is the case;

when the failure to make such disclosure has the capacity and tendency or effect of misleading purchasers or prospective purchasers of such products. [Rule 7]

§ 210.8 *Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.* It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent regular lines of industry products as "close-outs," "discontinued lines," "special bargains," or by words or representations of similar import, when such are not true in fact; or to so offer for sale, sell, advertise, describe, or otherwise represent industry products where the capacity and tendency or effect thereof is to lead the purchasing or consuming public to believe such products are being offered for sale or sold at greatly reduced prices, or at so-called "bargain" prices, when such is not the fact. [Rule 8]

§ 210.9 *Substitution of products.* It is an unfair trade practice to ship or deliver products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchasers as to such substitution and obtaining consent thereto at or before the time of shipment or delivery, and with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. [Rule 9]

§ 210.10 *Deceptive use, and imitation of, trade or corporate names, trade-marks, etc.* It is an unfair trade practice for any member of the industry—

(a) To imitate, or cause to be imitated, or directly or indirectly promote the imitation of, the trade-marks, trade names, or other exclusively owned symbols or marks of identification of competitors in a manner having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the buying public; or

(b) To use any trade name, corporate name, trade-mark, or other trade designation which has the capacity and tendency or effect of misleading or deceiving purchasers, or prospective purchasers as to the character, name, nature, or origin of any product of the industry ,or of any material used therein, or which is false or misleading in any material respect. [Rule 10]

§ 210.11 *False invoicing.* Withholding from or inserting in invoices any statements or information by reason of which omission or insertion a false or misleading record is made, wholly or in part, of the transactions represented on the face of such invoices, with the capacity and tendency or effect of thereby misleading or deceiving dealers, purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 11]

§ 210.12 *Fictitious prices, price lists, etc.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, or reports as to production or sales, or the advertising, sale or offering for sale of industry products at prices purporting to be reduced from what are in fact fictitious prices, or at purported reductions in prices when such purported reductions are in fact fictitious or are otherwise misleading or deceptive, is an unfair trade practice. [Rule 12]

§ 210.13 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to use, or cause to be used, any guarantee or warranty which is false, misleading, deceptive, or unfair to the purchasing or consuming public.

(b) The following types of guarantees are examples of those considered to be unfair trade practices and in violation of this section:

(1) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving in any material respect; or

(2) Guarantees which are so used, or are of such form, text, or character, as to import, imply, or represent that the guarantee is broader than is in fact true, or that the guarantee covers the entire machine or certain parts or accessories thereof which are not in fact covered, or will afford more protection to purchasers or users than is in fact true; or

(3) Guarantees in which any condition, qualification, or contingency applied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as

to be deceptively minimized, obscured, or concealed, wholly or in part; or

(4) Guarantees which are stated, phrased, or set forth in such manner that although the statements contained therein are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions applicable to such guarantees which materially lessen the value or protection thereof as guarantees to purchasers or users; or

(5) Guarantees which purportedly extend for such an indefinite or unlimited period of time or for such long period of years as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or users into the belief that the product has or is definitely known to have a longer period of serviceability or greater durability in actual use than is in fact true; or

(6) Purported guarantees in the form of documents, promises, representations, or other form which are represented or held out to be guarantees when such is not the fact, or when they are service contracts of the type which are not guarantees, or when they involve any deceptive or misleading use of the word "Guarantee" or term of similar import; or

(7) Guarantees issued, or directly or indirectly caused to be used, by any member of the industry when or under which the guarantor fails or refuses scrupulously to observe his obligation thereunder or fails or refuses to make good on claims coming reasonably within the terms of the guarantee; or

(8) Guarantees which in themselves or in the manner of their use are otherwise false, misleading, or deceptive.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported warranties and guarantees, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 13]

§ 210.14 *Use of lottery schemes.* The offering or giving of prizes, premiums, or gifts in connection with the sale or distribution of industry products, or as an inducement thereto, by any method which involves a lottery or scheme of chance, and the sale or distribution of industry products by any method or plan which involves a lottery or scheme of chance, are unfair trade practices. [Rule 14]

§ 210.15 *Consignment distribution.* (a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request of the purchaser.

(b) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artifically clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 15]

§ 210.16 *Coercing purchase of one product as a prerequisite to the purchase of other products.* It is an unfair trade practice to require, by coercion or by any other means, the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade. [Rule 16]

§ 210.17 *Coercion or concerted action to fix prices, etc.* It is an unfair trade practice for a member of the industry:

(a) To enter into or take part in, directly or indirectly, any understanding or agreement, combination or conspiracy, or planned common course of action with one or more members of the industry, or any other person or persons, unlawfully to fix, maintain, or enhance the price of any industry products sold in commerce, or otherwise unlawfully to restrain trade in commerce; or

(b) To use, directly or indirectly, any form of threat, intimidation, or coercion to induce any member of the industry, or other person or persons, to become a party to any such understanding or agreement, combination or conspiracy, or planned common course of action. [Rule 17]

§ 210.18 *Prohibited wrongful selling below cost.* (a) It is an unfair trade practice to advertise, offer, or sell any industry product at a price less than the cost thereof to the seller:

(1) As a "loss leader" used in inducing, and sold only in combination with, the purchase of other merchandise on which the seller recoups such loss, when this practice has the capacity and tendency or effect of misleading or deceiving the purchasing public; or

(2) With the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition, or tend to create a monopoly in the production or sale of such products.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost which has the capacity and tendency or effect of misleading or deceiving the purchasing public or which is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and where the effect may be unreasonably to restrain trade, tend to create a monopoly, or substantially lessen competition.

(c) As used in this section the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, sale, and delivery. The costs referred to are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 18]

§ 210.19 *Prohibited discrimination—*(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however—*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing contained in this paragraph shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescense of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof except for services rendered in

[1] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce [1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce [1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale, of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. (See sec. 2 (b) Clayton Act.)

[Rule 19]

§ 210.20 *Price discrimination by making small deliveries at prices applicable only to larger quantities.* It is an unfair trade practice to discriminate in price by making small deliveries to some purchasers at prices justified only by purchases and deliveries in larger quantities where such practice effects a discrimination contrary to the provisions of paragraph (a) of § 210.19 [Rule 20]

§ 210.21 *Defamation of competitors and false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 21]

§ 210.22 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 22]

§ 210.23 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose condemned in this section. [Rule 23]

§ 210.24 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 24]

§ 210.25 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member, or as in anywise authorizing any agreement, understanding, or common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 25]

§ 210.26 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trademarks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 26]

§ 210.27 *Unlawful interference with competitors' purchases or sales.* It is an unfair trade practice for any member of the industry, by means of any monopolistic practices or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his raw materials and supplies from whomsoever he chooses, or to sell his product to whomsoever he chooses. [Rule 27]

§ 210.28 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 28]

GROUP II

General statement. Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of Group II rules does not per se constitute violation of law. Where, however, the practice of not complying with such rules is followed in a manner that will result in unfair methods of competition or unfair or deceptive acts or practices, corrective proceedings in respect thereto may be instituted by the Commission as in the case of violation of Group I rules.

§ 210.101 *Price lists.* (a) The industry recommends that each individual member of the industry independently publish and circulate to the purchasing trade his own price lists.

(b) The industry approves the practice of making the terms of a sale a part of all published price schedules. [Rule A]

§ 210.102 *Bidding to be in good faith.* An industry member should not submit a bid for the sale of an industry product

[1] See footnote on p. 2416.

or products to a prospective buyer unless in good faith he intends, and has a reasonable expectation of being able, to comply fully with the terms and conditions of his bid in the event of the same being accepted. The practice of submitting bids which are not made in good faith is condemned by the industry. [Rule B]

§ 210.103 *Repudiation of contracts.* Lawful contracts, either written or oral, are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market, or by buyers on a declining market, is condemned by the industry. [Rule C]

§ 210.104 *Settlement of disputes.* The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to arbitration. [Rule D]

§ 210.105 *Maintenance of accurate records.* It is the recommendation of the industry that each member independently keep proper and accurate records for determining his costs. [Rule E]

§ 210.106 *Recording of trade-marks, trade names, etc., to avoid confusion.* To avoid confusion within the industry, it is recommended that each member thereof voluntarily file with some qualified person or agency designated by the industry all trade-marks, trade names, labels, or brands used by such member and that such information be made equally available to all members of the industry and to the public. [Rule F]

Industry committee. A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the furtherance of fair competitive practices and in promoting the effectiveness of the rules.

Issued: March 18, 1952.

Promulgated by the Federal Trade Commission March 21, 1952.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-3276; Filed, Mar. 20, 1952; 8:59 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

MISCELLANEOUS AMENDMENTS

Purpose of amendment. The Securities and Exchange Commission has amended Form 8-K (17 CFR 249.308) which is the form prescribed for current reports under sections 13 and 15 (d) of the Securities Exchange Act of 1934. The amendments combine the previous Item 14 with Item 13 of the form and add a new Item 14. The new item calls for information with respect to the submission of matters to a vote of security holders, including the solicitation of authorizations and consents (other than proxies to vote at stockholders' meetings).

The Commission finds that the information called for by the new item is of considerable interest to security holders who usually are not otherwise fully informed as to the results of security holders' meetings. This lack of information is particularly acute in the case of companies subject to the reporting requirements of section 15 (d) of the act but which do not have securities registered on a national securities exchange and therefore are not subject to the Commission's proxy rules. The information will also be useful to the Commission in its administration of the reporting requirements under sections 13, 15 (d) and 16 (a) and the proxy rules promulgated pursuant to Section 14.

Statutory basis. These amendments were adopted pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15 (d), and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the portection of investors and necessary to carry out the provisions of the act.

The text of the amended items is as follows:

Item 13. Revaluation of assets or restatement of capital share account. (a) If there has been a material revaluation of the assets of the registrant or any of its significant subsidiaries involving a write-up, write-down, write-off or abandonment, state the date of the revaluation, the amount involved and the accounts affected, including all related entries. If any adjustment was made in any related reserve account in connection with the revaluation, state the account and amounts involved and explain the adjustment.

(b) If there has been a material restatement of the capital share account of the registrant resulting in a transfer from capital share liability to surplus or reserves, or vice versa, state the date, purpose and amount of the restatement and give a brief explanation of all related entries in connection with the restatement.

Items 14. Submission of matters to a vote of security holders. If any matter has been submitted to a vote of security holders, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) The title and total number of shares or other units of each class entitled to vote which were outstanding on the record date and the total number of shares or other units of each such class represented at the meeting in person or by proxy.

(c) If the meeting involved the election of directors, state the name and mailing address of each director elected at the meeting.

(d) Briefly describe each other matter voted upon at the meeting (exclusive of procedural matters relating to the conducting of the meeting) and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

Instructions. 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a stockholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. If the board of directors as last previously reported to the Commission was re-elected in its entirety, a statement to that effect will suffice as an answer to paragraph (c).

3. If the text of any proposal described pursuant to paragraph (d) has previously been filed with the Commission, refer to the filing in which it was contained; otherwise file copies of such text as an exhibit to this report.

4. If the issuer has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

The foregoing amendments shall become effective April 17, 1952.

2. Amendment to form 10-K (17 CFR 249.310):

Purpose of amendment. The Securities and Exchange Commission today announced the adoption of an amendment to Form 10-K (17 CFR 249.310), which is one of the forms prescribed for annual reports under the Securities Exchange Act of 1934. The amendment further simplifies the filing of reports on this form by electric utilities and natural gas companies which file annual reports with the Federal Power Commission on that Commission's Form No. 1 or Form No. 2. Such issuers are permitted to file copies of such reports in satisfaction of most of the requirements of Form 10-K.

Statutory basis. This amendment is adopted pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15 (d) and 23 (a) thereof.

Instruction F of the General Instructions to Form 10-K (17 CFR 249.310) is amended to read as follows:

F. *Registrants reporting to Federal Power Commission.* Any registrant which files annual reports with the Federal Power Commission on that Commission's Form No. 1 or Form No. 2 may file its annual report on this form in accordance with the following instructions:

(a) Items 1 (b), 6 and 9 of this form shall be answered in full, all other items may be answered by a general reference to copies of the annual reports to the Federal Power Commission filed pursuant to (b) below.

(b) There shall be filed as exhibits to the annual report on this form copies of the annual reports made to the Federal Power Commission by the registrant, and each of its subsidiaries which make such a report for the fiscal year for which the report on this form is filed.

(c) The financial statements contained in the annual reports to the Federal Power Commission filed pursuant to (b) above and in the registrant's annual report to stockholders for the fiscal year may, subject to (d) below, be incorporated by reference in lieu of furnishing the financial statements required by this form for the registrant and its subsidiaries; provided, (1) the financial statements contained in the report to stockholders are prepared and certified in accordance with the requirements of Regulation S-X (17 CFR Part 210), and (2) copies of such report are filed as an exhibit to the annual report on this form.

(d) There shall be filed for each majority owned subsidiary of the registrant which does not file reports with the Federal Power Commission and whose financial statements are

not included, on either an individual or consolidated basis, in the annual report to stockholders, the financial statements called for by this form, provided that such statements may be omitted to the extent that all subsidiaries for which they are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

Since the filing of annual reports in accordance with the foregoing instruction is entirely optional and since the amendment has been adopted pursuant to the request of certain issuers concerned with its use, the Commission finds that the giving of notice and the institution of public rule-making procedure pursuant to section 4 of the Administrative Procedure Act are unnecessary. As certain issuers may desire to avail themselves immediately of the privilege granted by the amended instruction, the amendment shall become effective March 17, 1952.

3. Amendment to Instruction book for Forms 12–K and 12A–K (17 CFR 249.312 and 249.312a):

Purpose of amendment. The Securities and Exchange Commission today announced the adoption of minor amendments to its annual report Forms 12–K and 12A–K (17 CFR 249.312 and 249.312a). Companies which report to the Interstate Commerce Commission on Form A are permitted, in connection with reports to the Securities and Exchange Commission on Forms 12–K and 12A–K, to file certain selected schedules in lieu of a complete Form A. The purpose of the amendments is to revise the selected schedules so as to conform to certain changes made in Form A of the Interstate Commerce Commission for the year ended December 31, 1951.

The Commission will furnish copies of Form A to any registrant which notifies the Commission of the exact number of copies required and the names of the companies for which they will be needed. Copies of the various other forms of the Interstate Commerce Commission and the Federal Communications Commission are available and will be furnished by the Securities and Exchange Commission to any registrant which desires to use them and which notifies the Commission of the exact number of copies which it will require and the names of the companies for which the copies will be needed.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said act, hereby amends paragraph 3 under the caption "Instructions as to Exhibits" in the Instruction Books for Forms 12–K and 12A–K to read as follows:

3. Notwithstanding the provisions of paragraph 1, above, any registrant filing a copy of Form A may, if it so desires, leave blank any or all pages, schedules or items of the form except the following:

Schedules 101; 102; 103; 104A; 104B; 108; 109; 110; 200A; 200L; lines 40, 49, 57, 58, 59, and 60 of 211; 211A; 211B; 211C; 211D; 211E; 211F; 212; 213; 213A; 213B; 215; 217; 218; 222; 223; 224; 251; 251A; 252; 261E; 261I; 261M; 261P; 263; line 42 of 275; 281A; 287; 291; 292; 293; 295; 300; 305; 308; 310; lines 67, 68, 69, 100, 101, 102, 115, 167, 177, 192, 193, and 194 of 320; 322; 324; 326; 328; 330; 332; 334; 340; 350; 371; 371A; 376; 377; 378; 383; 383A; 384; 396; 412; 422; classes 900, 910, 920, 930, 940, 950, 960, 970, and 980, of 541; divisions 1, 2, 901, 902, 903, 904, 905, 906, 907, 908, 909, and 950, of 561; 561C; 562; 563; 581; 591, and verification. In addition, a copy of its annual report to stockholders for the comparable period shall be filed as an exhibit to each copy of Form A. If annual reports to stockholders are not published, that fact should be stated.

All applicable instructions of the Interstate Commerce Commission shall be followed in filling out the various schedules subject to the provisions of paragraph 4 below.

Since the foregoing amendment merely continues a privilege heretofore granted to issuers reporting on Forms 12–K and 12A–K and such issuers are already familiar with the substance of such amendments and are not materially or adversely affected thereby, the Commission finds that the giving of notice and the institution of public rule-making procedure pursuant to section 4 of the Administrative Procedure Act are unnecessary. Since the adoption of the amendment is for the benefit of such issuers, and as they may desire to avail themselves of the privilege granted thereby, the amendment shall become effective March 17, 1952.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interpret or apply secs. 13, 15, 48 Stat. 894, 895 as amended; 15 U. S. C. 78m, 78o)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–3253; Filed, Mar. 20, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

ARMY PROCUREMENT PROCEDURE; MISCELLANEOUS AMENDMENTS

Sections 590.605 (a) (5) (i), 591.102 (a), and 592.201–2 are amended to read as follows:

§ 590.605 *Information to be furnished when requesting approval of contracts or awards—(a) Information required by the Chief, Purchases Branch.* * * *

(5) Contract placement.

(i) Cite authority under which negotiated. Where authority cited is section 2 (c) (1), Armed Services Procurement Act of 1947, as amended, add a complete and detailed statement justifying the use of negotiation, as required by § 592.201–2 of this chapter.

* * * * *

§ 591.102 *Use of formal advertising—(a) Policy.* During a period of national emergency declared by the President or by the Congress, procurement by formal advertising will continue to be used, as the preferred method of purchasing, except when procurement by negotiation is authorized pursuant to §§ 402.201 and 592.201 of this title.

* * * * *

§ 592.201–2 *Application.* (a) This authority shall be used only to the extent determined by the Secretary to be necessary in the public interest during a period of national emergency declared by the President or by the Congress. During periods of national emergency when such a determination has been made by the Secretary, all negotiated procurement, except that described in paragraph (g) of this section, will be accomplished under § 402.201 of this title, and this section and will cite as authority section 2 (c) (1), Armed Services Procurement Act of 1947, as amended (41 U. S. C. Supp. IV, 151, et seq.).

(b) A national emergency having been declared by the President on December 16, 1950, the Secretary has made the determination set forth below:

DEPARTMENT OF THE ARMY

DETERMINATION

Authority to Negotiate During Period of National Emergency

DECEMBER 18, 1950.

1. A National Emergency having been declared by the President of the United States on December 16, 1950, I hereby determine in accordance with section 2 (c) (1) of the Armed Services Procurement Act of 1947, that it is necessary in the public interest that, to the extent provided in paragraph 2 hereof, purchases and contracts under said act be negotiated without formal advertising during the period of said National Emergency.

2. Accordingly, I hereby authorize the negotiation of purchase and contracts for supplies and services by the Department of the Army under section 2 (c) (1) of the Armed Services Procurement Act of 1947 during the period of said National Emergency.

(Signed) ARCHIBALD S. ALEXANDER, *Under Secretary of the Army.*

(c) Subject to paragraph (d) of this section and instructions issued by the Heads of Procuring Activities, purchases by negotiation under this authority may be made under such circumstances as were authorized before the declaration of the national emergency, and in addition thereto, in the following instances:

(1) When the Head of a Procuring Activity deems negotiation to be necessary for the purpose of broadening the industrial base and formal advertising will adversely affect the accomplishment of that purpose.

(2) Emergency procurements of a high priority nature which could not be effected by formal advertising within the time required for delivery, such as for supplies urgently needed to lend military support in connection with a national or international situation or to meet immediately emergency needs of an Army expansion program. In this connection attention is directed to § 591.202 (b) of this chapter.

(d) Requests for approval of awards of contracts negotiated pursuant to the authority of this section, will be in writing, and will contain among other required information, a complete and detailed statement justifying the use of

negotiation. Approvals of awards shall be in writing and shall specifically state approval of the use of negotiation as well as approval of the award. Where a Contracting Officer is authorized to enter into a contract without further approval of higher authority, a complete and detailed written statement justifying the use of negotiation will be prepared by the Contracting Officer and retained in the contract file. In those cases where the authority to negotiate is obvious from the nature of the items procured, the amount of the procurement or the place of contracting or performance (purchases not in excess of $1,000, medicines or medical supplies, authorized resale, perishable subsistence, purchase outside the United States, and classified purchases), a simple statement to that effect may be placed in the Schedule or other convenient portion of the contract or purchase order.

(e) All contracts entered into by negotiation, will cite as authority section 2 (c) (1), Armed Services Procurement Act of 1947, as amended (41 U. S. C. Supp. IV, 151, et seq.) and Presidential Proclamation 2914.

(f) U. S. Standard Form 1036 (Statement and Certificate of Award) will not be used to support contracts negotiated under section 2 (c) (1), Armed Services Procurement Act of 1947, as amended.

(g) Paragraph (f) of this section is not applicable to purchases by negotiation specifically authorized by the Secretary to be made under the authority of Title II, First War Powers Act, 1941, as amended by Public Law 921, 81st Congress.

[Proc. Cir. 8, Mar. 10, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-3274; Filed, Mar. 20, 1952; 8:58 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 130]

CPR 130—WAXED PAPERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 130 is hereby issued.

STATEMENT OF CONSIDERATIONS

Description of the industry. The Waxed Paper Industry manufactures a wide variety of plain and printed waxed papers which are used for protective packaging, primarily for foods. The base materials used range from unbleached kraft paper to cellophane.

There are about 70 manufacturers in the industry and their production for the year 1950 amounted to 400,000 tons having a sales value of $147,000,000. Five of these manufacturers produced over one-third of this quantity of waxed paper, with an additional 15 bringing the proportion up to one-half, so that the remaining 50 firms accounted for the other half of the industry's volume. However, because of the diversity of items manufactured, no single producer has a dominant position in the industry in all lines.

Those manufacturers who are integrated, producing the raw materials used, account for about 35 percent of the waxed paper. The remaining 65 percent is made mostly by converter mills which must buy their raw material in the open market. Semi-integrated mills account for only a small proportion of the production and here are grouped with the converters for convenience.

The bulk of waxed paper manufacturing is done in the area known as Zone 1 which is east of the Mississippi River and north of the Ohio River and the southern Virginia state line. Sales are generally on a delivered basis in Zone I with a system of differentials applied for shipments to the other four zones into which the United States is divided. This historic zone pricing arrangement has, with minor modification, been preserved under this regulation.

The baking industry consumes a major portion of the waxed paper produced. Its requirements are for plain and printed transparent or opaque papers and inner wrappers. Cutter-box rolls of waxed paper and some sheets are used in considerable volume for household purposes. The frozen food, meat packaging, biscuit, cracker, and cereal industries are customers for much plain and printed specialty waxed papers.

Necessity for this regulation. As with most industries, prices of the product advanced during the fourth quarter of 1950 and January of 1951. In spite of the highly competitive features of the Waxed Paper Industry, some manufacturers cooperated more than others with the voluntary pricing standards issued by the Office of Price Stabilization on December 19, 1950. The application of CPR 22 standards to this industry would further distort the price relationships due to the varying costs of the integrated, semi-integrated, and converter mill segments.

Production capacity of the Waxed Paper Industry as a whole has been relatively stable over the past five years. There has been an increase over this period of about 10 percent in over-all productive capacity, due primarily to increased efficiency of operation of existing equipment rather than from expansion of industrial facilities. This capacity is adequate to meet prospective demands.

Pricing procedure. Normal pricing procedure of this industry is by use of published lists based on costs of production plus a margin of profit, adjusted to the competitive pressures which are a feature of an industry composed of a few large leaders and a substantial number of smaller units arising out of the modest financing necessary to enter production in one of its phases. This regulation spells out a flat level of dollars-and-cents ceiling prices for 90 percent of the industry's production, including all of the major commodity lines, and provides a formula for pricing the 10 percent balance of miscellaneous items. The formula provides for the calculation of the ceiling price of certain miscellaneous waxed papers by the addition of four factors: a raw material factor, a conversion factor, a delivery factor, and a margin factor. The conversion, margin, and delivery factors are based on the practices of each manufacturer during the period January 25, 1951, through February 24, 1951. The raw material factor is the acquisition price (or the transfer price to converting plant of an integrated mill) but not to exceed the ceiling price of the material under the applicable OPS regulation.

The level of ceiling prices established by this regulation is approximately 3.6 percent above the average level of ceiling prices that existed under the General Ceiling Price Regulation. As a result of a study conducted by OPS, it was determined that this higher level of prices was necessary to avoid setting ceiling prices at a level that would force the net profits before taxes in this industry to fall below the level consistent with the industry earnings standard established by OPS. The OPS study indicated that unless price ceilings, as established by the General Ceiling Price Regulation, were increased, cost increases incurred by the waxed paper industry since the outbreak of the Korean conflict would cause net profits before taxes as a percent of net worth to fall to a point below 85 percent of the average of the three best years in the period 1946–49.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period January 25, 1951, through February 24, 1951, and just before the issuance of this regulation, and to relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. One meeting was held with the full Industry Advisory Committee and there have been several informal meetings with various members of the Committee. Every effort has been made to conform this regulation to existing business practices, cost practices or methods or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices or methods or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

ARTICLE I—GENERAL

Sec.
1.1 Coverage of this regulation.
1.2 Applicability.
1.3 Ceiling prices.
1.4 Zones.
1.5 Discounts and allowances.
1.6 Modification of ceiling prices.
1.7 Petitions for amendment.
1.8 Adjustable pricing.
1.9 Transfers of business or stock in trade.
1.10 Records.
1.11 Interpretations.
1.12 Prohibitions.
1.13 Evasions.
1.14 Definitions and explanations.

ARTICLE II—PRINTED BREAD WRAPPERS OR CARTON SEALERS, OPAQUE OR REGULAR

2.1 Standard printed.
2.2 Half-tone printed.
2.3 Process printed.
2.4 Electric eye standard printed.
2.5 Electric eye process printed.
2.6 Rotogravure standard printed.
2.7 Rotogravure process printed.
2.8 Frozen food carton sealers—rotogravure or letter press printed.

ARTICLE III—PRINTED SUPER-TRANSPARENT AMBER PAPER BREAD WRAPPERS

3.1 Standard printed.
3.2 Half-tone printed.
3.3 Electric eye standard printed.
3.4 Process printed.

ARTICLE IV—STANDARD GRADES OF UNPAINTED WAXED PAPER

4.1 Unprinted waxed paper.

ARTICLE V—INTERFOLDED WAXED OR GREASEPROOF PAPERS

5.1 Manufactured interfolded waxed or greaseproof papers.

AATICLE VI—CUTTERBOX OA HOUSEHOLD ROLLS

6.1 Manufactured cutterbox (household) rolls.

ARTICLE VII—MISCELLANEOUS WAXED PAPERS

7.1 Manufactured miscellaneous waxed papers.
7.2 Manufacturers who cannot price under other sections.

AUTHORITY: Sections 1.1 through 7.2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—GENERAL

SECTION 1.1. *Coverage of this regulation.* This regulation supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 22 with respect to all sales of waxed papers by manufacturers or other persons, except sales of interfolded waxed or greaseproof papers and cutterbox (household) rolls and miscellaneous waxed papers by wholesalers and retailers. This regulation does not apply to sales by wholesalers and retailers of interfolded waxed or greaseproof papers or cutterbox (household) rolls of waxed papers or miscellaneous waxed papers. Dollar and cent ceiling prices are established under Articles II through VI, for printed bread wrappers and carton sealers, opaque or regular, printed super-transparent amber bread wrappers, printed frozen food carton sealers, standard grades of unprinted waxed papers, cutterbox (household) rolls, and interfolded waxed or greaseproof papers. Article VII provides a formula method for determining manufacturers' ceiling prices for plain waxed papers or waxed paperboards for which ceiling prices are not established under the other articles.

SEC. 1.2. *Applicability*—(a) *Geographical.* The provisions of this regulation shall apply to sales within the 48 States of the United States and the District of Columbia.

(b) *Exports.* The ceiling prices at which you may export any of the commodities covered by this regulation shall be determined under the provisions of Ceiling Price Regulation 61—Exports.

(c) *Imports.* The ceiling price at which imports of any of the commodities covered by this regulation may be sold by you shall be determined under the provisions of Ceiling Price Regulation 31—Imports.

SEC. 1.3. *Sales at less than ceiling prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 1.4. *Zones.* Ceiling prices are established for 5 zones which are as follows:

(a) "Zone 1" includes Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, the New England States, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, all Kentucky towns located on the Ohio River, all Iowa and Missouri towns located on the Mississippi River south of and including St. Paul and Minneapolis.

(b) "Zone 2" includes North Dakota, South Dakota, Kansas, Nebraska, Tennessee, North Carolina, Colorado (east of the Rockies), Iowa (except towns on the Mississippi River), Missouri (except towns on the Mississippi River), Kentucky (except Ohio River towns), Minnesota (except Duluth and towns located on the Mississippi River south of and including St. Paul and Minneapolis).

(c) "Zone 3" includes South Carolina, Alabama, Florida, Georgia, Mississippi, Arkansas, Louisiana, Oklahoma, Texas (east of and including Amarillo and Lubbock).

(d) "Zone 4" includes Arizona, New Mexico, Montana, Idaho, Nevada, Utah, Wyoming, and Colorado (west of the Rockies), Texas (west of and excluding Amarillo and Lubbock).

(e) "Zone 5" includes Washington, Oregon, and California.

SEC. 1.5. *Discounts and allowances.* You shall continue to grant to persons buying waxed papers, discounts and allowances not less favorable to the purchaser than those which you generally had in effect during the period January 25 to February 24, 1951, inclusive, for the same or similar purchasers.

SEC. 1.6. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices established under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 1.7. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised (16 F. R. 4974).

SEC. 1.8. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell a commodity covered by this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity covered by this regulation at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 1.9. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after the issue date of this regulation and the transferee carries on the business or continues to deal in the same type of commodities or services in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee and his practice with respect to sales of waxed papers shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records in accordance with section 1.10 shall be the same. The transferor shall either preserve and make available, for so long as the Defense Production Act of 1950, as amended, remains in effect, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record keeping provisions of this regulation.

SEC. 1.10. *Records*—(a) *Base period records.* On and after the effective date of this regulation, and for so long as the Defense Production Act of 1950, as amended, shall remain in effect, and for two years thereafter, you shall maintain and keep for examination by the Director of Price Stabilization, all your existing records relating to prices which you charged for commodities or services covered by this regulation which you sold or contracted to sell at a definite price during the base period, January 25 through February 24, 1951. These records shall include discounts, allowances, differentials and all information which would enable the Director of Price Stabilization to compute your raw material, conversion, margin, and delivery factors as set forth in Article VII of this regulation.

(b) *Current records.* You shall make and keep for inspection by the Director of Price Stabilization for a period of two years accurate records and invoice of each sale of waxed papers made after the effective date of this regulation, showing (1) the date of the shipment; (2) the name and address of the seller and purchaser; (3) the price charged; (4) a description of the commodity sold, such as, but not limited to, type or grade, weight, number of colors, and quantity.

SEC. 1.11. *Prohibitions.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above,

you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 1.12. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 1.13. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreement and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 1.14. *Definitions and explanations.* (a) When used in this regulation the term:

(1) "Base price" refers to the price of plain paraffin waxed paper per hundredweight.

(2) "Basis weight" refers to the weight in pounds of 500 sheets, 24'' x 36''.

(3) "Bleed edge" refers to a design in which the printing is extended beyond the finished dimensions of the wrappers so that in slitting or trimming there will be no margin left between the finished edge of the sheet and the printed design.

(4) "Bleached paper" refers to a sheet made of bleached sulphite pulp or bleached sulfate pulp, or both.

(5) "Color change" refers to a press stop required in a run to change from one color to another in a given design.

(6) "Cutterbox (household) rolls" refers to rolls of various weights of waxed paper, of various lengths packed in boxes with a cutter edge of metal or treated board and used generally in wrapping food in the home.

(7) "Die cutting" refers to cutting to shape or size through the use of a cutting die.

(8) "Director of Price Stabilization" extends to any official (including officials of regional or local offices) to whom the Director of Price Stabilization by order delegates the function, power or authority referred to in this regulation.

(9) "Dry waxed paper" is a paper sheet so processed that the major portion of wax is driven into the fibres of the sheet.

(10) "Exact machine trimming" refers to trimming a sheet on four sides to a specified size.

(11) "Frame bundles" refers to sheets wrapped in Kraft or similar protective wrapper with wood frames added to the top and bottom of the bundles for reinforcement.

(12) "Frozen food sealers" refers to a paper, printed and waxed, and used for overwrapping cartons of frozen foods.

(13) "Glassine" refers to a highly hydrated sheet, resistant to grease and oil, that has been super-calendered.

(14) "Greaseproof" refers to glassine which has not been super-calendered.

(15) "Hard wax" refers to a paraffin wax to which chemicals have been added, such as polyethylene, to increase the hardness, gloss, sealing qualities and protectiveness.

(16) "Ink charge" refers to all charges made for inks used to print paper to be waxed.

(17) "Interfolded waxed papers" refers to dry waxed papers or greaseproof papers that have been mechanically interfolded for sanitary dispensing from dispenser cartons or metal dispensers.

(18) "Manufacturer" includes any person who produces waxed papers or waxed wrappers by any process whatever, and the agents and representatives of such person.

(19) "Miscellaneous waxed papers" refers to all waxed papers which are not specifically set forth in Articles II through VI.

(20) "Miscellaneous standard grades of unprinted waxed paper" refers to paper and paperboard made of sulphite or sulphate pulp, or a combination of both, and waxed to weights most commonly used in the wet-waxed and dry-waxed grades.

(21) "Opaque paper" refers to a sulphite pulp to which a filler has been added for opacity, or a paper that has been coated for opacity.

(22) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(23) "Plate change" refers to a press stop required in a run to change from one plate to another in a given design for such purposes as changing the firm name, the address, brand name, or weight mark.

(24) "Preparatory press charge" refers to a charge made to cover the cost of make-ready on a press, plus a plate amortization charge.

(25) "Regular" refers to a sulphite sheet other than opaque or transparent.

(26) "Roll" refers to paper in a continuous web usually wound to a 10 inch or greater diameter on a 3 inch core.

(27) "Sheeting" refers to cutting a continuous web to specified lengths.

(28) "Similar purchaser" refers to one most closely resembling the prospective purchaser from the standpoint of quantity, credit classification and location.

(29) "Skids" refers to a low platform on which paper is loaded and fastened for shipment.

(30) "Transparent paper" refers to a high machine finished sheet double waxed for transparency.

(31) "Wet waxed paper" refers to a paper waxed in such a manner that it has some wax on the surface of the sheet.

(32) "Waxed papers" includes the following classes of waxed products and variations thereof: bread wraps, carton wraps, delicatessen papers, miscellaneous plain and printed papers, glassine and greaseproof, twisting tissues, Kraft, tissue, oiled or petrolatum treated papers, interfolded papers, and cellophane.

(33) "Standard printing" refers to printing which reproduces flat unbroken areas and results in constant colors without variation in color tones.

(34) "Electric eye standard printing" refers to standard printing with which electric eye markers are printed to permit the spotting of wrappers in a given position on the finished package.

(35) "Electric eye process printing" refers to process printing with which electric eye markers are printed.

(36) "Half-tone printing" refers to a method of printing by means of which the design is reproduced through the impression of small dots on the printing plates, not superimposed.

(37) "Process printing" refers to a method of printing using the impression of small dots (in two or more colors) superimposed one on the other to obtain the finished color tone desired.

(38) "Rotogravure standard printing" refers to a method of printing by metal cylinders into which flat unbroken areas have been etched for reproduction.

(39) "Rotogravure process printing" refers to a method of printing from metal cylinders that have been etched with small dots which when superimposed in two or more colors results in the desired color tone.

(40) "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

ARTICLE II—PRINTED BREAD WRAPPERS AND CARTON SEALERS, OPAQUE OR REGULAR

SEC. 2.1. *Standard printed*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sales of standard printed bread wrappers or carton sealers, opaque or regular,

to points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price, added charges, and differentials set forth in the following subparagraphs (1), (2) and (3) of this paragraph.

(1) *Base prices*—(i) *Rolls 12 inches or more in width.* The base prices per hundredweight for rolls 12 inches or more in width are as follows:

Number of rolls:	Base price per hundredweight
15–180	$21.65
240–360	21.45
480–720	21.30
960–1,680	20.95
1,920–2,880	20.60

(ii) *Basis weights.* Basis weights (24" x 36"—500 ct.) are as follows:

	Raw (pounds)	Waxed (pounds)
White opaque	25	38½
White opaque	30	45
Regular	22	33
Regular	25	38½

In no event may the raw basis weight vary more than 5 percent and the waxed basis weight vary more than 7½ percent, from those above specified.

(2) *Added charges*—(i) *Preparatory press charges.*

1 color	$70.00
2 colors	105.00
3 colors	130.00
4 colors	170.00

To obtain the preparatory press charges per hundredweight, divide the applicable preparatory press charge by the total weight of printed paper involved in the sale and multiply by 100. The weight of the paper is determined by multiplying the number of rolls by the width by 3.

For example: 15 rolls, 12 inches in width, with 1 color is being sold. The weight of the paper is $15 \times 12 \times 3 = 540$. The preparatory press charge is $\frac{70}{540} \times 100 = \$12.96$.

(ii) *Ink charge.* The charge for ink shall not exceed $5.00 per hundredweight of finished waxed paper for 100 percent ink coverage. For ink coverage of less than 100 percent, the charge shall be the actual percentage of solid ink coverage multiplied by $5.00.

For example: The ink charge for 100 pounds of paper having 30% solid ink coverage is $.30 \times \$5.00 = \$1.50$.

(iii) *Engravings.* Engravings, modified etchings and art work may be charged at actual cost.

(3) *Differentials*—(i) *Colored printed raw stock.*

Ivory	$1.00 per cwt.
Canary, golden rod, light blue and other light colors	$1.50 per cwt.
Green	$2.25 per cwt.
Persian orange	$2.50 per cwt.

(ii) *Sheeting and bleed edges.*

Sheeting	$2.25 per cwt.
Bleed edge	$0.50 per cwt.

(iii) *Plate changes.*

Line, half-tone or electric-eye standard plates	$20 per change.
Process and electric-eye process plates	$85 per change.

(iv) *Color changes.*

$20 per color.

(v) *Rolls under 12 inches in width.*

10 inches to less than 12 inches—$0.50 per cwt.
6 inches to less than 10 inches— $1 per cwt.

(vi) *Hard wax.* The differentials shall be those you used for the same hard waxes during the period January 25 to February 24, 1951, inclusive.

(vii) *Discounts.* Your usual discounts and allowances shall be applied under section 1.5.

(viii) *Shipments under 300 pounds.* If, at the request of the purchaser, you make a shipment in quantities less than 300 pounds, you may add the actual amount of the freight charges to the purchaser's plant, separately stating such changes.

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, to points outside Zone 1 shall be the prices established under paragraph (a) of this section plus the following differentials for shipments to points outside Zone 1.

Point of delivery:	Per hundredweight
Zone 2	$0.85
Zone 3	1.75
Zones 4 and 5	2.10

SEC. 2.2 *Half-tone printed*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sales of half-tone printed bread wrappers or carton sealers, opaque or regular, to points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price, added charges, and differentials set forth in the following subparagraphs (1), (2) and (3) of this paragraph.

(1) *Base prices*—(i) *Rolls 12 inches or more in width.* The base prices per hundredweight for rolls 12 inches or more in width are as follows:

Number of rolls:	Base price per hundredweight
15–120	$22.95
120–180	22.70
240–360	22.50
480–720	22.35
960–1,680	22.00
1,920–2,880	21.65

(ii) *Basis weights.* Basis weights are the same as those under section 2.1 (a) (1) (ii).

(2) *Added charges*—(i) *Preparatory press charges:*

1 color	$85.00
2 colors	130.00
3 colors	170.00
4 colors	215.00
5 colors	255.00

To obtain the preparatory press charge per hundredweight divide the applicable preparatory press charge by the total weight of printed paper involved in the sale and multiply by 100. The weight of the paper is determined by multiplying the number of finished rolls to be processed by the width of the rolls by 3. For an example, see section 2.1 (a) (2) (i).

(ii) *Ink charges.* The charge for ink shall not exceed $6.00 per hundredweight for 100 percent coverage. For ink coverage of less than 100 percent the charge shall be the actual percentage of solid ink coverage multiplied by $6.00.

For example: The ink charge for 100 pounds of paper having 25 percent solid ink coverage is $.25 \times \$6.00 = \$1.50$.

(iii) *Engraving.* Engraving, modified etchings, and art work may be charged for at actual cost.

(3) *Differentials.* The differentials are the same as those set forth in section 2.1 (a) (3).

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered to points outside Zone 1 shall be the prices established under paragraph (a) of this section plus the differentials established under section 2.1 (b) for the various zones of delivery.

SEC. 2.3. *Process printed*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sales of process printed bread wrappers or carton sealers, opaque or regular, to points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price, added charges, and differentials set forth in the following subparagraphs (1), (2) and (3).

(1) *Base prices*—(i) *Rolls 12 inches or more in width.* The base prices per hundredweight for rolls 12 inches or more in width are as follows:

Number of rolls:	Base price per hundredweight
15–120	$23.70
120–360	23.25
480–720	23.10
960–1,680	22.75
1,920–2,880	22.40

(ii) *Basis weights.* Basis weights are the same as those under section 2.1 (a) (1) (ii).

(2) *Added charges*—(i) *Preparatory press charges.*

2 colors	$200.00
3 colors	250.00
4 colors	300.00
5 colors	375.00
6 colors	425.00

To obtain the preparatory press charge per hundredweight, divide the applicable preparatory press charge by the total weight of printed paper involved in the sale and multiply by 100. The weight of paper is determined by multiplying the number of finished rolls to be processed by the width of the rolls by 3. For an example see section 2.1 (a) (2) (i).

(ii) *Ink charge.* The charge for ink shall not exceed $6.00 per hundredweight of finished waxed paper per 100 percent ink coverage. For ink coverage of less than 100 percent, the charge shall be the actual percentage of solid ink coverage multiplied by $6.00.

For example: The ink charge for 100 pounds of paper having 30% solid ink coverage is .30 x $6.00 = $1.80.

(iii) *Engravings.* Engravings, modified etchings and art work may be charged at actual cost.

(3) *Differentials.* The differentials are the same as those under section 2.1 (a) (3).

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, to points outside Zone 1 shall be the prices established under paragraph (a) of this sec-

tion plus the differentials to points outside Zone 1 as established in section 2.1 (b).

SEC. 2.4. *Electric eye standard printed*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sales of electric eye standard printed bread wrappers or carton sealers, opaque or regular, to points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price, added charges, and differentials set forth in the following subparagraphs (1), (2) and (3) of this paragraph.

(1) *Base prices*—(i) *Rolls 12 inches or more in width.* The base prices per hundredweight for rolls 12 inches or more in width are as follows:

Number of rolls:	*Base price per hundredweight*
15–180	$24.25
240–360	24.05
380–720	23.90
960–1,680	23.55
1,920–2,880	23.20

(ii) *Basis weights.* Basis weights are the same as those in section 2.1 (a) (1) (ii).

(2) *Added charges*—(i) *Preparatory press charges.*

1 color	$85.00
2 colors	130.00
3 colors	170.00
4 colors	215.00
5 colors	245.00
6 colors	285.00

To obtain the preparatory press charge per hundredweight divide the applicable preparatory press charge by the total weight of printed paper involved in the sale and multiply by 100. The weight of the paper is determined by multiplying the number of finished rolls to be processed by the width of the rolls by 3. For an example, see section 2.1 (a) (2) (i).

(ii) *Ink charge.* The charge for ink shall not exceed $6.00 per hundredweight of finished waxed paper for 100 percent ink coverage. For ink coverage of less than 100 percent, the charge shall be the actual percentage of solid ink coverage multiplied by $6.00.

For example: The ink charge for 100 pounds of paper having 30% solid ink coverage is .30 x $6.00=$1.80.

(iii) *Engravings.* Engravings, modified etchings and art work may be charged at actual cost

(3) *Differentials.* The differentials are the same as those under section 2.1 (a) (3).

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, to points outside Zone 1 shall be the prices established under paragraph (a) of this section plus the differentials to points outside Zone 1 as established in section 2.1 (b).

SEC. 2.5. *Electric eye process printed*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sales of electric eye process printed bread wrappers or carton sealers, opaque or regular, to points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price, added charges, and differentials set forth in the following subparagraphs (1), (2) and (3) of this paragraph.

(1) *Base prices*—(i) *Rolls 12 inches or more in width.* The base prices per hundredweight for rolls 12 inches or more in width are as follows:

Number of rolls:	*Base price per hundredweight*
120–360	$25.00
480–720	24.65
960–1,680	24.30
1,980–2,880	23.95

(ii) *Basis weights.* Basis weights are the same as those in section 2.1 (a) (1) (ii).

(2) *Added charges*—(i) *Preparatory press charges.*

2 colors	$200.00
3 colors	250.00
4 colors	300.00
5 colors	375.00
6 colors	425.00

To obtain the preparatory press charge per hundredweight divide the applicable press charge by the total weight of the printed paper involved in the sale and multiply by 100. The weight of paper is determined by multiplying the number of finished rolls to be processed by the width of the rolls by 3. For an example, see section 2.1 (a) (2) (i).

(ii) *Ink charge.* The charge for ink shall not exceed $6.00 per hundredweight of finished waxed paper for 100 percent coverage. For ink coverage of less than 100 percent, the charge shall be the actual percentage of solid ink coverage multiplied by $6.00.

For example: The ink charge for 100 pounds of paper having 30% solid ink coverage is .30 x $6.00=$1.80.

(iii) *Engraving.* Engravings, modified etchings, and art work may be charged at actual cost.

(3) *Differentials.* The differentials are the same as those under section 2.1 (a) (3).

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, to points outside Zone 1 shall be the prices established under paragraph (a) of this section plus the differentials to points outside Zone 1 as established in section 2.1 (b).

SEC. 2.6. *Rotogravure standard printed*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sales of rotogravure standard printed bread wrappers or carton sealers, opaque or regular, to points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price, added charges, and differentials set forth in the following subparagraphs (1), (2) and (3) of this paragraph.

(1) *Base prices*—(i) *Rolls 12 inches or more in width.* The base prices per hundredweight for rolls 12 inches or more in width are as follows:

Number of rolls:	*Base price per hundredweight*
120–180	$32.95
240–360	32.70
480–720	32.45
960–1,680	30.65
1,920–2,880	29.45

(ii) *Basis weights.* Basis weights are the same as those in section 2.1 (a) (1) (ii).

(2) *Address charges*—(i) *Preparatory press charges.*

2 colors	$160.00
3 colors	215.00
4 colors	280.00
5 colors	350.00
6 colors	410.00

To obtain the preparatory press charge per hundredweight, divide the applicable preparatory press charge by the total weight of printed paper involved in the sale and multiply by 100. The weight of paper is determined by multiplying the number of finished rolls to be processed by the width of the rolls by 3. For an example, see section 2.1 (a) (2) (i).

(ii) *Ink charge.* The charge for ink shall not exceed $9.00 per hundredweight of finished waxed paper for 100 percent coverage. For ink coverage of less than 100 percent, the charge shall be the actual percentage of solid ink coverage multiplied by $9.00.

For example: The ink charge for 100 pounds of paper having 25% solid ink coverage is .25 x $9.00=$2.25.

(iii) *Rotogravure cylinder etching charge.* Etched cylinders and art work may be charged at actual cost.

(3) *Differentials*—(i) *Colored printed raw stock.*

Ivory	$1.00 per cwt.
Canary, golden rod, light blue and other light colors	1.50 per cwt.
Green	2.25 per cwt.
Persian orange	2.50 per cwt.

(ii) *Sheeting and bleed edges.*

Sheeting	$2.50 per cwt.
Bleed edge	0.50 per cwt.

(iii) *Cylinder or electro change.*

Not involving process register	$25 per change.
Involving process register	50 per change.

(iv) *Color change.*

$25 per color.

(v) *Rolls under 12 inches in width.*

10 inches to less than 12 inches	$0.50 per cwt.
6 inches to less than 10 inches	1.00 per cwt.

(vi) *Hard wax.* The differentials shall be those which you used for the same hard waxes during the period January 25, 1951 to February 24, 1951, inclusive.

(vii) *Discounts.* Your usual discounts and allowances shall be applied under section 1.5.

(viii) *Shipments under 300 pounds.* If, at the request of the purchaser, you make a shipment in quantities less than 300 pounds, you may add the actual amount of the freight charges to the purchaser's plant, separately stating such charges.

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, to points outside Zone 1 shall be the prices established under paragraph (a) of this section plus the differentials to points outside Zone 1 as established in section 2.1 (b).

SEC. 2.7. *Rotogravure process printed*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sales of rotogravure process printed bread wrappers or carton sealers, opaque or regular, to

points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price, added charges, and differentials set forth in the following subparagraphs (1), (2) and (3) of this paragraph.

(1) *Base prices*—(i) *Rolls 12 inches or more in width.* The base prices per hundredweight for rolls 12 inches or more in width are as follows:

Number of rolls:	Base price per hundredweight
120–180	$33.95
240–360	33.70
480–720	33.45
960–1,680	31.65
1,920–2,880	30.45

(ii) *Basis weights.* Basis weights are the same as those in section 2.1 (a) (1) (ii).

(2) *Added charges*—(i) *Preparatory press charges.*

3 colors	$215.00
4 colors	280.00
5 colors	350.00
6 colors	410.00

To obtain the preparatory press charge per hundredweight, divide the applicable preparatory press charge by the total weight of printed paper involved in the sale and multiply by 100. The weight of the paper is determined by multiplying the number of finished rolls to be processed by the width of the rolls by 3. For an example, see section 2.1 (a) (2) (i).

(ii) *Ink charge.* The charge for ink shall not exceed $11.00 per hundredweight of finished waxed paper for 100 percent coverage. For ink coverage of less than 100 percent, the charge shall be the actual percentage of solid ink coverage multiplied by $11.00.

For example: The ink charge for 100 pounds of paper having 25% solid ink coverage is .25 × $11.00=$2.75.

(iii) *Rotogravure cylinder etching charges.* Etched cylinders and art work may be charged at actual cost.

(3) *Differentials.* The differentials are the same as those under section 2.6 (a) (3).

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, to points outside Zone 1 shall be the prices established under paragraph (a) of this section plus the differentials to points outside Zone 1 as established in section 2.1 (b).

SEC. 2.8 *Rotogravure, and letter press process printed, electric eye frozen food carton sealers, opaque*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sale of rotogravure, and letter press process printed, electric eye frozen food carton sealers, opaque, to points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price, added charges, and differentials set forth in the following subparagraphs (1), (2), (3) and (4) of this paragraph.

(1) *Base prices*—(i) *Quantities.* The base prices per hundredweight for the quantities stated are as follows:

Number of pounds:	Base price per hundredweight
2,500–9,999	$36.55
10,000–24,999	36.05
25,000–49,999	34.25
50,000 and over	33.05
1,000–2,499 (for letter press printed only)	36.55

(ii) *Basis weights.* Basis weights (24" x 36"–500 ct.) are as follows:

	Raw (pounds)	Waxed (pounds)
Opaque	30–32	44–46

In no event may the raw basis weight be more than 5 percent, and the waxed basis weight be more than 7½ percent, below the minimum and above the maximum weights above specified.

(2) *Added charges*—(i) *Preparatory press charges.*

3 colors	$215.00
4 colors	280.00
5 colors	350.00
6 colors	410.00

To obtain the preparatory press charge per hundredweight, divide the applicable preparatory press charge by the total weight of printed paper involved in the sale and multiply by 100.

For example: 2,500 pounds of 5 colors is being sold. The preparatory press charge per hundredweight is $\frac{350}{2500} \times 100 = \$14.00$.

(ii) *Ink charge.* The charge for ink shall not exceed $11.00 per hundredweight of finished waxed paper for 100 percent coverage. For ink coverage of less than 100 percent, the charge shall be the actual percentage of solid ink coverage multiplied by $11.00.

For example:

The ink charge for 100 pounds of paper having 25% solid ink coverage is .25 x $11.00=$2.75.

(iii) *Rotogravure cylinder etching charges.* Etched cylinders and art work may be charged at actual cost.

(3) *Differentials.* The differentials are the same as those established in section 2.6 (a) (3).

(4) *Additional differentials for letter press process printing*—(i) *Additions and subtractions.* The following differentials may be added to or shall be subtracted from, as indicated, the prices determined by subparagraphs (1), (2) and (3) above for letter press process printed frozen food carton sealers for the quantities and number of colors specified.

Weight (pounds)	4 colors	5 colors	6 colors
1,000–2,499	+$12.55	+$15.85	+$21.00
2,500–7,499	−2.75	−2.85	−1.10
7,500-10,000	−2.65	−2.75	−2.00
10,001 and over	−2.40	−2.45	−2.20

(ii) *Electros charge.* On orders of less than 10,000 pounds, electros may be charged at $0.14 per square inch per color.

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, to points outside Zone 1 shall be the price established under paragraph (a) of this section plus the differentials to points outside Zone 1 as established in section 2.1 (b).

ARTICLE III—PRINTED SUPER-TRANSPARENT AMBER PAPER BREAD WRAPPERS

SEC. 3.1. *Standard printed*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sales of standard printed super-transparent amber paper bread wrappers shipped to points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price, added charges, and differentials set forth in the following subparagraphs (1), (2) and (3).

(1) *Base prices*—(i) *Rolls 12 inches or more in width.* The base price per hundredweight for rolls 12 inches or more in width are as follows:

Number of rolls:	Base price per hundredweight
15–180	$28.35
240–360	28.15
480	28.00
960	27.65
1920 or more	27.30

(ii) *Basis weights.* Basis weights (24" x 36"—500 ct.) are 24 lbs. raw and 31 lbs. waxed. In no event may the raw basis weight vary more than 5 percent, and the waxed basis weight vary more than 7½ percent, from those specified.

(2) *Added charges.*—(i) *Preparatory press charges.*

1 color	$70.00
2 colors	105.00
3 colors	130.00
4 colors	170.00

To obtain the press charge per hundredweight, divide the applicable preparatory press charge by the total weight of printed paper involved in the sale and multiply by 100. The weight of paper is determined by multiplying the number of rolls processed by the width of the rolls by 3.3.

For example: 15 rolls, 12 inches in width, with one color, is being sold. The weight of the paper is 15 x 12 x 3.3=594. The preparatory press charge is $\frac{70}{594} \times 100 = \$11.78$.

(ii) *Ink charge.* The charge for ink shall not exceed $8.00 per hundredweight of finished waxed paper for 100 percent ink coverage. For ink coverage of less than 100 percent, the charge shall be the actual percentage of solid ink coverage multiplied by $8.00.

For example: The ink charge for 100 pounds of paper having 30% solid ink coverage is .30 x $8.00=$2.40.

(iii) *Engravings.* Engravings, modified etchings, and art work may be charged at actual cost.

(3) *Differentials*—(i) *Colored stock.*

White	$1.00 per cwt.
Tango	$2.50 per cwt.

(ii) *Sheeting and bleed edges.*

Sheeting	$2.25 per cwt.
Bleed edge	$0.50 per cwt.

(iii) *Plate change.*

Line, half tone or electric-eye standard plates	$20 per plate.
Process plates	$85 per plate.

(iv) *Color changes.*

$20 per color.

(v) *Rolls under 12 inches in width.*

10 inches to less than 12 inches $0.50 per cwt.

6 inches to less than 10 inches $1.00 per cwt.

(vi) *Hard wax.* The differentials shall be those which you used for the same hard waxes during the period January 25, to February 24, 1951, inclusive.

(vii) *Discounts.* Your usual discounts and allowances shall be applied under section 1.5.

(viii) *Shipments under 300 pounds.* If, at the request of the purchaser, you make a shipment in quantities less than 300 pounds, you may add the actual amount of the freight charges to the purchaser's plant, separately stating such charges.

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, for shipments to points outside Zone 1 shall be the prices established under paragraph (a) of this section plus the following differentials:

Point of delivery:	Per hundredweight
Zone 2	$0.85
Zone 8	1.75
Zone 4 and 5	2.10

SEC. 3.2. *Halftone printed*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sales of half-tone printed super-transparent amber paper bread wrappers shipped to points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price, added charges, and differentials set forth in the following subparagraphs (1), (2), and (3) of this paragraph.

(1) *Base prices*—(i) *Rolls 12 inches or more in width.* The base price per hundredweight for rolls 12 inches or more in width are as follows:

Number of rolls:	Base price per hundredweight
15–180	$29.40
240–360	29.20
480	29.05
960	28.70
1920 or more	28.35

(ii) *Basis weights.* Basis weights are the same as in section 3.1 (a) (1) (ii).

(2) *Added charges*—(i) *Preparatory press charges.*

1 color	$85.00
2 colors	130.00
3 colors	170.00
4 colors	215.00

To obtain the preparatory press charge per hundredweight, divide the applicable preparatory press charge by the total weight of the printed paper involved in the sale and multiply by 100. The weight of paper is determined by multiplying the number of rolls processed by the width of the rolls by 3.3. For an example, see section 3.1 (a) (2) (i).

(ii) *Ink charge.* The charge for ink shall not exceed $8.00 per hundredweight of finished waxed paper for 100 percent ink coverage. For ink coverage of less than 100 percent, the charge shall be the actual percentage of solid ink coverage multiplied by $8.00.

For example: The ink charge for 100 pounds of paper having a 30% solid ink coverage is .30 x $8.00=$2.40.

(iii) *Engravings.* Engravings, modified etchings and art work may be charged at actual cost.

(3) *Differentials.* The differentials are the same as those under section 3.1 (a) (3).

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, for shipments to points outside Zone 1 shall be the prices established by paragraph (a) of this section plus the differentials established under section 3.1 (b).

SEC. 3.3. *Electric eye standard printed*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sales of electric eye standard printed super-transparent amber paper bread wrappers shipped to points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price, added charges, and differentials set forth in the following subparagraphs (1), (2) and (3) of this paragraph.

(1) *Base prices*—(i) *Rolls 12 inches or more in width.* The base price per hundredweight for rolls 12 inches or more in width are as follows:

Number of rolls:	Base price per hundredweight
15–180	$30.95
240–360	30.75
480	30.60
960	30.25
1,920 or more	29.90

(ii) *Basis weights.* Basis weights are the same as in section 3.1 (a) (1) (ii).

(2) *Added charges.*—(i) *Preparatory press charge.*

1 color	$85.00
2 colors	130.00
3 colors	170.00
4 colors	215.00

To obtain the press charge per hundredweight, divide the applicable preparatory press charges by the total weight of printed paper involved in the sale and multiply by 100. The weight of paper is determined by multiplying the number of rolls processed by the width of rolls by 3.3. For an example, see section 3.1 (a) (2) (i).

(ii) *Ink charge.* The charge for ink shall not exceed $9.00 per hundredweight of finished waxed paper for 100 percent ink coverage. For ink coverage of less than 100 percent, the charge shall be the actual percentage of solid ink coverage multiplied by $9.00.

For example: The ink charge for 100 pounds of paper having 30% solid ink coverage is .30 x $9.00=$2.70.

(iii) *Engravings.* Engravings, modified etchings and art work may be charged at actual cost.

(3) *Differentials.* The differentials are the same as those under section 3.1 (a) (3).

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, for shipments to points outside Zone 1 shall be the prices established by paragraph (a) of this section plus the differentials established under section 3.1 (b).

SEC. 3.4. *Process printed*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sales of process printed super-transparent amber paper bread wrappers shipped to points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price, added charges, and differentials set forth in the following subparagraphs (1), (2) and (3) of this paragraph.

(1) *Base prices*—(i) *Rolls 12 inches or more in width.* The base price per hundredweight for rolls 12 inches or more in width are as follows:

Number of rolls:	Base price per hundredweight
15–180	$30.05
240–360	29.85
480	29.70
960	29.35
1,920 or more	29.00

(ii) *Basis weights.* Basis weights are the same as in section 3.1 (a) (1) (ii).

(2) *Added charges*—(i) *Preparatory press charges.*

2 colors	$200.00
3 colors	250.00
4 colors	300.00

To obtain the preparatory press charge per hundredweight, divide the applicable preparatory press charge by the total weight of the printed paper involved in the sale and multiply by 100. The weight of paper is determined by multiplying the number of rolls processed by the width of the rolls by 3.3. For an example, see section 3.1 (a) (2) (i).

(ii) *Ink charges.* The charge for ink shall not exceed $9.00 per hundredweight of finished waxed paper for 100 percent ink coverage. For ink coverage of less than 100 percent, the charge shall be the actual percentage of solid ink coverage multiplied by $9.00.

For example: The ink charge for 100 pounds of paper having 30% solid ink coverage is .30 x $9.00=$2.70.

(iii) *Engravings.* Engravings, modified etchings and art work may be charged at actual cost.

(3) *Differentials.* The differentials are the same as those under section 3.1 (a) (3).

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, for shipments to points outside Zone 1 shall be the prices established by paragraph (a) of this section plus the differentials established under section 3.1 (b).

ARTICLE IV—STANDARD GRADES OF UNPRINTED WAXED PAPER

SEC. 4.1. *Unprinted waxed paper*—(a) *Ceiling prices in Zone 1.* The ceiling prices for sales of the standard grades — wet, super-transparent, dry, and opaque—of unprinted waxed paper shipped to points in Zone 1 are on a delivered basis. To determine your ceiling prices, you compute the sum of the applicable base price and differentials set forth in the following subparagraphs (1) and (2).

(1) *Base prices for rolls 4 inches or more in width and 10 inches or more in diameter.* The following table establishes the base prices per hundredweight for the specified grades and basis weights:

(i) Wet waxed paper

Basis weights 24"×36"—500 Ct.		Base prices per hundredweight							
Raw	Waxed	Less than 100 pounds	100 to less than 300 pounds	300 to less than 1,000 pounds	1,000 to less than 2,000 pounds	2,000 to less than 10,000 pounds	10,000 to less than 20,000 pounds	20,000 to less than 40,000 pounds	40,000 pounds and over
3 pounds	21 pounds	$32.20	$24.85	$21.55	$20.55	$20.15	$19.80	$19.70	$19.60
5 pounds	26 pounds	31.30	23.95	20.65	19.65	19.25	18.90	18.80	18.70
2 pounds	33 pounds	31.05	23.70	20.40	19.40	19.00	18.65	18.55	18.45
5 pounds	37 pounds	30.80	23.45	20.15	19.15	18.75	18.40	18.30	18.20
0 pounds	42 pounds	30.55	23.20	19.90	18.90	18.50	18.15	18.05	17.95

(ii) Super-transparent paper

2 pounds	27 pounds	38.10	30.75	27.45	26.45	26.05	25.70	25.60	25.50
4 pounds	30 pounds	37.85	30.50	27.20	26.20	25.80	25.45	25.35	25.25

(iii) Dry waxed paper

1 pounds	25 pounds	31.80	24.45	21.15	20.15	19.75	19.40	19.30	19.20
4 pounds	30 pounds	31.55	24.20	20.90	19.90	19.50	19.15	19.05	18.95
0 pounds	35 pounds	31.30	23.95	20.65	19.65	19.25	18.90	18.80	18.70

(iv) Opaque paper

5 pounds	38½ pounds	32.35	25.09	21.70	20.70	20.30	19.95	19.85	19.75

In no event may the raw basis weight vary more than 5 percent, or the waxed basis weight vary more than 7½ percent, from those specified above.

(2) *Differentials*—(i) *Sheeting.*

00 square inches or more	$1.00 per cwt.
8 to less than 200 sq. inches	$1. 50 per cwt.
0 to less than 88 sq. inches	$2. 25 per cwt.
5 to less than 50 sq. inches	$3. 50 per cwt.
Exact machine trimming	$1. 20 per cwt.
Cutting corners	$0. 60 per corner.

(ii) *Smaller rolls.*

Less than 10 inches in diameter	$0. 50 per cwt.
Less than 4 inches in width	$0. 50 per cwt.

(iii) *Die cutting.* To determine the base price for die cutting you take a square sheet, one-half inch greater in dimensions than the diameter of the circle to be cut, and square the side of the sheet. Determine the weight per thousand sheets of the weight of paper to be cut and multiply by the price per pound to determine the base price per thousand sheets. The following differentials may be added to the base price thus established, for the sheet area concerned.

Sheet area:	Percentage of base price per M sheets (percent)
25 square inches or less	40
26 to 50 square inches	30
51 to 100 square inches	25
101 square inches and over	20

(iv) *Special packing and sealing.*

	Per hundredweight
Wooden cases and crates	$2.00
Framed bundles	.75
Skids	.75
Sheets wrapped and sealed:	
1,000 sheet packages	.35
500 sheet packages	.65
250 sheet packages	1.15
10 pound packages	.35
5 pound packages	.65
4 pound packages	.90
3 pound packages	1.40
2 pound packages	2.25
1 pound packages	3.00

Gross billing weight shall not include the weight of the wooden cases and crates, framed bundles, or skids.

(v) *Hard waxes.* The differentials shall be those which you had in effect for the same hard waxes during the period January 25, to February 24, 1951, inclusive.

(vi) *Shipments under 300 pounds.* If, at the request of the purchaser, you make a shipment in quantities less than 300 pounds, you may add the actual amount of the freight charges to the purchaser's plant, separately stating such charges.

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, for shipments to points outside Zone 1 shall be the prices established under paragraph (a) of this section plus the following differentials:

Point of delivery:	Per hundredweight
Zone 2	$0. 85
Zone 3	1. 75
Zones 4 and 5	2. 10

ARTICLE V—INTERFOLDED WAXED OR GREASEPROOF PAPERS

SEC. 5.1. *Manufacturers' ceiling prices.* The prices established by this section apply only to manufacturers and are not applicable to sales by wholesalers or dealers who purchase from the manufacturer for independent resale.

(a) *Ceiling prices in Zone 1.* The ceiling prices for sales by manufacturers of interfolded waxed or greaseproof papers shipped to points in Zone 1 on a delivered basis are as follows:

(1) *25 lb. greaseproof, or 21 lbs. raw stock waxed to 24 lbs.*

Dimensions:	Price per thousand sheets
6 x 10¾ inches	$0. 96
8 x 10¾ inches	1. 20
10 x 10¾ inches	1. 49
12 x 10¾ inches	1. 73
15 x 10¾ inches	2. 12

(2) *10 lbs. raw stock waxed to 13½ lbs.*

Dimensions:	Price per thousand sheets
6x10¾ inches	$0. 64
8x10¾ inches	.80
10x10¾ inches	.98
12x10¾ inches	1. 15
15x10¾ inches	1. 42

(3) *Raw basis weight.* In no event may the raw basis weight vary by more than 5 percent, or the waxed basis weight vary by more than 7½ percent from those stated in subparagraphs (1) and (2) above.

(b) *Ceiling prices outside Zone 1.* The ceiling prices, delivered, for shipments to points outside Zone 1 shall be the prices established under paragraph (a) of this section plus the following differentials:

Point of delivery:	Per hundredweight
Zone 2	$0.85
Zone 3	1. 75
Zones 4 and 5	2. 10

ARTICLE VI—CUTTERBOX (HOUSEHOLD) WAXED ROLLS

SEC. 6.1. *Manufacturers' ceiling prices.* The ceiling prices established by this section apply only to manufacturers and are not applicable to sales by wholesalers or dealers who purchase from the manufacturer for independent resale. To determine your ceiling prices for cutterbox (household) waxed rolls, you compute the sum of the base price and the applicable differential. If no differential is applicable, the base price is your ceiling price.

(a) *Base prices*—(1) *17 lb. super-calendered sulphite paper double waxed to 21 lb. having a roll width of 12 inches and a roll length of 125 ft.*

Per case of 48 rolls in carload quantities	Ceiling price
	$10. 45

In no event may the raw basis weight vary more than 5 percent, or the waxed basis weight vary by more than 7½ percent from the specified weights.

(2) *Other cutterbox (household) waxed rolls.* For cutterbox waxed rolls other than those as described in subparagraph (1) above, your base price per case in carload quantities shall be a price having the same percentage relationship to $10.45 as existed between your price per case in carload quantities during the period January 25, to February 24, 1951, inclusive, and $9.60 per case of 48 rolls.

For example: Your price per case in the said period was $8.50. Divide $8.50 by $9.60. The result is 0.885 or 88½ percent. Multiply $10.45 by 0.885 and the result of $9.25 is your base price per case sold in carload quantities.

(b) *Differentials*—(1) *Less than carload quantities.* For shipments of less than carload quantities you may add to the base prices established in paragraph (a) of this section differentials no greater than those you had in effect in the period January 25, to February 24, 1951, inclusive.

(2) *Sales on other than a national delivered basis.* For sales on other than a national delivered basis, the ceiling prices established by this section shall

be adjusted to reflect the freight practices which you had in effect during the period January 25, to February 24, 1951, inclusive.

ARTICLE VII—MISCELLAEOUS WAXED PAPERS

SEC. 7.1. *Manufacturers' ceiling prices for miscellaneous waxed papers.* (a) A manufacturer's ceiling price for any given amount of miscellaneous waxed papers which cannot be priced under Article II through VI, shall not exceed the sum of the following factors calculated for the amount of the product being priced.

(1) *Raw material factor.* The raw material factor shall be the delivered price at which the raw materials are acquired by a converting plant, or the transfer price of an integrated mill to its converting plant, neither of which shall in any event exceed the ceiling prices established for such raw materials by the Office of Price Stabilization. In computing such transfer price, the manufacturer shall use the same method, classifications, and differentials, as were used by such manufacturer in computing such transfer price during the period January 25 to February 24, 1951, inclusive, excepting that such manufacturer may change such method, classifications and differentials, if a lower price results from such change. If, during the period from January 25 to February 24, 1951, inclusive, the manufacturer adopted or employed the practice of averaging or otherwise computing his raw material costs, he shall continue such practice in the same manner. The manufacturer shall continue to add the same percentage charge for waste in estimating prices and apply credits received from the sale or other disposition of waste material in the same manner in which such credits or charges were applied during the period from January 25 to February 24, 1951, inclusive.

(2) *Conversion factor.* Charges for hand or machine operations, or both, incident to the fabrication, assembly, marking or packing of commodities of the same general class shall not be computed in excess of the same hourly, piece, and setting up rates and shall be based on the same standards of production as were in effect from January 25 to February 24, 1951, inclusive, and which were used in normally determining the selling prices of commodities and services contracted to be sold at a definite price during such period.

(i) The same method or principle for applying conversion charges shall be employed that was employed during the period from January 25 to February 24, 1951, inclusive, so that direct or indirect conversion charges shall be computed in the manner customarily employed during the period January 25 to February 24, 1951, inclusive. Charges for a different type of conversion (e. g. hand rather than machine operations) shall not be substituted for customary conversion charges as a means of increasing the price of the product.

(3) *Margin factor.* The margin factor is the difference between the manufacturer's selling price f. o. b. shipping point and the sum of his raw material and conversion factors as applied to commodities contracted to be sold during the period January 25 to February 24, 1951, inclusive, hereafter referred to as the base period. The margin shall be figured on a percentage basis, rate per unit of material basis, or be included in the machine hour rate, or any combination thereof.

You shall continue to figure your margins by the same accounting and costing practices used by you during the base period, or you may change such practices provided a higher price does not result than that which would have resulted by the use of your base period practices. However, in no event shall your percentage or rate of margin exceed the following limitations.

(i) Where the commodity to be priced had been contracted to be sold to the same or similar purchaser during the base period, the margin shall not exceed the margin employed in pricing the same commodity contracted to be sold to the same or similar purchaser during the base period. A "similar purchaser" is the one most closely resembling the prospective purchaser from the standpoint of quantity, credit classification and location.

(ii) Where the commodity had not been contracted to be sold to the same or similar purchaser during the base period, the margin shall not exceed the margin employed in pricing the most comparable commodity contracted to be sold to the same or similar purchaser during the base period.

(iii) The manufacturer shall continue to use his customary discounts, allowances or other price differentials in effect during the base period.

(4) *Delivery factor.* You shall continue to sell on a delivered price basis to such purchasers, zones, or areas, to which you customarily made shipments on a delivered price basis during the base period.

(i) In the case of shipments to points within a free delivery zone or area within which no charge for delivery was added or would have been added by you during the base period, you shall not add to the ceiling prices as established by your raw material, conversion, and margin factors, any charge for delivery.

(ii) In the case of shipments to points or purchasers, other than those mentioned in the preceding subdivision, for which you customarily added a charge for delivery during the base period, you may add to the ceiling prices established pursuant to the provisions of this section, your customary and established delivery charge: *Provided, however,* That in no instance may the amount of your delivery charge so added exceed the highest charge for delivery actually obtained or which would have been obtained for an identical shipment to the same or similar purchaser, zone or area during the base period, by the means of transportation customarily employed for shipments to such purchasers, zones or areas during such period.

SEC. 7.2. *Manufacturers who cannot price under other sections.* (a) If a manufacturer claims that he is unable to determine his ceiling price for a commodity under any other section of this regulation, he may apply in writing to the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. His application shall contain:

(1) A sample of the commodity to be priced, or an equivalent description.

(2) The reason why such commodity cannot be priced under another section of this regulation.

(3) The proposed ceiling price and an explanation of the method by which the proposed ceiling price was determined.

(4) An itemized statement of the cost of producing the unit being priced including, but not limited to, such detail as is shown in the pricing sections of this regulation.

After your application has been filed you may sell the commodity at the proposed ceiling price unless you receive notice to the contrary from the Director of Price Stabilization. However you shall refund any monies paid in excess of the ceiling price as approved or adjusted by the Director of Price Stabilization and a notation to that effect shall be made on all quotations, orders and invoices of the commodity concerned until it is approved or deemed to be approved. If within 15 days from the filing of the application you have not received notice from the Director approving, disapproving, or modifying the proposed ceiling price, requesting additional information, or extending for cause the time within which to do any of the foregoing, such application may be deemed to have been approved, subject to non-retroactive disapproval or modification at any later time by the Director.

Effective date. This regulation shall become effective March 24, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 19, 1952.

[F. R. Doc. 52-3310; Filed, Mar. 19, 1952; 2:55 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 1 to Area Milk Price Regulation 1]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 1—NEW YORK METROPOLITAN MILK MARKETING AREA, NEW YORK

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Area Milk Price Regulation 1, of Region 2, District 1, (16 F. R. 11077) to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 955)

is hereby issued. Delegation of Authority No. 41 (16 F. R. 12679) and re-delegation of Authority No. 18 (16 F. R. 12913).

STATEMENT OF CONSIDERATIONS

Area Milk Price Regulation 1, issued pursuant to Supplementary Regulation 63 of the General Ceiling Price Regulation on October 29, 1951, effective November 1, 1951, established specific dollar and cents ceiling prices for products of fluid milk, based upon the New York Milk Market Administrator's November price for Class I–A milk of $6.00 per hundredweight.

In the New York Metropolitan Milk Marketing Area, prices for products of Class I–A milk are based upon the prices at the producer level established and announced by the New York Milk Market Administrator. Similarly, the price of cream is linked to the price of Class II milk at the producer level and the price of cheese is linked to the price of skim milk as announced by the New York Milk Market Administrator.

The fluctuation of prices of Class I–A milk and Class II milk does not always follow the same direction and ratio. The price of Class I–A milk is determined by a formula set up by the New York Milk Market Administrator, while the price of Class II milk is determined by the wholesale price of 92 score butter at New York, pursuant to section 927–46 (a) (4) of Federal Marketing Order No. 27.

The prices of cheese and related products are based on the price of skim milk as announced by the New York Milk Market Administrator on the 5th day of each month.

This amendment establishes a dollar and cents ceiling price for cream and cheese products based on the respective prices set by the New York Milk Market Administrator for Class II milk and skim milk, taking into consideration the base period, the material cost adjustment and labor adjustment as outlined in the criteria set forth in SR 63 to GCPR.

Further, this amendment also provides a clarification of the meaning of the term "differential" as a percentage differential by substituting the term "percentage differential" in lieu of "differential."

All of the prices enumerated in this amendment have been issued after careful and intensive consideration of all data found to be representative of the operation of all segments of the milk industry in this marketing area.

Every effort has been made to conform this amendment to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in business practices, or methods, such provisions are found by the District Director of this Office of Price Stabilizaiton to be necessary to prevent circumvention or evasion of this regulation.

In formulating this amendment, the District Director of this Office of Price Stabilization has consulted extensively with representatives of the industry to the extent practicable, and has given consideration to industry's recommendations.

In the most recent meeting between representatives of OPS and industry representatives, the industry's representatives urged that the matter be handled as speedily as possible consistent with the normal operating procedure of OPS, and if possible, to dispense with consultation with the milk advisory committee. It was the contention of industry's representatives that each day of delay was causing the industry added financial loss.

It is contemplated that this amendment will be temporary, pending a more detailed study of all the factors entering into the pricing of milk in the New York Metropolitan Area and that eventually the Director will issue a more completely tailored regulation for fluid milk for consumption pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation.

In the judgment of the District Director of the Office of Price Stabilization this amendment is generally fair and equitable and will effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Area Milk Price Regulation 1 of Region 2, District 1, of Supplementary Regulation 63 to the General Ceiling Price Regulation is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. *Sellers and Sales covered by this regulation.* This regulation covers sales of milk products processed from Class 1–A milk, milk products processed from Class II milk and milk products processed from skim milk as defined in Federal Milk Marketing Order No. 27, as amended, by processors and distributors. A processor is any person who pasteurizes, blends, treats, compounds, manufactures, or packages milk products for fluid consumption. A processor may also be a distributor. A distributor is a person who buys packaged milk products in the same form in which he sells them and, for the purposes of this supplementary regulation, excludes the operator of a retail store.

2. Section 3 is amended to read as follows:

SEC. 3. *The specific producer price upon which the prices of Class 1–A milk products are based.* The specific producer price for raw milk upon which the prices of milk products processed from Class 1–A milk as defined Federal Milk Marketing Order No. 27, as amended, are based is $6.00 per hundredweight for milk containing 3.5 percent butterfat and delivered to country plants in an area extending not more than 201–210 miles from New York City. The specific price of raw milk to producers in any month to which price ceilings will be adjusted pursuant to section 8 of SR 63 will be the Class 1–A price announced by the Market Administrator for such month for milk containing 3.5 percent butterfat and received at country plants in an area extending not more than 201–210 miles from New York City. Fractions of a cent in prices so obtained will be rounded as follows:

Increase or decrease in producer price (cents per quart)	*Increase or decrease in ceiling price (cents per quart)*
0.0–0.250	0
0.251–0.750	½
0.751 and over	1

3. The head note to section 4 and the first sentence thereunder are amended to read as follows:

SEC. 4. *Dollar and cents ceiling prices for Class 1–A milk products.* The specific ceiling established under this regulation for Class 1–A milk products are those set forth in the following subparagraphs of this section:

4. A new section 4a is added to read as follows:

SEC. 4a. *The specific producer price upon which the prices of Class II milk products are based.* The specific producer price of Class II milk upon which the prices are based for products processed from Class II milk is $4.05 per hundredweight for milk containing 3.5 percent butterfat and delivered to country plants in an area extending not more than 201–210 miles from New York City. The specific price of milk Class II to producers in any month to which price ceilings will be adjusted pursuant to section 8 of SR 63 will be the Class II, Preliminary Calculated Price announced by the Market Administrator for such month for milk containing 3.5 percent butterfat and received at country plants in an area extending not more than 201–210 miles from New York City. Fractions of a cent in prices so obtained will be rounded as follows:

Increase or decrease in producer price (cents per ½ pint)	*Increase or decrease in ceiling price (cents per ½ pint)*
0.0–0.250	0
0.251–0.750	½
0.751 and over	1

5. A new section 4b is added to read as follows:

SEC. 4b. *Dollar-and-cents ceiling prices for Class II Milk Products.* The specific ceiling prices established under this regulation for Class II Milk Products are those set forth in the following paragraphs:

(a) Dollar-and-cents ceiling prices for cream sold to stores, restaurants, and other wholesale outlets, except Class C distributors, as defined in subparagraph (c) of this section.

Type of cream	Type of container	Size of container (pint)	Price per unit (unless otherwise specified) (cents)
Heavy (36 percent butterfat).	Paper or glass	½	31.5
Light (sweet) (18 percent butterfat).	do	½	17.5
Light (sour)	do	½	18.0

(b) Dollar-and-cents ceiling prices for cream sold at retail to consumers at their homes.

Type of cream	Type of container	Size of container (pint)	Price per unit (unless otherwise specified) (cents)
Heavy (36 percent butterfat).	Paper or glass	½	39.0
Light (sweet) (18 percent butterfat).	do	½	25.5
Ligbt (sour)	do	½	20.0

(c) Dollar-and-cents ceiling prices for cream sold to Class C distributors (i. e. distributors who operate one delivery route, buy cream in the container in which they sell it, and operate no plant).

Type of cream	Type of container	Size of container (pint)	Price per unit (cents)
Heavy (36 percent butterfat).	Paper or glass	½	29.5
Light (sweet) (18 percent butterfat).	do	½	17.5
Light (sour)	do	½	17.0

(d) In all sales of items of milk products as defined in section 11 (e) of SR 63 which are processed from Class II milk and which are not listed in this section, the differentials that you applied to all your sales during the GCPR base period (December 19, 1950, to January 25, 1951, inclusive) between these items and the applicable listed items must be maintained for all classes of purchasers as well as for purchasers of the same class. Ceiling prices for grades of cream, container types and container sizes which are not specified in paragraphs (a) (b) and (c) of this section, shall be the price for ½ pint Heavy cream in paper containers sold to stores as set forth in paragraph (a) of this section plus or minus the differential between the list price per unit for such unspecified item sold by a processor or distributor during GCPR base period, and the list price for ½ pint of Heavy cream in paper container sold by him to stores during the GCPR period. In the event that the distributor or processor did not sell ½ pint Heavy cream in paper container to stores in the GCPR base period the ceiling price shall be based on the price for ½ pint light sweet cream in paper sold by such processor or distributor in that period and sales used shall be those to stores unless the distributor or processor sold only to homes in which event sales to homes shall be used.

6. A new section 4c is added to read as follows:

SEC. 4c. *Specific producer price on which the prices of products of skim milk are based.* The specific producer price for skim milk upon which the prices of products processed from skim milk are based is 67.4 cents, the value of skim milk per 100 pounds of whole milk of 3.5 percent butterfat and is determined by the difference between the Preliminary Calculation of Class II milk announced by the Milk Market Administrator on the 25th day of January 1952 and the Final Price also announced by the Milk Market Administrator on the 5th day of February 1952. For example, the skim price finally announced on February 5, 1952, will govern the March price. The price for skim milk announced on February 5, effective for March is 67.4 cents per 91.25 pounds of skim milk.

The specific price of skim milk to producers in any month to which ceilings will be adjusted pursuant to section 8 of SR 63 will be the price of skim milk announced by the Milk Market Administrator on the 5th day of the preceding month for such skim milk received at country plants in an area extending not more than 201–210 miles from New York City. Fractions will be rounded as follows:

Increase or decrease in producer price (cents per 8-oz. cup)	*Increase or decrease in ceiling price (cents per 8-oz. cup)*
0.0–0.250	0
0.251–0.750	½
0.751 and over	1

7. A new section 4d is added to read as follows:

SEC. 4d. *Dollar-and-cents ceiling prices for products processed from skim milk.* The specific ceiling prices established under this regulation for products processed from skim milk are those set forth in the following paragraphs:

(a) Dollar-and-cents ceiling prices for cottage cheese sold to stores, restaurants, and other wholesale outlets, except Class C distributors, as defined in paragraph (c) of this section.

Type of cheese	Type of container	Size of container (ounces)	Price per unit (unless otherwise specified) (cents)
Creamed (4 percent and over butterfat).	Cup	8	14.5

(b) Dollar-and-cents ceiling prices for cottage cheese sold at retail to consumers at their homes.

Type of cheese	Type of container	Size of container (ounces)	Price per unit (unless otherwise specified) (cents)
Creamed (4 percent and over butterfat).	Cup	8	19.5

(c) Dollar-and-cents ceiling prices for cottage cheese sold to Class C distributors (i. e., distributors who operate one cheese delivery route, buy cheese in the container in which they sell it, and operate no plant).

Type of cheese	Type of container	Size of container (ounces)	Price per unit (unless otherwise specified) (cents)
Creamed (4 percent and over butterfat).	Cup	8	15.5

(d) In all sales of items of milk products as defined in section 11 (e) of SR 63 which are processed from skim milk and which are not listed in this section, the differentials that you applied to all your sales during the GCPR base period (December 19, 1950, to January 25, 1951 inclusive) between these items and the applicable listed items must be maintained for all classes of purchasers as well as for purchasers of the same class. Ceiling prices for cheese products, container types and container sizes which are not specified in paragraphs (a) (b) and (c) of this section shall be the price for 8 oz. creamed cottage cheese in paper cups sold to stores as set forth in paragraph (a) of this section plus or minus the differential between the list price per item for such unspecified unit sold by a processor or distributor during the GCPR base period and the list price for 8 oz. creamed cottage cheese in paper cups sold by him to stores during the GCPR period. In the event that you did not sell 8 oz. creamed cottage cheese in paper cups in the GCPR base period, you must apply under section 15, as amended, for your new ceiling prices.

8. The headnote to section 15 and the first sentence of paragraph (a) thereof are amended to read as follows:

SEC. 15. *Application to OPS if ceiling price cannot be determined under sections 4, 4.b, or 4.d existing business; new business; new products.* (a) If you cannot determine a ceiling price under sections 4, 4.b or 4.d of this regulation, your ceiling price for the sale of any milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same milk product by your most closely competitive seller (as defined in GCPR, section 22) of the same class to the same class of purchaser.

9. Sections 17 (b) is amended to read as follows:

(b) "Differential". This term as applied in this regulation means the percentage difference between prices charged by a seller for various milk products for fluid consumption.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective the 17th day of March 1952.

JOACHIM A. TITOLO,
Acting District Director,
New York District Office.

MARCH 17, 1952.

[F. R. Doc. 52-3221; Filed, Mar. 17, 1952; 11:31 a. m.]

[Ceiling Price Regulation 14, Amdt. 12]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

ZONE DIFFERENTIALS AND FREIGHT CHARGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 12 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment affects only those wholesalers who, during January, 1951 customarily sold goods on a delivered basis in different zones, or customarily sold f. o. b. their warehouses for delivery to zones or delivery points outside their base zones and added a freight charge.

Under section 23 (a) and (b) of this regulation these wholesalers were allowed to continue adding the same zone differentials or freight charges to their ceiling prices. Since January, 1951, there have been authorized rail freight rate increases of up to 6 cents per hundred pounds. In addition, motor carrier rates have been increased up to 6 percent. The absorption of these freight rate increases has imposed an increasing burden upon these wholesalers which was not intended by this regulation. This amendment now allows the wholesalers involved to add to their zone differentials or freight charges, authorized increases in freight costs.

In the formulation of this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, and has given consideration to their recommendations. This included consultation with the Industry Advisory Committee.

AMENDATORY PROVISIONS

Ceiling Price Regulation 14 is amended in the following respects:

1. Section 23 (a) (1) is amended by inserting the following after the first sentence: "You may increase the zone differentials if the common carrier freight rates for your zones have been actually raised since January 31, 1951, pursuant to an order of any local, State or federal regulatory agency. If the rate has been increased by a percentage figure you may increase your zone differentials as follows: Multiply each zone differential by the percentage figure and add the resulting amount to the zone differential. If the rate has been increased by a dollar-and-cents amount you may increase your zone differentials by the same dollar-and-cents amount. If you do not deliver by common carrier you may increase your zone differential by the same amount that you would be entitled to add if you delivered by common carrier trucks."

2. Section 23 (a) (3) is amended by adding the following sentence: "Before changing any zone differentials you previously reported, you must report in writing to the Distribution Branch, Food and Restaurant Division, Office of Price Stabilization, Washington, D. C., your new zone differentials and the basis on which they were computed."

3. Section 23 (b) is amended to read as follows:

(b) *Additions by certain wholesalers making f. o. b. sales.* If you are a service wholesaler or an institutional wholesaler who, during January 1951 customarily sold f. o. b. your warehouse for delivery to zones or delivery points outside of your base zones, and

(1) If you added a freight charge when making these sales or included a freight charge in figuring your ceiling prices you may add to your ceiling price for each item the same charge. If you customarily added a freight charge to the total value of the invoice you must now apportion that charge to each item according to weight. You may, however in either case increase your freight charge if the common carrier freight rates for your zones or delivery points have been actually raised since January 31, 1951, pursuant to an order of any local, State or federal regulatory agency. To determine the amount of the increase use the methods for increasing zone differentials described in paragraph (a) (1) of this section. The resulting figure will be your ceiling price for the item when sold to zones or delivery points outside of your base zone.

(2) If your customer paid the freight bill you may make such sales at your ceiling price, the freight bill to be paid by the purchaser.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on March 25, 1952.

NOTE: The record-keeping and reporting requirements of this Amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3338; Filed, Mar. 20, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

[General Wage Procedural Regulation, Amdt. 2]

COMPLAINT AND NOTICE OF HEARING

WAIVER BY WRITTEN STIPULATION FOR ENTRY OF CONSENT DISALLOWANCE

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong.); Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), the General Wage Procedural Regulation (16 F. R. 10018) as amended, is hereby further amended by adding at the end of section 5.3 thereof, a new paragraph (j) as follows:

(j) In any case, complaint and notice of hearing, or hearing, may be waived by a written Stipulation for Entry of Consent Disallowance, signed by the parties, which sets forth a statement of the alleged violation, the amount of disallowance, and such facts as are pertinent.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Unanimously adopted by the Wage Stabilization Board on February 6, 1952.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 52-3271; Filed, Mar. 20, 1952; 8:49 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 33 to Schedule A]

[Rent Regulation 2, Amdt. 31 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA, COLORADO, ILLINOIS, MICHIGAN, AND TEXAS

Effective March 21, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 40a, is amended to describe the counties in the defense-rental area as follows:

Ventura County, except the cities of San Buenaventura and Santa Paula, and all unincorporated localities.

This decontrols the City of Santa Paula in Ventura County, California, a portion of the Ventura, California, Defense-Rental Area.

2. Schedule A, Item 42, is amended to describe the counties in the defense-rental area as follows:

El Paso County, except the Town of Green Mountain Falls.

This decontrols the Town of Green Mountain Falls in El Paso County, Colorado, a portion of the Colorado Springs, Colorado, Defense-Rental Area.

3. Schedule A, Item 44a, is amended to read as follows:

(44a) [Revoked and decontrolled.]

This decontrols the City of Grand Junction in Mesa County, Colorado, a portion of the Grand Junction, Colorado, Defense-Rental Area, based on a reso-

lution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and the remainder of the said Defense-Rental Area on the initiative of the Director of Rent Stabilization under section 204 (c) of said act.

4. Schedule A, Item 83, is amended to describe the counties in the defense-rental area as follows:

Cook County, except the Cities of Berwyn, Blue Island, Calumet City, Chicago Heights, Des Plaines, Harvey, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Arlington Heights, Bartlett, Brookfield, Burnham, Calumet Park, Dolton, East Hazelcrest, Flossmoor, Franklin Park, Glencoe, Glenview, Hazelcrest, Homewood, Kenilworth, La Grange, La Grange Park, Lansing, Lyons, Markham, Matteson, Mt. Prospect, Northfield, Oak Forest, Orland Park, Palatine, Phoenix, Riverdale, River Forest, Riverside, South Holland, Thornton, Tinley Park, Westchester, Western Springs, Wheeling, Wilmette, Winnetka, and those portions of the Villages of Barrington, Hinsdale and Steger located therein; Du Page County, except the Cities of Elmhurst, Naperville, West Chicago and Wheaton, and the Villages of Bensenville, Glen Ellyn, Itasca, Roselle, Villa Park and Winfield, and that portion of the Village of Hinsdale located therein; Kane County, except that portion of the City of Elgin located therein, the Cities of Batavia, Geneva and St. Charles, and the Villages of East Dundee, Hampshire, South Elgin and West Dundee; and Lake County, except the City of Lake Forest, the Villages of Deerfield and Grayslake, and that portion of the Village of Barrington located therein.

This decontrols the Village of Thornton in Cook County, Illinois, a portion of the Chicago, Illinois, Defense-Rental Area.

5. Schedule A, Item 92, is amended to describe the counties in the defense-rental area as follows:

Boone County, except the Villages of Capron and Poplar Grove, and all unincorporated localities; and Winnebago County, except the Cities of Loves Park, Rockford and South Beloit, the Villages of Cherry Valley, Pecatonica, and Rockton, and all unincorporated localities.

De Kalb County, except all unincorporated localities.

This decontrols the Village of Poplar Grove in Boone County, Illinois, a portion of the Rockford, Illinois, Defense-Rental Area.

6. Schedule A, Item 149, is amended to describe the counties in the defense-rental area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Farmington, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Pontiac, Rose, Springfield, Troy, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Berkley, Birmingham, Bloomfield Hills, Clawson, Farmington, Ferndale, Hazel Park, Pleasant Ridge, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Belleville, Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Lincoln Park, Melvindale and Plymouth, (ii) the Villages of Allen Park, Flat Rock, Grosse Pointe Shores, Inkster, Rockwood, Trenton and Wayne, (iii) that portion of the Village of Northville located in Wayne County, and (iv) the Townships of Brownstown, Canton, Ecorse, Grosse Ile, Huron, Nankin, Northville, Romulus, Sumpter, Taylor and Van Buren; and Macomb County, except the Cities of East Detroit and Mount Clemens, the Villages of Fraser and Roseville, and the Townships of Armada, Bruce, Harrison, Lenox, Macomb, Ray, Richmond, Shelby, Sterling, and Washington.

This decontrols the Village of Rockwood and the Township of Huron in Wayne County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

7. Schedule A, Item 152, is amended to describe the counties in the defense-rental area as follows:

Calhoun County, except the City of Battle Creek and the Townships of Battle Creek and Bedford.

This decontrols the Township of Bedford in Calhoun County, Michigan, a portion of the Kalamazoo-Battle Creek, Michigan, Defense-Rental Area.

8. Schedule A, Item 309, is amended to describe the counties in the defense-rental area as follows:

In Kleberg County, Precincts 1, 2, and 3; and in Nueces County, Precincts 3, 4, 5, and 8.

This decontrols: (a) The Cities of Alice and Premont in Jim Wells County, Texas, portions of the Kingsville, Texas, Defense-Rental Area, based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; and (b) the remainder of said county which was under federal rent control immediately prior to the effective date of this amendment, on the initiative of the Director of Rent Stabilization under section 204 (c) of said act.

All decontrols effected by these amendments, except those in Items 3 and 8 thereof, are based entirely on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-3273; Filed, Mar. 20, 1952; 8:50 a. m.]

[Rent Regulation 3, Amdt. 49 to Schedule A]

RR 3—HOTELS

SCHEDULE A—DEFENSE-RENTAL AREAS

COLORADO AND TEXAS

Effective March 21, 1952, Rent Regulation 3 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 42, is amended to describe the counties in the defense-rental area as follows:

El Paso County except the Town of Green Mountain Falls.

This decontrols the Town of Green Mountain Falls in El Paso County, Colorado, a portion of the Colorado Springs, Colorado, Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 309, is amended to describe the counties in the defense-rental area as follows:

In Kleberg County, Precincts 1, 2, and 3; and in Nueces County, Precincts 3, 4, 5, and 8.

This decontrols: (a) The Cities of Alice and Premont in Jim Wells County, Texas, portions of the Kingsville, Texas, Defense-Rental Area, based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; and (b) the remainder of said county which was under federal rent control immediately prior to the effective date of this amendment, on the initiative of the Director of Rent Stabilization under section 204 (c) of said act.

[F. R. Doc. 52-3272; Filed, Mar. 20, 1952; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

NOTICE OF PROPOSED RULE MAKING

On January 3, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 89) regarding a proposed amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States specifications for classes, standards, and grades with respect thereto (7 CFR Part 70), pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 USC 1621, et seq.) and the Department of Agriculture Appropriation Act 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951). Sufficient time was allowed for the submission of written data, views, and arguments and the allowable time therefore has expired.

On the basis of the date, views, and arguments which have been presented with respect to the proposed amendment additional rule making is deemed advisable. The proposals set forth herein are modifications therefore of some of the aforesaid proposals previously published under rule making (17 F. R. 89) and include minor changes in some of the provisions of the sanitary requirements as well as in the classes, standards, and grades of poultry in order to cooperate with the plan for greater coordination of the procurement programs of the Armed Forces and other Governmental agencies.

The proposals hereinafter set forth are, in part, modifications of the previously published proposals and both proposals should be considered together as a proposed amendment to the aforesaid regulations and all interested persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in triplicate with the Chief of the Marketing Services Division, Production and Marketing Administration, United States Department of Agriculture, Room 2099 South Building, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

1. Delete the term "Specifications" as used in the title of the part, and wherever it is presently used with respect to the classes, standards, and grades of poultry.

2. Revise paragraph (kk) in § 70.1 *Definitions,* to read as follows:

(kk) "Ready-to-cook poultry" means any dressed poultry from which the protruding pinfeathers, vestigial feathers (hair or down as the case may be) head, shanks, crop, oil gland, trachea, esophagus, entrails, reproductive organs and lungs have been removed and, with or without the giblets, is ready-to-cook without need of further processing; including any cut-up or disjointed portion of such poultry.

3. Add a new paragraph (rr) in § 70.1 *Definitions,* as follows:

(rr) "Free from protruding pinfeathers" means that the carcass is void of protruding pinfeathers which are visible to an inspector or grader during an examination of the carcass at normal operating speeds. However, a carcass may be considered as being free of protruding pinfeathers if it has a generally clean appearance and has not more than an occasional pinfeather in evidence (other than on the breast) during a more careful examination of the carcass.

4. Revise paragraph (e) in § 70.4 *Basis of service,* to read as follows:

(e) *Dressed poultry to be eligible for grading or inspection service shall have been processed in official plants.* Except as otherwise provided herein, only dressed poultry which was processed in an official plant in accordance with the regulations in this part, and dressed poultry which was processed in Canadian registered poultry dressing stations operated in accordance with such methods and procedures as are acceptable to the Administrator, may be graded or inspected in an official plant. Squabs and domesticated game birds (including, but not being limited to, quail, grouse, pheasants, and wild ducks and geese) which were not dressed in an official plant may be brought into an official plant for grading or inspection. In order to facilitate distribution thereof, dressed poultry from other than official plants may be brought into an official plant only in instances where the Administration can determine that such dressed poultry will be adequately segregated and its form and identity maintained until it is shipped from the official plant.

5. Add a new paragraph (h) in § 70.4 *Basis of service,* to read as follows:

(h) *Examination of ready-to-cook poultry which was not processed in official plants.* When approved by the Administrator, ready-to-cook poultry which was not processed in an official plant may be examined by a grader or inspector at terminal markets and other receiving points to determine (1) the type and condition of the containers of such poultry, (2) whether or not such poultry is in a frozen or fresh state, (3) the extent of visible damage in instances where the product has been subjected to rough and improper handling, and (4) the class and quantity of the product involved. Such poultry shall not be officially identified as a graded or inspected product.

6. Revise the provisions of paragraph (b) (1) in § 70.11 *Identifying and marking products,* to read as follows:

(1) Only ready-to-cook poultry of A, B, or C quality and dressed poultry of A or B quality may be individually identified with a grade mark. However, after June 30, 1953, only ready-to-cook poultry may be so identified.

7. Revise paragraph (c) and add a new paragraph (d) in § 70.12 *Supervision of marking and packaging,* to read as follows:

(c) *Removal of official identification.* Official plants which receive dressed poultry or ready-to-cook poultry in containers which bear any official identification shall remove or deface such official identification upon removal of such poultry from the containers.

(d) *Packaging.* No container which bears or may bear an inspection mark or any abbreviation or copy or representation thereof may be filled in whole or in part except with edible products which were inspected and certified and are at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector or grader.

8. Revise paragraph (b) in § 70.33 *Dressed poultry and ready-to-cook poultry,* to read as follows:

(b) *At terminal markets and other receiving points.* Grading service performed with respect to dressed poultry or ready-to-cook poultry at terminal markets or other receiving points may be on a representative sample basis. Only such dressed poultry which was processed in an official plant may be identified with a grade mark. Except as otherwise provided for in institutional contract specifications pursuant to § 70.4 (b) only ready-to-cook poultry which was inspected and certified and is marked with the inspection mark or in accordance with the provisions of § 70.12 (b) (2) may be graded. The grade mark shall not be applied to uninspected ready-to-cook poultry.

9. Revise paragraph (m) (7) in § 70.39 *Minimum standards for sanitation, facilities, and operating procedures in official plants,* to read as follows:

(7) Chilling vats or tanks shall be emptied and rinsed after each use. They shall be thoroughly cleaned once daily and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be approved or prescribed by the Administrator.

10. Revise paragraph (m) (8) *Thawing,* in § 70.39 to read as follows:

(8) *Thawing.* When frozen poultry is to be defrosted in water, adequate facilities (tanks, vats, or racks) shall be provided, including continuously running tap water of sufficient volume for thawing such poultry. Such poultry shall not be thawed in still water and the thawing tanks shall be emptied and rinsed after each use. The tanks shall be thoroughly cleaned once daily and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be prescribed or approved by the Administrator. If water is heated it shall not be heated above 70° F. Thawing tanks shall be equipped with properly installed overflow pipes to discharge over a floor drain or a valley drain. Where mechanical devices are not used for removing thawed carcasses from thawing tanks, the tanks shall be of a size as will enable employees to remove poultry without getting inside the tanks.

11. Revise paragraph (n) (4) in § 70.39 to read as follows:

(4) In finishing and cleaning dressed poultry, the carcass shall be singed, feed shall be removed from the crop, and the fecal material in the cloaca shall be removed by venting, and such operations shall be completed prior to or during the final washing but prior to chilling and packaging of such dressed poultry. Notwithstanding the foregoing, dressed poultry which is to be eviscerated in an official plant within 72 hours from time of slaughter may, when approved by the Administration, be transferred by conveyor or operational type container to such official plant prior to removal of the feed in the crop.

12. Add a new subparagraph (14) in paragraph (n) of § 70.39, to read as follows:

(14) Containers to be used for packaging dressed poultry and ready-to-cook poultry shall be clean, free from objectionable substances or odors and of sufficient strength and durability to adequately protect the product during normal distribution.

13. Revise subparagraph (1) and (2) in paragraph (o) of § 70.39, to read as follows:

(o) *Temperatures and procedures which are necessary for cooling and freezing poultry shall be in accordance with sound operating practices which insure the prompt removal of the animal heat and as will maximize the preservation of the quality and condition of the poultry.* (1) All dressed poultry and

ready-to-cook poultry that is prepared in the official plant shall be cooled immediately after processing. Such poultry shall be cooled to an internal temperature of 40° F. or less, within 24 hours from the time of slaughter. If such poultry is to be shipped from the plant in packaged form, the poultry shall be cooled to and maintained at a temperature of 40° F. or less, prior to shipment from the plant, with the exception of such poultry shipped to and placed in a freezer promptly.

(2) *Ice chilling.* (i) Only ice manufactured or produced from potable water may be used for ice chilling. The ice shall be handled and stored in a sanitary manner. If of block-type, the ice shall be washed by spraying with clean water before crushing. Metal ice crushers shall be washed at least once daily.

(ii) Enough clean crushed ice shall be used to maintain a temperature in vats or tanks under 40° F. at all times during chilling. Dressed poultry carcasses weighing less than 8 pounds should be chilled to 40° F. or below in less than 4 hours whereas carcasses weighing more than 8 pounds should be chilled to 40° F. or below in less than 8 hours. In order to facilitate continuous processing operations dressed poultry may be held overnight in chilling tanks provided it is processed and packaged at the resumption of operations the following morning. If such poultry is to be held in chilling tanks for longer periods it shall be properly repacked with crushed ice in clean tanks which are continually drained and during this holding period the internal temperature of the dressed poultry shall be maintained at or below 40° F.

14. Revise paragraph (b) in § 70.101 *United States classes of live poultry, dressed poultry, and ready-to-cook poultry,* to read as follows:

(b) *Turkeys.* For the purpose of this section the following classes of turkeys are specified:

(1) *Fryer.* A fryer is a young immature turkey (usually under 16 weeks of age) of either sex that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(2) *Young hen turkey.* A young hen turkey is a young female turkey (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a turkey fryer.

(3) *Young tom turkey.* A young tom turkey is a young male turkey (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a turkey fryer.

(4) *Yearling hen turkey.* A yearling hen turkey is a fully matured female turkey (usually under 15 months of age) that is fairly tender-meated with soft, reasonably pliable, and fairly smooth-textured skin.

(5) *Old hen turkey.* An old hen turkey is a mature female turkey which may have toughened flesh, hardened breastbone, coarse skin, and may exhibit a high percentage and an uneven distribution of fat.

(6) *Old tom turkey.* An old tom turkey is a mature turkey, which may have coarse skin, toughened flesh, hardened breastbone and considerable pouchiness on the forepart of the breast.

15. Revise paragraph (a) (6) in § 70.104 *United States standards of quality for individual carcasses of dressed poultry and ready-to-cook poultry,* to read as follows:

(6) In interpreting the respective requirements specified in this section for A quality, B quality, and C quality, the intensity, aggregate area involved and locations of (i) discolorations (whether or not caused by dressing operations), (ii) bruises, (iii) pinfeathers, and (iv) freezer burn, as such defects individually, or in combination, detract from the general appearance of the carcass, will be considered in determining the particular quality of an individual carcass.

16. Revise paragraph (d) in § 70.201 *Forms of official identification,* to read as follows:

(d) *Identification of certain dressed poultry.* With respect to dressed poultry which has been graded or inspected for condition only, the form of identification approved for use shall contain the wording "Dressed Poultry Processed Under USDA Sanitary Standards—Not USDA Graded for Quality or USDA Inspected for Wholesomeness" and shall set forth the applicable plant number. All labels with such identification shall be marked with a lot number which shall be the number of the day of the year on which the poultry was slaughtered. This identification shall be printed on the labels and shall not be applied by means of a stencil or a rubber stamp. A rubber stamp may be used to insert the lot number within the identification mark provided such number is applied legibly. The required wording shall be set forth in the manner indicated in Figure 4 hereof and within a rectangle of the form and design illustrated.

Example

DRESSED POULTRY

PROCESSED UNDER U. S. D. A.
SANITARY STANDARDS

Not USDA Graded for Quality
or USDA Inspected for Wholesomeness

Plant No. 000. Lot 000

FIGURE 4.

(60 Stat. 1087; 7 U. S. C. 1621 et seq.; Pub. Law 135, 82d Cong., approved Aug. 31, 1951)

Issued at Washington, D. C., this 18th day of March 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-3296; Filed, Mar. 20, 1952; 8:53 a. m.]

[7 CFR Parts 904, 934, 947, 996, 999]

[Docket Nos. AO-14-A21; AO-83-A17; AO-203-A3; AO-204-A3; AO-113-A14]

HANDLING OF MILK IN GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASS., MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING ORDERS, AS NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Barre, Vermont, on January 28; West Springfield, Massachusetts, on January 29; and Boston, Massachusetts, on January 30 through February 1, 1952 (17 F. R. 91), upon proposed amendments to the tentative marketing agreements and to the orders, as amended, now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on March 6, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on March 8, 1952 (17 F. R. 2063; Doc. 52-2794).

Within the period reserved for exceptions, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The material issues considered at the hearing were concerned with the following:

1. The level and basis of pricing Class I milk.
2. The classification of skim milk for human consumption.
3. A revision of the definition of concentrated milk.
4. Extension of the limits of the Boston marketing area.
5. Revisions in the Boston pooling requirements.
6. Revisions of the Lowell-Lawrence pool plant requirements.
7. Modification of the classification provisions with reference to secondary transfers of milk between certain plants.
8. Revision of the exempt milk definition under the Lowell-Lawrence order t

include receipts from nonpool plants for custom bottling.

9. An extension of the nearby differential area under the Springfield order to include the town of Stafford, Connecticut.

10. An extension of the Springfield marketing area.

11. A revision of the emergency milk provisions under the Springfield order to reduce the pool obligations on receipts of emergency outside milk.

12. An adjustment in the country plant zone differentials under the Worcester order.

13. A proposal to reduce the payments into the Worcester pool on Class I milk disposed of in the Boston marketing area.

14. Miscellaneous non-substantive changes in the order provisions.

The following findings and conclusions on issues number 1 and 5 are based upon the evidence introduced at the hearing and the record thereof. It is necessary that amendments be effectuated promptly to deal with the problems raised in connection with these two issues. Other issues require further consideration and a recommendation on those matters will be made in a separate decision.

1. *Class I price.* The principal issue raised at the hearing dealt with the determination of an appropriate Class I price under current conditions and the selection of certain automatic adjustment factors which would modify such Class I price in the future in response to economic conditions. It is concluded that the Class I pricing formulas in each of these orders be modified (1) to substitute currently published indexes which reflect about the same factors as those currently used in the pricing formulas and (2) to adjust the price schedules related to those index factors. The record indicates that further changes should be made in the pricing formula as soon as possible but the evidence in this record is not complete with respect to these further needed changes. It is concluded therefore, that a further hearing on the issues relating to the Class I prices in each of these 5 Massachusetts markets be opened at Boston May 5, 1952. A notice of this hearing is being issued simultaneously herewith.

Changes to be effected on the record. The Class I price in each of these Massachusetts markets is presently determined by a formula method which was adopted initially as a part of the Boston order, April 1, 1948. Class I prices during the ensuing period have been determined in accordance with this formula with only minor variations. An appraisal of the Class I prices which have been established by the pricing formula over this four-year period indicates that some improvements can be made in the individual formula factors without disturbing the basic concept of the pricing formula.

Experience has shown that the index of department store sales, as reported by the Federal Reserve Board, has been responsive to sporadic buying conditions which relate to department store items but which have little similarity to consumers' purchases of milk. For this reason the committee of experts which first recommended the Class I price formula in 1947 studied carefully the various factors which could be substituted for the department store sales index as a measure of the consumer demand for milk. This committee has now recommended that an index of estimated per capita disposable income in New England be substituted for the department store sales index in the pricing formula. An examination of this index shows that it generally follows the same trends as those indicated by the department store sales index but varies in a narrower range. Since the income data does reflect the general buying power of consumers in the region, changes in the income index can be expected to reflect changes in consumer demand for milk in these marketing areas.

It was recommended by witnesses that the disposable income factor be incorporated in the pricing formula on a 1925–29 base. The record indicates that the construction of estimated per capita disposable income data for the New England region over such a long span of time involves considerable conjecture concerning the relation of income payments to disposable income. Data on disposable income is not available on a regional basis and must be estimated from income payments. It is concluded therefore that the disposable income factor be adopted in the pricing formula as a substitute for the department store sales index with the same weight which was attached to that index in establishing prices for 1951.

Consideration was given at the hearing to the announced intention of the United States Department of Labor, Bureau of Labor Statistics, to publish the index of prices of all commodities sold wholesale on a revised basis beginning with the monthly index for January 1952. Testimony at the hearing indicated that the intended revisions of the index represent improvements in the weightings and the scope of the index and do not modify the economic concept which the index is designed to measure. It is reasonable to assume that the changes in the index would reflect about the same changes as those reflected by the index which has been published by the same agency. Official notice is taken of the index figures released by the Department of Labor, February 29, 1952. It is therefore concluded that the provisions of the Class I pricing formulas should be designed to make use of the revised index which was published by the Department of Labor beginning with the announced figure for January 1952. The factor for relating the revised index to the other formula factors should be constructed so that the revised index would have yielded the same average effect on the formula index in 1951 as was reflected by the index series actually used in establishing 1951 prices.

Although the index movers in the Class I price formulas appear to have brought about price changes in the right direction at the right time, the prices over most of this period have been established at a level 44 cents lower than the formula schedule indicated. One year and five months after the adoption of the pricing formula, the market supply relative to sales in the Boston market passed the annual level of 41 percent surplus which has been regarded as the upper limit of a normal reserve supply for fluid sales in these markets. The supply has remained above that point ever since that date, August 1949. At the time the pricing formula was adopted, it was anticipated that the index factors combined with the basic price at which the formula was started, might result in too high or too low a price to maintain the necessary supply of milk. In order to adjust for such a situation, the formula contains a device for automatically raising or lowering the formula price 44 cents per hundredweight when the 12-month supply surpasses 41 percent Class II milk in the case of an oversupply or falls below 33 percent in the case of a short supply. This automatic adjustment device became effective October 1, 1949 and lowered the basic price 44 cents on that date. The price in the Boston market has been maintained at this 44 cent lower level since that date.

In spite of this adjustment in the price level, the supply has continued in excess of the 41 percent reserve increasing rapidly through 1949 and the first half of 1950. Late in 1950, it dropped slightly and leveled out during the next 12 months at a figure between 45 and 46 percent. Beginning with November 1951, the reserve percentage again began to drop in response to some decline in average production per dairy, a slight improvement in sales inside the marketing area and a substantial increase in sales outside the marketing area. Since the market reserve supply is still in excess of the maximum reserve which the market should carry as a normal pattern and is considerably more than the 33 percent reserve which is regarded as a minimum normal amount, there appears by this measure to be a sufficient reserve supply at the present time. The formula price schedules should be revised therefore to reflect the actual level of prices which has been established with the 44-cent reduction brought about by the supply-demand provision.

This readjustment of the price schedules should not result in a further drop in price because the markets are still maintaining more than a normal reserve as measured by the Boston Class II percentage during the latest 12-month period. There is considerable evidence in this record to indicate that the 12-month factor may be too slow to reflect changed conditions of supply relative to sales. It is concluded therefore that the supply-demand provisions be deleted from the orders pending the appraisal of the record of the hearing scheduled to open May 5 for the purpose of receiving evidence with respect to a more sensitive adjustment factor.

The prices which have been established under the pricing formula have yielded prices to producers generally in line with prices received by dairy farmers in other parts of the country. The increase in the blend price to producers in the Boston market for 1950 to 1951 was about the same as the increase in the prices paid for all milk sold wholesale in the United States. Fluid milk

prices in the country as a whole, as in the Boston market, increased somewhat less than the average of all milk sold wholesale.

Although Class I prices in the New York and Boston markets follow a different seasonal pattern and price differences in individual months are substantial, the New York price for 3.7 percent Class IA milk, averaged only 9 cents higher than the Boston price during the 18 month period August 1950 through January 1952. Most of this price advantage was reflected during the early months of that period. Since the wholesale commodity price index in current months has been declining although other indexes used in the Boston formula have been rising, it is probable that Boston Class I prices will exceed New York Class IA prices by a small amount in 1952. This would tend to offset the slightly higher New York prices in 1951.

Certain producer groups requested that the seasonal pattern of pricing be modified to include January and February in the group of months for which a price 44 cents higher than the annual level is paid. These producers requested that the higher prices for January and February be adopted with no change in the annual level of price which would mean an increase in the average annual price of about 7 cents per hundredweight. As indicated heretofore the record does not substantiate the need for an overall increase in the price relative to the index factors.

Class I prices established for milk delivered by producers to handlers regulated under the Springfield, Worcester, Lowell-Lawrence, and Fall River, Massachusetts markets should continue to be established in accordance with a fixed differential relative to the Boston price. The record indicates that the production conditions affecting the supply and sales of Class I milk in each of these markets are similar to the conditions existing in the Boston market. There were no proposals at the hearing to establish any different level of prices in these markets in relation to the Boston price.

Changes recommended for further hearing. The evidence in the hearing shows an urgent need for a more sensitive adjustment of the Class I price to current demand and supply conditions. Several of the proposals made at the hearing were supported on the presumption that the present level of milk deliveries and Class I sales portend a short supply in the near future. Witnesses contended that the supply-demand provisions calculated on the basis of experience during the preceding 2d-13th month fail to reflect the current situation. Several of the briefs filed following the hearing called attention to the need for a more current measure of the market supply relative to sales.

Although the record clearly substantiates the need for a more sensitive price adjustment device which would provide prompt adjustments when supplies of milk rise above or fall below the normal requirements of the market, no plan for accomplishing such adjustments was described at the hearing. Accordingly, the Production and Marketing Administration is requesting further testimony on this issue at a public hearing May 5, 1952.

The formula index and the price should be related to a recent base period from which the price level can be appraised. Since the price level is established on the basis of an appraisal of present and prospective market conditions, the choice of a base involves little more than the refinement of the weights attached to each index. The formula index based on 1925–29 factors reflects a 0.33 weight to the wholesale price level and to the demand factor, a 0.20 weight to dairy feed prices and a 0.13 weight to farm wage rates. Actually, in establishing 1951 prices, the wholesale price level contributed 0.32 of the index, department store sales index 0.34, the grain index 0.19, and farm wage rate 0.13. Use of a recent base period also removes the necessity for measuring long time changes in efficiency of milk production or changes in consumers' habits in buying milk. Since the choice of a base period was not discussed in detail at the recent hearing, this issue is included in the notice of hearing to be held May 5. The record indicates that several adjustments have been delayed because the accumulated effect of factors was not sufficient to make a price change. It appears that price adjustments should not be withheld from producers merely for the purpose of accumulating evidence of a need for a price change. Therefore further consideration should be given to reflecting promptly each month in price adjustments any index changes or changes in the supply-demand ratio.

The record indicates that the sharp cut in prices on January 1 is regarded by some producers as a deterrent to their efforts to increase milk production during the short supply months of November and December. There is some indication in the record that the July 1 price rise encourages producers to shift freshening only to the extent of shifting spring freshening cows to July freshening animals. The seasonal price schedule should be reappraised at the reopened hearing particularly with reference to these abrupt price changes brought about by the seasonal factor.

An index of farm wage rates has been a part of the formula since its adoption. Such an index appears to reflect suitably the influence of that factor upon the supply of milk. However, since the adoption of the formula the particular index which was chosen to reflect such changes in wage rates has been discontinued and on August 1, 1951, it became necessary to compute an index of such wage rates from a different set of data. This calculation encumbers the formula computation and furthermore is no longer strictly accurate. It employs the use of varying weights for the wage rates in each of four states which purports to reflect the proportions of milk received at the Boston market from such states. These proportions change from year to year and are now somewhat different from those upon which such factors were determined at the time the pricing formula was adopted. Moreover, the present basic formula index is utilized not only to establish the price of milk for the Boston market but for four other Massachusetts urban areas in which the handling and pricing of milk is regulated by Federal orders. Consideration should be directed toward the use of a regional index which would reflect changes in wage rates paid to hired farm laborers in all of the New England area as satisfactorily as the more complex index now prescribed by the order.

It is recommended further that consideration be directed at the hearing to establishing the Class I prices in the Fall River, Springfield, Worcester, and Lowell-Lawrence orders by specifying the amount of the present difference between Class I prices for milk delivered to city plants under such orders and the Boston 201–210 mile zone price. The current public hearing record indicates the importance of establishing prices related directly to the Boston price. It appears logical therefore to specify the prices for these Massachusetts markets in terms of the differential over the Boston 201–210 mile zone Class I price. Direct evidence with respect to a proposal to draft the provisions of the Lowell-Lawrence, Fall River, Springfield, and Worcester orders by direct reference to the Boston price is requested at the May hearing.

5. *Boston pool plant requirements.* The pool plant requirements under the Boston order should be revised to deny the privilege of pooling to a plant or to a dairy farmer during the months of April, May, and June, if the plant or dairy farmer was not continuously supplying the market during the previous period of July through March.

The pool plant requirements under the Boston order are intended to extend, only to those plants and dairy farmers which have been continuously supplying the Boston market, the privilege of pooling during April, May, and June when milk production is the heaviest and plants derive the greatest advantages from pooling the surplus burden. Certain handlers have taken advantage of the present pool plant requirements by removing plants temporarily from the pool in the month of July when it is possible to market the milk from that plant in Class I uses primarily. Other handlers have found it expedient to transfer producers temporarily, under the three-day tolerance, to another plant when such milk can be diverted for Class I use. In both instances, the producers are transferred with a resultant loss of Class I sales to the pool. Market-wide pooling should require pooling of all Class I sales of plants carried in the pool during the surplus milk production season. The Boston order should be amended to require continuous participation in the pool from July through March in order to participate in the pool in April, May, and June. This amendment should be made effective on July 1, 1952 in such a way that plants which may not be pooled in April, May, and June can acquire pool status in July this year.

General findings. (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and in the orders, now in effect, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest.

ORDER OF THE SECRETARY DIRECTING THAT REFERANDA BE CONDUCTED; DETERMINATION OF REPRESENTATIVE PERIODS; AND DESIGNATION OF AGENTS TO CONDUCT SUCH REFERENDA

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that referenda be conducted among the producers (as defined in the orders regulating the handling of milk in the Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, marketing areas) who, with respect to Boston, during the month of November 1951, and with respect to Lowell-Lawrence, Springfield, Worcester, and Fall River, during the month of February 1952, were engaged in the production of milk for sale in the marketing areas specified in the aforesaid orders to determine whether such producers favor the issuance of the respective orders, amending the orders, as now in effect, which are filed herewith.

In the case of Boston, the month of November 1951, and in the case of Lowell-Lawrence, Springfield, Worcester, and Fall River, the month of February 1952, is hereby determined to be the representative period for the conduct of such referenda.

In the case of Boston, Lowell-Lawrence, Worcester, and Springfield, Richard D. Aplin, and in the case of Fall River, John J. Hogan, is hereby designated agent of the Secretary to conduct such referenda in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referenda to be completed on or before the 20th day from the date this decision is filed.

MARKETING AGREEMENTS AND ORDERS

Annexed hereto and made a part hereof are marketing agreements regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas, and orders amending the orders, now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders now in effect, and as hereby proposed to be amended respectively by the attached orders which will be published with this decision.

This decision filed at Washington, D. C., this 17th day of March 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Boston, Mass., Marketing Area*

§ 904.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et. seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Greater Boston, Massachusetts marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 904.2 (d) by deleting the present language and substituting therefor the following:

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during April, May, or June from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler received nonpool milk during any of the preceding months of July through March except that the term shall not include any person who was a producer-handler during such July–March period.

2. Amend § 904.21 (f) by deleting the present language and substituting therefor the following:

(f) Each of a handler's plants which is a nonpool plant during any of the months of July through March, shall be a nonpool plant in any of the immediately succeeding months of April through June in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during July through March was in the handler's capacity as a producer-handler.

3. Amend § 904.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

4. Amend § 904.40 (e) by deleting the present Class I Price Schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–125	3.45	3.01	3.89
126–132	3.67	3.23	4.11
133–139	3.89	3.45	4.33
140–146	4.11	3.67	4.55
147–152	4.33	3.89	4.77
153–159	4.55	4.11	4.99
160–166	4.77	4.33	5.21
167–173	4.99	4.55	5.43
174–180	5.21	4.77	5.65
181–187	5.43	4.99	5.87
188–194	5.65	5.21	6.09
195–201	5.87	5.43	6.31
202–208	6.09	5.65	6.53
209–215	6.31	5.87	6.75
216–222	6.53	6.09	6.97
223–229	6.75	6.31	7.19

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

5. Delete § 904.40 (f) and (g) and renumber paragraph (h) in § 904.40 as (f).

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Mass., Marketing Area

§ 934.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended, as follows:

1. Amend § 934.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

2. Delete § 934.40 (f) and (g) and renumber paragraphs (h) and (i) in § 934.40 as (f) and (g).

3. Amend § 934.40 (e) by deleting the present Class I price schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–125	3.97	3.53	4.41
126–132	4.19	3.75	4.63
133–139	4.41	3.97	4.85
140–146	4.63	4.19	5.07
147–152	4.85	4.41	5.29
153–159	5.07	4.63	5.51
160–166	5.29	4.85	5.73
167–173	5.51	5.07	5.95
174–180	5.73	5.29	6.17
181–187	5.95	5.51	6.39
188–194	6.17	5.73	6.61
195–201	6.39	5.95	6.83
202–208	6.61	6.17	7.05
209–215	6.83	6.39	7.27
216–222	7.05	6.61	7.49
223–229	7.27	6.83	7.71

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Springfield, Mass., Marketing Area

§ 996.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 996.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

2. Delete § 996.40 (f) and (g) and renumber paragraphs (h) and (i) in § 996.40 as (f) and (g).

3. Amend § 996.40 (e) by deleting the present Class I price schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–125	3.97	3.53	4.41
126–132	4.19	3.75	4.63
133–139	4.41	3.97	4.85
140–146	4.63	4.19	5.07
147–152	4.85	4.41	5.29
153–159	5.07	4.63	5.51
160–166	5.29	4.85	5.73
167–173	5.51	5.07	5.95
174–180	5.73	5.29	6.17
181–187	5.95	5.51	6.39
188–194	6.17	5.73	6.61
195–201	6.39	5.95	6.83
202–208	6.61	6.17	7.05
209–215	6.83	6.39	7.27
216–222	7.05	6.61	7.49
223–229	7.27	6.83	7.71

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Worcester, Mass., Marketing Area

§ 999.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Worcester, Massachusetts marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 999.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

2. Delete § 999.40 (f) and (g) and renumber paragraphs (h) and (i) in § 999.40 as (f) and (g).

3. Amend § 999.40 (e) by deleting the present Class I price schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–125	3.97	3.53	4.41
126–132	4.19	3.75	4.63
133–139	4.41	3.97	4.85
140–146	4.63	4.19	5.07
147–152	4.85	4.41	5.29
153–159	5.07	4.63	5.51
160–166	5.29	4.85	5.73
167–173	5.51	5.07	5.95
174–180	5.73	5.29	6.17
181–187	5.95	5.51	6.39
188–194	6.17	5.73	6.61
195–201	6.39	5.95	6.83
202–208	6.61	6.17	7.05
209–215	6.83	6.39	7.27
216–222	7.05	6.61	7.49
223–229	7.27	6.83	7.71

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Fall River, Mass., Marketing Area

§ 947.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Fall River, Massachusetts marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 947.50 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

2. Delete § 947.50 (f) and (g) and renumber paragraphs (h) and (i) in § 947.50 as (f) and (g).

3. Amend § 947.50 (e) by deleting the present Class I price schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119-125	4.26	3.82	4.70
126-132	4.48	4.04	4.92
133-139	4.70	4.26	5.14
140-146	4.92	4.48	5.36
147-152	5.14	4.70	5.58
153-159	5.36	4.92	5.80
160-166	5.58	5.14	6.02
167-173	5.80	5.36	6.24
174-180	6.02	5.58	6.46
181-187	6.24	5.80	6.68
188-194	6.46	6.02	6.90
195-201	6.68	6.24	7.12
202-208	6.90	6.46	7.34
209-215	7.12	6.68	7.56
216-222	7.34	6.90	7.78
223-229	7.56	7.12	8.00

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

[F. R. Doc. 52-3262; Filed, Mar. 20, 1952; 8:48 a. m.]

[7 CFR Part 905]

[Docket No. AO-209-A4]

HANDLING OF MILK IN OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Oklahoma City, Oklahoma, on March 3-4, 1952, pursuant to notice thereof which was issued on February 26, 1952 (17 F. R. 1689).

The material issues of record related to the levels of and the means of determining prices for Class I and Class II milk, the pooling of milk received by handlers in bottled form from producer-handlers, request for a special price for milk distributed to school lunch programs, and the necessity for action with respect to certain issues or aspects thereof which would require the omission of a recommended decision. This decision is concerned with the issues with respect to the pricing of Class I and Class II milk for the months of April, May and June 1952 only, and the pooling of milk received by handlers from producer-handlers. The issues related to prices for Class I and Class II milk for months after June 1952 and to milk distributed to school lunch programs will be decided in a further decision.

Findings and conclusions. The following findings and conclusions with respect to the issues considered in this decision are made upon the basis of the record of the hearing and the evidence contained therein:

1. The price for Class I milk for the month of April 1952 should be the basic formula price of the order plus $1.85, and for the months of May and June 1952 the Class I price should be such price plus $1.65 .

Because of the drought conditions late in 1951 in the area from which Oklahoma City draws its milk supplies and in neighboring areas competing for milk supplies the Class I price of the Oklahoma City order was the basic formula price plus $2.30 for the months of November 1951 through February 1952. This price was established by a temporary amendment to the order effective November 1, 1951. As of March 1 the Class I price differential reverted to $1.85 and a further reduction to $1.45 will be effective for the months of April, May and June under the current provisions of the order.

Despite the emergency increase in the Class I differential and a comparatively open winter season the market has continued to lose producers. At the same time Class I sales have been increasing. In order to make comparisons in this market, allowance must be made for the fact that as of November 1, 1951, the marketing area was enlarged so that reports of handlers previously not regulated are now included. Disregarding the operations of these handlers, producer members in January 1952 are 10.1 percent less than in July 1951 and 8.3 percent less than in January 1951. Receipts of producer milk in January were 8.6 percent less than for January 1951. On the same comparative basis Class I sales were 4.5 percent greater than a year earlier. As a consequence the ratio of producer receipts to Class I sales declined 14 percentage points from that of a year earlier.

While there is no prospect that milk supplies in April, May and June of this year will not be adequate for Class I sales in these months it is evident from the record that the level of prices in these months will have a considerable influence upon the level of supplies available for the coming fall. During these months the bases established by producers in the months of September through December 1951 will be used as the method of computing payments for such producers. The returns that old producers receive during this period for their base milk may be expected to influence their efforts to increase their deliveries during the coming base forming months of September through December 1952. The record indicates that increase in the daily average volume of deliveries by producers now on the market is one of the principal methods by which a proper balance between supplies and market needs can be attained. To permit the Class I differential to decrease a total of 85 cents between February and April under current supply conditions in the Oklahoma City market will seriously impair the prospects for securing additional volumes of milk from present producers in the coming fall and winter months. It will also affect the attractiveness of the market for prospective new producers who may be in position to establish bases in the coming fall months.

Producers proposed that the Class I differential be maintained at the March level of $1.85 for the months of April, May, and June. Handlers opposed any change from the $1.45 now provided in the order on the basis that prospective pasture conditions for the coming spring season appeared normal and that they compete for sales outside the marketing area with Tulsa and Muskogee handlers. The Class I prices of the Tulsa and Muskogee orders will be determined by the use of a $1.45 differential over basic formula prices during these months. The Oklahoma City market also competes with these markets to some extent for milk supplies. The North Texas market also competes for milk supplies with the Oklahoma City market in an area from which Oklahoma City draws a substantial volume of milk. North Texas handlers have been paying premiums in excess of order prices and the Class I differential in that market has no seasonal change.

It is concluded that for the month of April, during which producers cannot rely upon native pastures for feed supplies, the Class I differential should be maintained at the March level of $1.85. For the months of May and June, when pastures are at their seasonal peak, the differential should be $1.65. Such pricing will provide encouragement for the production of milk in the coming fall months without bringing Oklahoma City prices too far out of line with the neighboring markets with which it competes for supplies and sales.

Evidence was received at the hearing concerning proposals for changes in the present Class I differential to be effective subsequent to July 1, 1952, and for a "supply-demand" adjustment of such differentials. Adequate consideration of such proposals requires analysis of many factors not involved in the consideration of the level of the differential for the months of April, May, and June 1952. Consideration of such proposals is hereby reserved for later decision.

2. For the months beginning with April 1952 until a further amendment becomes effective the price for Class II milk should be the price paid at the four manufacturing plants designated in the Tulsa order.

The present provisions of the order with respect to the price for Class II milk became effective November 1, 1951, and provide that such price shall be the higher of the average of the paying price of four specified local manufacturing plants or the butter-powder formula price of the order, less 15 cents for the months of April through July. Prior to November 1951 the Class II price was based on the paying prices of local

plants. Handlers proposed that the Class II price again be based solely on the paying prices of local manufacturing plants. The handlers also provided testimony that the Class II price should be in line with the price paid for manufacturing milk being produced in Missouri, Kansas, Arkansas, and Oklahoma.

It appears that rapid changes in butter prices have resulted in butter-powder formula prices changing much more than have the paying prices of manufacturing plants, whether local or the midwestern plants included in the basic formula. Butter-powder formula prices in the last few months have been considerably higher than usual in relation to the prices paid by manufacturing plants. The trend of butter markets at the time of the hearing indicated that a more normal relationship would likely prevail during April, May, and June. Both producers and handlers, however, asked that some action be taken with respect to Class II prices for this period pending consideration of the evidence of the hearing concerning longer time aspects of the problem.

One consideration in revising the Class II price of the Oklahoma City order as of November 1, 1951, was to bring the price more in line with the Class II price of the nearby Tulsa market, which is determined by the paying prices of four plants located in the area to which handlers directed their testimony. Handlers cited the Tulsa prices as an indication that the present Class II pricing provisions are not indicative of manufacturing milk prices in the area. On this basis it is concluded that incorporation of provisions which will provide a Class II milk price for Oklahoma City identical with that of Tulsa is appropriate for the period required for consideration of the complete problem of Class II pricing.

3. Provision should be made in the order to exclude from the Class I milk to be included in the pool sales by a handler of that milk received in bottles or other consumer packages from a producer-handler whose approved plant is located in the marketing area and which is disposed of as Class I milk by the handler under the label of the producer-handler without further processing or packaging.

Arrangements have been made in the Oklahoma City market whereby a producer-handler distributing raw milk at a premium price can have a large portion of the milk he bottles at his farm plant delivered to his established customers on the routes of a handler. Under the present provisions of the order, receipts of such milk by the handler would be considered other source milk and the milk distributed would be considered Class I sales to which producers would have prior claim.

The handler proposed that the order be so modified that such sales not be pooled. Producers raised no opposition to such proposal. While such action extends to some degree the exemption now provided in the order with respect to producer-handlers it is concluded that the proposal should be adopted in view of the expressed desire of all interested parties. Amendment of the allocation provisions of the order offers the most feasible method of accomplishing the desired result. Since no processing is done with respect to the milk in question it is considered appropriate that such milk be excluded from the base upon which shrinkage is computed.

4. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and oportunity for filing exceptions thereto with respect to all proposals considered was indicated by proponents on the record.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area in the manner set forth below is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 18th day of March 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area*

§ 905.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7

[1] This order shall not become effective unless and until the requirement of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Oklahoma City, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 905.51 (a) delete the second proviso and substitute therefor the following: "*And provided further*, That the price shall be the basic formula price plus $1.85 for April 1952, and plus $1.65 for May and June 1952, except that such price shall not be more than that for the preceding month."

2. Delete § 905.51 (b) and substitute therefor the following:

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

American Foods Co., Miami, Okla.
Gilt Edge Dairy, Norman, Okla.
Page Milk Company, Coffeyville, Kans.
Pet Milk Company, Siloam Springs, Ark.

3. Delete § 905.42 (b) and substitute therefor the following:

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk that is not to be allocated pursuant to § 905.46 (a) (2).

4. Delete § 905.46 (a) (2), substitute therefor the following as § 905.46 (a) (2) and (3), and renumber § 905.46 (a) (3), (4), and (5) as § 905.46 (a) (4), (5), and (6), respectively:

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in other source milk received in bottles or other consumer-type packages from the approved plant of a producer-handler which is located in the marketing area and disposed of as Class I milk in the same package and under the label of such producer-handler without further processing or packaging;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the remaining pounds of skim milk in other source milk;

[F. R. Doc. 52-3261; Filed, Mar. 20, 1952; 8:47 a. m.]

[7 CFR Part 905]

[Docket No. AO-209 A4]

Handling of Milk in Oklahoma City, Okla., Marketing Area

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF A REPRESENTATIVE PERIOD; AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area),[1] who, during the month of January 1952, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of an order, amending the order, which is filed simultaneously herewith.

The month of January 1952 is hereby determined to be the representative period for the conduct of such referendum.

Kenneth M. Fell is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting of referenda to determine producer approval of milk marketing orders as published in the Federal Register on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this referendum order is issued.

Done at Washington, D. C., this 18th day of March 1952.

[SEAL] K. T. Hutchinson,
Acting Secretary of Agriculture.

[F. R. Doc. 52-3260; Filed, Mar. 20, 1952; 8:47 a. m.]

[1] See F. R. Doc. 52-3261, *supra*.

[7 CFR Part 972]

[Docket No. AO-177-A11]

Handling of Milk in Tri-State Marketing Area

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formualtion of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the Federal Register. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Gallipolis, Ohio, on January 24, 1952, pursuant to notice thereof which was issued on January 16, 1952 (17 F. R. 613).

The only material issue of record related to establishment of an automatic adjustment of Class I and Class II prices in response to changes in the relationship between market supply and market demand.

Findings and conclusions. The following findings and conclusions on the material issue are hereby made on the basis of the record of the hearing.

Provision should be made for automatically adjusting Class I and Class II prices in response to changes in the relationship between market supply and demand.

Although the present provisions for establishing Class I and Class II prices have usually resulted in appropriate prices, conditions have arisen in the past which necessitated hearings to amend such provisions in order to keep supply in proper alignment with demand. Such a procedure is time consuming and it is expected that the proposed amendment will tend toward the need for fewer hearings because of more prompt and timely automatic adjustments in these prices.

It is difficult to predict with accuracy what level of prices will be necessary to assure that the market will be adequately supplied with milk in the forthcoming months. If the market is adequately supplied, the proposed amendment will

have little or no effect on Class I and Class II prices, but if the supply is short the proposed amendment will increase Class I and Class II prices and be an incentive for a larger supply. Assurance to producers that prices will be changed promptly in response to any change in the relationship between market supply and demand for milk should encourage them to continue to supply milk to the market.

It is concluded that the measure of the current relationship between market supply and market demand should be based on the ratio of gross Class I utilization to total receipts from producers in a two month period comprising the first and second months preceding the month for which a price is being computed. This ratio is hereinafter referred to as "current utilization percentage." Many factors affect market supply and demand, but gross Class I utilization and total receipts from producers reflect the net effect of all these factors. Extension of recent changes appears to be the most accurate means of estimating current and prospective supply and demand conditions.

Use of a two month period is desirable in order to reflect quickly any changes in supply and demand. However, an adjustment based on a short period of this kind may to some extent reflect random changes in utilization which are not indicative of actual trends. It is necessary, therefore, to provide for some method of stabilizing this adjustment and of limiting it as to total magnitude. This has been accomplished by grouping the net utilization percentages and setting limits on the amount of the adjustment. (Net utilization percentages are computed by algebraically subtracting the current utilization percentage from the standard (or base) utilization percentage.) The net utilization percentage groups are in such intervals that no adjustment occurs until the net utilization percentage is plus or minus 3 or 4. The next net utilization percentage group applies to net utilization percentages of plus or minus 6 or 7. In the case of any net utilization percentage falling between groups, the amount of the adjustment is determined by the adjacent group which is the same as or nearest to the net utilization percentage group used in the previous month. For example, a net utilization percentage of 5 would call for the same adjustment as a net utilization percentage of 3 or 4 if the adjustment during the previous month had been determined by that group or a lower one. On the other hand, a net utilization percentage of 5 would call for the same adjustment as a net utilization percentage of 6 or 7 if the adjustment during the previous month had been determined by a net utilization percentage of 6 or 7 or higher. The maximum adjustments provided for are 25 cents, 38 cents and 50 cents per hundredweight. Any conditions which develop that might warrant price adjustments beyond these limits should be considered at a hearing.

It was proposed that if the net utilization percentage in the first month in which this supply-demand adjustment is in effect does not fall within a tabulated bracket, then the bracket which would have been used in the previous month had the supply-demand adjustment been in effect should be used in determining the adjustment. This appears reasonable and should be adopted.

It was proposed that the relationship between gross Class I and Class II utilization and receipts from producers in the second and third months preceding the month for which a price is being computed be used as a measure of current supply and demand conditions. In support of the proposal to use the combined volume of Class I and Class II milk as a measure of market demand, it was asserted that all products comprising those classes must be made, pursuant to local health regulations, from locally approved milk, i. e., producer milk. However, in every month since the order has been in effect, some other source milk has been classified in Class II, and in several months in each of the last six years over half of the total volume of Class II milk has been other source milk. Since Class II has not been wholly supplied from producer milk in the past and the indications are that it cannot be in the near future, the amounts of producer milk in Class II would not serve as a reliable index of demand for producer milk. It appears more practical therefore to use only sales of Class I milk as an index of demand for producer milk in the construction of an automatic price adjustment based on change in supply and sales in the market.

At the hearing handlers and producers agreed that the relationship of supply and sales in the first and second months preceding the month for which a price is being computed would be more desirable than the similar relationship for the second and third preceding months because the relationship in the first and second preceding months would be more current.

It is doubtful if the lag occasioned by using the first and second months preceding the month for which a price is being computed to measure changes in the market supply-demand relationship will be great enough to disrupt the effectiveness of the automatic price adjustments sought. Use of the first and second preceding months will permit announcement each month of the effect on Class I and Class II prices of these provisions not later than the 10th day of the month to which it applies.

The provisions for adjusting Class I and Class II prices should be constructed in such a manner that no price adjustment results when market supply and demand are in proper balance—that is, when the market is adequately supplied. Representatives of producers testified that the relationship which existed during 1949 between supplies and market requirements was desirable and would serve as a proper basis for establishing a normal or standard relationship between market supply and demand. Analysis of the 1949 relationship indicates that the seasonal variation which occurred in the relationship during that year was somewhat at variance from what might be considered a normal seasonal variation for the market. It is concluded that the relationship which existed in November, the month of shortest supply in 1949, is appropriate for use as a measure of the standard relationship between market supply and demand in that month, and that the standard relationship in the other months of the year, based on the seasonal variation in the past few years, should be as follows:

January	99	July	65
February	96	August	69
March	90	September	81
April	81	October	94
May	65	November	103
June	62	December	101

Standard utilization percentages (computed from these figures) for each two-month period during a year would be as follows:

2-month period	Standard utilization percentage	Month during which such ratio would be used in computing Class I price
January–February	98	March.
February–March	93	April.
March–April	86	May.
April–May	73	June.
May–June	64	July.
June–July	64	August.
July–August	67	September.
August–September	75	October.
September–October	88	November.
October–November	98	December.
November–December	102	January.
December–January	100	February.

If the current utilization percentage in the first and second months preceding the month for which prices are being computed varies from the standard utilization percentages shown above, the Class I and Class II prices should be adjusted in the same direction—upward if the current utilization percentage exceeds the standard utilization percentage, and downward if the reverse is true. For each percentage point of variation, the Class I and Class II prices should change as follows: 2 cents upward and 4 cents downward during each of the months of April through July; 3 cents during each of the months of August, September, January, February and March; and 4 cents upward and 2 cents downward during each of the months of October through December. Analysis of Class I and Class II prices and the ratio of gross Class I utilization to total receipts from producers shows that in recent years the proposed adjustment would have resulted in reasonable prices. It should continue to do so. Seasonally varying adjustments should give additional incentive toward reducing the seasonal variation in receipts from producers. These rates of adjustment to be associated with changes in the supply-demand relationship are the same as those used in other marketing orders in Ohio. The record fails to show the need for different rates in the Tri-State order.

The order has contained since 1949 provisions pursuant to which Class I and Class II prices are increased 25 cents in October, November, December, and January if the percentage of producer milk classified in Class III during a prescribed 12 month period drops below a certain

limit and are decreased 25 cents in April, May, June, and July if the percentage of producer milk classified in Class II during another 12 month period exceeds a certain limit. These provisions have increased the Class I and Class II prices 25 cents in October, November, December and January of each year since they have been in effect and the resulting level of prices has not been high enough to cause any increase in producer milk supplies in relation to market requirements. It is therefore concluded that the amounts to be added to the basic formula price (subject to adjustment by the supply-demand adjustment herein proposed) in computing Class I and Class II prices should be increased 25 cents in October, November, December, and January. This will retain the same seasonal variation in Class I and Class II prices that has existed in the past three years, except to the extent that the seasonal variation is altered by the supply-demand adjustment, and the supply-demand adjustment probably will yield some additional seasonal variation in Class I and Class II prices.

Producers proposed that standard relationships be established between producer milk supply and requirements for the market as a whole and for Huntington district plants and that the price adjustment be based on the deviation from the standard relationship for either the total market or the Huntington district plants using whichever deviation was widest.

Handlers who operate Huntington district plants have for several years used other source milk to supplement their producer milk supplies in the season of low production, but the extent to which they have used other source milk has increased substantially in the last year or two. Accordingly the volume of producer milk has declined in relation to gross Class I utilization in Huntington district plants and the deviation from the proposed standard relationship is now greater for Huntington district plants than for the market as a whole. Therefore the relationship at Huntington district plants would result in greater upward adjustments in prices than the relationship for the market as a whole.

There is some indication that this decline in producer milk supply at Huntington district plants in relation to the requirements of such plants may have been due to some extent to handlers' decisions to rely on other source milk for supplemental supplies to a larger extent than formerly. It is concluded that the use of the relationship for Huntington district plants could result in some undesirable and unjustified price adjustments and that the relationship for the total market should be used. The relationship at Huntingdon district plants will have some effect on the relationship for the total market but, with the maximum adjustments herein provided, it is doubtful if the result will be unduly affected.

Producers proposed provisions which in certain months and under certain conditions would override the operation of the supply-demand adjustment. Reasons given in support of such provisions with respect to the months of July, August, September, and October indicate that the conditions sought to be corrected resulted from use in the proposal of a base period relationship between supply and demand which did not reflect normal seasonal variation in the relationship and from an abnormal seasonal variation in the relationship in 1951. The base period relationships and the use of the first and second rather than the second and third preceding months should to a large extent correct the conditions sought to be corrected by the overriding provisions in July, August, September, and October. The proposed overriding provisions to some extent tend to prevent the supply-demand adjustment provisions from reflecting quickly price changes in response to changes in the relationship to supply and demand, and should not be adopted.

No briefs or written arguments or proposed findings and conclusions were submitted in this proceeding.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and amendment to the order. The following order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The order as set forth below has been recodified in accordance with the revised Federal Register regulations. The only substantive changes are in the Class I and Class II pricing provisions (§§ 972.41 and 972.42 in the following order). The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

DEFINITIONS

§ 972.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 972.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 972.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in §§ 972.40 and 972.44.

§ 972.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 972.5 *Tri-State marketing area.* "Tri-State marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Ashland, Kentucky; Huntington and Parkersburg, West Virginia; Marietta, Ironton, and Gallipolis, Ohio; and all territory lying within Athens and Scioto Counties, Ohio, including but not limited to all municipal corporations in said counties.

§ 972.6 *Huntington district.* "Huntington district" means that portion of the marketing area lying within the corporate limits of the cities of Ashland, Kentucky; Huntington, West Virginia; and Ironton and Gallipolis, Ohio.

§ 972.7 *Route.* "Route" means delivery route (including a plant store) on which milk, skim milk, buttermilk, flavored milk, and flavored milk drink is distributed for consumption in fluid form to wholesale or retail stops other than to any milk plant(s).

§ 972.8 *Fluid milk plant.* "Fluid milk plant" means a plant out of which a route is operated wholly or partially within the marketing area: *Provided,* That a "fluid milk plant" shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

§ 972.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk processing or manufacturing plant not a fluid milk plant described in § 972.8.

§ 972.10 *Producer.* "Producer" means a person who produces milk received (a) at a fluid milk plant, (b) at a nonfluid milk plant by diversion within April, May, June, or July from a fluid milk plant, or (c) by an association in its capacity as a handler: *Provided,* That such person producing milk holds a dairy farm inspection permit or equivalent certification if required by the appropriate health authority of the community for which his milk is produced.

§ 972.11 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 972.10.

§ 972.12 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this part is in effect.

§ 972.13 *Handler.* "Handler" means (a) a person who operates a fluid milk plant, or (b) an association of producers with respect to milk customarily received as producer milk at a fluid milk plant which is diverted by such association within April, May, June, or July on its account from a fluid milk plant to a nonfluid milk plant.

§ 972.14 *Producer-handler.* "Producer-handler" means any person who (a) produces milk but receives no milk from dairy farmers and (b) operates a route extending into the marketing area.

§ 972.15 *Huntington district plant.* "Huntington district plant" means a fluid milk plant (a) located within the Huntington district, or (b) located outside the marketing area from which 50 percent or more of its disposition of milk in the marketing area is in the Huntington district.

§ 972.16 *Other source milk.* "Other source milk" means all skim milk (including reconstituted skim milk) and butterfat not received from a producer, or from a fluid milk plant, but (a) contained in milk, skim milk, or cream, or (b) used to produce any milk product.

MARKET ADMINISTRATOR

§ 972.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 972.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 972.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted, to the market administrator;

(d) Pay, out of the funds provided by § 972.71:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 972.75 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 15 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 972.25 or 972.26, or (2) payments pursuant to §§ 972.65, 972.66, 972.68, or 972.70 through 972.81;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, supply on or before the 25th day after the end of each delivery period to each association of producers with respect to producers whose membership in such association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 5th day after the end of such delivery period, the class prices and butterfat differentials computed pursuant to §§ 972.41 through 972.44; and

(2) On or before the 10th day after the end of such delivery period, the uniform prices computed pursuant to §§ 972.61 and 972.62 and the butterfat differential computed pursuant to § 972.70.

REPORTS, RECORDS, AND FACILITIES

§ 972.25 *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report the following to the market administrator with respect to all producer milk received, all other source milk received at a fluid milk plant, and all skim milk and butterfat received in any form at a fluid milk plant from any other fluid milk plant, within such delivery period in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 972.26 *Other reports.* Handlers shall submit other reports as follows:

(a) The intention to receive other source milk shall be reported by the receiving handler on or before the first day other source milk is received and the intention to discontinue such receipts shall be reported on or before the last day such milk is received.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(c) On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the delivery period, which shall show (1) the total pounds of milk received from each producer and association of producers and the total pounds of butterfat contained in such milk, (2) the amount of payment to each producer and association of producers, and (3) the nature and the amount of any deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

§ 972.27 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to (a) the utilization, in whatever form, of all skim milk and butterfat received; (b) the weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled; (c) payments to producers and associations of producers; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 972.28 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided,* That if within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market ad-

ministrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 972.30 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream, or used to produce milk products, received from all sources within the delivery period by a handler at his fluid milk plant(s), and all producer milk received within the delivery period in the manner described in § 972.13 (b), shall be classified by the market administrator pursuant to §§ 972.31 through 972.34.

§ 972.31 *Classes of utilization.* Subject to the conditions set forth in §§ 972.32 through 972.34, the skim milk and butterfat described in § 972.30 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in fluid form as milk, skim milk (except as provided in paragraph (c) (2) and (3) of this section), or flavored milk or flavored milk drink; and

(2) Not specifically accounted for under subparagraph (1) of this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as cream or any mixture of cream and milk (or skim milk) containing not less than 6 percent of butterfat, or buttermilk (except as provided in paragraph (c) (2) of this section).

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce a milk product other than any of those specified in paragraphs (a) (1) or (b) of this section;

(2) Dumped or disposed of for livestock feeding as skim milk or buttermilk;

(3) Disposed of as bulk skim milk to any manufacturer of candy, soup, or bakery products who does not dispose of milk in fluid form;

(4) In actual plant shrinkage of producer milk computed pursuant to § 972.32 (d) but not in excess of 2 percent thereof; and

(5) In actual plant shrinkage of other source milk computed pursuant to § 972.32 (d).

§ 972.32 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, by (1) combining the shrinkage thereof for all fluid milk plants operated by the handler, and (2) combining in a separate sum the shrinkage thereof for all nonfluid milk plants operated by him to which any skim milk or butterfat has been transferred from any of his fluid milk plants;

(b) Prorate the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (2) of this section in such nonfluid milk plants between (1) skim milk or butterfat, respectively, transferred from any of his fluid milk plants, and (2) skim milk or butterfat, respectively, received from all other sources;

(c) Add to the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (1) of this section, the shrinkage of skim milk or butterfat, respectively, transferred from the handler's fluid milk plants to his nonfluid milk plants, computed pursuant to paragraph (b) of this section; and

(d) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (c) of this section between producer milk and other source milk at his fluid milk plants after deducting from the total receipts therein, the receipts from fluid milk plants other than his own.

§ 972.33 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise. Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 972.34 *Transfers.* Skim milk or butterfat transferred from a handler's fluid milk plant to any other plant shall be classified as Class I milk if so transferred as any item listed in § 972.31 (a) (1) and as Class II milk if so transferred as any item listed in § 972.31 (b):

(a) To another fluid milk plant of a handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transfer was made: *Provided,* That skim milk or butterfat assigned to a particular class shall be limited to the amount thereof remaining in such class in the fluid milk plant of the transferee handler after the subtraction of other source milk pursuant to § 972.36 (a) (2), and any excess of such transferred skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available class;

(b) To a producer-handler; and

(c) To a nonfluid milk plant unless (1) other utilization is mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transfer was made, (2) the buyer maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for audit, and (3) such buyer's plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided,* That if such buyer's plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lowest priced available class of utilization as if the classes of utilization set forth in § 972.31 were applicable to such buyer's plant.

§ 972.35 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk and Class III milk for such handler.

§ 972.36 *Allocation of skim milk and butterfat classified.* The classification of skim milk and butterfat in producer milk shall be determined as follows:

(a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(1) Subtract plant shrinkage of skim milk pursuant to § 972.31 (c) (4) from the total pounds of skim milk in Class III milk;

(2) Subtract from the pounds of skim milk remaining in each class after making the deduction pursuant to subparagraph (1) of this paragraph, in series beginning with the lowest priced available class, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other fluid milk plants in such classes pursuant to § 972.34 (a); and

(4) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available class.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

(c) Determine the weighted average butterfat test of the remaining milk in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 972.40 *Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk to be used in determining the class prices provided by §§ 972.41 through 972.43 shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator pursuant to paragraphs (a), (b), or (c) of this section computed to the nearest tenth of a cent.

(a) The average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply by six the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period;

(2) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by seven, add 30 percent thereof, and then multiply by 3.5.

(c) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(2) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 972.41 *Class I milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk, shall be the basic formula price determined pursuant to § 972.40 adjusted as follows:

(a) Add the following amounts for the delivery periods indicated:

Delivery period	Huntington district plants	Other plants
May and June	$1.10	$0.90
March, April, July, and August	1.20	1.00
September and February	1.35	1.15
October, November, December, and January	1.60	1.40

(b) Add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk (less interhandler transfers) at all fluid milk plants of handlers in the first and second preceding delivery periods by the total receipts of milk from producers at such plants during the same delivery periods, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage."

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph the "standard utilization percentage" shown below:

Delivery period for which price is being computed:	*Standard utilization percentage*
January	102
February	100
March	98
April	93
May	86
June	73
July	64
August	64
September	67
October	75
November	88
December	98

(3) Determine the amount of the supply-demand adjustment as follows:

If net utilization percentage is—	Supply-demand adjustment for specified delivery period is—		
	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
	Cents	*Cents*	*Cents*
+12 or over	+38	+25	+50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+26
+3 or +4	+10	+7	+14
+1 or −1	0	0	0
−3 or −4	−10	−14	−7
−6 or −7	−20	−26	−13
−9 or −10	−28	−36	−19
−12 or −13	−38	−50	−25
−15 or −16	−38	−50	−31
−18 or −19	−38	−50	−37
−21 or −22	−38	−50	−43
−24 or under	−38	−50	−50

When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month. If in the first delivery period this supply-demand adjustment is in effect the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which would have been used in determining the supply-demand adjustment had it been in effect in the previous month.

§ 972.42 *Class II milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum prices per hundredweight of a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class II milk shall be the Class I milk price determined pursuant to § 972.41 minus 30 cents.

§ 972.43 *Class III milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class III milk, shall be the basic formula price.

§ 972.44 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(a) *Class I milk.* Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period, divide the result by 10 and add 1.0 cent.

(b) *Class II milk.* Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period, divide the result by 10 and add 0.5 cent.

(c) *Class III milk.* Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period and divide the result by 10.

§ 972.45 *Emergency price provisions.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the prices specified.

§ 972.46 *Prices for Class I, Class II, and Class III milk disposed of outside the marketing area.* The price for Class I, Class II, and Class III milk disposed of outside the marketing area by a handler shall be those applicable, respectively, pursuant to §§ 972.41 through 972.43, to Class I, Class II, and Class III milk disposed of by such handler in the marketing area.

§ 972.47 *Price of Class I or Class II milk transferred by one handler to another handler.* The price of Class I or Class II milk transferred by a handler to another handler shall be that applicable to Class I or Class II milk at the selling handler's fluid milk plant, pursuant to §§ 972.41 and 972.42: *Provided,* That any hauling charge with respect thereto chargeable to producers or to associations of producers shall not exceed that customarily applied to deliveries of such producers from their farms to the selling handler's fluid milk plant.

APPLICATION OF PROVISIONS

§ 972.50 *Producer-handlers.* Sections 972.30 through 972.47 and §§ 972.60 through 972.76 shall not apply to a producer-handler. Any handler who desires to qualify as a producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of his qualifications satisfactory to the market administrator, and he shall furnish similar evidence of subsequent changes in his operations that affcet his qualifications. Verification by the market administrator shall be made within 5 days after the date of receipt of such evidence, and shall be effetctive retroactively to the date on which the applicant became so eligible, but not earlier than the first day of the delivery period during which verification of such eligibility is made.

§ 972.51 *Exempt milk.* Milk received at a plant of a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

§ 972.52 *Milk caused to be delivered by an association of producers.* Milk referred to herein as received from producers by a handler shall include producer milk caused to be delivered to such handler by an association of producers which is not a handler and which is authorized to collect payment for such milk.

§ 972.53 *Diverted milk.* Producer milk diverted by an operator of a fluid milk plant from such plant to a nonfluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted. Producer milk diverted by an association of producers from a fluid milk plant to a nonfluid milk plant shall be deemed to have been received by such an association.

DETERMINATION OF UNIFORM PRICES

§ 972.60 *Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by (a) multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and (b) adding together the resulting amounts: *Provided,* That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class determined pursuant to § 972.36 (a) (4) and (b) by the applicable class prices.

§ 972.61 *Computation of uniform price for plants other than Huntington district plants.* For each delivery period the market administrator shall compute the "uniform price" per hundredweight to be paid to producers and to associations of producers for milk of 3.5 percent butterfat content received at fluid milk plants other than Huntington district plants, as follows:

(a) Combine into one total the values computed pursuant to § 972.60 for all handlers who made the reports prescribed by § 972.25, except those in default of the payments prescribed in § 972.68 for the preceding delivery period;

(b) Add an amount equal to one-half of the cash balance in the producer-settlement fund, less the amount due handlers pursuant to § 972.69;

(c) Subtract, if the weighted average butterfat test of producer milk represented by the values included under paragraph (a) of this section is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: multiplying the amount by which its weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 972.70, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Subtract an amount computed by multiplying by 20 cents the total hundredweight of Class I milk and Class II milk in producer milk at all Huntington district plants;

(e) Divide the resulting amount by the total hundredweight of producer milk; and

(f) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under paragraph (e) of this section.

§ 972.62 *Computation of uniform price for Huntington district plants.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight to be paid to producers and to associations of producers for producer milk of 3.5 percent butterfat content received at Huntington district plants, as follows:

(a) Add to the amount per hundredweight resulting under § 972.61 (e), an amount per hundredweight computed by dividmg the amount subtracted under § 972.61 (d) by the producer milk received at all Huntington district plants and represented in the values included under § 972.61 (a); and

(b) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under paragraph (a) of this section.

§ 972.63 *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall notify each handler of (a) the amount and value of his milk in each class and the totals thereof; (b) the applicable uniform price; (c) the amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and (d) the amount to be paid by each handler pursuant to §§ 972.65 and 972.70.

PAYMENTS

§ 972.65 *Time and method of final payment.* Each handler shall make payment, subject to the provisions of §§ 972.66, 972.70, 972.75 and 972.76, for all producer milk received during each delivery period, as follows:

(a) Except as set forth in paragraph (b) of this section, to each producer, on or before the 15th day after such delivery period, at not less than the applicable uniform price for milk of 3.5 percent butterfat: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 972.69, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) To an association of producers for milk of producers from whom such association has received written authorization to collect payment, on or before the 14th day after such delivery period, of a total amount equal to not less than the sum of the individual amounts otherwise payable to such producers under paragraph (a) of this section.

§ 972.66 *Partial payments.* Handlers shall make partial payments to producers as follows:

(a) On or before the last day of each delivery period, each handler shall make payment, except as set forth in paragraph (b) of this section to each producer at not less than the applicable uniform price of the preceding delivery period for the milk of such producer which was received by such handler during the first 15 days of the current delivery period;

(b) On or before the day immediately preceding the last day of each delivery period, each handler shall make payment to an association of producers for milk of producers from whom such association has received written authorization to collect payment at not less than the applicable uniform price of the preceding delivery period for all such milk which was received by such handler during the first 15 days of the current delivery period.

§ 972.67 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 972.68 and out of which he shall make all pay-

ments to handlers pursuant to § 972.69: *Provided,* That the market administrator shall offset any such payment due any handler against payments due from such handler.

§ 972.68 *Payments to the producer-settlement fund.* On or before the 13th day after each delivery period, each handler shall pay to the market administrator the amount by which the total value computed for him pursuant to § 972.60 for such delivery period is greater than the sum required to be paid by such handler pursuant to § 972.65.

§ 972.69 *Payments out of the producer-settlement fund.* On or before the 14th day after each delivery period the market administrator shall pay to each handler the amount by which the sum required to be paid pursuant to § 972.65 is greater than the total value computed for him pursuant to § 972.60 for such delivery period: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available, and a handler who, on the 14th day after the delivery period, has not received full payment for such delivery period from the market administrator pursuant to this section shall not be deemed to be in violation of § 972.65 if he reduces his payments thereunder by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 972.70 *Butterfat differential.* If, during the delivery period, any handler has received from any producer or from an association of producers, milk having a weighted average butterfat test other than 3.5 percent, such handler, in making the payments prescribed in § 972.65, shall add to, or subtract from, the applicable uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat test in milk above or below, as the case may be, 3.5 percent, an amount computed by the market administrator as follows: Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, divide the result by 10, and round to the nearest tenth of a cent.

§ 972.71 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 972.22 (d) each handler shall pay the market administrator, on or before the 13th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period with respect to all receipts within the delivery period, of producer milk (including such handler's own production) and other source milk at his fluid milk plant classified as Class I milk pursuant to § 972.31 (a) (1) and Class II milk: *Provided,* That an association of producers shall pay such pro rata share of expense of administration on producer milk with respect to which it is a handler.

MARKETING SERVICE DEDUCTIONS

§ 972.75 *Payments to market administrator.* Except as set forth in § 972.76, each handler shall deduct an amount not exceeding 6 cents per hundredweight (the exact amount to be determined by the market administrator subject to review by the Secretary) from the payments due pursuant to § 972.65, with respect to all producer milk received by such handler (except milk of such handler's own production) during each delivery period and shall pay such deductions to the market administrator on or before the 13th day after such delivery period. Such moneys shall be used by the market administrator to make, or check, weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

§ 972.76 *Payments to cooperative associations.* In the case of producers for whom a cooperative association which, as determined by the Secretary, (a) is engaged in the collective sale or marketing of their milk, (b) has its entire activities under the control of its members, (c) meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and (d) is actually performing the services set forth in § 972.75, each handler shall make, in lieu of the deductions specified in § 972.75, such deductions from the payments to be made to such producers as have been authorized by such producers and, on or before the 14th day after each delivery period, pay over such deductions to the cooperative association rendering such services.

ADJUSTMENT OF ACCOUNTS

§ 972.80 *Errors in payments.* Whenever audit by the market administrator of a handler's reports, books, records, or accounts discloses adjustments to be made, for any reason which result in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or association of producers from such handler, the market administrator shall promptly notify such handler of any such amount due; and explain the basis for such adjustment; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 972.81 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 972.65, 972.66 or 972.68 through 972.80, shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

MISCELLANEOUS PROVISIONS

§ 972.85 *Effective time.* The provisions of this part, or any amendment of this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 972.86.

§ 972.86 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that this part or any provision of this part, obstructs, or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 972.87 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until discharged by the Secretary, (b) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary may direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 972.88 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 972.89 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 972.90 *Separability of provisions.* If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the re-

mainder of this part and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 972.91 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last-known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Filed at Washington, D. C., this 18th day of March 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-3318; Filed, Mar. 21, 1952; 8:48 a. m.]

[7 CFR Part 974]

[Docket No. AO-176-A9]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Columbus, Ohio, on February 4-5, 1952, pursuant to notice thereof which was issued on January 29, 1952 (17 F. R. 930).

The material issues related to:

(1) Release by the market administrator of information concerning the classification of producer milk received by each handler,

(2) The classification of skim milk and butterfat used in manufacturing concentrated milk,

(3) Automatically adjusting Class I and Class II prices in response to changes in the relationship between market supply and demand,

(4) Seasonally adjusting producers' returns for milk to provide additional incentives for increased production in the fall and winter months in relation to the spring and summer months,

(5) Requiring any handler who diverts producer milk from his plant to another plant to give prior notice of such diversion to the cooperative association through the market administrator,

(6) The application of this order to a person who is regulated by another order and who disposes of Class I or Class II milk in the Columbus marketing area,

(7) The net cost to handlers of skim milk used in the manufacture of condensed skim milk products during April, May, June and July and disposed of to nonhandlers.

(8) Changing the date on which handlers are required to file monthly reports of receipts and utilization of milk, and

(9) Allowing handlers to claim classification of butterfat contained in fluid skim milk on the basis of the disposition or utilization of such fluid skim milk.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence submitted at the hearing and the record thereof.

(1) The market administrator should publicly announce on or before the 10th day after the end of each month the name of each handler who received milk directly from producers during such month and the percentages of such milk which was classified in each class of utilization.

Under a market-wide pooling arrangement, which is provided for in the Columbus order, and in the absence of the provisions herein concluded to be necessary and desirable, interested persons have no information concerning the utilization of milk by individual handlers except such information as is exchanged on a voluntary basis. It is possible that at certain times some handlers may be short of milk for their Class I or Class II requirements while other handlers may be utilizing milk in Class III. Producers believe that this situation has existed at times. Announcement of the information described above should assist both producers and handlers in more efficiently marketing milk and therefore should contribute to more orderly marketing. Producers proposed that the information be released only to the cooperative association, but handlers suggested that if such information is to be released, it should be made public.

Handlers opposed the release of the information on the basis that it was confidential information, that the information would be released too late to be of any use, and that handlers had done a good job of allocating milk amongst themselves. Such information is actually released or can easily be computed from other information which must be released in certain markets with orders providing for individual-handler pooling. In view of this situation it is concluded that such information is not of a confidential nature. Release of the information at an earlier date would be desirable, but it is not feasible; however, release of the information as herein proposed will be useful to the extent that any undesirable conditions shown to have existed by the released information continue to exist at the time such information is released. Release of this information will not interfere in any way with handlers' efforts to properly allocate milk amongst themselves.

(2) Skim milk and butterfat used to manufacture fresh concentrated milk disposed of for fluid consumption should be classified as Class I milk. This product has been sold in several markets in Ohio as a direct substitute for fresh whole fluid milk. It has not yet been sold in Columbus. It is likely that the local health authorities, through their regulations, would require milk used to produce concentrated milk to be of the same quality as milk used in other Class I products.

Although concentrated milk is not now being sold in Columbus, it is possible that it could be introduced at any time. Provision at this time for classification of milk used in concentrated milk will assure proper classification of such milk in the event it is introduced in the Columbus market.

These conclusions concerning concentrated milk should not apply to the products commonly known as evaporated milk, condensed milk or condensed skim milk. These products should continue to be classified as presently provided for in the order.

(3) Provision should be made for automatically adjusting Class I and Class II prices in response to changes in the relationship between market supply and demand.

Although the present provisions for establishing Class I and Class II prices have usually resulted in appropriate prices, conditions have arisen in the past which necessitated hearings to amend such provisions in order to keep supply in proper alignment with demand. Such a procedure is time consuming and it is expected that the proposed amendment will tend toward the need for fewer hearings because of more prompt and timely automatic adjustments in these prices.

It is difficult to predict with accuracy what level of prices will be necessary to assure that the market will be adequately supplied with milk in the forthcoming months. If the market is adequately supplied, the proposed amendment will have little or no effect on Class I and Class II prices, but if the supply is short or long the proposed amendment will increase or decrease Class I and Class II prices accordingly and be an incentive for the market to remain adequately supplied. Assurance to producers that prices will be changed promptly in response to any change in the relationship between market supply and demand for milk should encourage them to continue to supply milk to the market.

It is concluded that the measure of the current relationship between market supply and market demand should be based on the ratio of the gross volume of milk classified as Class I milk to total receipts from producers in a two month period comprising the month for which the price is being computed and the immediately preceding month. This ratio is hereinafter referred to as "current utilization percentage." In determining the gross volume of milk classified as Class I milk, milk previously classified as other than Class I milk and reclassified during such two-month period as Class I milk should be included as a part of the index of demand because Columbus health regulations permit approved milk stored in the form of cream or condensed products to be later used in products classified in Class I. Some stored products were so used in the fall and winter of 1951 when current production was low. Although all products comprising Class I and Class II must be made from the same quality of milk pursuant to local health regulations, milk classified as Class I should be used as the index of demand because changes which have been made in recent years in the classification of products presently in Class II make comparisons difficult.

Many factors affect market supply and demand, but gross Class I utilization and total receipts from producers reflect the net effect of all these factors. Extension of recent changes appears to be the most accurate means of estimating current and prospective supply and demand conditions.

Use of a two month period is desirable in order to reflect quickly any changes in supply and demand. However, an adjustment based on a short period of this kind may to some extent reflect random changes in utilization which are not indicative of actual trends. It is necessary, therefore, to provide for some method of stabilizing this adjustment and of limiting it as to total magnitude. This has been accomplished by grouping the net utilization percentages and setting limits on the amount of the adjustment. (Net utilization percentages are computed by algebraically subtracting the current utilization percentage from the standard (or base) utilization percentage.) The net utilization percentage groups are in such intervals that no adjustment occurs until the net utilization percentage is plus or minus 3 or 4. The next net utilization percentage group applies to net utilization percentage of plus or minus 6 or 7. In the case of any net utilization percentage falling between groups, the amount of the adjustment is determined by the adjacent group which is the same as or nearest to the net utilization percentage group used in the previous month. For example, a net utilization percentage of 5 would call for the same adjustment as a net utilization percentage of 3 or 4 if the adjustment during the previous month had been determined by that group or a lower one. On the other hand, a net utilization percentage of 5 would call for the same adjustment as a net utilization percentage of 6 or 7 if the adjustment during the previous month had been determined by a net utilization percentage of 6 or 7 or higher. The maximum adjustments provided for are 25 cents, 38 cents and 50 cents per hundredweight. Any conditions which develop that might warrant price adjustments beyond these limits should be considered at a hearing.

Both handlers and producers favored the use of the month for which prices are being computed as one of the months for computing a current utilization percentage because it reduces to a minimum any lag in the supply-demand adjustment. It will extend the date for announcing Class I and Class II prices by not more than four days. Use of one month alone would appear to cause too much fluctuation in the current utilization percentage.

The provisions for adjusting Class I and Class II prices should be constructed in such a manner that no price adjustment results when market supply and demand are in proper balance—that is when the market is adequately supplied. Representatives of producers testified that the relationship between supplies and market requirements which existed during the period May 1949 through April 1950 was desirable and would serve as a proper basis for establishing a normal or standard relationship between market supply and demand. Analysis of market statistics indicate that for the three year period July 1948 through June 1951 little change, other than seasonal changes, occurred in the relationship between market supply and demand. It is concluded that the relationship which existed during this three year period is appropriate for use as a measure of the standard relationship between market supply and demand. Standard utilization percentages for each two month period of the year, based on this three year period, are as follows:

2-month period	Standard utilization percentage	Month during which such ratio would be used in computing prices
January-February	79	February.
February-March	76	March.
March-April	72	April.
April-May	65	May.
May-June	59	June.
June-July	61	July.
July-August	66	August.
August-September	71	September.
September-October	77	October.
October-November	82	November.
November-December	81	December.
December-January	79	January.

If the current utilization percentage in the current month and the first month preceding the month for which prices are being computed varies from the standard utilization percentages shown above, the Class I and Class II prices should be adjusted in the same direction—upward if the current utilization percentage exceeds the standard utilization percentage, and downward if the reverse is true. For each percentage point of variation, the Class I and Class II prices should change as follows: 2 cents upward and 4 cents downward during each of the months of April through July; 3 cents during each of the months of August, September, January, February, and March; and 4 cents upward and 2 cents downward during each of the months of October through December. Analysis of Class I and Class II prices and the ratio of gross Class I utilization to total receipts from producers shows that in recent years the proposed adjustment would have resulted in reasonable prices. It should continue to do so. Seasonally varying adjustments should give additional incentive toward reducing the seasonal variation in receipts from producers. These rates of adjustment to be associated with changes in the supply-demand relationship are the same as those used in other marketing orders in Ohio. The record fails to show the need

for different rates in the Columbus order.

On February 1, 1951, the amounts to be added to the basic formula price in computing Class I and Class II prices was increased 10 cents in each of the months of August through March, and an additional increase of 10 cents in each month of the year was conditioned upon the relationship between market supply and demand. These increases were provided to counteract any adverse effect which the then recently adopted Grade A milk regulations might have on the market supply of milk. The additional 10 cent increase conditioned upon the relationship of market supply and demand was provided because it was difficult to determine from the record of the hearing on which the February 1, 1951, amendment was based just how much price increase was necessary to counteract the more stringent health regulations. Since the effective date of that amendment, the relationship between market supply and demand has been such that the conditioned 10-cent increase has been in effect every month. It is therefore concluded that the amount to be added to the basic formula price in computing Class I and Class II prices should include the conditional 10-cent increase contained in the February 1, 1951, amendment.

Conclusions reached herein concerning issue number (4) make it necessary to convert the presently seasonally varying amounts to be added to the basic formula prices in computing Class I and Class II prices to constant amounts for each month in the year.

Specified differentials of $1.10 for Class I milk and $0.70 for Class II milk in each month of the year will be approximately equivalent on a year-round basis to those resulting during the past year from the provisions of the present order, and will retain the presently existing difference of 40 cents between Class I and Class II prices. There is no indication that this difference should be changed.

Producers proposed provisions which would under certain conditions override the operation of the supply-demand adjustment in April, May, June, November, December, January, and February. The need for such provisions appears to be lessened somewhat by the adoption of proposal number (4). The supply-demand adjustment should not be prevented from reflecting quickly price changes in response to changes in the relationship between supply and demand. The proposed provisions should not be adopted.

(4) Returns to producers should be seasonally adjusted to provide some additional price incentive for the increased production of milk in the fall and winter months in relation to production in the spring and summer months. The present method of causing seasonal variation in returns to producers by seasonally varying the amounts to be added to the basic formula price in computing Class I and Class II prices should be discontinued. Seasonal variation in returns to producers in an amount herein concluded to be appropriate should be provided by withholding from the value of milk in April, May, June and July a prescribed amount which would be added in equal parts to the value of milk in October, November and December. Class I and Class II prices would then vary seasonally only to the extent that the basic formula price varies seasonally. This reduction in the seasonality of Class I and Class II prices should simplify the application of ceiling price regulations to Class I and Class II products. Producers contend that this method of providing seasonality in producer returns will be more effective in reducing seasonality in production than the present method.

With the seasonal variation that has existed in milk production for the Columbus market in recent years, the seasonal reserves of milk that accompany a level of production sufficient to satisfy market requirements in the fall and winter have been so large as to create considerable problems of disposing of such seasonal reserves.

An amount computed by multiplying the hundredweight of producer milk classified in Classes I and II in April, May, June, and July by 35 cents should be withheld from the value of milk during such months. This will retain the same seasonality in returns to producers in the months of January through September as has resulted under the present provisions of the order. Adding this withheld amount to the value of milk in October, November, and December in equal amounts will increase returns to producers in these months by a considerable amount in relation to other months in the year and should provide considerable incentive for increased production in October, November, and December in relation to production in the spring and summer.

The cooperative association feels that it can increase the effects of a program such as this if it is permitted to distribute the withheld funds to its members. The market administrator should pay to the cooperative association not later than the 14th day after the end of each of the months of October, November, and December for distribution among its members a proportion of the withheld funds which are to be paid to producers in each such month equivalent to the proportion which milk caused to be delivered to handlers by the cooperative association bore to total receipts from producers in each such month. The remainder of the withheld funds should be paid by the market administrator not later than the 14th day after the end of each of the months of October, November, and December to handlers who receive milk directly from producers which was not caused to be so delivered by a cooperative association on the basis of receipts of such milk during each such month, and such funds should be paid by handlers to producers who delivered such milk on the basis of the volume of their deliveries.

The proposal of producers with respect to the determination of the amount to be withheld in April, May, June and July should not be adopted. Pursuant to the proposal of producers the amount to be withheld in April, May, June and July could vary from month to month and from year to year and could conceivably be zero. The conditions which would cause such variations do not appear to be conditions which should justify changes in the seasonality of returns to producers. Producers proposal would use premiums paid by handlers in March in determining the amount to be withheld. Such premiums are the result of negotiation between producers and handlers and should not be used as a factor in the order in computing prices to handlers or returns to producers. The proposal of producers for determining the amount to be withheld should therefore be denied.

(5) A handler should not be required to report to the market administrator by noon of any day his intention to divert producer milk on the following day.

The producers proposed that handlers notify the market administrator by noon of the previous day of such handlers' intention to divert milk to another plant and that the market administrator should immediately notify the cooperative association of such intention.

Many factors enter into the need for diversion of milk and the record does not indicate that handlers always would be aware by noon of a certain day of the need for diverting milk on the following day.

The cooperative association claims such a provision would be helpful in its standard sampling and testing program, which has been adopted by negotiation between the cooperative association and handlers.

While it is necessary to have a certain number of samples from the milk of each producer in order to determine the average butterfat content of such milk, the handler is also interested in knowing the correct percentage of butterfat in such milk in order to prevent "excess shrinkage" or "overage" in his plant. It appears therefore that satisfactory arrangements between the handler and the cooperative association can be made without including such arrangements in the order.

For the above reasons the proposed provision should not be adopted.

(6) The proposal to require reports from a person who disposes of Class I or Class II milk in the marketing area and who is a handler under another Federal marketing agreement or order and to require such person to pay the difference between the value of such butterfat and skim milk under the two orders into the producer-settlement fund when such value is greater under the other order should not be adopted at this time. While the record indicated some economic justification for such a provision, its adoption would necessitate a change in the definition of a handler. No such proposal was made. It is probable that a change in the definition of a handler would bring under the regulation of the order persons who previously have not been subject to such regulation without such persons having been given notice of the possibility of such regulation.

Because of the foregoing reasons the proposal should not be adopted.

(7) No change should be made in the provisions of the order concerning the cost to handlers of skim milk received in producer milk and disposed of as con-

densed skim milk to non-handlers in April, May, June, or July: i. e., the net cost of such skim milk to handlers should continue to be the value of such skim milk at the Class III price.

Producers proposed that the provisions of the current order relating to the credit given handlers of the difference between the Class II and the Class III prices of skim milk disposed of to nonhandlers as condensed skim milk during April, May, June and July be deleted.

The producers suggested a provision whereby a credit of the difference between the Class II and the Class III prices of skim milk would be granted handlers on such skim milk not used in the market during the short supply season but sold to nonhandlers after the end of the calendar year. A somewhat similar provision was a part of the order from October 1, 1948, through July 31, 1950.

The problems connected with the disposal of skim milk are greater than those connected with the disposal of butterfat in the seasonal reserves of milk in the spring and summer seasons. Considerable amounts of skim milk are stored in the form of condensed skim milk for use in the fall and winter seasons of short supply. However, these outlets are quite frequently not sufficient to absorb all of the seasonal reserve supplies of skim milk, and outlets outside the market must be found for substantial quantities of skim milk. The two principal outside outlets have been to nonhandlers in the form of condensed skim milk and to manufacturers of nonfat dry milk solids. Handlers claim that returns for skim milk disposed of to manufacturers of nonfat dry milk solids are so low as to make this a relatively unfavorable outlet.

Producers fear that under the present provisions handlers will dispose of large portions of condensed skim milk to nonhandlers in April, May, June, and July, and will not store sufficient quantities of condensed skim milk during those months to meet the requirements of the Columbus market in the short season. They contend that their proposal will discourage handlers from disposing of condensed skim milk to nonhandlers until there is assurance that such condensed skim milk was not needed in the Columbus market during the short season. However, they have failed to recognize that a provision such as they propose might result in the channeling a larger portion of the seasonal reserve supplies of skim milk from the manufacture of condensed skim milk into the manufacture of nonfat dry milk solids.

It is each handler's own responsibility to assure himself of an adequate supply of skim milk and butterfat at all times from sources which comply with the regulations of local health authorities as enforced by them. Certain provisions of the order have some influence on handlers decisions about whether they will obtain short season supplies from current production or from stored products, but the proposed provisions would have no apparent direct influence on this decision. The revised seasonal pricing schedule proposed herein may to some extent tend to discourage handlers from storing products in the flush season for use in the short season. However, if other proposed changes are effective in reducing seasonal variation in production, then the need of storing products for later use will lessen.

(8) The final date for filing reports by handlers with respect to the monthly receipts and utilization should be changed from the 5th to the 6th of the month.

The proposal by handlers was to change such date from the 5th to the 7th of the month. Evidence was presented to indicate that all reports were not filed by the 5th. However to change such date to the 7th could result in all handlers failing to file reports until the latest date possible and this probably would prevent the announcement of the uniform price by the 10th day of each month and any delay in the announcement of the uniform price would probably prevent the payment to producers by the 15th of the month.

It was indicated that the final date for filing such reports by handlers could be changed from the 5th to the 6th of the month without preventing the announcement of the uniform price and the payment to producers on the dates now set forth in the order.

In view of the above, the final date for filing reports of receipts and utilization should be changed from the 5th to the 6th of the month.

(9) The proposal that handlers without adequate records could claim a butterfat content of .085 percent in skim milk disposed of to others or used in the manufacture of milk products should not be adopted.

The proposal by handlers was to the effect that the butterfat content of skim milk disposed of to others or used in the manufacture of milk products by handlers who did not have adequate records should be deemed to be 0.085 percent. It was also proposed that a handler could discontinue reporting 0.085 percent butterfat in skim milk and after such discontinuance he could again begin reporting such percentage by giving notice to the market administrator at least 30 days prior to the first day of the month during which such change was to be effective.

The evidence does not clearly indicate that 0.085 percent is the average percentage of butterfat in skim milk. The adoption of this portion of the proposal could result in a penalty for keeping adequate records. That portion of the proposal whereby handlers have a choice in either reporting or not reporting such a percentage would undoubtedly result in the use of such reporting only when it was to the handler's advantage to so report.

For the above reasons, this proposed amendment should not be adopted.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Central Ohio Co-operative Milk Producers, Inc., and on behalf of 18 handlers.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order, as amended, which amends §§ 974.22 (i) (1) and (k); 974.30; 974.31 (b); 974.41 (a) and (c) (1); 974.51 (a); 974.52 (a); 974.63 (e), (f), and (g); 974.70; 974.73; and 974.74, is recommended as the detailed and appropriate means by which the foregoing conclusion may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended. It is hereby ordered that the full text of the order, as amended, and as hereby proposed to be further amended, be published in the FEDERAL REGISTER as a part of this decision.

DEFINITIONS

§ 974.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 974.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 974.3 *Columbus, Ohio, marketing area.* "Columbus, Ohio, marketing area," hereinafter called the "marketing area," means the city of Columbus; the city of Bexley; and all territory, including but

not being limited to all municipal corporations, within the townships of Blendon, Clinton, Franklin, Marion; Mifflin, Perry, Sharon, and Truro; all in Franklin County, Ohio.

§ 974.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 974.5 *Fluid milk plant.* "Fluid milk plant" means the premises and portions of the building and facilities used in the receipt and processing or packaging of milk all or a portion of which is disposed of from such plant during the month on a route(s), wholly or partially within the marketing area, but not including any portion of such buildings or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

§ 974.6 *Handler.* "Handler" means (a) any person who receives producer milk at a fluid milk plant and (b) any association of producers with respect to any producer milk constituting a part of the producer milk supply of a fluid milk plant which such association diverts on its account to a plant other than a fluid milk plant. Producer milk so diverted shall be deemed to have been received by such association.

§ 974.7 *Producer.* "Producer" means any person, including one who may also be a handler who produces (a) under a dairy farm permit issued by the appropriate health authorities in the marketing area, milk which is received at a fluid milk plant or by an association of producers in its capacity as a handler, or (b) milk which is received as a part of the dairy farm supply of a fluid milk plant not required by the appropriate health authorities in the marketing area to obtain its dairy farm supply from milk produced under dairy farm permits.

§ 974.8 *Producer milk.* "Producer milk" means any milk produced by one or more producers under the conditions set forth in § 974.7.

§ 974.9 *Other source milk.* "Other source milk" means (a) milk, (b) skim milk, (c) cream, or (d) any milk product received at a fluid milk plant from sources other than producers or other handlers. "Other source milk" shall include, but shall not be limited to, milk, skim milk, cream, or any milk product received at such fluid milk plant under an emergency permit in writing issued by the appropriate health authorities in the marketing area.

§ 974.10 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 974.50.

§ 974.11 *Route.* "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including a State or municipal institution, other than to a fluid milk plant(s) or to a plant(s) manufacturing milk products.

MARKET ADMINISTRATOR

§ 974.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 974.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this part;

(b) Make rules and regulations to effectuate the terms and provisions of this part; and

(c) Receive, investigate, and report to the Secretary complaints of violations of this part.

§ 974.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the funds provided by § 974.77, (1) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, except those incurred under § 974.78, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 974.30 or (2) payments pursuant to §§ 974.70, 974.73, 974.77 or 974.78;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) On or before the 10th day after the end of each month, supply each cooperative association as described in § 974.79 upon request with a record of the amount and average butterfat test of milk received during such month and the amount of any advance payments made and of any deductions or charges from payments for such milk authorized with respect to each producer determined by the market administrator to be a member of such association or to have given written authorization to such association to receive such information.

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of milk for such handler depends; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 10th day after the end of each month, the minimum class prices for skim milk and butterfat computed pursuant to §§ 974.51, 974.52 and 974.53; and

(2) On or before the 10th day after the end of each month, the uniform price computed pursuant to § 974.63 and the butterfat differential computed pursuant to § 974.76.

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

(k) Publicly announce, unless otherwise directed by the Secretary, on or before the 10th day after the end of each month by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of each handler who during such month received milk at his fluid milk plant directly from producers or associations of producers along with the percentages of such milk which was classified as Class I milk, Class II milk, and Class III milk.

REPORTS, RECORDS, AND FACILITIES

§ 974.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler except as otherwise provided in § 974.3 (a) shall report to the market administrator for such month with respect to all producer milk and other source milk received during the month, in the detail and on forms prescribed by the market administrator; (a) the quantities of butterfat and the quantities of skim milk contained therein (except that the quantities of the products should be substituted for the quantities of butterfat and skim milk in the case of products disposed of in the form in which received from other handlers or other sources), (b) the utilization thereof, and (c) such other information with respect to such receipts and utilization as the market administrator may request: *Provided*, That any person operating more than one fluid milk plant shall make one report covering all such operations for the purposes of paragraphs (a), (b), and (c) of this section.

§ 974.31 *Other reports.* (a) Each handler who receives at his fluid milk plant no producer milk other than that from his own farm or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 6th day after the end of each month, each handler shall submit to the market administrator

report which shall show for the month (1) the total pounds of milk received from each producer and association of producers and the average butterfat test thereof, (2) the amount and date of any advance payments to each producer and association of producers, and (3) the nature and amount of each deduction or charge authorized from payments for such milk.

§ 974.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator, or to his representative, during the usual hours of business, such accounts and records of any of his operations, including those of plants other than fluid milk plants, in which any producer milk is received, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to (a) the utilization in whatever form, of all skim milk and butterfat required to be reported pursuant to § 974.30; (b) the weights, samples, and tests for butterfat and other contents of all milk and milk products previously received or utilized or currently being received or utilized; and (c) payments to producers or to associations of producers.

§ 974.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 974.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in (a) all milk, skim milk, cream, and milk products (except in the case of milk products disposed of in the form in which received) received during the month by a handler at a fluid milk plant, and (b) all producer milk received during the month in the manner described in § 974.6 (b), shall be classified by the market administrator in the classes set forth in § 974.41.

§ 974.41 *Classes of utilization.* Subject to the conditions set forth in §§ 974.42, 974.43 and 974.44, the classes of utilization shall be:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of (except that which has been dumped or disposed of for livestock feeding) as milk, skim milk, butermilk, flavored milk, or flavored milk drinks, (2) used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption, and (3) not specifically accounted for under subparagraphs (1) and (2) of this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of in fluid form for consumption as sweet or sour cream, frozen cream, or any mixture of cream or milk (or skim milk), including eggnog, containing more than 6 percent of butterfat; (2) used to produce aerated products containing milk, cream, or any combination thereof (such as "Reddi-Wip," "Instant Whip," etc.), condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans), ice cream, ice cream mix, ice cream novelties, ice sherbets, or imitation ice cream; and (3) used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat specifically accounted for as (1) having been used to produce any milk product other than as specified in paragraphs (a) (1) and (2) and (b) of this section; (2) having been dumped or disposed of for livestock feeding; (3) actual plant shrinkage of skim milk and butterfat in producer milk received but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively; and (4) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided,* That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each source to their total: *And provided also,* That producer milk transferred by a handler to any plant of another handler without first having been received for purposes of weighing and testing in the transferring handler's fluid milk plant shall be included in the receipts at the plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the fluid milk plant of the transferring handler in computing his plant shrinkage.

§ 974.42 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in §§ 974.41 and 974.43, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat classified in one class shall be reclassified if found by the market administrator to have been used or disposed of (whether in original or other form) by such handler or by any other person in another class in accordance with such use or disposition.

§ 974.43 *Transfers.* (a) Subject to the conditions set forth in § 974.42 and paragraphs (c) and (d) of this section, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of milk, skim milk, flavored milk, flavored milk drinks, or buttermilk, shall be classified as follows:

(1) According to the utilization as mutually indicated in writing by both handlers if transferred to another fluid milk plant, except one as referred to in subparagraph (2) of this paragraph;

(2) As Class I milk if transferred to the fluid milk plant of a handler who receives no milk from producers or associations of producers other than such handler's own farm production; or

(3) As Class I milk if transferred to any such plant not a fluid milk plant: *Provided,* That if the transferring handler on or before the 5th day after the end of the month during which such transfer is made furnishes to the market administrator a statement signed also by the receiver that such skim milk and butterfat was used as Class II milk or Class III milk, and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(b) Subject to the conditions set forth in § 974.42 and in paragraphs (c) and (d) of this section, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of cream shall be classified as follows:

(1) According to the utilization as mutually indicated by both handlers if transferred to another fluid milk plant, except one as referred to in subparagraph (2) of this paragraph;

(2) As Class II milk if transferred to the fluid milk plant of a handler who receives no milk from producers or from an association of producers other than such handler's own farm production; or

(3) As Class II milk if transfered to any such plant not a fluid milk plant: *Provided,* That if the transferring handler on or before the 5th day after the end of the delivery period during which such transfer is made furnishes to the market administrator a statement signed also by the receiver that such skim milk and butterfat was used as Class I milk or Class III milk, and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(c) The utilization of all transfers made pursuant to paragraphs (a) (1) and (2) and (b) (1) and (2) of this section shall be subject to verification by the market administrator.

(d) No statement made relative to transfers as provided for in this section shall operate to deter the prior subtraction of other source milk pursuant to § 974.45 (b) or the prior subtraction of skim milk or butterfat pursuant to § 974.45 (c), or the pro rata subtraction of skim milk or butterfat pursuant to § 974.45 (e). Any quantity reported for allocation to a particular class but not eligible therefor because of § 974.45 (b) (c) or (e), shall be classified by the market administrator as Class I milk, pending his verification.

§ 974.44 *Classification of skim milk and butterfat for each handler.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and compute separately the respective amounts of skim milk and butterfat in Class I milk, Class II milk and Class III milk, as follows:

(a) Determine the handler's total receipts by adding together the total pounds of milk, skim milk, and cream received, and the pounds of skim milk and butterfat used to produce all other milk products received (except milk products disposed of in the form in which received without further processing in his fluid milk plant) regardless of source;

(b) Determine the total pounds of butterfat contained in the total receipts computed pursuant to paragraph (a) of this section;

(c) Determine the total pounds of skim milk contained in the total receipts computed pursuant to paragraph (a) of this section by subtracting therefrom the total pounds of butterfat computed pursuant to paragraph (b) of this section;

(d) Determine the total pounds of butterfat in Class I milk by: (1) Computing the aggregate amount of butterfat included in each of the several items of Class I milk; and (2) adding all other butterfat not specifically accounted for under subparagraph (1) of this paragraph or in Class II milk or Class III milk;

(e) Determine the total pounds of skim milk in Class I milk by: (1) Computing the aggregate amount of skim milk and butterfat included in each of the several items of Class I milk; (2) subtracting the result obtained in paragraph (d) (1) of this section; and (3) adding all other skim milk not specifically accounted for under subparagraph (1) of this paragraph or in Class II milk or Class III milk;

(f) Determine the total pounds of butterfat in Class II milk by computing the aggregate amount of butterfat included in each of the several items of Class II milk;

(g) Determine the total pounds of skim milk in Class II milk by: (1) Computing the aggregate amount of skim milk and butterfat included in (or, in the case of products other than cream or eggnog, used to produce) each of the several items of Class II milk; and (2) subtracting the result obtained in paragraph (f) of this section;

(h) Determine the total pounds of butterfat in Class III milk by: (1) Computing the aggregate amount of butterfat used to produce each of the several items of Class III milk; and (2) adding actual plant shrinkage of butterfat referred to in paragraph (c) (2) and (4) of § 974.41; and

(i) Determine the total pounds of skim milk in Class III milk by: (1) Computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class III milk; (2) subtracting the result obtained in paragraph (h) (1) of this section; and (3) adding the actual plant shrinkage of skim milk referred to in paragraph (c) (3) and (4) of § 974.41.

§ 974.45 *Classification of skim milk and butterfat in producer milk for each handler.* For each month the market administrator shall compute separately the respective amounts of skim milk and butterfat of producer milk in Class I milk Class II milk and Class III milk for each handler by making the following computations in the order specified:

(a) Subtracting from Class III milk (other than butterfat used in buttermaking) the actual plant shrinkage of skim milk and butterfat, respectively, allowed pursuant to paragraph (c) (3) and (4) of § 974.41;

(b) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received as other source milk, except that received under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(c) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received from any other handler who received no milk from producers or from an association of producers other than such handler's own farm production;

(d) Adding to the remaining Class III milk the amount subtracted pursuant to paragraph (a) of this section;

(e) Subtracting pro rata from the remaining pounds of skim milk and butterfat in such class, the skim milk and butterfat, respectively, received as other source milk under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(f) Subtracting from the remaining pounds of skim milk and butterfat in each class (not including plant shrinkage on producer milk in Class III milk), the total pounds of skim milk and butterfat, respectively, received from other handlers (except those referred to in paragraph (c) of this section) and stated by the transferring handler and receiver to have been used in such class, to the extent of the amounts of skim milk and butterfat remaining in such class after making the computation pursuant to paragraph (e) of this section: *Provided,* That skim milk or butterfat allocated by such statements to Class II milk or Class III milk, in excess of amounts subtracted above pursuant to this paragraph shall be subtracted from Class I milk; and

(g) If the total amount of skim milk or butterfat in all classes after the computation made above pursuant to this paragraph, is greater than the skim milk or butterfat in producer milk, decrease the lowest-priced available class, or classes, by such excess.

MINIMUM PRICES

§ 974.50 *Basic formula prices.* The basic formula price per hundredweight of milk for the month shall be the higher of the prices as computed by the market administrator for such month pursuant to paragraphs (a) and (b) of this section.

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

COMPANIES AND LOCATION

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) Compute the price per hundredweight by adding together the amounts resulting under subparagraphs (1) and (2) of this paragraph:

(1) From the arithmetical average of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month, as reported by the Department of Agriculture for the Chicago market, subtract 3.5 cents, add 20 percent, and then multiply the resulting amount by 3.5, and

(2) From the arithmetical average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. Chicago area manufacturing plants, as published for the month by the Department of Agriculture, deduct 4 cents, multiply by 8.2.

§ 974.51 *Class I milk prices.* Subject to the provisions of § 974.54, the respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class I milk shall be as follows, as computed by the market administrator:

(a) Add to the basic formula price $1.10 in each month, and add or subtract a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the total gross volume of Class I milk (less interhandler transfers) in the month for which a price is being computed and the first preceding month by the total receipts of producer milk for the same months, multiplying the result by 100, and rounding to the nearest whole number. The total gross volume of Class I milk to be used in this computation should include the volume of any milk which was previously classified as other than Class I milk and was reclassified pursuant to § 974.42 (b) during the above described two month period as Class I milk.

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage as computed pursuant to subparagraph (1) of this paragraph the appropriate standard utilization percentage shown below:

Month for which a price is being computed:	Standard utilization percentage
January	79
February	79
March	76
April	72
May	65
June	59
July	61
August	66
September	71
October	77
November	82
December	81

(3) Determine the amount of the supply-demand adjustment as follows:

If the net utilization percentage is—	Supply demand adjustment for specified month is—		
	Jan., Feb., Mar., Aug., and Sept.	April, May, June and July	Oct., Nov. and Dec.
	Cents	*Cents*	*Cents*
+12 or over	+38	+25	+50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+26
+3 or +4	+10	+7	+14
+1 or −1	0	0	0
−3 or −4	−10	−14	−7
−6 or −7	−20	−26	−13
−9 or −10	−28	−38	−19
−12 or −13	−38	−50	−25
−15 or −16	−38	−50	−31
−18 or −19	−38	−50	−37
−21 or −22	−38	−50	−43
−24 or under	−38	−50	−50

When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month. If in the first month this supply-demand adjustment is in effect the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which would have been used in determining the supply-demand adjustment had it been in effect in the previous month.

(b) Add together the amounts determined in paragraph (b) (1) and (2) of § 974.50 and divide the sum into the amount determined in subparagraph (1) of such paragraph.

(c) Multiply the price determined in paragraph (a) of this section by the percentage determined in paragraph (b) of this section and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(d) From the price determined in paragraph (a) of this section subtract the amount determined in paragraph (c) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight: *Provided,* That in no event shall the price of skim milk or butterfat in Class I milk be lower, respectively than the skim milk and butterfat price in Class II milk.

§ 974.52 *Class II milk prices.* Subject to the provisions of § 974.54, the respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class II milk shall be follows, as computed by the market administrator:

(a) Deduct 40 cents from the Class I milk price computed pursuant to § 974.51 (a) for such month.

(b) Multiply the price computed in paragraph (a) of this section by the percentage computed in paragraph (b) of § 974.51 and then divide by 0.035. The resulting amount shall be the Class II butterfat price per hundredweight: *Provided,* That in no event shall the price of butterfat pursuant to this subparagraph be less than the price computed pursuant to paragraph (b) of § 974.53 prior to the proviso therein.

(c) Subtract from the price computed in paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

§ 974.53 *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class III milk shall be as follows, as computed by the market administrator:

(a) The price per hundredweight of such skim milk shall be computed as follows: From the arithmetical average of the weighted average of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the month by the Department of Agriculture, subtract 5.5 cents, and multiply the result by 8.5.

(b) The price per hundredweight of butterfat shall be computed as follows: Multiply the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month by 120: *Provided,* That the price per hundredweight of butterfat made into butter shall be such price per hundredweight less $5.00.

§ 974.54 *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a handler for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Columbus, Ohio, marketing area: *Provided,* That Class I milk or Class II milk disposed of in another fluid milk marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Columbus, Ohio, marketing area, pursuant to this section, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

DETERMINATION OF UNIFORM PRICE

§ 974.60 *Computation of value of milk for each handler.* Subject to the location adjustment provided in § 974.61, the value of producer milk received by each handler during each month shall be a sum of money computed by the market administrator by multiplying by the respective class prices for skim milk and butterfat, the skim milk and butterfat according to classification pursuant to § 974.45, and adding together the resulting amounts: *Provided,* That if such handler, after subtracting all receipts other than producer milk has disposed of skim milk or butterfat in excess of the skim milk or butterfat received in producer milk, there shall be added a further amount equal to the value of such skim milk or butterfat in the class from which subtracted pursuant to § 974.45 (g): *Provided further,* That if in the verification of the reports or payments of such handler for any previous month, the market administrator discovers errors which result in payments due the producer-settlement fund or the handler, there shall be added, or subtracted, as the case may be, the amount necessary to correct such errors: *Provided further,* That such handler shall be credited at the difference between the applicable class prices for skim milk and butterfat and the Class II prices for skim milk and butterfat, respectively, with respect to milk or skim milk disposed of in bulk fluid form during April, May, June, or July, to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations: *And provided also,* That such handler shall be credited with the difference between the Class II and Class III prices for skim milk received in producer milk in excess of skim milk classified as Class I milk or Class II milk (other than that used to produce condensed skim milk) in any of the months of April, May, June and July which is disposed of in any such month in the form of condensed skim milk to a person whose supply of milk is not produced under permits or specified in § 974.7.

§ 974.61 *Location adjustment to handlers.* With respect to the actual weight of whole milk which is moved directly to the marketing area from a fluid milk plant located more than 40 miles from the Ohio State Capitol, Columbus, by shortest highway distance as determined by the market administrator, there shall be deducted 17 cents per hundredweight in the computation of the value of producer milk received by the handler operating such plant.

§ 974.62 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall notify each handler of (a) the amount and value of his milk in each class as computed pursuant to §§ 974.45 and 974.60, respectively, and the totals of such amounts and values, including any adjustments thereto; (b) the uniform price computed pursuant to § 974.63; (c) the amount due each handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and (d) the total amounts to be paid by such handler pursuant to §§ 974.70, 974.73, 974.77 and 974.78.

§ 974.63 *Computation of uniform price.* For each month, the market ad-

ministrator shall compute a uniform price per hundredweight for producer milk by:

(a) Combining into one total the values computed pursuant to § 974.60 for all handlers except those who did not make the payments required pursuant to § 974.73 for the previous delivery period;

(b) Adding an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(c) Adding the aggregate of the values of all allowable location adjustments computed pursuant to § 974.71;

(d) Subtracting, if the weighted average butterfat test of all pooled milk is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 974.76 times 10.

(e) Deducting for each of the months of April, May, June and July an amount computed by multiplying the hundredweight of milk which was received from producers during each such month and classified as Class I milk and as Class II milk by 35 cents;

(f) Dividing by the hundredweight of producer milk pooled; and

(g) Subtracting not less than 4 cents nor more than 5 cents. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

PAYMENTS

§ 974.70 *Time and method of payment.* On or before the 15th day after the end of each month, each handler shall make payment to each producer for milk received during the month at not less than the uniform price per hundredweight, subject to the location adjustment pursuant to § 974.71 and the butterfat differential computed pursuant to § 974.76: *Provided,* That payment may be made to a cooperative association qualified under § 974.79 with respect to milk received from any producer who has given such association authorization by contract or other written instrument to collect the proceeds from the sale of his milk and any payment made pursuant to this proviso shall be made on or before the 10th day after the end of each month: *And provided further,* That if by such date such handler has not received full payment for such month pursuant to § 974.74, he shall not be deemed to be in violation of this section if he reduces uniformly for all producers his payments per hundredweight by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

On or before the 15th day after the end of each of the months of October, November and December, each handler who received payment pursuant to § 974.74 (b) (3) for such month shall distribute such amount by paying each producer, from whom milk was received during such month and who had not given any cooperative association authorization by contract or other written instrument to collect the proceeds for the sale of his milk, an amount computed by multiplying the hundredweight of milk received during such month from such producer by the rate per hundredweight for such month computed pursuant to § 974.74 (b) (1).

§ 974.71 *Location adjustment to producers.* In making payments pursuant to § 974.70 a handler may deduct, with respect to producer milk received at a fluid milk plant located more than 40 miles from the Ohio State Capitol, Columbus, by shortest highway distance as determined by the market administrator not more than 17 cents per hundredweight.

§ 974.72 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 974.73 and out of which he shall make all payments to handlers pursuant to § 974.74: *Provided,* That the market administrator shall offset any such payment due any handler against payments due from such handler.

§ 974.73 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator the amount by which the total value computed for him pursuant to § 974.60 for such month is greater than the sum required to be paid by such handler pursuant to § 974.70.

The amounts deducted pursuant to § 974.63 (e) shall become a part of the producer-settlement fund and shall remain in that fund as an obligated balance until they are dispersed pursuant to § 974.74 (b).

§ 974.74 *Payments out of the producer-settlement fund.* The market administrator shall make payments out of the producer-settlement fund as follows:

(a) On or before the 14th day after the end of each month, each handler shall be paid the amount by which the sum required to be paid producers by such handler pursuant to § 974.70 is greater than the total value computed for him pursuant to § 974.60 for such month: *Provided,* That if the unobligated balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) For each of the months of October, November and December the market administrator shall make the following computations and shall make the payments required in this paragraph on or before the 14th day after the end of each such month:

(1) Divide one-third of the total amount deducted pursuant to § 974.63 (e) for the previous April, May, June and July by the hundredweight of milk received from all producers by all handlers during the month involved (October, November or December) and round to the nearest cent;

(2) Pay to a cooperative association an amount resulting from multiplying the rate per hundredweight for the applicable month computed in subparagraph (1) of this paragraph by the hundredweight of milk received by all handlers during such month from producers who have given such cooperative association authorization by contract or other written instrument to collect the proceeds from the sale of their milk; and

(3) Pay to each handler an amount resulting from multiplying the rate per hundredweight for the applicable month computed in subparagraph (1) of this paragraph by the hundredweight of milk received by such handler during such month from producers who have not given any cooperative association authorization by contract or other written instrument to collect the proceeds from the sale of their milk.

§ 974.75 *Adjustment of errors.* Whenever audit by the market administrator of the payment required to be made by a handler to a producer pursuant to § 974.70 discloses payment of less than is required, the handler shall make up such payment not later than the time for making payments pursuant to § 974.70 next following such disclosure.

§ 974.76 *Butterfat differential.* For each month the market administrator shall compute (to the nearest one-tenth cent) a butterfat differential by subtracting from the weighted average price per hundredweight of all butterfat from producer milk in Class II milk and Class III milk the weighted average price per hundredweight of all skim milk from producer milk in Class II milk and Class III milk and dividing the remainder by 1,000.

§ 974.77 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 974.22 (c) each handler shall pay the market administrator on or before the 12th day after the end of each delivery period 2 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts of skim milk and butterfat (except receipts from other handlers) in (a) producer milk and (b) other source milk at a fluid milk plant.

§ 974.78 *Marketing services.* Except as set forth in § 974.79, each handler for each delivery period shall deduct 5 cents per hundredweight or such amount not to exceed 5 cents as the Secretary may from time to time prescribe, from the payments made to each producer pursuant to § 974.70, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such services to be

performed by the market administrator or by an agent engaged by and responsible to him.

§ 974.79 *Cooperative associations.* In the case of producers for whom a cooperative association which, as determined by the Secretary, has its entire activities under the control of its members and meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing ,as determined by the Secretary, the services set forth in § 974.78, each handler shall make, in lieu of the deductions specified in § 974.78, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and, on or before the 12th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services.

EFFECTIVE TIME, SUSPENSION AND TERMINATION

§ 974.80 *Effective time.* The provisions of this part or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 974.81.

§ 974.81 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds that this part or any provision of this part obstructs, or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 974.82 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(a) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

(b) Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 974.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 974.91 *Producer-handlers.* Sections 974.50, 974.51, 974.52, 974.53, 974.54, 974.60, 974.61, 974.62, 974.70, 974.71, 974.73, 974.74, 974.75, 974.76, 974.77 and 974.78 shall not apply to a handler who handles only milk from his own farm production or received from other handlers.

§ 974.92 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions hereof to other persons or circumstances shall not be affected thereby.

§ 974.93 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market adminstrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Filed at Washington, D. C., this 19th day of March 1952.

[SEAL] ROY W. LENNARTSON,
Acting Assistant Administrator.

[F. R. Doc. 52-3319; Filed, Mar. 21, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 50796]

NEVADA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE NEWLANDS PROJECT

MARCH 17, 1952.

An order of the Bureau of Reclamation dated July 25, 1949, concurred in by the Acting Director, Bureau of Land Management, August 26, 1949, revoked the Departmental orders of July 2 and August 26, 1902, and July 9, 1904, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Newlands Project, Nevada, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 21 E.,
Sec. 2, S½NE¼SW¼, SE¼SW¼, SE¼SE¼.
T. 19 N., R. 22 E.,
Sec. 6, lot 7, SE¼SW¼, SE¼.

The above areas aggregate 341.24 acres.

The lands are surrounded by privately owned lands, and have no agricultural or grazing value.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application.

No application to acquire title to the SE¼SE¼ sec. 2, T. 19 N., R. 21 E., lot 7, SE¼SW¼ and SE¼ sec. 6 will be accepted unless accompanied by an executed copy of a stipulation reserving to the United States a perpetual right-of-way and easement for the construction, operation and maintenance of an electrical generating plant and transmission and telephone lines, and the right to enter the lands and construct and maintain such structures and works as may be deemed advisable by the United States.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands sha be addressed to the Manager, Land an Survey Office, Reno, Nevada.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52-3251; Filed, Mar. 20, 195 8:45 a. m.]

[Misc. 59672]

IDAHO

ORDER PROVIDING FOR THE OPENING PUBLIC LANDS RESTORED FROM THE MOU TAIN HOME PROJECT

MARCH 17, 1952.

An order of the Bureau of Reclam tion dated November 22, 1950, concurr in by the Assistant Director, Bureau Land Management, December 21, 19 revoked the Departmental order March 22, 1919, so far as it withdr under the provisions of the Reclamati Act of June 17, 1902 (32 Stat. 388), t following described land in connecti with the Mountain Home Project, Ida and provided that such revocation sh not affect the withdrawal of any oth lands by said order or affect any oth order withdrawing or reserving the lan described:

BOISE MERIDIAN

T. 1 S., R. 1 W.,
Sec. 31, lots 1, 2, 3, SE¼NW¼, NE¼SW

The above areas aggregate 154.91 acr

The lands are chiefly valuable grazing.

No applications for these lands may allowed under the homestead, sm tract, desert-land, or any other no mineral public-land laws, unless lands have already been classified valuable or suitable for such type application, or shall be so classified up the consideration of an application.

This order shall not otherwise beco effective to change the status of su lands until 10:00 a. m. on the 35th d after the date of this order. At th time the said lands shall, subject to va existing rights and the provisions existing withdrawals, become subject application, petition, location, and sel tion as follows:

(a) *Ninety-one day period for pref ence-right filings.* For a period of days, commencing at the hour and the day specified above, the public la affected by this order shall be subj only to (1) application under the hon stead or the desert-land laws or Small Tract Act of June 1, 1938, 52 St 609 (43 U. S. C. 682a), as amended, qualified veterans of World War II a other qualified persons entitled to pr erence under the act of September 1944, 58 Stat. 747 (43 U. S. C. 279–28 as amended, subject to the requireme of applicable law, and (2) applicat under any applicable public-land l based on prior existing valid settlem rights and preference rights confer by existing laws or equitable claims s ject to allowance and confirmation.

plications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52-3252; Filed, Mar. 20, 1952; 8:46 a. m.]

[Misc. 62230]

OREGON

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE UMATILLA PROJECT

MARCH 17, 1952.

An order of the Burcau of Reclamation dated July 2, 1951, concurred in by the Associate Director, Bureau of Land Management, July 11, 1951, revoked the Departmental orders of February 25, 1903 and August 16, 1906, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Umatilla Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

WILLAMETTE MERIDIAN

T. 4 N., R. 25 E.,
Sec. 8, lot 6.

The above area aggregates 10.08 acres.

The lands are chiefly valuable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Portland, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Portland, Oregon.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52-3250; Filed, Mar. 20, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

BOWMAN & BOWMAN COMMISSION CO.

DEPOSTING OF STOCKYARD

It has been ascertained that the Bowman & Bowman Commission Company, Durant, Oklahoma, originally posted on November 30, 1949, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public livestock market. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer being conducted or operated as a public livestock market and is, therefore, no

longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 17th day of March 1952.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52-3263; Filed, Mar. 20, 1952; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5428]

K. L. M. ROYAL DUTCH AIRLINES; RENEWAL CASE

NOTICE OF HEARING

In the matter of the application of K. L. M. Royal Dutch Airlines for amendment of its foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, authorizing the transportation of persons, property, and mail between the coterminal points Oranjestad, Aruba, Netherlands West Indies, and Willemstad, Curacao, Netherlands West Indies, the intermediate points Ciudad Trujillo, Dominican Republic, Port-au-Prince, Haiti, Kingston, Jamaica, Camaguey, Cuba, and Havana, Cuba, and the terminal point Miami, Florida, so as to extend the effective date of said permit for a period of three years from April 4, 1952.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on March 27, 1952, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the application particular attention will be directed to the following questions:

1. Will it be in the public interest to amend the foreign air carrier permit held by K. L. M. Royal Dutch Airlines so as to extend the effective date of said permit for a period of three years from April 4, 1952?

2. Will the requested authorization be consistent with the obligations assumed by the United States in any treaty, convention or agreement that may be in force between the United States and the Netherlands or any other foreign country?

For further details as to the requested amendment and the issues in connection therewith reference is made to the application on file with the Civil Aeronautics Board.

Notice is further given that any person other than a party of record desiring to be heard in this proceeding must file with the Board on or before March 27, 1952, a statement setting forth the pertinent issues of fact or law which he desires to controvert or support, and said person then may appear and participate at the hearing under the provisions of § 302.6 (a) of the Board's Procedural Regulations.

Dated at Washington, D. C., March 18, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-3295; Filed, Mar. 20, 1952; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redelegation of Authority 30]

DIRECTORS OF DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO MODIFY, REVISE OR REQUEST FURTHER INFORMATION CONCERNING APPLICATIONS FILED UNDER PROVISIONS OF SECTION 14 (c) OF CPR 74

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, pursuant to Delegation of Authority No. 31 (16 F. R. 11752), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to modify, revise, or request further information concerning applications filed pursuant to section 14 (c) of CPR 74.

This redelegation of authority shall take effect as of March 11, 1952.

JOSEPH M. MCDONOUGH,
Director Regional Office No. I.

MARCH 18, 1952.

[F. R. Doc. 52-3288; Filed, Mar. 18, 1952; 4:29 p. m.]

[Region I, Redelegation of Authority 31]

DIRECTORS OF DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO PROCESS STATEMENTS FILED PURSUANT TO SECTIONS 6 AND 12 OF CPR 92, AND TO APPROVE, DENY, OR REQUEST FURTHER INFORMATION CONCERNING, FILINGS MADE PURSUANT TO SECTION 42 (b) AND SECTION 42 (c) (5) AND (6) OF CPR 92

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, pursuant to Delegation of Authority No. 27 (16 F. R. 11468), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to process statements filed under sections 6 and 12 of Ceiling Price Regulation 92, and to approve, deny, or reques further information concerning, filing made pursuant to section 42 (b) or sec tion 42 (c) (5) and (6) of Ceiling Pric Regulation 92 and filings made pursuan to section 46 (b) of Ceiling Price Regu lation 92.

This redelegation of authority shal take effect as of March 11, 1952.

JOSEPH M. MCDONOUGH,
Director Regional Office No. I.

MARCH 18, 1952.

[F. R. Doc. 52-3289; Filed, Mar. 18, 1952 4:29 p. m.]

[Region I, Redelegation of Authority 32]

DIRECTORS OF DISTRICT OFFICES, REGION

REDELEGATION OF AUTHORITY TO ACT UNDE CPR 101, AS AMENDED

By virtue of the authority vested in m as Director of the Regional Office Price Stabilization, No. 1, pursuant Delegation of Authority No. 38 (16 F. 12299), as amended by Amendment 1 (F. R. 1784), this redelgation of au thority is hereby issued.

1. Authority is hereby redelegated the Directors of the District Offices the Office of Price Stabilization in Regio I to act under sections 7, 21 (a), 21 (b 42 (a), 42 (b), 46 (c), and 49 (a) of CP 101.

2. Authority is hereby redelegated the Directors of the District Offices the Office of Price Stabilization in Regio I to act under section 12 of CPR 101, amended.

This redelegation of authority sha take effect as of March 11, 1952.

JOSEPH M. MCDONOUGH,
Director Regional Office No. I.

MARCH 18, 1952.

[F. R. Doc. 52-3290; Filed, Mar. 18, 195 4:30 p. m.]

[Region I, Redelegation of Authority 33

DIRECTORS OF DISTRICT OFFICES, REGION

REDELEGATION OF AUTHORITY TO ACT UND CPR 74

By virtue of the authority vested in as Director of the Regional Office of Pri Stabilization, No. I, pursuant to Deleg tion of Authority No. 32 (16 F. R. 1189 this redelegation of authority is here issued.

1. Authority is hereby redelegated the Directors of the District Offices of t Office of Price Stabilization in Regio to act under sections 12, 43 (a) and (44 (a) and (b), 45 (a) and (b), 46, 47. 50, and 60 (c) of Ceiling Price Regulati 74.

This redelegation of authority sh take effect as of March 11, 1952.

JOSEPH M. MCDONOUGH,
Director Regional Office No. I.

MARCH 18, 1952.

[F. R. Doc. 52-3291; Filed, Mar. 18, 19 4:30 p. m.]

Region II, Redelegation of Authority 28]

)IRECTOR OF NEW YORK CITY DISTRICT OFFICE

EDELEGATION OF AUTHORITY TO ACCEPT, DISAPPROVE OR MODIFY CEILING PRICES PURSUANT TO SECTION 3 (c) OF SR 13 TO CPR 34

By virtue of the authority vested in me s Director of the Regional Office of rice Stabilization No. II, pursuant to)elegation of Authority No. 55 (17 F. R. 074), this redelegation of authority is ereby issued.

1. Authority to act under section 3 (c) f Supplementary Regulation 13 to Ceil- ıg Price Regulation 34. Authority is ereby redelegated to the Director of the lew York City District Office of the Of- ce of Price Stabilization to receive fil- ıgs of OPS Public Form No. 131 and to ccept, disapprove or modify ceiling rices in accordance with the provi- ions of section 3 (c) of Supplementary ?egulation 13 to Ceiling Price Regula- ion 34.

This redelegation of authority shall ake effect on March 19, 1952.

JAMES G. LYONS,
Director of Regional Office No. II.

MARCH 18, 1952.

F. R. Doc. 52–3292; Filed, Mar. 18, 1952; 4:30 p. m.]

Region II, Redelegation of Authority 29]

)IRECTORS OF DISTRICT OFFICES, REGION II

EDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in ne as Director of the Regional Office of 'rice Stabilization No. II, pursuant to)elegation of Authority No. 11, Revision (17 F. R. 2145), this redelegation of uthority is hereby issued.

1. Authority is hereby redelegated to he Directors of the New York City, Buffalo, Rochester, Syracuse and Albany, lew York and the Newark and Trenton, lew Jersey Offices of Price Stabilization:

(a) To request further information or o take other appropriate action with espect to statements, reports, notices or orms filed by Class 2 or Class 2A laughterers under section 9 (a), 12 (f), r 17 (b), or with respect to certificates iled under section 12 (e), of Distribution ?egulation 1, Revision 1.

(b) To deny, request further informa- ion, or take such other action as the lational Office may direct with respect o applications made under section 15, 6, or 19 of Distribution Regulation 1, ?evision 1, by persons who are, wish o be, or desire an adjustment as Class ; or Class 2A slaughterers.

(c) To grant, deny, request further nformation or take such other action ıs the National Office may direct with respect to applications made by Class 2)r Class 2A slaughterers under section), 13 or 14 of Distribution Regulation 1, ?evision 1.

(d) To grant, deny, request further nformation or take other appropriate ıction with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

(e) To grant relief, pursuant to section 19 of Distribution Regulation 1. Revision 1, in the form of registration as a Class 2 slaughterer, to a person who, prior to December 16, 1951, filed an application under section 4 of the old Distribution Regulation 1, issued February 9, 1951, and who meets the criteria for registration specified in that section.

(f) To take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b) and 20 (d) of Distribution Regulation 1, Revision 1.

2. This redelegation of authority shall take effect on March 19, 1952.

JAMES G. LYONS,
Director of Regional Office No. II.

MARCH 18, 1952.

[F. R. Doc. 52–3293; Filed, Mar. 18, 1952; 4:30 p. m.]

[Region III, Redelegation of Authority 1, Revision 2]

DIRECTORS OF DISTRICT OFFICES, REGION III

AMENDMENT TO REDELEGATION OF AUTHORITY TO ACT UNDER CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 54 (17 F. R. 1831), Redelegation of Authority No. 1, Revised, is amended by adding paragraph 2 to read as follows:

2. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This amendment shall take effect as of March 10, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

MARCH 18, 1952.

[F. R. Doc. 52–3294; Filed, Mar. 18, 1952; 4:30 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 7]

PERMIAN BASIN

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS FOR CERTAIN FIELDS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Spraberry Formation in the Tex Harvey Field, Midland and Glasscock Counties, Texas; Pembrook Field, Upton County, Texas; Pembrook North Field, Upton County, Texas; Weiner-Floyd Field, Upton, Reagan and Glasscock Counties, Texas; Driver Field, Midland and Glasscock Counties, Texas; Germania Field, Midland County, Texas; Midkiff Field, Midland County, Texas; and Benedum (Spraberry) Field, Upton and Reagan Counties, Texas.

Mr. Raymond J. Kerr, as attorney for Mr. E. E. Fogelson, Mr. Edwin W. Pauley, Mr. Pete Lomax, Mr. A. M. Hendrickson, Mr. O. C. Harper, Mr. Carlton Beal, Mr. Hubbard S. Russell, Mr. M. E. Miller, Mr. M. A. Machris, and Mr. Donald Frankel petitions to eliminate the differentials which have heretofore been imposed upon crude petroleum produced from the Spraberry Formation in the above mentioned fields. During the base period, full production had not been attained and adequate low cost pipe line transportation had not been installed and as a result the crude petroleum produced from these fields was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It appears that these conditions have now been eliminated and these differentials should no longer be imposed.

From information available to this office, it appears that the requested adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.65 per barrel for 40° API gravity and above with a differential of 2¢ per barrel less for each degree of gravity lower than 40° API.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Spraberry Formation in the Tex Harvey Field, Midland and Glasscock Counties, Texas; Pembrook Field, Upton County, Texas; Pembrook North Field, Upton County, Texas; Weiner-Floyd Field, Upton, Reagan and Glasscock Counties, Texas; Driver Field, Midland and Glasscock Counties, Texas; Germania Field, Midland County, Texas; Midkiff Field, Midland County, Texas; and Benedum (Spraberry) Field, Upton and Reagan Counties, Texas shall be: $2.65 per barrel for 40° API gravity and above with a differential of 2¢ per barrel less for each degree of gravity lower than 40° API.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on March 17, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 17, 1952.

[F. R. Doc. 52–3243; Filed, Mar. 17, 1952; 4:16 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 3, Amdt. 1]

FAMOUS-STERNBERG, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 3, under section 43 of Ceiling Price

Regulation 7, established retail ceiling prices for sales at retail of men's clothing having the brand names "Mirror Test," "Lordly," and "McNair."

Thereafter, applicant applied for the establishment of a cost bracket to the retailer, which bracket applies to a specific retail price. The costs of the articles, purchased by the retailer, should, on the average, fall evenly between the polar ends of each cost bracket and will maintain the general historic markup pattern. The establishment of such cost bracket permits minor changes in cost without influencing the general level of prices of the articles in question.

The Director has determined on the basis of information available to him that the retail ceiling prices established by this amendment are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

This amendment also adds boy's clothing to the list of articles for which ceiling prices at retail were established by the special order.

Amendatory provisions. Special Order 3, under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 1, insert the words "and boy's" between the words "men's" and "clothing" now appearing therein.

2. In paragraph 1, delete all after the sentence, "The manufacturer's prices listed below are subject to a discount of 2/10 EOM, Net 60," and substitute therefor the following:

The ceiling prices listed below which are marked with an asterisk shall become effective on receipt of a copy of this order by the retailer, but in no event later than 30 days after the effective date of this order. Ceiling Prices not marked with an asterisk are effective upon the effective date of this order. Sales may, of course, be made below the retail ceiling prices.

FAMOUS-STERNBERG, INC.

MEN'S AND BOYS' CLOTHING

Selling price to retailers (per unit):	Ceiling price at retail (per unit)
$3.875–$4.25	[1] *$6.95
$4.26–$4.50	*$7.50
$4.51–$4.75	*$7.95
$4.76–$5.00	*$8.25
$5.01–$5.25	*$8.75
$5.26–$5.50	[2] *$9.00
$5.51–$5.75	*$9.50
$5.76–$6.00	*$9.95
$6.01–$6.25	*$10.45
$6.26–$6.50	*$10.95
$6.51–$7.00	*$11.50
$10.25–$10.50	*$17.50
$11.10	$18.50
$11.50–$11.75	*$19.75
$12.25	$20.50
$12.50–$12.75	*$21.50
$13.25–$13.50	*$22.50
$13.50	$23.50
$13.51–$14.10	*$23.50
$14.75–$14.99	[3] *$24.95
$15.00–$15.49	*$25.95
$15.50–$15.99	*$26.50
$17.75–$17.95	*$29.95
$18.00–$18.50	[4] *$30.95
$18.75–$19.99	*$32.50
$19.50	$32.50
$19.50–$20.25	*$33.50
$20.26–$21.00	*$35.00
$22.00–$22.50	*$37.50

3. Delete paragraph 2, and substitute therefor the following:

[1] Men's extra trousers having the style name "Lordly Cotton Cords" in the manufacturer's application dated March 1, 1951, so long as it has a manufacturer's selling price of $4.25 per unit, shall have a ceiling price at retail of $7.00 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM, Net 60 days.

[2] Men's extra trousers having the style name "Mirror Test" in the manufacturer's application dated March 1, 1951, so long as it has a manufacturer's selling price of $5.45 per unit, shall have a ceiling price at retail of $8.95 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM, Net 60 days.

[3] Men's jackets having the style name "Mirror Test" in the manufacturer's application dated March 1, 1951, so long, as it has a manufacturer's selling price of $14.75 per unit, shall have a ceiling price at retail of $24.75 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM, Net 60 days.

[4] Men's two-piece suit having the style name "MacNair" in the manufacturer's application dated March 1, 1951, so long as it has a manufacturer's selling price of $18.25 per unit, shall have a ceiling price at retail of $32.50 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM, Net 60 days.

Effective date. This amendment shall become effective March 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 14, 1952.

[F. R. Doc. 52-3184; Filed, Mar. 14, 1952; 4:45 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 18]

WILLYS-OVERLAND MOTORS, INC.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 4 established a schedule of prices and charges under section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Willys-Overland Motors, Inc. Subsequent to the issuance of Special Order 4 the manufacturer's prices on certain passenger automobiles and items of extra, special or optional equipment were increased following an increase in wholesale ceiling prices pursuant to Ceiling Price Regulation 1, Revision 1, Supplementary Regulation 1. This order is accordingly issued to establish sellers' prices and charges which will reflect increased costs to dealers and markups thereon, and is applicable to 1952 models of the passenger automobiles. In addition this order includes the basic price of the 685 Station Wagon which is a new item, not a counterpart of any previously manufactured by Willys-Overland Motors, Inc.

For the purpose of clarifying the meaning of "standard equipment" which is included in the basic price of the automobile, an appendix has been added to this order showing the items of equipment which are standard on automobiles manufactured by the Willys-Overland Motors, Inc.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceili Price Regulation 83, this Special Orc is hereby issued.

1. The basic prices, as defined in Ce ing Price Regulation 83, section 2, whi retail and wholesale sellers will use determining the ceiling prices of 19 model automobiles which were manufa tured by the Willys-Overland Moto Inc., and which were delivered to su sellers at prices reflecting the adju ment provided for in Letter Order L–7 issued and effective February 1952, for the several body styles in ea line or series of the various makes, as follows:

Station wagons:	
473 Station Wagon	$1,691
673 Station Wagon	1,771
685 Station Wagon	1,800
4 x 473 Station Wagon	2,091
Passenger automobiles:	
675 DeLuxe "L" head	1,718
685 Super DeLuxe "F" head	1,915
685 Custom "F" head	1,984

2. The charges established below for factory installed extra, special or tional equipment which wholesalers retail sellers will use in determining ceiling prices of automobiles which w manufactured by the Willys-Overl Motors, Inc. and which were delive to such sellers at prices reflecting adjustment provided for in Letter Or No. 7 issued and effective February 1952. These charges are for all l and body styles unless otherwise de nated.

Arm rests, front (passenger automobiles)	$
Bumper guards, rail and license tag bracket, front (Station Wagons)	1
Bumper guards, front and rear (passenger automobiles)	1
Cigar lighter (passenger automobiles)	
Cleaner, air oil bath type (473, 673, and 685 Station Wagons)	
Clock, electric (passenger automobiles)	1
DeLuxe steering wheel and horn ring (473, 673 and 685 Station Wagons)	
Directional signals (Station Wagons)	2
Directional signals (passenger automobiles)	1
Fresh air duct and controls, left (passenger automobiles)	
Fresh air duct and controls, right (passenger automobiles)	
Glove box and lock (passenger automobiles)	
Heater and defroster (Station Wagons)	3
Heater and defroster (passenger automobiles)	6
Hood ornament (passenger automobiles)	
Hub caps, large (passenger automobiles)	1
Oil bath air cleaner (passenger automobiles)	
Oil filter (Station Wagons and passenger automobiles)	
Overdrive transmission (473, 673 and 685 Station Wagons and passenger automobiles)	
Radio (Station Wagons)	
Radio (passenger automobiles)	
Seat cushions, sponge rubber (passenger automobiles)	1
Steering wheel, chrome hub spoke and ring (passenger automobiles)	
Tires, 6.40 x 15, black wall, 4-ply (passenger automobiles)	
Tires, 5.90 x 15, white wall, 4-ply (passenger automobiles)	
Tires, 6.40 x 15, white wall, 4-ply (passenger automobiles)	

Tires, 6.00 x 15, black wall, 6-ply (473, 673 and 635 Station Wagons)	21.03
Tires, 6.50 x 15, black wall, 6-ply (473, 673 and 685 Station Wagons)	39.99
Tires, 6.70 x 15, white wall, 4-ply (473, 673 and 685 Station Wagons)	14.76
Tires, 7.00 x 15, all service, 6-ply (4 x 473 Station Wagons)	16.65
Tu-tone paint (passenger automobiles)	15.50
Vacuum booster (passenger automobiles)	5.55
Wheel trim rings (473, 673 and 685 Station Wagons)	10.26
Windshield washer (passenger automobiles)	7.95
Zenith carburetor with integral velocity governor (Station Wagons)	16.09

3. The prices and charges established by this Special Order do not include the Federal excise tax. Sellers covered by this order will apply such charges to the prices and charges in accordance with section 2 of Ceiling Price Regulation 83.

4. Appendix A to this order lists the items which are included as standard equipment on the 1952 model automobiles manufactured by Willys-Overland Motors, Inc.

5. All provisions of Ceiling Price Regulation 83 not inconsistent with this order, including the posting, invoicing, and record-keeping requirements of that regulation, remain in effect as to sales covered by this order.

6. This Special Order or any provisions thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order shall become effective on March 19, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 19, 1952.

APPENDIX A—ITEMS OF STANDARD EQUIPMENT OF AUTOMOBILES MANUFACTURED BY THE WILLYS-OVERLAND MOTORS, INC.

STATION WAGONS

Description	*Body styles on which included*
Air cleaner, oil bath type	4 x 473 Station Wagons.
Arm rest, on front door panel	All Station Wagons.
Arm rest, over wheelhouse	All Station Wagons.
Ash receivers, rear two	All Station Wagons.
Ash tray, mounted on instrument panel	All Station Wagons.
Bumper, front and rear, and license tag bracket, front	All Station Wagons.
Cap, spare wheel hub	473, 673 and 685 Station Wagons.
Cleaner, air, dry type	473, 673 and 685 Station Wagons.
Cylinder head, option of 7.4 to 1 or 7.8 to 1	All Station Wagons.
Door, key locks	All Station Wagons.
Door vent window wings	All Station Wagons.
Glove box, passenger side	All Station Wagons.
Horn	All Station Wagons.
Lamp, dome, front	All Station Wagons.
Lamps, tail, license and stop (dual)	All Station Wagons except 685.
Lamps, tail, license and stop (single)	685 Station Wagons.
Mirror, rear view, inside mount	All Station Wagons.
Pump, fuel and vacuum combination	All Station Wagons.
Rear bumper bar extension	All Station Wagons.
Seat, driver's, 2-passenger, sliding adjustable	All Station Wagons.
Seats, for four additional passengers, one front, three rear	All Station Wagons.
Spare wheel	All Station Wagons.
Standard tool kit (jack, combination jack handle and lug wrench, screw driver and pliers).	All Station Wagons.
Standard transmission and 4.88 axle ratio	473, 673 and 685 Station Wagons.
Standard transmission and 5.38:1 axle ratio	4 x 473 Station Wagons.
Sun visors, driver and passenger side	All Station Wagons.
Tires, (5) black wall, 4-ply, 6.70 x 15	473, 673 and 685 Station Wagons.
Tires, (4) black wall, 4-ply, 7.00 x 15, all service tread	4 x 473 Station Wagons.
Windshield wipers, dual automatic	All Station Wagons.

APPENDIX A—ITEMS OF STANDARD EQUIPMENT OF AUTOMOBILES MANUFACTURED BY THE WILLYS-OVERLAND MOTORS, INC.—Continued

PASSENGER AUTOMOBILES

Description	*Body styles on which included*
Arm rest, front with chrome trim, two	Super DeLuxe and Custom.
Arm rest, rear with chrome trim, two	Super DeLuxe and Custom.
Ash receiver, front	All passenger automobiles.
Ash receiver, rear	Super DeLuxe and Custom.
Assist cords, two	Super DeLuxe and Custom.
Bumpers, front and rear	All passenger automobiles.
Cigar lighter	Super DeLuxe and Custom.
Cylinder head option (7.6 to 1 ratio or 8.1 to 1 ratio)	Super DeLuxe and Custom.
Dome light	Super DeLuxe and Custom.
Dome light switch, automatic	Custom.
Emblem, grille and rear deck	All passenger automobiles.
Floor mats, front and rear carpet with jute pad	Custom.
Floor mats, front and rear, rubber, with jute pad	Super DeLuxe.
Floor mats, rubber, front and rear	DeLuxe.
Glove box and lock	Super DeLuxe and Custom.
Horn, single	DeLuxe.
Horn, double	Super DeLuxe and Custom.
Hub caps, small	All passenger automobiles.
Instrument switch	DeLuxe.
Instrument panel, large plastic discs	Super DeLuxe and Custom.
Lock and key, front door, right and left side	All passenger automobiles.
Mirror, rear view, painted, inside	Super DeLuxe.
Mirror, rear view, chrome plated, inside	Custom.
Moulding belt, chrome plated	Super DeLuxe and Custom.
Moulding cover, drip mouiding, chrome plated	Custom.
Moulding chrome finish, outside windshield	Super DeLuxe and Custom.
Moulding chrome finish, outside rear window	Super DeLuxe and Custom.
Moulding chrome plated reveal, bottom outside window	Custom.
Moulding chrome plated, door and quarter, garnish valance	Custom.
Moulding, windshield, painted garnish	DeLuxe.
Name plates "Willys", left and right	All passenger automobiles.
Paint, single color	All passenger automobiles.
Rear window, one piece	DeLuxe and Super DeLuxe.
Rear window, three piece	Custom.
Regulator, quarter windows	Super DeLuxe and Custom.
Rubber scuff plates	DeLuxe.
Runway channels, door and quarter, glass stainless steel edge	Super DeLuxe and Custom.
Seat cushion pads, cotton and hair, front and rear	Super DeLuxe and Custom.
Seat back pads, cotton, front and rear	Super DeLuxe and Custom.
Seat pads, cotton, front and rear	Super DeLuxe and Custom.
Seat pads, cotton	DeLuxe.
Spare wheel, tire and tube	All passenger automobiles.
Steering column jacket	Super DeLuxe and Custom.
Steering wheel with horn ring	All passenger automobiles.
Stop lights, dual	DeLuxe and Super DeLuxe.
Sun visor, single	DeLuxe.
Sun visor, dual, grain board	Super DeLuxe.
Sun visor, dual, cloth covered	Custom.
Switch, solenoid starter, key operated	All passenger automobiles.
Tires, black wall, 5.90 x 15, 4-ply	All passenger automobiles.
Tools (jack handle and lug wrench)	Super DeLuxe and Custom.
Transmission (remote control shift and 4.1 to 1 rear axle ratio).	Super DeLuxe and Custom.
Vent, wing frame, stainless steel	DeLuxe.
Vent, wing division bar, stainless steel	DeLuxe.
Window frames, door and quarter	Super DeLuxe and Custom.
Window frame covers, stainless steel	Super DeLuxe and Custom.
Windshield, two piece	All passenger automobiles.
Windshield wiper dual, chrome blades	All passenger automobiles.

[F. R. Doc. 52-3309; Filed, Mar. 19, 1952; 2:55 p. m.]

[Docket Nos. 2083-1-P; 2083-2-P]

MILAM CHEVROLET CO. ET AL.

POSTPONEMENT OF HEARING

In the matter of the petitions of The Milam Chevrolet Company, et al., and The A&B Pontiac Company, et al., for the amendment of CPR 83; Docket Nos. 2083-1-P; 2083-2-P. Postponement of hearing scheduled for March 24, 1952 to April 3, 1952.

The Director of Price Stabilization, upon consideration of the present status of the record in this proceeding, notes that to a great extent compliance with his special rules of practice and his requests for information have not as yet been met by the particular members of the automobile industry herein involved. The Director notes, for example, that The A&B Pontiac Company, et al., Petitioners, have not complied with Rule 3 of the special rules of practice and that the great majority of those who were requested to submit information have not as yet complied.

As a consequence, the Director of Price Stabilization is of the opinion that for the full protection of the public interest it is necessary that the hearing scheduled for March 24, 1952 be postponed, in order that these petitions may be decided upon the fullest presentation of facts and argument necessary.

The Director of Price Stabilization by the authority vested in him hereby orders:

1. That the public hearing ordered for March 24, 1952 in this matter be postponed until April 3, 1952, the time and place to remain the same.

2. That the notice of hearing, the special rules of practice, the requests for information and the time limits contained therein be continued with full force and effect except as expressly modified by this order.

Issued and effectiye this 19th day of March 1952.

ELLIS ARNALL,
Director of Price Stabilization.

[F. R. Doc. 52-3337; Filed, Mar. 20, 1952; 11:34 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

ENGINEER IN CHARGE

DELEGATION OF AUTHORITY TO ACT UPON REQUESTS FOR TEMPORARY EXTENSION OF AUTHORITY FROM BROADCAST STATIONS TO OPERATE WITHOUT CERTAIN INDICATING INSTRUMENTS

In the matter of amendment of Part O of Commission rules and regulations to delegate authority to the Engineer in Charge instead of the Chief Engineer, to act upon requests for temporary extension of authority from broadcast stations to operate without certain indicating instruments.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of March 1952;

The Commission having on January 9, 1952, adopted an amendment of section 0.151 of the Commission's rules which requires that requests from broadcast stations for extension of authority for temporary operation without certain indicating instruments be filed with the Engineer in Charge of the radio district in which the station is located; and

It appearing, that under section 0.152 a copy of action taken upon such requests must be forwarded to the Secretary of the Commission recorded weekly in the minutes of the Commission; and

It further appearing, that recording of such action in the Commission's Washington offices is unnecessary and that recording of such action in the field office where action is taken complies with the requirement of section 4 (g) of the Communications Act of 1934, as amended; and

It further appearing, that notice of proposed rule making is not required by the provisions of section 4 of the Administrative Procedure Act since the Amendments of the rules herein relate to internal Commission organization and procedure and are not substantive in nature;

It is ordered, That section 0.152 be amended to provide as follows:

SEC. 0.152 *Record of action taken by field offices.* (a) Action taken on applications in accordance with section 0.151 (a) shall be recorded each week and a copy thereof forwarded to the Secretary of the Commission to be filed in the Official Minutes of the Commission.

(b) Action taken on applications in accordance with 0.151 (b) shall be recorded in the field office where such action is taken.

It is further ordered, That this order shall become effective the 12th day of March 1952.

(Sec. 5 (e), 48 Stat. 1068, 47 U. S. C. 155 (e). Interprets or applies Sec. 303, 48 Stat. 1082, 50 Stat. 191; 47 U. S. C. 303, Sec. 307, 48 Stat. 1084, 47 U. S. C. 307)

Released: March 13, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-3258; Filed, Mar. 20, 1952; 8:58 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26895]

PAPER FROM POINTS IN KANSAS AND MISSOURI TO POINTS IN MISSISSIPPI, LOUISIANA, AND ARKANSAS

APPLICATION FOR RELIEF

MARCH 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3831.

Commodities involved: Paper and paper articles, in less-than-carloads.

From: Atchison and Leavenwort Kans., Kansas City, Mo.-Kans., and S Joseph, Mo.

To: Vicksburg and Natchez, Mis Baton Rouge and New Orleans, La., a Helena, Ark.

Grounds for relief: Competition wi motor carriers.

Schedules filed containing propos rates; L. E. Kipp's tariff I. C. C. N A-3831, Supp. 18.

Any interested person desiring t Commission to hold a hearing upon su application shall request the Commi sion in writing so to do within 15 da from the date of this notice. As pr vided by the general rules of practice the Commission, Rule 73, persons oth than applicants should fairly disclo their interest, and the position they i tend to take at the hearing with respe to the application. Otherwise the Co mission, in its discretion, may proceed investigate and determine the matte involved in such application witho further or formal hearing. If because an emergency a grant of temporary r lief is found to be necessary before t expiration of the 15-day period, a hea ing, upon a request filed within th period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary

[F. R. Doc. 52-3265; Filed, Mar. 20, 19 8:48 a. m.]

[4th Sec. Application 26896]

CHEESE FROM SIEBERT, ALA., TO POINTS SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 18, 1952

The Commission is in receipt of above-entitled and numbered appli tion for relief from the long-and-sho haul provision of section 4 (1) of Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, carriers parties to Agent C. A. Span ger's tariff I. C. C. No. 1275.

Commodities involved: Cheese, in c loads.

From: Siebert, Ala.

To: Points in southern territory.

Grounds for relief: Circuitous rou and to apply over short tariff rou rates constructed on the basis of short line distance formula.

Any interested person desiring Commission to hold a hearing upon s application shall request the Commiss in writing so to do within 15 days f the date of this notice. As provided the general rules of practice of the C mission, Rule 73, persons other t applicants should fairly disclose their terest, and the position they intend take at the hearing with respect to application. Otherwise the Commiss in its discretion, may proceed to inve gate and determine the matters invol in such application without furthe formal hearing. If because of an em gency a grant of temporary relie found to be necessary before the exp tion of the 15-day period, a hear

upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3266; Filed, Mar. 20, 1952; 8:48 a. m.]

[4th Sec. Application 26897]

ACETIC ACID AND ANHYDRIDE FROM POINTS IN TEXAS AND ARKANSAS TO SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

MARCH 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3908 and 3967.

Commodities involved: Acid, acetic, glacial or liquid, also acetic anhydride, carloads.

From: Texas City, Houston, Bishop, and Brownsville, Tex., and Crossett, Ark.,

To: Columbus, Ga., Upjohn, Mich., Phillipsburg, N. J., Black Rock, N. Y., Concord and Roanoke Rapids, N. C., and Stonewall, Va.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 90; F. C. Kratzmeir's tariff I. C. C. No. 3908, Supp. 93.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3267; Filed, Mar. 20, 1952; 8:49 a. m.]

[4th Sec. Application 26898]

FOREIGN WOODS FROM MEMPHIS, TENN., TO HAMPTON, S. C.

APPLICATION FOR RELIEF

MARCH 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1226.

Commodities involved: Lumber, logs, flitches, or piling of foreign woods, dimension stock, and built-up woods, carloads.

From: Memphis, Tenn.

To: Hampton, S. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1226, Supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3268; Filed, Mar. 20, 1952; 8:49 a. m.]

[4th Sec. Application 26899]

PHOSPHATE AND DI CALCIUM, FROM CHICAGO AND CHICAGO HEIGHTS, ILLINOIS TO POINTS IN OHIO, INDIANA, AND MICHIGAN

APPLICATION FOR RELIEF

MARCH 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to tariffs listed in exhibit A of the application, pursuant to fourth-section order No. 9800.

Commodities involved: Phosphate, di calicium, carloads.

From: Chicago and Chicago Heights, Ill.

To: Points in Ohio, Indiana, and Michigan.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3269; Filed, Mar. 20, 1952; 8:49 a. m.]

[4th Sec. Application 26900]

ACETIC ACID AND ANHYDRIDE FROM POINTS IN WEST VIRGINIA TO ASHEVILLE AND BILTMORE, N. C.

APPLICATION FOR RELIEF

MARCH 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Acid, acetic, glacial or liquid, and acetic anhydride, carloads.

From: Charleston, Elk, Owens, South Charleston, and South Ruffner, W. Va.

To: Asheville and Biltmore, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3270; Filed, Mar. 20, 1952; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 36; No. 385]

LAWRENCE-OLATHE, KANSAS AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

MARCH 19, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Lawrence-Olathe, Kansas, Area. (The area consists of Douglas County, Kansas, including the Cities of Baldwin, Eudora and Lawrence; the Townships of Olathe, Monticello, Spring Hill, Gardner, McCamish and Lexington, including the Cities of DeSota, Edgerton, Gardner, Olathe and Spring Hill, all in Johnson County; and the City of Bonner Springs, and Delaware Township, including the City of Edwardsville, in Wyandotte County; all in the State of Kansas.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[F. R. Doc. 52-3297; Filed, Mar. 19, 1952; 1:02 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2790]

OKLAHOMA GAS AND ELECTRIC CO.

ORDER APPROVING ISSUE AND SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

MARCH 17, 1952.

Oklahoma Gas and Electric Company ("Oklahoma"), a public utility subsidiary of Standard Gas and Electric Company, a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, having filed an application, with amendments thereto, pursuant to section 6 (b) of the act with respect to the following proposed transactions:

Oklahoma proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of First Mortgage __ Percent Bonds, Series due March 1, 1982. The interest rate and the price to the company for the bonds will be determined by the competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The company requests that the ten-day period required by Rule U-50 to elapse between the time of inviting bids and the entering into of an agreement with respect to the issuance and sale of the bonds be shortened to six days. The proceeds of the sale of the bonds will be used to retire $2,500,000 of short term bank loans, which were made to finance temporarily part of the company's construction program, and the balance will be used to finance, in part, the remainder of the construction expenditures for the year 1952.

The bonds will be issued under the provisions of the company's existing Indenture, dated February 1, 1945, to The First National Bank and Trust Company of Oklahoma City, as Trustee, as supplemented by Supplemental Trust Indentures, dated December 1, 1948, June 1, 1949, and May 1, 1950, and to be further supplemented by a new Supplemental Trust Indenture to be dated March 1, 1952.

The Corporation Commission of Oklahoma and the Arkansas Public Service Commission have authorized the proposed issuance and sale of the bonds. Applicant requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the application, as amended, and a hearing not having been requested of or ordered by the Commission, and the Commission this date having issued its Memorandum Opinion herein and having found that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and having deemed it appropriate in the public interest and the interest of investors and consumers that said application, as amended, be granted subject to the following terms and conditions and reservations of jurisdiction:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdicition be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses incurred in connection with the proposed transactions.

It is further ordered, That the request of Oklahoma for authority to shorten to six days the ten day notice period required by Rule U-50 to elapse between the time of inviting bids and the entering into of an agreement with respect to the issuance and sale of the bonds be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-3254; Filed, Mar. 20, 1952; 8:46 a. m.]

[File No. 70-2803]

NORTHERN NATURAL GAS CO.

ORDER GRANTING APPLICATION FOR RENEWAL OF LINE OF CREDIT WITH EIGHT COMMERCIAL BANKS

MARCH 17, 1952.

Northern Natural Gas Company ("Northern"), a registered holding company, having filed with this Commission an application, and one amendment thereto, pursuant to the act and certain rules and regulations promulgated thereunder with respect to the following transactions:

Northern proposes to renew a line of credit, which it now has in the amount of $42,000,000 with eight commercial banks, for a period of nine months from the present expiration date thereof, namely, March 22, 1952. This line of credit was established originally pursuant to authorizations granted by orders of this Commission, dated April 26, 1951 and September 25, 1951 (Holding Company Act Release Nos. 10517 and 10789) and the exemptive provisions of section 6 (b) of the act. Northern, in connection therewith, has issued from time to time an aggregate of $42,000,000 principal amount of its promissory notes, bearing interest at the "prime rate" in effect at the date of sale of each of said notes and maturing March 22, 1952.

The proposed extension of the bank credit will expire on December 22, 1952 and may be canceled or reduced by Northern at any time prior to that date. The contemplated borrowing will be evidenced by notes which will mature on or before 90 days from date of issuance and which may be renewed for periods of 90 days until the expiration of the credit. These notes, which may be prepaid without premium or penalty, will also bear interest at the "prime rate" in effect at the time they are issued, except that the rate shall not be lower than 2¾ percent per year or higher than 3¼ percent a year. The filing states that the present "prime rate" is 3 percent. Interest payments are to be made at the time each note matures.

It is represented in the filing that the notes will be replaced by permanent financing, which will also provide additional funds for construction, in the form of common stock and debentures provided favorable market conditions then prevail, as soon as the amount of authorized construction has been finally determined and certain pending rate matters have been concluded. It is also represented that the definitive nature and amount of the permanent financing will depend upon, among other things, the outcome of pending applications for increasing system capacity and the rate proceedings.

Notice of the filing of the application having been duly given in the form prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to said application, as amended, that all of the applicable statutory standards are satisfied and deeming it appropriate in the public interest and in the inter-

t of investors and consumers that said plication, as amended, be granted:

It is ordered, Pursuant to Rule U-23 d the applicable provisions of the act at the application, as amended, be, and e same hereby is, granted forthwith, bject to the terms and conditions pre- ribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

R. Doc. 52-3255; Filed, Mar. 20, 1952; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18796]

THERESIE LIEBL

In re: Estate of Theresie Liebl, also lown as Theresia Liebl, deceased. File o. F-17-4: E. T. sec. 17207.

Under the authority of the Trading ith the Enemy Act, as amended (50 S. C. App. and Sup. 1-40); Public aw 181, 82d Congress, 65 Stat. 451; xecutive Order 9193, as amended by xecutive Order 9567 (3 CFR, 1943 Cum. upp.; 3 CFR, 1945 Supp.); Executive rder 9788 (3 CFR, 1946 Supp.) and xecutive Order 9989 (3 CFR, 1948 upp.), and pursuant to law, after in- stigation, it is hereby found:

1. That Katherine Liebl Luft, Johann iebl, Sabina Liebl and Anna Liebl elig, whose last known address is Ger- any on or since December 11, 1941, nd prior to January 1, 1947, were resi- nts of Germany and are, and prior to nuary 1, 1947, were nationals of a signated enemy country (Germany);

2. That all right, title, interest and aim of any kind or character whatso- er of the persons identified in sub- aragraph 1 hereof, and each of them, and to the estate of Theresie Liebl, so known as Theresia Liebl, deceased, property which is and prior to Janu- y 1, 1947, was within the United States wned or controlled by, payable or de- verable to, held on behalf of or on ccount of, or owing to, or which is vidence of ownership or control by the oresaid nationals of a designated en- ny country (Germany);

3. That such property is in the process administration by Hyman Wank, Pub- c Administrator of Kings County, as dministrator, acting under the judicial upervision of the Surrogate's Court of ings County, New York:

nd it is hereby determined:

4. That the national interest of the nited States requires that the persons amed in subparagraph 1 hereof, and ach of them, be treated as persons who re and prior to January 1, 1947, were ationals of a designated enemy country Germany).

All determinations and all action re- uired by law, including appropriate onsultation and certification, having een made and taken, and, it being eemed necessary in the national in- erest,

There is hereby vested in the Attorney eneral of the United States the prop- erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 14, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-3277; Filed Mar. 20, 1952; 8:50 a. m.]

[Vesting Order 18797]

FRIEDRICH H. BOSS

In re: Securities owned by and debt owing to Friedrich H. Boss. F-28-31733-A-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Friedrich H. Boss, whose last known address is 1, Heinrich Willandstr. Starnberg near Munich, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) St. Louis, San Francisco Railway Company Second Mortgage 4½ Percent Income, Series A, Bond, due January 1, 2022, of $100.00 face value, bearing the number RC4858, registered in the name of The Chartered Company, presently in the custody of The Chartered Bank of India, Australia and China, 65 Broadway, New York 6, New York, together with any and all rights thereunder and thereto,

b. Five (5) shares of no par value common capital stock of St. Louis, San Francisco Railway Company, Frisco Building, St. Louis 1, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by a certificate numbered CO4487, registered in the name of The Chartered Company, and presently in the custody of The Chartered Bank of India, Australia and China, 65 Broadway, New York 6, New York, together with all declared and unpaid dividends thereon,

c. Two (2) shares of $100.00 par value 5 percent preferred, series "A" capital stock of St. Louis, San Francisco Railway Company, Frisco Building, St. Louis 1, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by a certificate numbered PO4017, registered in the name of The Chartered Company, and presently in the custody of The Chartered Bank of India, Australia and China, 65 Broadway, New York 6, New York, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to Friedrich H. Boss by The Chartered Bank of India, Australia and China, 65 Broadway, New York 6, New York, in the amount of $424.21 as of February 7, 1952, representing dividends and interest on securities held for the account of Friedrich H. Boss by the aforesaid, The Chartered Bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Friedrich H. Boss, the aforesaid national of a designated enemy country (Germany):

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 14, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-3278; Filed, Mar. 20, 1952; 8:51 a. m.]

[Vesting Order 18798]

ERNST KAERGER ET AL.

In re: Securities owned by Ernst Kaerger and others. F-28-31499-A-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Ernst Kaerger, Margarete Kaerger and Johann Christoph Kaerger, each of whose last known address is Kiel, Germany, on or since December

11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the property described as follows: Certificate of Deposit for St. Louis, San Francisco Railroad Co. Consolidated Mortgage 4½ percent Gold Bonds, Series A, due March 1, 1978, numbered AM 42631/2 of $1000 face value each and presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in an account of Banque Populaire Suisse-Zurich, Switzerland for (The) Kaerger Children, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernst Kaerger, Margarete Kaerger and Johann Christoph Kaerger, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 14, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3279; Filed, Mar. 20, 1952; 8:51 a. m.]

[Vesting Order 18799]

LUISE KOHMANN

In re: Bank account owned by Luise Kohmann, also known as Louise Kohmann. F-28-14790-C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Luise Kohmann, also known as Louise Kohmann, whose last known address is Luisenstr. 5, Weinheim, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Mercantile Trust Company, Locust and Eighth Streets, St. Louis 1, Missouri, arising out of an account in the name of Detjen & Detjen, Attorneys for Luise Kohmann, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Luise Kohmann, also known as Louise Kohmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 14, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3280; Filed, Mar. 20, 1952; 8:51 a. m.]

[Vesting Order 18800]

LINUS RIEDMANN

In re: Stock owned by and debt owing to Linus Riedmann. F-28-31829-A-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Linus Riedmann, whose last know address is Rohrbach bei Karlstadt a. m., Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred and twenty (120) shares of $5.00 par value common capital stock of Warner Brothers Pictures, Inc., 321 W. 44th Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered E100221 for twenty (20) shares; E104875 for ten (10) shares; E91972 for thirty (30) shares and F046527 for sixty (60) shares, registered in the name of Orvis Brothers & Co., and presently in the custody of Orvis Brothers & Co., 14 Wall Street New York 5, New York, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Linus Riedmann by Orvis Brothers & Co., 14 Wall Street, New York 5, New York, representing accumulated dividends on the shares of stock described in subparagraph 2 (a) hereof held by said Company for the account of Linus Riedmann, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Linus Riedmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 14, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3281; Filed, Mar. 20, 1952; 8:51 a. m.]

[Vesting Order 18802]

TAKEO TAKEHARA

In re: Claim of the personal representatives, heirs, next of kin, legatees and distributees of Takeo Takehara, also

known as Tokuhiko Takehara and as Tokukiko Takehara, deceased. F-39-7087.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Takeo Takehara, also known as Tokuhiko Takehara and as Tokukiko Takehara, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: Any and all rights of the persons referred to in subparagraph 1, hereof, to the sum of $874.90 representing funds deposited by Takeo Takehara, also known as Tokuhiko Takehara and as Tokukiko Takehara, deceased, with the Department of the Army for safekeeping at the time of his detention with other civilian internees, said sum deposited with the Treasury Department of the United States in a Miscellaneous Receipt Trust Fund and now held in Account No. 21X6915 entitled "Deposits, Funds of Civilian Internees and Prisoners of War", including in particular all rights to demand, enforce and collect a claim thereto under General Regulation 104, revised April 5, 1951, issued by the Comptroller General of the United States,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Takeo Takehara, also known as Tokuhiko Takehara, and as Tokukiko Takehara, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Takeo Takehara, also known as Tokuhiko Takehara and as Tokukiko Takehara, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 14, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3283; Filed, Mar. 20, 1952; 8:52 a. m.]

[Vesting Order 18801]

HEINRICH SCHRAUF ET AL.

In re: Securities owned by Heinrich Schrauf and others. F-28-31837.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibits A and B attached hereto and by reference made a part hereof, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in Exhibits A and B attached hereto, and by reference made a part hereof, are corporations, partnerships, associations or other business organizations, which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947 were nationals of a designated enemy country (Germany);

3. That the persons referred to in subparagraph 5 (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l) hereof whose names are unknown and who, if individuals, there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and which if partnerships, corporations, associations or other business organizations, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany are, and prior to January 1, 1947 were nationals of a designated enemy country (Germany);

4. That the personal representatives, heirs, next of kin, legatees and distributees of Carl Rabes, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

5. That the property described as follows:

(a) Those certain shares of stock described in Exhibit A, owned by the persons identified therein as owners, together with all declared and unpaid dividends thereon,

(b) Those certain debts or other obligations, matured or unmatured, evidenced by the bonds described in Exhibit B, owned by the persons identified therein as owners, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in and to said bonds,

(c) Twenty Thousand (20,000) shares of $1.00 par value capital stock of Bovard Consolidated Mines Company, evidenced by nineteen certificates numbered B56 for 2,000 shares, B143, B144, B145, B146, B147, B148, B149, B150 for 1,000 shares each, M1024, M1025, M1026, M1033, M1034 for 1,000 shares each, M1204, M1205, M1206, M1207, and M1208 for 1,000 shares each, owned by the persons referred to in subparagraph 3 hereof, together with all declared and unpaid dividends thereon,

(d) One Hundred (100) shares of $100.00 par value non-cumulative 4 per cent preferred capital stock of The Chicago and Alton Railroad Company, evidenced by 2 certificates numbered A4721 and A4722, owned by the persons referred to in subparagraph 3 hereof, together with all declared and unpaid dividends thereon,

(e) Thirty-one (31) shares of $1.00 par value Class A stock of the Associated Gas and Electric Company, evidenced by a certificate numbered HO125840, owned by the persons referred to in subparagraph 3 hereof together with all declared and unpaid dividends thereon,

(f) Any and all rights in and under One (1) Scrip Certificate, series of 1932, numbered NY-H 7337, for 95.33/100ths of one share of Class A $1.00 par value stock of Associated Gas and Electric Company, said certificate owned by the persons referred to in subparagraph 3 hereof,

(g) Forty-eight (48) shares of no par value, $5.00 dividend series preferred stock of Associated Gas and Electric Company, evidenced by a certificate numbered W08879, owned by the persons referred to in subparagraph 3 hereof, together with all declared and unpaid dividends thereon.

(h) Fourteen Hundred (1,400) shares of $1.00 par value capital stock of the Rawhide Coalition Mines Company evidenced by certificates numbered A48495/7, A48500, A48506/8, A41361, A42388/9, A46404/6 and A47527, owned by the persons referred to in subparagraph 3 hereof, together with all declared and unpaid dividends thereon.

(i) Any and all rights in and under One (1) Trustee's certificate numbered 01567, issued by Liberty Title and Trust Company for one-fifth (1/5) of one share of the Metals Coating Company of America $20.00 par value stock, owned by the persons referred to in subparagraph 3 hereof.

(j) Any and all rights in and under One (1) Trustee's certificate numbered 02755, issued by Liberty Title and Trust Company for one-fifth (1/5) of one share of the Metals Coating Company

of America $20.00 par value stock, owned by the persons referred to in subparagraph 3 hereof,

(k) One Thousand Two Hundred and Forty-eight (1,248) shares of no par value common stock of National Bellas Hess Co., Inc., evidenced by certificates numbered 3477, 3478, 3479, 3480, 6682, 6683, 6684, 6685, 6686, 6687, 6688, 6689 for 100 shares each and 05345, 07385, 010436 and 017232 for 12 shares each, owned by the persons referred to in subparagraph 3 hereof, together with all declared and unpaid dividends thereon, and

(l) Any and all rights in and under Script Certificate numbered B573 representing rights in two-thirds (⅔) of one share of common stock of Mesta Machine Company, said certificate owned by the persons referred to in subparagraph 3 hereof,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1, 2, and 3 hereof, the aforesaid nationals of a designated enemy country;

6. That the property described as follows: Thirty (30) shares of $100.00 par value capital stock of Hindustan Art Company, Inc., evidenced by a certificate numbered 9, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Carl Rabes, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

7. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2, 3, and 4 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 14, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate Nos.	Number of shares	Owner
Mesta Machine Co	Common	$5.00	P.O. 9186	6	Heinrich Schrauf.
Benson Super-Power Corp	Capital	10.00	C1378	175	Frau Max Starck.
Clausing Co., Inc	do	None	2	25 50	William Clausing.
Eastern Plaster Board Co	do	100.00	42	50	Der Oberbuergermeister der Stadthauptkasse, Braunschweig.
Fairview Gold Mining & Milling Co., Ltd.	do	1.00	10, 75, 90, 103	18,000	Staedtische Sparkasse Pyrmont.
The Goldfield Consolidated Mines Co.	do	10.00	14004	40	Ernst Keske.
Hardstone Brick Co., of Little Falls, Inc.	Preferred	100.00	36	12	Stadtverwaltung Norden.
Merrill Patents Trust	Capital	5.00	32, 60	51	Carl Odenthal.
The Merrill Train Control Corp.	do	10.00	32	34	Do.
The Rock Island Co	Common	100.00	B128446/7 B132235/42	100	Simon Hirschland.
Do	do	100.00	B93884	10	J. Stevensen Johnston.
Sentinel Tube Protector Co	Capital	50.00	37	(1)	Carl Odenthal.

[1] 841/1000 of one share.

EXHIBIT B

Description of issue	Face value	Bond No.	Owner
Central of Georgia Ry. Co., refunding and general mortgage 5½ percent series B bond, due Apr. 1, 1959.	$1,000.00	521	Paul Camp.
Chicago, Aurora & Elgin R. R. Co., first and refunding mortgage series A gold bond, due Jan. 1, 1951.	1,000.00	M1052	Wilhelm Moevius.
Colwood Co., first mortgage fee and leasehold 6 percent sinking fund gold bond due Apr. 1, 1942.	500.00	D47	Wilhelm Moevius.
Eastern Plaster Board Co., second mortgage 6 percent gold bonds, due Jan. 1, 1896.	250.00 500.00	4 4	Der Oberbuergermeister der Stadthauptkasse, Braunschweig
Florida East Coast Ry Co., first and refunding mortgage 5 percent gold bond due Sept. 1, 1974.	1,000.00	M29433	Paul Camp.
International Standard Electric Corp., 15-year 4 percent Dutch guilder debenture, due July 1, 1953.	[1] 1,000	D09378	Franz Oberschmidt.
The Surinam Rubber & Wood Plantation Co., first mortgage gold coupon 6 percent bonds, due Jan. 1, 1936.	250.00 500.00 1,000.00	A13 B398 C6	Staed. Sparkasse Pyrmont.
Wabash Ry. Co., series A refunding and general mortgage 5½ percent gold bond, due Mar. 1, 1975.	1,000.00	M8550	Paul Kamp.

[1] Dutch guilders.

[F. R. Doc. 52-3282; Filed, Mar. 20, 1952; 8:52 a. m.]

[Vesting Order 18803]

JAMES MATSUO TANAKA

In re: Claim of James Matsuo Tanaka. D-39-13084.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That James Matsuo Tanaka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Any and all rights and claims to Social Security benefits under the Social Security Act, approved August 14, 1935 (Public Law 271, 74th Cong., 1st sess. 49 Stat. 620) to January 1, 1947 of James Matsuo Tanaka, identified by Social Security Account Number 533-05-8297, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, James Matsuo Tanaka, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 14, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3284; Filed, Mar. 20, 1952; 8:52 a. m.]

[Vesting Order 18804]

HERMINA WICHERT

In re: Debt owing to the personal representatives, heirs, next of kin, legatees

and distributees of Hermina Wichert, deceased. D–28–13085.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Hermina Wichert, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Russell State Bank, Russell, Kansas, in the amount of $500.00, as of December 15, 1951, representing the distributive share of said Hermina Wichert, deceased, in the Estate of Gustave Schenkel, deceased, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Hermina Wichert, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 14, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–3285; Filed, Mar. 20, 1952; 8:52 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 17 NUMBER 58

Washington, Saturday, March 22, 1952

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION OF DAIRY PRODUCTS

FEES

Notice is hereby given that the United States Department of Agriculture is amending the schedule of fees and charges for the grading of butter and cheese, sampling of milk, and the laboratory analyses of dairy products under §§ 58.43, 58.44, and 58.45 of the regulations governing the grading and inspection of dairy products (7 CFR Part 58). Such regulations are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act of 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951).

The upward revision in the fees, as set forth in the amendment, is to provide additional revenue to cover greatly increased operating costs. Contributing factors to increased costs include recent salary increases for Federal employees and other costs, such as, office expenses, equipment, materials, and transportation expenses in connection with rendering service to applicants.

The Department finds that it is impractical, unnecessary, and contrary to public interest to give preliminary notice, engage in rule making, or postpone the effective date of this amendment until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that (1) the fees set forth are calculated to cover cost of rendering service on a voluntary basis; (2) they are calculated to be reasonable, and as nearly as may be to cover the cost of the service rendered as required by the aforesaid Department of Agriculture Appropriation Act of 1952; and (3) no additional requirements are included with respect to applicants' compliance with the regulations; therefore, this amendment to the regluations here issued is to become effective April 1, 1952.

Amend sections 58.43, 58.44 and 58.45 to read as follows:

§ 58.43 *Butter and cheese grading fees.* For each grading or regrading of any lot of butter, cheddar cheese, or swiss cheese, the following fees, on the basis of the net weight of such lot or the actual number of churnings of butter, vats of cheddar cheese, or wheels of swiss cheese comprising such lot, shall be applicable:

(a) When all the packages in any such lot are not individually identified by churning of butter or vat of cheddar cheese, the following fees shall be effective:

For 300 pounds or less	$1.80
For 301 to 1,000 pounds, inclusive	2.70
For 1,001 to 3,000 pounds, inclusive	3.60
For 3,001 to 6,000 pounds, inclusive	4.50
For 6,001 to 10,000 pounds, inclusive	6.50
For 10,001 to 15,000 pounds, inclusive	8.50
For 15,001 to 20,000 pounds, inclusive	10.50
For each additional 10,000 pounds, or fraction thereof, in excess of 20,000 pounds	2.50

(b) When all the packages in any such lot are individually identified by churning of butter or vat of cheddar cheese, the following fees shall be effective:

For 3 or less churnings or vats (total weight less than 18,000 pounds)	$2.70
For each additional churning or vat in excess of 3, an additional charge of	.40
For any lot of butter or cheddar cheese weighing 18,000 to 25,000 pounds, inclusive, the minimum charge shall be	8.00
For any lot of butter or cheddar cheese weighing in excess of 25,000 pounds, the minimum charge shall be	10.00

(c) When all the wheels of swiss cheese are individually identified by kettle of swiss cheese, the following fees shall be effective:

For 3 or less wheels	$2.70
For each additional wheel	.25

§ 58.44 *Milk sampling fees.* (a) For each sampling of any lot of dry milk, the following fees shall be applicable:

For 1,500 pounds or less	$2.70
For 1,501 to 3,000 pounds, inclusive	3.60
For 3,001 to 6,000 pounds, inclusive	4.50
For 6,001 to 10,000 pounds, inclusive	6.00

(Continued on p. 2477)

CONTENTS

Agriculture Department Page
See also Commodity Credit Corporation; Production and Marketing Administration.
Notices:
Sale of mineral interests, revised area designations; Fair Market Value and One Dollar areas 2505

Alien Property, Office of
Notices:
Chief, Management and Liquidation Branch and Manager, New York Office; statement of organization and delegations of final authority 2504
Rules and regulations:
General rules of procedure 2483
Reports 2483

Army Department
Rules and regulations:
Claims against the U. S.; reimbursement to owners and tenants of land acquired by the Department 2501

Canal Zone
Rules and regulations:
Sanitation, health and quarantine:
Cross reference 2504
Maritime and aircraft quarantine in the Zone 2504

Civil Service Commission
Rules and regulations:
Appointment through the competitive system 2484
Exceptions from the competitive service 2484

Coast Guard
Rules and regulations:
Identification credentials for persons requiring access to waterfront facilities or vessels; temporary 2503
U. S. Coast Guard Reserve, regulations; miscellaneous amendments 2502

Commerce Department
See International Trade, Office of; National Production Authority.

Commodity Credit Corporation
Notices:
Kenaf program; 1952-crop planting 2505

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CFR

POCKET SUPPLEMENTS

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Title 17 ($0.30)
Title 18 ($0.35)
Titles 22–23 ($0.40)
Title 25 ($0.30)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Commodity Credit Corporation—Continued Page
Rules and regulations:
Cotton; 1952 American-Egyptian cotton purchase program 2484

Defense Department
See Army Department.

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of.

Federal Power Commission
Notices:
United Gas Pipe Line Co.; hearing 2505

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

CONTENTS—Continued

International Trade, Office of Page
Rules and regulations:
Positive list of commodities and related matters; deletions 2484

Interstate Commerce Commission
Notices:
Livestock feed with high molasses content; extension of expiration date 2505

Justice Department
See Alien Property, Office of.

National Production Authority
Rules and regulations:
Basic rules of the controlled materials plan; non-nickel-bearing stainless steel (CMP Reg. 1, Dir. 9) 2499
Deliveries of controlled materials by distributors (CMP Reg. 4) 2499

Price Stabilization, Office of
Notices:
General Motors Corp.; basic prices and charges for new passenger automobiles, clarification 2508
Regional Directors; delegation of authority to process reports of proposed price-determining methods, and to fix ceiling prices 2508
Rules and regulations:
Groundwork printing and converting papers (CPR 131) 2492
Retail ceiling prices for certain consumer goods:
Uniform ceiling prices for branded articles (CPR 7, SR 4) 2485
Uniform resellers' ceiling prices for branded articles (CPR 7) 2484

Production and Marketing Administration
Proposed rule making:
Milk handling, marketing areas:
Columbus, Ohio; correction 2504
San Antonio, Texas; correction of decision 2504
Rules and regulations:
Allotment of sugar quotas:
Direct consumption portion of 1952 for Puerto Rico 2480
Puerto Rico, 1952 2477
Dairy products, grading and inspection; fees 2475
Lemons grown in California and Arizona 2483

Rent Stabilization, Office of
Rules and regulations:
Housing, specific provisions relating to individual defense-rental area or portion thereof; Texas 2501

Securities and Exchange Commission
Notices:
Hearings, etc.:
Bond Investment Trust of America and Southern Production Co., Inc 2506
Railway and Light Securities Co. and Southern Production Co., Inc 2507

CONTENTS—Continued

Securities and Exchange Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
United States & Foreign Securities Corp. and United States & International Securities Corp 2507
West Penn Electric Co. et al 2506

Tax Court of United States
Rules and regulations:
Rules of practice, miscellaneous amendments; correction 2484

Treasury Department
See Coast Guard.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Page

Title 3
Chapter II (Executive orders):
4314 (see CZO 25) 2504

Title 5
Chapter I:
Part 2 2484
Part 6 2484

Title 6
Chapter IV:
Part 607 2484

Title 7
Chapter I:
Part 58 2475
Chapter VIII:
Part 814 (2 documents) 2477, 2480
Chapter IX:
Part 949 (proposed) 2504
Part 953 2483
Part 974 (proposed) 2504

Title 8
Chapter II:
Part 501 2483
Part 510 2483

Title 15
Chapter III:
Part 399 2484

Title 26
Chapter II:
Part 701 2484

Title 32
Chapter V:
Part 536 2501

Title 32A
Chapter III (OPS):
CPR 7 2484
CPR 7, SR 4 2485
CPR 131 2492
Chapter VI (NPA):
CMP Reg. 1, Dir. 9 2499
CMP Reg. 4 2499
Chapter XXI (ORS):
RR 1 2501

Title 33
Chapter I:
Part 8 2502
Part 125 2503

Title 35
Chapter I:
Part 24 2504
Appendix (Canal Zone orders):
15 (see CZO 25) 2504
25 2504

For each additional 10,000 pounds, or fraction thereof, in excess of 10,000 pounds	$2.00

(b) For each lot of evaporated or condensed milk, the following fees shall be applicable:

For 50 packages or less	$2.70
For 51 to 200 packages, inclusive	3.60
For 201 to 400 packages, inclusive	4.50
For 401 to 600 packages, inclusive	6.00
For each additional 600 packages, or fraction thereof, in excess of 600 packages	2.00

§ 58.45 *Fees for laboratory analyses.* For each of the following laboratory analyses, the fee referable thereto shall be applicable except as otherwise provided in paragraph (h) of this section.

(a) *Dry milk, dry whey.*

Scorched particles	$0.75
Moisture	2.00
Fat	2.50
Solubility	.50
Bacteriological plate count	1.50
Titratable acidity	.50
Flavor, color	.50
Alkalinity of ash	2.50
E. coli (presumptive)	1.80
Coliform (presumptive test solid media)	1.50
Oxygen	2.00
Whey protein test, single sample	1.50
Whey protein test (for each additional sample in the same shipment)	.75
Iron	6.50
Copper	6.50

(b) *Evaporated milk.*

Solids	$1.50
Fat	2.50
Flavor, color, body	.75
Net weight	.50
Sediment	.75

(c) *Sweetened condensed milk.*

Solids	$1.50
Fat	2.50
Sugar	3.50
Sediment	.75
Bacteriological plate count	1.50
Yeast and mold count	1.50
E. coli count (presumptive)	1.80
Coliform (presumptive test solid media)	1.50
Net weight	.50
Flavor, color, body	.75
Viscosity	.75

(d) *Natural cheese.*

Complete moisture test in duplicate	$4.00
Fat	2.50

(e) *Process cheese.*

Moisture	$2.00
Fat	2.50

(f) *Butter oil (milk fat).*

Moisture	$1.50
Fat	2.50

(g) *Butter.*

Moisture, salt, and curd	$1.50
Fat	2.50
Complete Kohman analysis	3.50
Mold mycelia	1.50

(h) *Bacteriological analyses and other specified determinations with respect to individual tests for one factor.*

Bacteriological plate count	$1.75
Bacteriological direct count	1.50
E. coli count (presumptive test solid media)	2.00
Coliform (presumptive)	1.80
Yeast and mold count	1.50
Sediment	1.00
*p*H determination	$0.75
Flavor, color, body	1.00
Scorched particles	1.00
Extraneous matter	2.00
Lactose	5.00

(Sec. 205, 60 Stat. 1090, Pub. Law 135, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 17th day of March 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-3305; Filed, Mar. 21, 1952; 8:49 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.7]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1952

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of allotting the 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1952 sugar quota for local consumption in Puerto Rico among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico. The basis of the order is more fully explained below.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments".

Omission of recommended decision and effective date. The record of the public hearing regarding allotment of the 1952 sugar quotas for Puerto Rico shows that production of sugar from the 1951-52 crop, together with stocks in the hands of allottees on January 1, 1952, will exceed by about 500,000 tons the sum of the local and mainlaind quotas which were established in the amount of 1,010,000 short tons by the Secretary of Agriculture (R. 10). Some of the allotments made by this order are small and could be exceeded by the marketing of a comparatively small amount of sugar. Since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is imperative that this order become effective at the earliest possible date in order to accomplish that end. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

On January 21, 1952, the Secretary of Agriculture, pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), issued a notice of a public hearing to be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, PMA, Segarra Building, on February 6, 1952, at 10:00 a. m., for the purpose of receiving evidence to enable him to make a fair, efficient and equitable distribution of the 1952 mainland quota (including raw sugar transferred for further processing and shipment within the direct-consumption portion of the quota) and the 1952 local quota among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico. A statement of a proposed method of allotment was included in the notice.

Section 205 (a) of the act requires a preliminary finding by the Secretary of a condition precedent to the calling of a hearing. Accordingly, the notice of hearing issued by the Secretary provides in part as follows:

> Pursuant to the authority contained in the Sugar Act of 1948 (61 Stat. 922; 7 USC 1100), in accordance with the applicable rules of practice and procedure (12 F. R. 8225, 13 F. R. 127, 2063; 7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of (1) the 1952 sugar quota in Puerto Rico for consumption in the continental United States, (2) the direct-consumption portion thereof, and (3) the 1952 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that a public hearing will be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, PMA, Segarra Building, on February 6, 1952, at 10:00 a. m. The quotas and portions thereof to be allotted are referred to herein as "mainland quota", "direct-consumption portion" and "local quota", respectively.

The hearing was held at the time and place specified in the notice.

Summary of testimony. With respect to the necessity for making allotments, the Government witness testified at the

hearing that the estimated quantity of Puerto Rican sugar available for marketing in 1952 exceeds the combined mainland and local quotas by such an amount as clearly to indicate that allotment of these quotas is necessary (R. 10). This testimony on the necessity for allotment was not controverted by any witness.

With respect to the manner in which the allotment should be made, the Government witness proposed, as indicated in the hearing notice, that the mainland and local sugar quotas for 1952 be allotted by giving equal weight to each of the three factors specified for consideration in section 205 (a) of the act, measuring each factor as follows (R. 10–19):

(1) Processings of sugar or liquid sugar from sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained to be measured by production of sugar from 1951–52 crop sugarcane.

(2) Past marketings to be measured by annual average mainland and local marketings (including shipments to the Virgin Islands) for the years 1948 through 1951.

(3) Ability to market to be measured by the largest combined local and mainland marketings for each allottee in any year of the period 1948 through 1951.

The method of calculation of allotments was proposed to be as follows:

(1) The combined mainland and local allotments for each allottee would be determined by (a) converting each of the three factors measured as indicated above to a percentage of the total of each such factor for all allottees; and (b) multiplying the sum of the mainland and local quotas for Puerto Rico by one-third of the sum of the three percentages so obtained.

(2) The local allotment for each allottee would be calculated by (a) determining the average percentage that local marketings of such allottee (including shipments to the Virgin Islands) were of its total mainland and local marketings in the years 1948 through 1951; (b) multiplying such percentage by the combined allotments for each allottee determined in (1) above; and (c) multiplying the result by a factor obtained by dividing the local quota by the sum of the results obtained for all allottees in (b).

(3) The mainland allotment for each allottee would be calculated by subtracting the local allotment computed under (2) above from the sum of the mainland and local allotments computed in (1) above for the same allottee.

It was proposed that an initial allotment order be issued in which "production of sugar from 1951–52 crop sugarcane" would be based on estimates of each allottee's production from such crop. To insure that no initial allotment will exceed the final allotment for the year, it was proposed that the initial order allot 80 percent of the quotas for marketing during the first eight months of the year. When final production data are available, the full quotas would be allotted based upon such data. (R. 20)

It was proposed that the allotment order provide that, if settlement with producers of sugarcane is made in sugar, marketings of sugar of such producer shall be charged to the allotment of the processor and that each processor shall reserve a share of his mainland allotment for the marketings of each such producer equal to the same percentage of the sum of the processor's mainland and local allotments that the producer's 1951–52 crop sugar is of the processor's total production of 1951–52 crop sugar. However, if a producer requests local allotment within 30 days of the effective date of the initial allotment order, the processor would be required to prorate the producer's share between local and mainland allotment to provide local allotment not to exceed the share determined by the ratio of the processor's local allotment to the sum of his allotments. (R. 20–21)

Paragraph (d), *Transfer or exchange of allotments*, of § 814.5 (16 F. R. 1668) was proposed for inclusion without change in the order allotting the 1952 quotas and paragraph (e), *Specific charges against allotments*, thereof was proposed for inclusion in the 1952 order with the following addition (R. 21–22): "Excess quota sugar produced in Puerto Rico which was marketed in 1951 for further processing under bond (14 F. R. 2163) and which is shipped within the direct-consumption portion of the 1952 mainland sugar quota for Puerto Rico shall be charged to the mainland allotment of the processor who processed such sugar."

Ten of the allottees represented at the hearing testified in regard to the formula which should be used in establishing 1952 allotments. Eight of the allottees opposed the formula proposed by the Government witness (R 57–62, 64–79, 137–141), and two of the allottees favored the formula (R. 110–111, 148). Six of the allottees proposed that the formula of the Government witness be modified by measuring "ability to market" by production of sugar in 1952 and by assigning a weight of 45 percent to "proportionate shares", 10 percent to "past marketings" and 45 percent to "ability to market" (R. 60). One allottee proposed that the 1952 allotments be based entirely on sugar processed from the 1951–52 crop so that each mill would be permitted to market the same proportion of its production (R. 65).

With respect to the method for sharing allotments with growers who receive sugar in settlement for sugarcane, the representative of one allottee contended that the provision which would permit producers to request local allotment within 30 days after the initial order is effective would be unfair to processors because the quantity of local allotment available for his own marketings would be uncertain until this period had expired (R. 147).

Representatives of all allottees stipulated for the record (R. 135–137) or subsequently in writing as follows:

1. The initial order shall be based on actual marketings of sugar for each year as shown by official records of the Department and estimates of sugar production from the 1951–52 sugarcane crop furnished by each allottee. Without further hearing and without change in the initial formula, the order may be revised on the basis of so-called "Easter estimates" of production from the 1951–52 sugarcane crop and shall be revised after the end of the grinding season on the basis of the actual sugar production from the 1951–52 crop for each allottee.

2. Sugar shipped to the Virgin Islands in the past shall be regarded as marketings for local consumption in Puerto Rico.

3. Sugar shipped to the Virgin Islands in 1952 shall be regarded as local allotment sugar.

4. To give effect to any change in the 1952 sugar quotas made after the issuance of the initial order, such order shall be revised without further hearing, using the same allotment formula as was used in the initial order.

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him * * *.

All three factors specified in the foregoing provision of law have been considered and each is given a percental weighting by the formula on which this allotment of the 1952 quotas for Puerto Rico is based. Under this formula the factors are measured and weighted as follows: Processings from sugarcane to which proportionate shares pertained, measured by production from the 1951–52 crop, 60 percent weight; past marketings, measured by average mainland and local marketings during the years 1948 to 1951, inclusive, 20 percent weight; ability to market, measured by the largest quantity of sugar marketed for mainland and local consumption by each allottee in any of the years 1948 to 1951, inclusive, 20 percent weight.

The testimony at the hearing indicates disagreement only regarding the most equitable method of measuring ability to market and the weight that should be given to proportionate shares. A group that expects to process a larger percentage of the crop in 1952 than in preceding years wanted both proportionate shares and ability to market to be measured by current production and given greater weight than in the government proposal. Such changes would permit all processors to market more nearly the same percentage of their 1952 production regardless of differences in the relationship of 1952 production to past performance or shifts of producers among processors in 1952. Producers receiving sugar in settlement for sugarcane would be directly affected in the same manner as their processors. For producers paid in cash, the effect would be to change the proportions of the crop paid for at the January–October 1952 and the January–March 1953 average prices. To measure "ability to market" by production of sugar from the current crop of sugarcane would be to measure it by only a part of the supplies available for

marketing. If supplies are to be so used, certainly total supplies should be the measure. The difficulty in using total supplies is that some processors had very large stocks on January 1, 1952, and others had none at all. Further, there is evidence in the record which indicates that some of the 1952-crop production may not be available for marketing within 1952 quotas by the time this order is effective. Accordingly, supplies do not appear to be a satisfactory measure of ability to market sugar under the allotments established by this order and the measure used in the government proposal is adopted.

In this allotment, "sugar produced from sugarcane to which proportionate shares pertained" has been given three times as much weight as either "past marketings" or "ability to market", rather than the equal weights used in the government proposal. Under the weighting used in the government proposal the producers with whom three of the allottees settle in sugar would be permitted to market substantially less sugar than other producers having identical 1952 production and past marketing records but having their cane ground by other allottees. The weightings adopted reduce such variations to a practicable minimum and yet provide fair and equitable allotments to all allottees.

The allotments are established by first calculating for each allottee the total quantity of sugar which such allottee may market in both the mainland and local markets. This is done by first converting the data for each of the factors for each processor to a percentage of the total of that factor for all processors, then applying the indicated weightings to such percentages, and finally applying the sum of the weighted percentages for each processor to the sum of the quotas (1,010,000 tons). For each processor a local allotment is determined by applying to its combined allotments the percentage that its local marketings were of its total marketings in the calendar years 1948, 1949, 1950 and 1951, and adjusting pro rata so that the total of such allotments will equal the local quota. The mainland allotment for each processor is determined by subtracting such local allotment from the total quantity that it may market.

Under allotment orders issued in prior years, exchanges of local and mainland allotments between Puerto Rican processors were permitted when approved by a local representative of the Department in Puerto Rico. Such adjustments in the distribution of a processor's marketings under local and mainland allotments result in greater efficiency in marketing. Therefore, the order permits such exchanges.

Since the allotments established by this order are based largely upon estimates of production from the 1951–52 crop for which more accurate production data are to be substituted later, only 80 percent of the quotas is allotted for marketing during the period January 1 through August 31, 1952. Limitation on allotments for this period is necessary to prevent any processor from marketing more than the share of the quota to which it will ultimately be entitled on the basis of its actual production. Allotment of a higher percentage of the quotas would likely result in marketings by some allottees in excess of the quantities permitted by their final allotments determined on the basis of actual production in 1952.

As in past allotment orders, processors are required to share their allotments with producers who receive sugar in payment for sugarcane. The producer's share is equal to the percentage of his 1951–52 crop sugar that the processor's combined allotment is of the processor's total production of 1951–52 crop sugar. All producers' shares are to be in mainland allotment, except that a producer who requests local allotment in writing within 30 days of the effective date of this order shall have local and mainland allotment in the same ratio as for his processor's total allotments. In the past few years the demand for sugar for local consumption has grown to be almost exclusively for refined sugar. Producers who receive raw sugar can, therefore, advantageously sell local sugar only to the refinery nearest them which, under some circumstances, may not want to purchase the producer's sugar. Providing the producer's share of allotment entirely as mainland allotment, unless he requests otherwise, assures his equitable opportunity to market the full amount of his allotment share. As a result of their marketing practices, several processors and many producers carried no sugar into 1952. Any carryover held by processors or producers does not enter into the calculation of the allotments. Therefore, relating the shares to current production affords an equitable basis for sharing the allotments.

A provision is added to paragraph (e), *Specific charges against allotments,* requiring that sugar transferred in 1951 for further processing under bond by refiners in Puerto Rico shall be charged to a 1952 mainland allotment if brought into the mainland within the direct-consumption portion of the 1952 quota. This provision is necessary to avoid the possibility of bringing into the mainland in 1952 sugar in excess of the 1952 quota for Puerto Rico.

Findings. On the basis of the record of the hearing, I hereby find that:

(1) For the calendar year 1952 Puerto Rican processors will have available for marketing on the mainland and in Puerto Rico an amount of sugar which exceeds the combined mainland and local quotas by approximately 500,000 short tons.

(2) To assure a fair, efficient and equitable distribution of the mainland and local quotas for Puerto Rico for 1952, the three statutory standards should be weighted as follows: "Processings from proportionate shares", 60 percent; "past marketings", 20 percent; and "ability to market", 20 percent.

(3) Production of sugar from 1951–52 crop sugarcane constitutes a fair and equitable measure of "processings from proportionate shares". Pending the availability of final data, estimated production is used and is set forth for each processor in column 1 of the table below.

(4) A fair and equitable measure of past marketings for each processor is its average mainland and local marketings during the years 1948, 1949, 1950 and 1951. The past marketings of each processors so measured is set forth in column 2 of the table below:

(5) The largest mainland and local marketings of sugar by each processor in any of the years 1948 through 1951 constitutes a fair and equitable measure of the ability of each processor to market sugar during 1952 and an estimate of such quantity for each processor is set forth in column 3 of the table below.

(6) The percentages that local marketings were combined mainland and local marketings for each processor during the years 1948, 1949, 1950, and 1951 are deemed to be representative for the purpose of dividing the combined 1952 allotments for each processor into a mainland allotment and a local allotment. Such percentages are set forth in column 4 of the table below:

[Short tons, raw value]

Processor	Estimated 1951–52 crop production (1)	Past marketings [1] (2)	Highest marketings 1948–51 (3)	Marketed locally 1948–51 (percentage [2]) (4)
Antonio Roig, Sucesores, S. en C	56,435	47,650	54,846	44.5100
Arturo Lluberas (estate of) y Sobrinos (San Francisco)	7,000	6,364	6,532	24.4343
Asociacion Azucarera Cooperativa (Lafayette)	38,800	33,845	37,957	1.7846
Central Aguirre Sugar Co., a trust	135,786	110,627	125,350	1.6045
Central Coloso, Inc	72,292	49,147	54,989	1.3917
Central Eureka, Inc	43,920	31,118	33,222	3.9623
Central Guamani, Inc	14,800	9,527	10,016	10.6434
Central Igualdad, Inc	57,230	40,985	43,732	38.8337
Central Juanita, Inc	44,650	32,984	34,835	7.3611
Central Mercedita, Inc	87,000	70,303	80,756	23.2238
Central Monserrate, Inc	30,000	23,770	25,595	5.0484
Central San Jose, Inc	21,855	19,092	20,634	.1048
Central San Vicente, Inc	71,050	48,765	52,197	3.3959
Compania Azucarera del Camuy, Inc. (Rio Llano)	17,711	14,416	15,931	.5619
Compania Azucarera del Toa	31,900	28,300	30,250	
Cooperativa Azucarera Los Canos	39,600	31,958	36,080	.2566
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	16,600	11,282	11,868	11.7355
Eastern Sugar Associates, a trust	154,220	127,467	137,820	11.7207
Fajardo Sugar Co	130,519	121,203	132,542	.1345
Land Authority of Puerto Rico	82,687	73,983	80,197	.0135
Mario Mercado e Hijos (Rufina)	43,564	28,351	30,049	4.5184
Mayaguez Sugar Co., Inc. (Rochelaise)	12,650	10,409	11,360	1.6524
Plata Sugar Co	60,000	40,653	47,494	1.1020
Soller Sugar Co	16,760	12,534	14,159	.0798
South Porto Rico Sugar Co., of Puerto Rico	110,280	101,404	110,992	16.1572
Total	1,397,309	1,126,137	1,239,403	8.9257

[1] Total marketings mainland and local marketings, average 1948–51.
[2] Local marketings, average 1948–51 as percentage of total average marketings, shown in column (2).

Conclusions. On the basis of the foregoing and after consideration of the record and the briefs and stipulations submitted by all interested persons following the hearing, it is hereby determined and concluded as follows:

(1) The allotment of the 1952 mainland quota for Puerto Rico (including raw sugar transferred for further processing to be brought in within the direct-consumption portion of the quota) and the 1952 local quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and in Puerto Rico.

(2) In order to make a fair, efficient and equitable distribution of such quotas as required by section 205 (a) of the act, (a) distribution of the total of the two quotas should be made by giving 60 percent weight to processings of sugar from sugarcane to which proportionate shares pertained, measured by production from the 1951–52 sugarcane crop, 20 percent weight to past marketings, measured by the average of such marketings by each processor during the years 1948, 1949, 1950 and 1951, and 20 percent weight to ability to market, measured by the largest mainland and local marketings of sugar by each processor in any of the years 1948 through 1951, and (b) the quantity so determined should be divided into local and mainland allotments on the basis of the division between local and mainland marketings for each processor during the years 1948, 1949, 1950, and 1951.

(3) An efficient distribution of the quotas requires exchanges between allottees of quantities of mainland allotment for like quantities of local allotment subject to the approval of the Director or Assistant Director, Caribbean Area Office, Production and Marketing Administration, Segarra Building, Santurce, Puerto Rico.

(4) Pending the availability of final production data for the 1951–52 crop (or "Easter estimates" thereof differing significantly from those used in this initial determination), 80 percent of the quotas should be allotted for marketings in the period January 1 to August 31, 1952.

(5) Any producer who receives sugar in payment for sugarcane (a) should be permitted to market, within the allotment of the processor who processed his sugarcane, a quantity of sugar equal to the same percentage of the producer's 1951–52 crop sugar that the sum of the processor's mainland and local allotments is of the processor's total production of 1951–52 crop sugar, and (b) mainland allotment should be reserved for all such marketings unless the producer requests local allotment.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered:*

§ 814.7 *Allotments of 1952 sugar quotas for Puerto Rico*—(a) *Allotments.* Eighty percent of the 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota), amounting to 728,000 short tons of sugar, raw value, and 80 percent of the 1952 sugar quota for local consumption in Puerto Rico, amounting to 80,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	Mainland allotment	Local allotment
Antonio Roig, Sucesores, S. en C	17,013	16,556
Arturo Lluberas (estate of) y Sobrinos (San Francisco)	3,058	1,136
Asociacion Azucarera Cooperativa (Lafayette)	22,808	460
Central Aguirre Sugar Co., a trust	77,920	1,410
Central Coloso, Inc	38,698	606
Central Eureka, Inc	22,980	1,055
Central Guamani, Inc	6,887	921
Central Igualdad, Inc	17,910	13,529
Central Juanita, Inc	22,747	2,020
Central Mercedita, Inc	37,728	13,075
Central Montserrate, Inc	16,197	960
Central San Jose, Inc	12,998	15
Central San Vicente, Inc	37,008	1,446
Compania Azucarera del Camuy, Inc (Rio Llano)	10,226	64
Compania Azucarera del Toa	19,073	-------
Cooperative Azucarera Los Canos	22,975	54
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	7,765	1,161
Eastern Sugar Associates, a trust	78,109	11,659
Fajardo Sugar Co	79,838	119
Land Authority of Puerto Rico	49,755	7
Mario Mercado e Hijos (Rufina)	21,944	1,157
Mayaguez Sugar Co., Inc. (Rochelaise)	7,230	134
Plata Sugar Co	32,443	401
Soller Sugar Co	9,451	8
South Porto Rico Sugar Co. of Puerto Rico	55,239	12,047
Total allotted	728,000	80,000
Unallotted reserve	182,000	20,000
Total quotas	910,000	100,000

(b) *Producers' marketings under allotments.* If settlement with producers of sugarcane is made in sugar, marketings of such sugar of such producers shall be charged to the allotments of the processor. Each processor shall reserve a share of its mainland allotment for the marketings of each such producer equal to the same percentage of the producer's 1951–52 crop sugar that the sum of the processor's mainland and local allotments is of the processor's total production of 1951–52 crop sugar: *Provided,* That upon written request to the processor within 30 days of the effective date of this order, the producer's share shall be divided between local and mainland allotments as the sum of the processor's allotments is divided between mainland and local allotments.

(c) *Restrictions on marketing.* (1) Prior to September 1, 1952, each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section, is hereby prohibited from bringing into the continental United States for consumption therein, or marketing for that purpose, or from marketing for local consumption in Puerto Rico, any sugar in excess of the allotments established in paragraph (a) of this section.

(2) During the calendar year 1952, all persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing sugar for local consumption in Puerto Rico in excess of the sum of (i) the quantity of sugar acquired for such purpose under the limitations specified in § 814.5 (16 F. R. 1668, 4926, 8037, 10723) and held in inventory on December 31, 1951, and (ii) the quantity of sugar acquired for such purpose within the limits specified in this section.

(d) *Transfer or exchange of allotments.* The allotments established in paragraph (a) of this section, or producers' shares thereof established under paragraph (b) of this section, shall not be transferred or exchanged without the approval of the Director or Assistant Director of the Caribbean Area Office, Production and Marketing Administration, United States Department of Agriculture, Segarra Building, Santurce, Puerto Rico.

(e) *Specific charges against allotments.* (1) Sugar produced in Puerto Rico which is brought into the continental United States for consumption therein or marketed for local consumption in Puerto Rico during 1952 shall be charged to the applicable allotment of the processor who processed such sugar.

(2) Excess quota sugar produced in Puerto Rico which was transferred in 1951 to an allottee under § 814.8 for further processing under bond (14 F. R. 2163), in order to be marketed within the direct-consumption portion of the 1952 mainland sugar quota for Puerto Rico, shall be charged to a 1952 mainland allotment transferred pursuant to paragraph (d) of this section to the said allottee under § 814.8.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup., 1115)

Done at Washington, D. C., this 19th day of March 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary.*

[F. R. Doc. 52–3320; Filed, Mar. 21, 1952; 8:49 a. m.]

[Sugar Reg. 814.8]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT CONSUMPTION PORTION OF 1952 FOR PUERTO RICO

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948 (herein called "act"), for the purpose of allotting the portion of the 1952 sugar quota for Puerto Rico which may be filled by direct-consumption sugar among persons who market such sugar for consumption in the continental United States. The basis and purpose of the order are more fully explained below.

Omisssion of recommended decision and effective date. The record of the public hearing regarding the subject of this order shows that the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the sum of 126,033 short tons of such sugar which may be marketed in the continental United States under the act and

the quantity of sugar needed for local consumption in Puerto Rico (R. 98). The proceeding to which this order relates was instituted for the purpose of alloting the direct-consumption portion of the quota to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States (R. 7). Some of the allotments made by this order are small and could be exceeded if issuance of this order is delayed. Therefore, it is imperative that this order become effective at the earliest possible date in order fully to effectuate the purposes of section 205 (a) of the act. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 207 (b) of the act provides that not more than 126,033 short tons, raw value, of the sugar quota for Puerto Rico for any calendar year may be filled by direct-consumption sugar.

Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for the area. Section 205 (a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

On January 21, 1952, the Secretary, pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), issued notice of a public hearing to be held in Santurce, Puerto Rico, on February 6, 1952, for the purpose of receiving evidence to enable him to make a fair, efficient, and equitable distribution of the direct-consumption portion of the 1952 sugar quota for Puerto Rico.

As stated above, the act requires a preliminary finding of necessity for allotment as a condition precedent to the calling of a hearing. Accordingly, the notice of hearing issued January 21, 1952, provided in part as follows:

> Pursuant to the authority contained in the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. 1100), in accordance with the applicable rules of practice and procedure (12 F. R. 3225, 13 F. R. 127, 2063; 7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of (1) the 1952 sugar quota for Puerto Rico for consumption in the continental United States, (2) the direct-consumption portion thereof, and (3) the 1952 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that a public hearing will be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, PMA, Segarra Building, on February 6, 1952, at 10:00 a. m.

The hearing was held at the time and place specified in the notice.

The notice of hearing included a proposed method of allotment as follows:

> The Department representative will propose also to allot the direct-consumption portion of the mainland quota for 1952 on the same basis as that used in allotting the direct-consumption portion of the 1951 mainland quota (16 F. R. 1671), except for adding marketings in 1951 to the series of data used to measure past marketings and ability and reducing to 533 short tons, raw value, the quantity set aside as an unallotted reserve for marketing of raw sugar for direct consumption. Thus 125,500 short tons, raw value, would be allotted by giving equal weight to (1) past marketings as measured by average annual marketings for direct consumption in the continental United States in the years 1948 through 1951 and (2) ability to market as measured by the highest marketings in any of the years 1935 through 1951 for each allottee.
>
> In order to maintain complete consistency in accounting for marketings within individual allotments and within the mainland quota as a whole, it is proposed to restrict direct-consumption marketings as follows:
>
> *Restrictions on marketings.* (1) During the calendar year 1952, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States for consumption therein, or marketing for that purpose, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the quantity transferred to such allottee for such purpose under the limitations specified in § 814.7.
>
> (2) During the calendar year 1952, all other persons are hereby prohibited from bringing into the continental United States any direct-consumption sugar except that acquired from an allottee under the limitations of this section and such amount of raw sugar as may be marketed within the unallotted reserve.

Summary of evidence. With respect to the necessity for making allotments, the government witness stated that if each refiner and turbinado producer maintained the rate of operation represented by its biggest bi-weekly reporting period in 1951 for 13 periods, the maximum period of operation for any of them in 1951, about 350,000 short tons, raw value, of refined or turbinado sugar, would have been produced. Even this level, he stated, does not represent the physical limit of capacity because the period of operation could be extended and, since marketings were under allotment, some producers may not have pushed production to the limit of capacity in their best weeks. He pointed out that in contrast with this capacity the quantity of refined sugar which may be distributed by Puerto Rican refiners does not exceed about 225,000 short tons, raw value (R. 98). In view of this situation the Secretary of Agriculture found that allotments are necessary to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market sugar within the area's quota. This testimony on the necessity for allotments in 1952 was not controverted by any witness.

The government witness explained the proposed method of allotments stated in the notice of hearing and presented estimated allotments based on the proposal. The proposed allotment of 125,500 short tons, raw value, was based on equal weightings of (1) past marketings as measured by annual marketing for direct consumption in the continental United States in the years 1948 through 1951 (R. 99) and (2) ability to market as measured by the highest marketings in any of the years 1935 through 1951 for each allottee (R. 100). An unallotted reserve of 533 short tons, raw value, would be set aside for marketing of raw sugar for direct consumption.

In order to maintain complete consistency in accounting for marketings within individual allotments and within the mainland quota as a whole, the government witness proposed that direct-consumption marketings be restricted as follows (R. 104):

> *Restrictions on marketings.* (1) During the calendar year 1952, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States for consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the quantity transferred to such allottee and charged against a 1952 mainland allotment under § 814.7 of this part.
>
> (2) During the calendar year 1952, all other persons are hereby prohibited from bringing into the continental United States any direct-consumption sugar except that acquired from an allottee under the limitations of this section and such amount of raw sugar as may be marketed within the unallotted reserve.

The only objection made to the basis of allotment proposed by the government witness, was to the inclusion of the years prior to and including 1940 in measuring ability to market. This objection was made by witnesses for two of the allottees (R. 106, 107). A representative of another allottee testified in favor of the government proposal and objected to the position taken by the two allottees that years prior to and including 1940 should be excluded in measuring ability to market (R. 107, 108).

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. * * *

Allottees accounting for over 95 percent of the marketings of Puerto Rican direct-consumption sugar in the continental United States do not themselves process sugar from sugarcane (R. 99). On the other hand, all of the raw sugar

mills in Puerto Rico do process sugar directly from sugarcane, but a majority of these mills do not make refined sugar for shipment to the United States for consumption as direct-consumption sugar (Puerto Rico Sugar Order No. 18, 13 F. R. 310–313). In view of these circumstances, and in order to provide a fair, efficient and equitable distribution of the direct-consumption portion of the quota, the standard "processings of sugar * * * from * * * sugarcane to which proportionate shares * * * pertained" has been considered but given no percental weight in determining this allotment. The other standards specified in the act, namely "past marketings" and "ability to market" have been applied and each given fifty percent weight in order to provide a "fair, efficient and equitable distribution" of that portion of the quota herein allotted.

The factor "past marketings" is measured by marketings of direct-consumption sugar in the continental United States in the years 1948, 1949, 1950 and 1951. These years are believed to be representative of past marketings for the purpose of this allotment. Recent years are most relevant because they take account of long run changes. These years, also, represent experience under marketing conditions, including allotments, similar to those which may be expected in 1952.

The factor "ability to market" is measured by the percentage that the largest marketings for each allottee in any year since 1935 is of the sum of such largest marketings for all allottees. In determining ability to market, the actual performance as reflected in shipments of direct-consumption sugar to the continental United States is considered the best and most practical measure. Marketings during a single year properly selected is an adequate measure, but if the same year is selected for all refiners such year may not, for circumstances peculiar to individual companies, properly reflect ability of all refiners. On the other hand it is believed that if a refiner is permitted to select its best single year's performance during an extended period, it would have had adequate opportunity to demonstrate its ability. This method would recognize demonstrated ability and if a comparison with present plant capacity shows no impairment in ability, such performance is a reasonable measure. The rate of production during the most active weeks of 1951 indicate that there has been no significant impairment of plant capacity. Therefore, the best single year's performance during the past 17 years is deemed to afford a fair and equitable measure of the ability of each refiner to market direct-consumption sugar in the continental United States.

Every year a certain amount of Puerto Rican raw sugar is marketed for direct-consumption in the continental United States. The act requires that such marketings be charged to the direct-consumption portion of the quota. In past allotment orders a sufficient amount of the direct-consumption portion of the quota has been reserved and set aside and all interested persons have been permitted to market Puerto Rican raw sugar for such purposes until the reserved amount had been depleted.

During the calendar years 1950 and 1951 totals of 875 and 289 short tons, respectively, of Puerto Rican raw sugar were marketed for direct consumption in the continental United States. It is not considered practicable to allot such a small quantity to the numerous sugar mills. Such an allotment would disrupt customary trade practices and interfere with the efficient distribution of such sugar. Therefore, 533 short tons have been set aside as a reserve for marketing of such sugar. This quantity is approximately equal to the average actual marketings of Puerto Rican raw sugar for direct consumption in 1950 and 1951 and is substantially smaller than the unallotted reserve for previous years.

Findings. On the basis of the record of the hearing, I hereby find that:

1. The potential capacity of Puerto Rican refiners to produce direct-consumption sugar during the calendar year 1952 exceeds 350,000 short tons.

2. The amount of direct-consumption sugar which Puerto Rican refiners are equipped to produce in 1952 far exceeds the sum of the quantity of direct-consumption sugar which may be brought into continental United States during 1952 and the quantity needed for local consumption in Puerto Rico during 1952.

3. A quantitative reflection of the proportionate shares standard in the final allotment formula would not result in fair, efficient and equitable allotments.

4. The best measure of the past marketings standard for each refiner is the average marketings of direct-consumption sugar in the continental United States during the years 1948, 1949, 1950 and 1951. Such marketings are shown in column (1) of the table below.

5. The best available measure of the ability standard for each refiner is the largest quantity of direct-consumption sugar marketed in the continental United States during any calendar year during the period 1935–51, exclusive, and the ability thus measured is within the present plant capacity of each refiner. Such marketings are shown in column 2 of the table below.

6. A small part of the direct-consumption portion of the Puerto Rican sugar quota is normally marketed in the continental United States as raw sugar for direct consumption. The quantity brought in during the calendar years 1950 and 1951 was 875 and 289 short tons, raw value, respectively. Five hundred and thirty-three short tons, raw value, is sufficient in 1952.

MARKETINGS OF REFINED AND TURBINADO SUGAR IN THE CONTINENTAL UNITED STATES

[Short tons, raw value]

Refiner	Average 1948–49–50–51 (1)	Highest year 1935–51 (2)
Arturo Lluberas, estate of, y Sobrinos (San Francisco)	782	2,590
Central Aguirre Sugar Co., a trust	4,411	10,640
Central Roig Refining Co	20,514	28,665
Porto Rican American Sugar Refinery, Inc	78,926	116,611
Western Sugar Refining Co	18,918	29,988
Total	123,551	188,494

Conclusions. On the basis of the foregoing and after consideration of the record of the hearing,[1] I hereby determine and conclude that (1) the allotment of the direct-consumption portion of the 1952 sugar quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States; (2) in order to make a fair, efficient, and equitable distribution of the direct-consumption portion of such quota, as required by section 205 (a) of the act, allotments should be made giving no percental weight to the proportionate shares standard and giving fifty percent weight to past marketings, measured by the annual average of such marketings for consumption in the continental United States by each refiner during the years 1948, 1949, 1950, and 1951, and fifty percent weight to ability to market, measured by the largest marketings of direct-consumption sugar for consumption in the continental United States by each refiner during any calendar year, 1935–1951, inclusive, and (3) an unallotted reserve of 533 short tons of sugar, raw value, should be set aside for marketings of Puerto Rican raw sugar in the continental United States for direct consumption.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.8 *Allotment of the direct-consumption portion of 1952 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1952 sugar quota for Puerto Rico amounting to 126,033 short tons, raw value, is hereby allotted as follows:

Refiner	*Direct-consumption allotment (short tons, raw value)*
Arturo Lluberas, estate of, y Sobrinos (San Francisco)	1,259
Central Aguirre Sugar Co., a trust	5,782
Central Roig Refining Co	19,962
Porto Rican American Sugar Refinery, Inc	78,906
Western Sugar Refining Co	19,591
Total	125,500
Unallotted reserve for marketing of raw sugar for direct consumption	533
	126,033

(b) *Restrictions on marketings.* (1) During the calendar year 1952, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States for consumption therein, or marketing for that purpose, direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the quantity transferred to such allottee and charged against a 1952 mainland allotment under § 814.7.

(2) During the calendar year 1952, all persons other than the said allottees are hereby prohibited from bringing into the continental United States any direct-consumption sugar except that acquired from an allottee under the limitations of this section and such amount of raw sugar as may be marketed within the unallotted reserve.

[1] No briefs pertaining to direct-consumption allotments were filed by interested persons following the hearing.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup., 1115)

Done at Washington, D. C., this 19th day of March, 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary.*

[F. R. Doc. 52-3321; Filed, Mar. 21, 1952; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreement and Orders), Department of Agriculture

[Lemon Reg. 427]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.534 *Lemon Regulation 427*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 19, 1952, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation including its effective time, are identical, with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter specified; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 23, 1952, and ending at 12:01 a. m., P. s. t., March 30, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 20th day of March 1952.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[Storage Date: Mar. 16, 1952]

District No. 2

[12:01 a. m. Mar. 23, 1952, to 12:01 a. m. Apr. 6, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.441
American Fruit Growers, Inc., Fullerton	1.124
American Fruit Growers, Inc., Upland	.491
Eadington Fruit Co	.495
Hazeltine Packing Co	1.255
Ventura Coastal Lemon Co	2.109
Ventura Pacific Co	1.600
Glendora Lemon Growers Association	2.208
La Verne Lemon Association	1.131
La Habra Citrus Association	1.609
Yorba Linda Citrus Association, The	.727
Escondido Lemon Association	5.735
Alta Loma Heights Citrus Association	.952
Etiwanda Citrus Fruit Association	.649
Mountain View Fruit Association	.259
Old Baldy Citrus Association	1.178
San Dimas Lemon Association	1.941
Upland Lemon Growers Association	4.975
Central Lemon Association	1.290
Irvine Citrus Association	1.453
Placentia Mutual Orange Association	2.202
Corona Citrus Association	0.445
Corona Foothill Lemon Co	3.305
Jameson Co	1.255
Arlington Heights Citrus Co	2.043
College Heights Orange & Lemon Association	1.978
Chula Vista Citrus Association, The	1.395
Escondido Cooperative Citrus Association	.339
Fallbrook Citrus Association	2.943
Lemon Grove Citrus Association	.745
Carpinteria Lemon Association	1.955
Carpinteria Mutual Citrus Association	2.339
Goleta Lemon Association	2.705
Johnston Fruit Co	2.836
North Whittier Heights Citrus Association	1.040
San Fernando Heights Lemon Association	3.212
Sierra Madre-Lamanda Citrus Association	1.503
Briggs Lemon Association	.840
Culbertson Lemon Association	1.185
Fillmore Lemon Association	1.068
Oxnard Citrus Association	4.077
Rancho Sespe	.385
Santa Clara Lemon Association	2.352
Santa Paula Citrus Fruit Association	2.404
Saticoy Lemon Association	2.177
Seaboard Lemon Association	3.357
Somis Lemon Association	2.826
Ventura Citrus Association	.448
Ventura County Citrus Association	.471
Limoneira Co	2.056
Teague-McKevett Association	.563
East Whittier Citrus Association	.921
Leffingwell Rancho Lemon Association	.668
Murphy Rancho Co	1.304
Chula Vista Mutual Lemon Association	.860
Index Mutual Association	.615
La Verne Cooperative Association	3.607
Orange Belt Fruit Distributors	.924
Ventura Co. Orange & Lemon Association	1.673
Whittier Mutual Orange & Lemon Association	.067
Evans Brothers Packing Co	.007
Huarte, Joseph D	.076
Latimer, Harold	.049
MacDonald Fruit Co	.038
Paramount Citrus Association, Inc.	.470
Torn Ranch	.000

PRORATE BASE SCHEDULE—Continued

District No. 2—Continued

[F. R. Doc. 52-3381; Filed, Mar. 21, 1952; 8:56 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 501—GENERAL RULES OF PROCEDURE

PART 510—REPORTS

FORM AND REPORT OF ROYALTIES DUE AND PAYABLE UNDER VESTED PATENT RIGHTS

1. In § 501.80 *Forms,* Form APC-20 has been redesignated Form OAP-20.

2. Section 510.30 (b) and (c) have required that royalties payable to the Attorney General by virtue of the vesting of patents, applications for patents or interests therein or in agreements with respect thereto be paid to the New York Office of the Office of Alien Property. Payments are now required to be made

to the Washington Office. Section 510.30 (d) has required that the payments be accompanied by reports, in duplicate, on Form APC–20. Such reports are now required to be made in triplicate and the Form has been redesignated OAP–20. Accordingly, paragraphs (b), (c), and (d) of § 510.30 are hereby amended to read as follows:

§ 510.30 *Report of royalties due and payable under vested patent rights.* * * *

(b) Unpaid royalties reported in Form APC–19 shall be paid to the Office of Alien Property, Washington 25, D. C., not later than the next date following the filing of Form APC–19 upon which payment is due under the agreement. Such payment shall include all royalties due on such date.

(c) Subsequent royalties shall be paid to the Office of Alien Property, Washington 25, D. C., as they become due under the agreement.

(d) All payments of royalties to the Office of Alien Property shall be accompanied by a report executed and filed in triplicate on Form OAP–20.

(Sec. 301, 55 Stat. 839; 50 U. S. C. App., 616. E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR 1943 Cum. Supp., E. O. 9725, May 16, 1946, 11 F. R. 5381; 3 CFR 1946 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 12123; 3 CFR 1946 Supp.)

Executed at Washington, D. C., on March 17, 1952.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52–3314; Filed, Mar. 21, 1952; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. P. L. 75]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

DELETIONS FROM POSITIVE LIST OF COMMODITIES

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
142010	Coconut oil, refined, but not further processed (formerly 142000).
143200	Coconut oil, refined and deodorized (formerly 142000).
143300	Coconut oil, refined, deodorized and hydrogenated (except shortening) (formerly 142000).
143800	Coconut oil, refined, deodorized and winterized (formerly 142000).
	Vegetable oils (except essential) and fats, crude:
223000	Coconut oil, crude.
224998	Oiticica oil, inedible (formerly 224906).

This amendment shall become effective as of March 20, 1952.

(Sec. 3, 63 Stat. 7; Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director, Office of International Trade.

[F. R. Doc. 52–3298; Filed, Mar. 21, 1952; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CERTIFICATION FOR APPOINTMENT; OFFICE OF PRICE STABILIZATION

1. Section 2.109 (c) is amended to read as follows:

§ 2.109 *Certification for appointment.* * * *

(c) In order to fill existing vacancies in appropriate positions, and to require displacement of temporary appointees who do not have eligibility for permanent retention, the Commission shall certify for probational appointment:

(1) Veterans who qualify in examinations under section 10 of the Veterans' Preference Act and who are entitled to 10-point preference and priority in certification under that statute; and

(2) Veterans entitled to priority in certification under § 2.107 (c) (3) because of lost opportunity for probational appointment due to military service.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

2. Effective upon publication in the FEDERAL REGISTER § 6.218 (a) (1) is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52–3316; Filed, Mar. 21, 1952; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. American-Egyptian Cotton Bulletin 1, Amdt. 1]

PART 607—COTTON

SUBPART—1952 AMERICAN-EGYPTIAN COTTON PURCHASE PROGRAM

Section 607.311 of American-Egyptian Cotton Bulletin 1 issued by the Commodity Credit Corporation (17 F. R. 1875) is hereby amended to change the PMA Commodity Office serving New Mexico and Texas, so that such section reads as follows:

§ 607.311 *PMA Commodity Offices.* The addresses of the appropriate PMA Commodity Offices and the cotton growing area served by each are shown below:

333 Fell Street, San Francisco 3, Calif.: Arizona and California.

1114 Commerce Street, Room 218, Dallas 2, Tex.: New Mexico and Texas.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply Sec. 5, 62 Stat. 1072, Secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 18th day of March 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President, Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President, Commodity Credit Corporation.

[F. R. Doc. 52–3304; Filed, Mar. 21, 1952; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter II—The Tax Court of the United States

PART 701—RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 52–625, appearing at page 500 of the issue for Thursday, January 17, 1952, "§ 701.3" in paragraph 1 should read "§ 701.30".

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 16]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

UNIFORM RESELLERS' CEILING PRICES FOR BRANDED ARTICLES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 16 to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to section 43 of Ceiling Price Regulation 7 revokes the provisions of this section as to uniform dollar-and-cents ceiling prices for branded articles, except with respect to pending applications for special orders and except as provided in Supplementary Regulation 4 to Ceiling Price Regulation 7.

The substantive provisions formerly contained in section 43 of CPR 7 are being replaced by Supplementary Regulation 4 to that regulation which is issued concurrently with this amendment. Reasons for this amendment to

section 43 of CPR 7 are explained in the statement of considerations to SR 4.

AMENDATORY PROVISIONS

1. Section 43 is deleted and a new section 43 substituted therefor to read as follows:

SEC. 43. *Uniform dollar-and-cents ceiling prices for certain articles.* A special method of establishing uniform dollar-and-cents ceiling prices for certain branded articles is provided in Supplementary Regulation 4 to this regulation. After March 26, 1952, the provisions of this section 43 as they existed prior to that date shall remain in effect only to the limited extent provided in Supplementary Regulation 4, except that applications for orders filed before December 17, 1951 may be granted until April 1, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 16 shall become effective on the day of March 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3427; Filed, Mar. 21, 1952; 12:03 p. m.]

[Ceiling Price Regulation 7, Supplementary Regulation 4]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 4—UNIFORM CEILING PRICES FOR BRANDED ARTICLES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation is issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation makes several fundamental changes in section 43 of Ceiling Price Regulation 7, which it supersedes. Section 43 dealt with uniform dollar-and-cent retailer and wholesaler ceiling prices for certain branded articles of merchandise. New standards for qualifying applicants to receive uniform ceiling prices are formulated and made explicit in this supplementary regulation. These new standards refer both to the determination of whether uniform pricing practices were customary and to the determination of whether the requested markups and prices are "in line." Another fundamental change is that an applicant's ceiling prices may become effective 30 days after filing, instead of the applicant being required to wait for authorization by special order.

Under section 43 of Ceiling Price Regulation 7, manufacturers and distributors who historically have their branded merchandise sold by resellers at uniform prices could apply for orders establishing uniform dollar-and-cent retail and wholesale ceiling prices. The ease-of-enforcement advantages to OPS of uniform dollar-and-cent ceiling prices accompanied by a pre-ticketing requirement are obvious. It is important therefore to preserve these advantages as well as to preserve customary pricing practices.

Section 43 of Ceiling Price Regulation 7, however, gave rise to certain administrative difficulties, and is, therefore, superseded by this supplementary regulation. In part, those difficulties resulted from the fact that section 43 of CPR 7 does not set forth a method or standards whereby applicants themselves can determine in advance that the ceiling prices and markups requested meet the requirements of the regulation, nor does it state in sufficient detail what evidence of prior uniform pricing should be submitted by the applicant. This absence of specific standards in the regulation has been a most important cause of administrative difficulties in processing section 43 orders. It appears necessary to set forth in this supplementary regulation a set of specific standards which can be applied by the applicant himself, using his own figures and data, before his application is submitted to OPS, so that the administrative processing of the order can be simplified and expedited.

Under this supplementary regulation, uniform dollar-and-cent ceiling prices may be authorized by the Office of Price Stabilization if the applicant shows the following: (1) That the branded articles had customarily been sold at substantially uniform prices by his customers; specific detailed evidence must be filed to show that, previously, this merchandise was sold at uniform prices. (2) That the markup to wholesalers and retailers resulting from each proposed uniform ceiling price for a style or model of article is, within certain tolerances, the same as the markup for the same style or model during a one year base period; or, when the same style or model was not sold during the base period, the same as the markup of another style or model of the closest cost.

Also, the applicant must submit a base-period markup schedule and a proposed uniform ceiling price schedule. The base-period schedule shows the percentage markup for each style or model of article sold by resellers at a uniform price during the base period. The proposed uniform ceiling price schedule lists costs to resellers and proposed resellers' ceiling prices for each style or model of article for which a ceiling price authorization is requested.

Thirty days after the application is filed, those suggested uniform prices would become the ceiling prices, unless the application should be, in the meantime, disapproved or approval is withheld pending the submission of additional information. The requirements of marking and tagging and of notifications by applicants to their distributors of uniform ceiling prices granted under this regulation, have been modified.

By Amendment 11 to CPR 7, issued December 14, 1951, the provisions of section 43 of the regulation were limited to applications for orders made on or before December 17, 1951. That action was taken as a temporary measure pending issuance of the accompanying supplementary regulation which reopens the privilege of establishing uniform resellers' ceiling prices to qualified manufacturers and wholesalers.

As it affects new applicants, this regulation becomes effective on April 1, 1952. Thus, no new applications for uniform dollar-and-cent ceiling prices will be accepted by the Office of Price Stabilization until April 1, 1952. This is necessary because efficient administration of this regulation requires the Office of Price Stabilization to review the exceptionally large number of orders that have already been issued under section 43 of Ceiling Price Regulation 7. Further, in the opinion of the Director of the Office of Price Stabilization, the more urgent situations requiring uniform pricing orders have, by this time, already been resolved by the issuance of orders under section 43 of Ceiling Price Regulation 7.

Applicants to whom orders were issued under section 43 of CPR 7 may apply on and after April 1, 1952 for authorizations under this regulation. Orders issued under section 43 of Ceiling Price Regulation 7 will be deemed revoked on the date authorization under this supplementary regulation is given or June 30, 1952, whichever date is earlier.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Wholesalers and retailers.
3. When ceiling prices may be authorized.
4. Applications.
5. Markup schedules.
6. OPS approval.
7. Additional articles or changes in prices.
8. Notice to retailers and wholesalers.
9. Marking and tagging.
10. Orders under section 43 of CPR 7.
11. Records.
12. Other provisions which shall be in effect.
13. Applicability.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation authorizes the establishment of uniform ceiling prices for sales at retail and for sales both at wholesale and retail of certain branded articles included in the categories listed in Appendix B to Ceiling Price Regulation 7. On or after April 1, 1952 manufacturers or wholesalers of branded articles may apply for the establishment of such ceiling prices in accordance with the provisions of this regulation. Such ceiling prices will be authorized if they conform to the standards set forth in section 3 and may be modified or revoked by the Director at any time. These ceiling prices supersede those which would otherwise be established under any other regulation or order.

SEC. 2. *Wholesalers and retailers*—(a) *Ceiling prices.* (1) If you are a wholesaler, the ceiling prices which are established under this regulation for branded articles are your ceiling prices for those articles as soon as your supplier notifies you of them. The ceiling prices remain in effect until your supplier notifies you of a change and apply to articles which you had in stock when you received the notice as well as to articles which you receive with or following the notice.

(2) If you are a retailer, the ceiling prices which are established under this regulation for branded articles are your ceiling prices for those articles as soon as your supplier notifies you of them. The ceiling prices remain in effect until your supplier notifies you of a change. However, these ceiling prices apply only to: (i) Articles which you receive marked or tagged as described in paragraph (b) of this section; and (ii) articles which you had on hand when you received the notice and which are the same as the articles in (i): *Provided, however,* That these ceiling prices do not apply to articles in stock which at the time you received them, were required to be marked or tagged as described in paragraph (b) of this section and were not so marked or tagged.

(b) *Marking.* (1) A manufacturer or wholesaler who has applied for and been granted uniform resellers' ceiling prices for an article under this supplementary regulation is required by section 9, below, to mark or tag each article in either of the following ways:

OPS—SR4—CPR 7
(or)
OPS—Sec. 43—CPR 7

In addition such manufacturer is required, on such mark or tag, to state the uniform retail ceiling price or to mark the article or the tag with the model, style, or lot number of the article. As long as a ceiling price for an article is authorized under this supplementary regulation, you may not remove a mark or tag required by this supplementary regulation, except for the purpose of re-marking the article to indicate a change in ceiling price pursuant to subparagraph (2) of this paragraph. If you are a retailer who receives articles marked or tagged as described above, but not showing the uniform retail ceiling price, you yourself must use one of the methods set forth in paragraphs (a) or (b) of section 51 of CPR 7 to show your selling prices for such articles.

(2) If you are a retailer who receives a notice of a change in the ceiling price established under this supplementary regulation for articles in your stock which were marked or tagged with their ceiling prices by your supplier as provided in section 9 of this supplementary regulation, you must re-mark the articles with the new ceiling prices as provided in paragraph (b) (1) of this section, provided that the ceiling prices apply to your stock under paragraph (a) (2) (ii) of this section.

(c) *Notices by manufacturers and wholesalers.* Sections 7 and 8 tell the manufacturer or wholesaler who has applied for and received OPS approval of ceiling prices for his customers' sales of his branded article what notices he must send to his customers. Wholesalers who distribute a manufacturer's branded article should also consult sections 7 and 8, since these sections require them to redistribute to their retailer customers the notices received from the manufacturer.

SEC. 3. *When ceiling prices may be authorized.* Uniform ceiling prices for sales at retail or for sales at wholesale and retail may be authorized only if the applicant meets the standards set forth in paragraphs (a), (b), and (c) of this section.

(a) *Uniformity.* The branded articles included in his application must be:

(1) The same articles as those which his customers sold at substantially uniform [1] prices during the base period or;

(2) New styles or models of the articles which his customers sold at substantially uniform prices during the base period, provided the articles and the new styles or models thereof are included in the same CPR 7 category.

(b) *Markups.* The ceiling prices proposed for each style or model of article must result in markups to resellers which are the same as those which the same class of resellers had during the base period for the same style or model; or where the same style or model was not sold during the base period, for another style or model of the same article sold in the base period which then had a cost to the reseller closest to the current cost to the reseller of the style or model for which a ceiling price is being proposed. If the current cost is halfway between two base period costs, you must use the markup for the higher cost.

(c) *Rounding prices.* If the applicant has had customary retail price points he may elect to retain them. If he does elect to retain them, he must perpetuate them throughout his proposed ceiling price schedule insofar as permitted by this section.[2] Rounding to a price point is permitted only within a certain tolerance from the computed price. (A computed price is a proposed ceiling price which has been computed in accordance with the provisions of paragraph (b) of this section.) If a seller finds that the tolerance permits him to reach customary price points, he must, if he elects to round, round to the closest price point whether up or down from the computed price; otherwise he may not deviate from the computed price. (If a computed price results in a price exactly halfway between two customary price points, the seller may elect to move up or down.) Fractions of a cent less than half a cent shall be dropped, and fractions of a half cent or more may be increased to nearest higher cent. The tolerance permitted under this section is an amount equal to 4 percent of the computed price. If you elect to round, the method of rounding is as follows:

(1) Ascertain your computed price for the article;

(2) Determine the appropriate tolerance;

(3) Determine whether a customary price point is within the tolerance either up or down from the computed price, and if it is, you must use as the ceiling price the customary price point; if it is not, you may not adjust the computed price at all.

(d) *Base period.* "Base period" as the term is used in this supplementary regulation means the calendar year 1950. Where the same style or model of article during the base period yielded different markups at different times to the same class of reseller, the markup used to determine ceiling prices shall be the markup longest in effect for that style or model during the base period. Where, under this paragraph, a markup must be derived from a different model or style of article sold in the base period and two or more styles or models had the same costs but different markups, the highest of these base period markups may be used.

SEC. 4. *Applications.* If you are a manufacturer or a wholesaler your application must be filed in duplicate with the Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., and must state:

(a) Your business name and address;

(b) Whether you are a manufacturer or a wholesaler of the branded commodities included in your application;

(c) The approximate number of retail outlets handling your branded articles;

(d) The kinds and brand names of the articles and the zones as to which you are applying for uniform ceiling prices. You may not apply for different ceiling prices for more than five zones. Each zone must be a single integrated geographical area;

(e) Whether you are applying for uniform ceiling prices for sales at retail or for sales at wholesale and retail;

(f) Which of your branded articles you distributed directly to retailers; which you distributed indirectly through wholesalers; and which you distributed both directly to retailers and indirectly through wholesalers;

(g) Which of your branded articles were sold by resellers (including wholesalers, where applicable) at substantially uniform prices during the calendar year 1950 in each zone for which you are applying for uniform ceiling prices. Proof must include certifications from retailers regarding their sales of your branded articles during the calendar year 1950. Those certifications must be dated by the retailer, must state the retailer's name and address, and shall be in the following form:

This certification of the prices at which the articles in the attached list were sold by you during the period indicated below is

[1] Uniform price means the article was sold at the exact price suggested by the applicant, ($.98 does not mean $1.00) and substantial refers to the number of resellers who sold at the exact price.

[2] Customary price points are retail price endings used throughout certain price ranges of merchandise. For instance, a customary nine cent ending is typified by the prices $0.49, $0.59, $0.79, $0.99. A customary 50-cent ending is typified by the prices $7.00, $7.50, $8.00, $8.50. Price endings are considered customary only with reference to the price ranges in which they generally appeared during the base period.

requested by the Office of Price Stabilization pursuant to Supplementary Regulation 4 of CPR 7. It will be used by the OPS, together with certifications from other retailers, in determining whether or not the manufacturer of these articles meets the requirements of the regulation. Accordingly, the OPS has requested us to secure from you the following certification:

I certify that I have examined the attached list of branded articles, which shows their recommended retail prices for the calendar year 1950, that I have marked the letters "NS" opposite each article not sold by us during that period, that where an article was sold at other than the *exact* price on this list I have noted the *exact* price at which the article was sold, and that I have marked a check (√) beside each article which we sold during that period at the *exact* price which this list shows to have been in effect on the date of sale.

There must be attached to each certification a list furnished by you showing, for all your uniformly priced branded articles, the price or prices effective in the calendar year 1950, with the effective dates of any price changes within this period.

The number of retailers who must make these certifications depends upon the number of retail outlets selling your branded articles, as follows:

Number of outlets:	*Number of retailers who must certify*
Under 1,000	20
1,000 to 9,999	30
10,000 to 19,999	40
20,000 to 49,999	50
50,000 and over	75

The retailers making the certifications must be selected as follows:

If you sell directly to retailers, compile a list in alphabetical order of your customers whose company names begin with the letter of the alphabet with which your own company name begins. If you do not have the required number of customers on this list, continue your list with the next consecutive letters of the alphabet. Secure certifications from the first 20 retailers on this list if 20 certifications are required; from the first 30 if 30 certifications are required, etc.

If you sell through wholesalers, estimate the number of wholesalers who handle your uniformly-priced branded articles, select five wholesalers from widely separate geographical areas (at least one from each zone for which you are applying for different prices) and secure through each of these one-fifth of the required number of certifications.[3]

In addition to securing retailers' certifications through these wholesalers, you must secure from each wholesaler a signed statement that he has secured certifications from retailers selected in the manner as is prescribed for applicants selling directly to retailers. Where you have fewer than five wholesalers, secure certifications and statements pro-rata from all your wholesalers.

Example: If you estimate that the total number of retail outlets handling your uniformly-priced branded articles is 30,000, you are required to submit 50 certifications. You must select five wholesalers from different parts of the country. Each of these wholesalers procures ten certifications from his list of retailers and the certifications in turn are forwarded to you for submission to OPS.

Your proof must also include all your printed price lists for this period and any supplemental data necessary to show all changes in your suggested prices, together with their effective dates, and must show all variations from the suggested price in your price list which, as a matter of company policy, you approved with respect to any of the articles in the categories covered by your application. Your proof must include the following evidence to correspond with your practice during the base period:

(1) National advertising of the branded articles, including their uniform resellers' selling prices where shown;

(2) Copies of local advertising of the branded articles and their uniform prices in a widely representative number of communities;

(3) Tickets or labels regularly attached to the branded articles showing uniform selling price.

Where you are applying for uniform wholesale ceiling prices, your proof must include wholesalers' catalogs or price lists for the calendar year 1950, secured from fifty percent of your wholesalers (or from fifteen where you have more than thirty wholesalers). These wholesalers must be selected in the same manner as you selected retailers for the purpose of obtaining certifications under this section.

(h) Markup schedules showing that your proposed ceiling prices result in markups for resellers which are in line with markups for resellers for your uniformly-priced branded articles during the base period. These schedules, that is a proposed uniform ceiling price schedule and a base-period markup schedule, are described in section 5.[4]

(i) If you are a manufacturer applying as to branded articles manufactured in common by one or more manufacturers whose applications have been approved under this supplementary regulation, you may apply for an order authorizing resellers' ceiling prices in line with those of other manufacturers of these branded articles.

SEC. 5. *Markup schedules*—(a) *Base-period markup schedule.* You must have a separate base-period markup schedule for each CPR 7 category in which you sold uniformly priced articles. The schedule must list:

(1) The brand name, and style, model or lot number of each branded article which you sold to retailers or wholesalers and which they sold at uniform prices during your base period ("base period" is defined in section 3). List each article as many times as it was sold by the reseller at a different cost-price relationship.

Example: If Style XYZ of the brand "Silver Goose" was sold to resellers during one part of the base period at $26 and uniformly sold by retailers at $39 and the same style was, during another part of the base period, sold to retailers for $27.50 and uniformly sold by retailers at $39, that style should be listed twice on the schedule.

Where different cost-price relationships appear on your base-period markup schedule for any single style, model or lot number, indicate the number of months during the base period that each such relationship existed for each such style, model or lot number.

(2) A description of each article;

(3) Your net selling price and terms of sale for each article listed in (1) to the first of the following groups which is applicable to your method of distribution:

(i) Your largest class of wholesalers who sold at uniform prices during the base period;

(ii) Your largest class of non-uniformly priced wholesalers;

(iii) Your largest class of retailers.

Net selling price means the invoice cost to your customer less all discounts which he took or could have taken.

(4) Each uniform retail selling price and each uniform wholesaler selling price (if there was one) in effect on the basis of your own selling price or prices as listed in (3). Place an asterisk beside each selling price which represents a customary price point, and describe in detail on the schedule your customary price points;

(5) The retailer's base-period percentage markup on his net invoice cost where he purchased directly from you or from a wholesaler selling at a uniform price or (if you sold through non-uniform pricing wholesalers) the markup spread between the base period retail selling price and your net selling price to the wholesaler (i. e., wholesaler's net cost) expressed as a percentage of the wholesaler's net cost;

(6) The wholesaler's base-period percentage markup on his net invoice cost where he sold at uniform prices.

(b) *Proposed uniform ceiling price schedule.* Your proposed uniform ceiling price schedule must list for each category:

(1) The branded name of each article as to which you are applying for a uniform ceiling price for your retailer or wholesaler customers, and its style, model or lot number;

(2) A description of each article;

(3) For any model not sold in the base period, a reference to the base period model which you used in obtaining the markup for the new model under section 3 (b);

(4) The OPS regulation under which you established your ceiling price for each article listed in (1);

(5) The price at which you yourself are proposing to sell each article listed in (1) to the first of the following groups which is applicable to your method of distribution:

(i) Your largest class of wholesalers for which you are proposing a uniform ceiling price.

(ii) Your largest class of non-uniformly priced wholesalers;

(iii) Your largest class of retailers.

[3] Each wholesaler compiles his list in alphabetical order beginning with the letter of the alphabet with which his own name begins.

[4] Examples of proposed uniform ceiling price schedule and base-period markup schedule are contained in Appendix I. OPS does not supply these forms.

(6) The applicable markup or markup spread (derived from your base-period schedule) to retailers for whom you are proposing uniform ceiling prices;

(7) The applicable markup (derived from your base-period schedule) to wholesalers for whom you are proposing uniform ceiling prices;

(8) The computed price or prices for your retailer and wholesaler customers. You arrive at these computed prices:

(i) For your uniformly pricing wholesalers, by applying the applicable markup (Item 7) to your selling price to them (Item 5).

(ii) For retailers, where you sell exclusively directly to retailers, by applying the applicable markup (Item 6) to your selling price to these retailers (Item 5).

(iii) For retailers, where some or all of your sales are made through uniformly pricing wholesalers, by applying the applicable markup of these retailers (Item 6) to the uniform wholesale ceiling price you are proposing (Item 8 (i)) after rounding (Item 9).

(iv) For retailers, where some or all of your sales are made through nonuniformly pricing wholesalers, by applying the markup spread (Item 6) to the price to which you are proposing to sell to these wholesalers (Item 5).

(9) The uniform ceiling price or prices you are proposing for your retailer and wholesaler customers to the extent you have rounded the computed prices under section 3 (c).

SEC. 6. *OPS approval.* The prices which you propose for wholesalers or retailers if computed in accordance with this regulation shall be deemed authorized thirty days after written OPS acknowledgment of receipt of your application if the Office of Price Stabilization has not notified you to the contrary. The resellers' ceiling prices thus authorized are and remain your resellers' ceiling prices for so long as your own prices to resellers are the same as those listed in your application for articles to which those resellers' ceiling prices apply; except that those ceiling prices do not apply to sales at retail of articles received by retailers not marked or tagged in accordance with the provisions of section 9. The Office of Price Stabilization may by order grant or deny in whole or in part any application or revoke, modify or alter any authorization or requirement under this regulation and may in such order make appropriate provisions for notification of affected persons.

SEC. 7. *Additional articles or changes in prices*—(a) *Authorization of new uniform ceiling prices.* If you have received from the Office of Price Stabilization authorized ceiling prices for sale at wholesale or retail of your branded articles you may apply for like authorization for additional branded articles described in section 3 (a). If your prices to resellers differ from those listed in the application upon which your authorization rests and you wish to continue to price uniformly, you must apply for an adjustment of authorized ceiling prices. In both cases the application is made in the same manner as though you were making an original application, except that you need not file a base-period markup schedule or further proof of uniformity. In the case where ceiling prices for your resellers have been authorized and you are applying for a change of those ceiling prices, the new ceiling prices shall be deemed authorized fifteen days after written acknowledgment of receipt of your application if the Office of Price Stabilization has not notified you to the contrary.

(b) *Change of applicant's selling prices without receiving authorization for new uniform ceiling prices.* Articles for which uniform ceiling prices were authorized which you now ship to resellers at a price different from that listed in your application without securing new authorized resellers' uniform ceiling prices are not covered by this supplementary regulation and must be priced by resellers under CPR 7, GCPR, or whatever regulation applies. You may not ship these articles unless:

(1) All tags or tickets required under this supplementary regulation are removed from the articles, or the OPS designation (OPS—SR 4—CPR 7) or (OPS—Sec. 43—CPR 7) and the uniform ceiling prices are obliterated;

(2) You accompany your first shipment of these articles to each customer with a notice reading as follows:

Notice: The following article(s) for which ceiling prices were formerly authorized under SR 4 to CPR 7, bearing style or lot numbers _____ no longer have uniform ceiling prices under SR 4 to CPR 7. Until you again receive notice that these articles have uniform ceiling prices authorized under SR 4, you must establish your ceiling prices under GCPR, CPR 7, or whichever regulation applies.

If you are a wholesaler receiving this notice, you must, at the time you ship articles listed in the notice, send a copy to each person to whom you deliver listed articles. If your customer is another wholesaler, you must at the same time supply him with sufficient copies of the notice to enable him in turn to make similar distribution to his customers.

Where the applicant under the supplementary regulation sells to wholesalers and is required by this paragraph to send them a notice, he must supply such wholesalers with sufficient copies of the notice to enable them in turn to make distribution to their customers.

SEC. 8. *Notices to retailers and wholesalers*—(a) *By whom notice is sent.* (1) If you are a manufacturer or wholesaler for whom resellers' ceiling prices are authorized under this regulation you must after ten days have elapsed from the date of your authorization send a copy of the notice specified in paragraph (b) of this section to each person to whom you ship articles covered by the authorization. This notice must accompany or precede your first shipment to each person made following the expiration of the ten-day period. If you sell your branded articles through wholesalers, you must at the same time supply your wholesalers with sufficient copies of the notice to enable them in turn to make distribution to their customers.

(2) If you are a wholesaler selling the branded articles for which resellers' ceiling prices were authorized under this regulation, you must, after ten days have elapsed from the date you receive a copy of the notice specified in paragraph (b) of this section, send a copy of that notice to each person to whom you ship articles listed in the notice. This notice must accompany or precede your first shipment to each person made following the expiration of the ten-day period. If your customer is another wholesaler, you must at the same time supply him with sufficient copies of the notice to enable him in turn to make similar distribution to his customers.

(b) *Form of notice.* The notice required to be sent under this section must describe each article covered by the notice, must set forth the ceiling prices authorized, must state the date of approval, and shall be substantially in the following form:

NOTICE

1. On _____
(Insert date ceiling prices were authorized pursuant to section 6)
the following ceiling prices were established under OPS Supplementary Regulation 4 to CPR 7:

Brand name of article	Description of article including style, model or lot No.	Authorized ceiling price for sales at wholesale (where authorized)	Authorized ceiling price for sales at retail
------	----------	$_____ per (state regular) unit.	$_____ (unit price).

2. These ceiling prices shall apply both to articles which were in your stock prior to the date of receipt of this notice and to articles received with, or following this notice, except as provided in section 2 (a) (2) of SR 4 to CPR 7.

3. You may not sell these SR 4 articles at higher than the ceiling prices listed above. OPS regulations do not forbid you, however, from charging less at any time.

4. You should secure from your local OPS office a copy of SR 4 to CPR 7, in order to understand your responsibility with respect to these goods under that regulation. You should note especially that (as provided in section 2 of that supplementary regulation) if you receive an article listed above which is not marked or tagged as required by section 9 of SR 4, you may not use the ceiling price listed for that article in this notice, but must establish your ceiling price under CPR 7, GCPR or such other regulation as is applicable.

Also note that if the article is marked in accordance with the second method of marking described in section 9 (b) of SR 4 (i. e., without the ceiling price on the tag), you must mark or tag such article with your selling price, using one of the methods prescribed in paragraph (a) or (b) of section 51 of CPR 7.

In lieu of sending the notice described above, a supplier may attach to and send with his price list the following notice:

Notice: 1. Attached hereto is our price list. Included on that list are certain branded articles for which uniform resale ceiling prices have been authorized under OPS Supplementary Regulation 4 to CPR 7. In the margin of our list, beside each of these branded articles, appears the date on which these ceiling prices were authorized by OPS. No date notation appears next to articles for which uniform resale ceiling prices have not been authorized pursuant to Supplementary Regulation 4 to CPR 7.

2. The SR 4 ceiling prices shall apply both to articles which were in your stock prior to the date of receipt of this notice and to articles received with, or following, this notice, except as provided in section 2 (a) (2) of SR 4 to CPR 7.

3. You may not sell these SR 4 articles at higher than their ceiling prices. OPS regulations do not forbid you, however, from charging less at any time.

4. You should secure from your local OPS Office a copy of SR 4 to CPR 7 in order to understand your responsibilities with respect to these goods under that regulation. You should note especially that (as provided in section 2 of that supplementary regulation) if you receive an article listed above which is not marked or tagged as required by section 9 of SR 4, you may not use the ceiling price listed for that article in this notice, but must establish your ceiling price under CPR 7, GCPR or such other regulation as is applicable. Also note that if the article is marked in accordance with the second method of marking described in section 9 (b) of SR 4 (i. e., without the ceiling price on the tag), you must mark or tag such article with your selling price using one of the methods prescribed in paragraph (a) or (b) of section 51 of CPR 7.

SEC. 9. *Marking and tagging.* If you are a manufacturer or wholesaler whose proposed resellers' ceiling prices have been authorized under this regulation you may not deliver any article for resale unless it is marked or tagged in either of the following ways:

(a) With its authorized ceiling price in the following form:

OPS—SR 4—CPR 7
Ceiling Price $_____

(b) Without designating a price, as follows:

OPS—SR 4—CPR 7

If you use this second method, you must mark the article on the tag with model, style or lot number of the article.

(c) If, on March 26, 1952 you had on hand a stock of tags, prepared in accordance with the tagging requirements of an OPS order under section 43 of CPR 7, or if on that date you had on hand a stock of articles marked or tagged in accordance with the marking or tagging requirements of such an order, you may use such stock of tags and deliver such stock of articles so marked or tagged without complying with the requirements of paragraphs (a) and (b) of this section, provided that the price shown by such mark or tag is the uniform retail ceiling price authorized under this supplementary regulation.

SEC. 10. *Orders under section 43 of CPR 7*—(a) *Expiration of orders.* Each special order issued to a manufacturer or wholesaler and in effect under section 43 of Ceiling Price Regulation 7, (including orders amended as provided in paragraph (b) of this section) shall continue in effect but shall expire and be deemed revoked on the date uniform ceiling prices for any of his articles covered by that order are authorized under this supplementary regulation or on June 30, 1952, whichever is earlier.

(b) *Notices.* Within 10 days of the date or revocation under this regulation of an order issued under section 43 of CPR 7, each supplier who was required to notify his customers of ceiling prices established under that order must send to all his customers to whom he sent copies of the order, and to all his customers to whom he shipped articles covered by that order while the order was in effect, a notice in the following form:

NOTICE

Special Order No. _____
(Fill in order number)
issued to_____
(Fill in brand name—owner)
fixing ceiling prices for_____
(Fill in types of articles)
having the brand name_____
(Fill in brand names)
has been revoked.

(1) If the supplier, at the date of the revocation, has received authorization under this supplementary regulation for the establishment of ceiling prices for sales at wholesale or at retail (or both), he may include in the notice which he is required to send under this section a reference to the notice which he is also required to send under the provisions of section 8 (b) of this supplementary regulation.

(2) If the supplier, at the date of revocation, has not received authorization under this supplementary regulation, he must include in the notice the following:

OPS requires you to determine your ceiling prices for articles formerly covered by our order in accordance with CPR 7, GCPR, or whichever regulation is applicable.

(c) *Amendments*—(1) *Limit on issuance.* The Office of Price Stabilization may issue an amendment to a special order under section 43 of Ceiling Price Regulation 7 if the application for that amendment was filed before March 26, 1952.

(2) *Orders establishing ceiling prices in terms of cost.* Each special order issued under section 43 of Ceiling Price Regulation 7, which establishes a uniform ceiling price for an article in terms of its cost to the reseller shall be deemed amended as of March 26, 1952 so as to permit the uniform ceiling price of that article to remain as established in the special order, notwithstanding that its cost has been reduced from the cost which had previously been the basis for its ceiling price under the order, provided:

(i) The supplier's ceiling price for the article is not below its previous cost to resellers listed in the special order, and

(ii) The supplier sends each reseller to whom a sale is made at a cost below the cost listed in the special order a notice in substantially the following form:

NOTICE OF VOLUNTARY PRICE CHANGE

Our selling prices for the articles listed below are lower than they were when your uniform ceiling prices were established in Special Order _____. Since
(Insert Order No.)
our present prices represent voluntary reductions, your ceilings for these articles are not affected. (Section 10 (c), S. R. 4, Ceiling Price Regulation 7). OPS regulations do not forbid you, however, from charging less at any time.

Be sure to keep this notice available for inspection by OPS at all times.

Brand name and lot, model, or style No. of article	Our price to you listed in special order	Our new voluntarily reduced selling price to you	Your ceiling (same as before our reduction)

SEC. 11. *Records*—(a) *Applicant's base period records.* If you are a manufacturer or wholesaler whose application for the establishment of uniform resellers' ceiling prices has been granted under this supplementary regulation, you are required, for so long as the Defense Production Act of 1950, as amended, shall remain in effect, and for two years thereafter, to preserve and keep available for inspection by the OPS the following records:

(1) All invoices of sales to your customers during your base period;

(2) Your price lists for resellers in effect during your base period.

(b) *Applicant's current records.* If you are a manufacturer or wholesaler whose application for the establishment of uniform reseller's ceiling prices has been granted under this supplementary regulation, you must preserve and keep available for inspection by OPS for two years the following records:

(1) All invoices of sales to your customers since authorization of uniform resellers' ceiling prices;

(2) Your price lists for resellers in effect since your proposed resellers' ceiling prices were authorized under this regulation;

(3) A copy of each notification sent by you to resellers as required under this regulation and a record showing the date and the means (mail, personal delivery or otherwise) each such notification was sent;

(4) Books, ledgers, or other records or documents which you used in compiling the alphabetical list of your customers in accordance with section 4 (g) of this supplementary regulation.

(c) *Resellers.* If you are a wholesaler or a retailer handling articles for which uniform ceiling prices have been established under this supplementary regulation, you are required to preserve and keep available for inspection by OPS for two years the following records:

(1) Whatever invoices, sales slips or other written records you customarily keep showing the prices at which you sell articles for which ceiling prices have been established for you under this regulation;

(2) All invoices which you receive for articles for which uniform resale ceiling prices have been established under this regulation and all notices, price lists, copies of orders and amendments which you receive pursuant to the provisions of the regulation;

(3) If you are a wholesaler who is required, pursuant to section 4 (g) of this supplementary regulation to furnish your supplier with retailer certifications, all books, ledgers or other records or documents which you used in compiling the alphabetical list of your customers in accordance with that section.

In addition, you must make and preserve for inspection by OPS for a similar period a record showing the date and the means (mail, personal delivery or otherwise) by which you delivered notifications sent to resellers as required under this regulation.

(d) *Other provisions.* In addition to the records which you are required to keep under this regulation, you must also abide by the record-keeping provisions of the regulations which apply to your sales or which, but for this supplementary regulation, would apply to your sales.

SEC. 12. *Other provisions which shall be in effect.* With respect to sales at retail and at wholesale covered by this supplementary regulation, all the provisions of other regulations not inconsistent with the provisions of this supplementary regulation, shall be in effect.

SEC. 13. *Applicability.* The provisions of this supplementary regulation shall apply in the 48 states and in the District of Columbia.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This regulation shall become effective on the 26th day of March 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

APPENDIX I

EXAMPLE 1—BASE PERIOD SCHEDULE OF MARK-UPS FOR UNIFORM RETAIL PRICES BY A MANUFACTURER OR WHOLESALER SELLING DIRECTLY TO RETAILERS[1]

Name of applicant _____ Address _____
CPR 7 category No. _____ Terms of sale to largest class of customers _____

Base Period Markup Schedule

Article by brand name, style, model, lot No., etc. (1)	Description (2)	Manufacturer's net selling price to largest buying class of retailer (per dozen) (3)	Uniform retail selling price (per unit)[2] (4)	Percentage mark-np (on cost)[3] (5)
Wearwell:				
AN536a	Fancy rayon sock	$6.10	[4] $0.85	67.2
AT147b	Fancy cotton sock	6.10	[4] .85	67.2
AT148a	Cotton clock sock	6.10	[4] .85	67.2
AT153a	Cotton rib sock	7.20	[4] 1.00	66.7
AV775b	Part wool rib	7.20	[4] 1.00	66.7
AX347a	Nylon clocks	8.00	1.10	65.0
AX348b	Nylon verticals	8.00	1.10	65.0
AX355a	Nylon clocks	9.00	[4] 1.25	66.7
AT823a	Cotton argyles	9.00	[4] 1.25	66.7
AV728a	Nylon and wool argyles	14.00	[4] 2.00	71.4
AX358b	Nylon argyles	21.00	[4] 3.00	71.4
AX779a	Nylon argyles	25.00	[4] 3.75	[5] 80.0
		26.00	[4] 3.75	[6] 73.1

[1] Note: A wholesaler applicant selling directly to retailers uses same schedules, substituting word "Wholesalers' " for "Manufacturers' " in column 3.
[2] Customary price points for prices from $0.50 to $1.00 consist of prices ending in 5 or 0. Customary price points for prices of $1.00 and over consist of prices ending in .00, .25, .50, and .75.
[3] Markups were computed on the basis of dozen lots.
[4] Denotes customary price points.
[5] 9 months.
[6] 3 months.

EXAMPLE 2—PROPOSED SCHEDULE OF UNIFORM RETAIL CEILING PRICES BY A MANUFACTURER OR WHOLESALER SELLING DIRECTLY TO RETAILERS[1]

Name of applicant _____ Address _____
CPR 7 category No. _____ Terms of sale to largest class of customer _____

Proposed Uniform Ceiling Price Schedule

Article by brand name, style, model, lot No., etc. (1)	Description (2)	Brand name, style, model, lot No., etc., of comparable base period item with cost nearest to that of new item (3)	OPS regulation under which manufacturer's ceiling price was determined (4)	Manufacturer's net selling price to largest buying class of retailer (per dozen) (5)	Percentage markup (on cost) (6)	Computed uniform retail price (per unit) prior to rounding [Col. 5×(col. 6÷100)+col. 5]÷12 (7)	Proposed uniform retail ceiling price (per unit) after rounding[2] (8)
Wearwell:							
AN536a	Fancy rayon sock		CPR 45	$6.50	67.2	$0.90	$0.90
AT147b	Fancy cotton sock		CPR 45	6.50	67.2	.90	.90
AT148a	Cotton clock sock		CPR 45	6.50	67.2	.90	.90
AT153a	Cotton rib sock		CPR 45	7.20	66.7	1.00	1.00
AV775b	Part wool rib		CPR 45	7.50	66.7	1.04	1.00
AX778a	Nylon vertical	Wearwell AX348b	CPR 45	7.75	65.0	1.07	1.07
AX347a	Nylon clocks		CPR 45	8.00	65.0	1.10	1.10
AX348b	Nylon vertical		CPR 45	8.00	65.0	1.10	1.10
AX349b	Nylon clocks	Wearwell AX347a	CPR 45	8.25	65.0	1.13	1.13
AX355a	Nylon clocks		CPR 45	9.00	66.7	1.25	1.25
AT823a	Cotton argyles		CPR 45	9.25	66.7	1.29	1.25
AV728a	Nylon and wool argyles		CPR 45	16.00	71.4	2.29	2.25
AX358b	Nylon argyles		CPR 45	23.50	71.4	3.36	3.25
AX333a	Nylon argyles	Wearwell AX779a	CPR 45	23.50	80.0	3.53	3.50
AX779a	Nylon argyles		CPR 45	26.00	80.0	3.90	4.00

[1] Note: A wholesaler selling to a retailer uses same schedule, substituting word "wholesaler" for "manufacturer" in columns 4 and 5.
[2] Prices were rounded to customary price points (as described on base period schedule) in cases where the customary price points could be reached by adding to or subtracting from the computed price not more than 4 percent of the computed price (column 7).

APPENDIX I—Continued

EXAMPLE 3—BASE PERIOD SCHEDULE OF MARKUPS FOR UNIFORM WHOLESALE AND RETAIL PRICES BY A MANUFACTURER SELLING TO RETAILERS THROUGH WHOLESALERS AT UNIFORM PRICES

Name of applicant _____ Address _____
CPR 7 category No. _____ Terms of sale to largest class of customer _____

Base Period Markup Schedule

Article by brand name, style, model lot, number, etc. (1)	Description (2)	Manufacturer's net selling price to largest buying class of wholesaler (per dozen) (3)	Uniform wholesale selling price (per dozen)[1] (4)	Percentage markup (on cost) for wholesaler[2] (5)	Uniform retail selling price (per unit)[3] (6)	Percentage markup (on cost) for retailer[2] (7)
Argo:						
256a	45/30	$8.60	$10.20	18.6	[4]$1.35	58.8
281a	45/30 cotton foot	9.00	[4]10.80	20.0	[4]1.50	66.7
287b	45/30	9.00	[4]10.80	20.0	[4]1.50	66.7
349a	51/30	9.60	[4]12.00	25.0	[4]1.65	65.0
349b	51/30	9.60	[4]12.00	25.0	[4]1.65	65.0
418a	51/15	10.60	[4]12.60	18.9	[4]1.75	66.7
427a	51/15	10.60	[4]12.60	18.9	[4]1.75	66.7
429a	51/15	10.60	[4]12.60	18.9	[4]1.75	66.7
451a	51/15 dark seam	11.50	13.44	16.9	1.90	69.6
463a	51/15 dark seam	11.50	13.44	[5]16.9	1.90	[7]69.6
520b	60/15 dark seam	11.60	[4]13.60	[6]17.2	[4]1.95	[8]72.1
537a	60/15 dark seam	11.50	13.44	16.9	1.90	69.6
485b	51/15 fancy heel	12.40	[4]14.40	16.1	[4]1.95	62.5

[1] Customary price points consist of prices ending in .00, .20, .40, .60, and .80.
[2] Markups were computed on the basis of dozen lots.
[3] Customary price points consist of prices ending in .35, .50, .65, .75, and .95.
[4] Denotes customary price points.
[5] 7 months.
[6] 5 months.
[7] 9 months.
[8] 3 months.

EXAMPLE 4—PROPOSED SCHEDULE OF UNIFORM WHOLESALE AND RETAIL CEILING PRICES BY A MANUFACTURER SELLING TO RETAILERS THROUGH WHOLESALERS AT UNIFORM PRICES

Name of applicant _____ Address _____
CPR 7 category No. _____ Terms of sale to largest class of customer _____

Proposed Uniform Ceiling Price Schedule

Article by brand name, style, model, lot No., etc. (1)	Description (2)	Brand name, style, model, lot No., etc., of comparable base period item with cost nearest to that of new item (3)	OPS regulation under which manufacturer's ceiling price was determined (4)	Manufacturer's net selling price to largest buying class of wholesaler (per dozen) (5)	Percentage markup (on cost) for wholesaler (6)	Computed uniform wholesale price (per dozen) prior to rounding—Col. 5 × (Col. 6 ÷ 100) + Col. 5 (7)	Proposed uniform wholesale ceiling price (per dozen) after rounding[1] (8)	Percentage markup (on cost) for retailer (9)	Computed uniform retail price (per unit) prior to rounding—[Col. 8 × (Col. 9 ÷ 100) + Col. 8] ÷ 12 (10)	Proposed uniform retail ceiling price (per unit) after rounding[1] (11)
Argo:										
256a	45/30		OPR 45	$8.60	18.6	$10.20	$10.20	58.8	$1.35	$1.35
281a	45/30 cotton feet		OPR 45	9.00	20.0	10.80	10.80	66.7	1.50	1.50
287b	45/30		OPR 45	9.00	20.0	10.80	10.80	66.7	1.50	1.50
349a	51/30		OPR 45	9.50	25.0	11.88	11.80	65.0	1.62	1.65
349b	51/30		OPR 45	9.50	25.0	11.88	11.80	65.0	1.62	1.65
359a	51/30 dark seam	Argo 349a	OPR 45	9.60	25.0	12.00	12.00	65.0	1.65	1.65
418a	51/15		OPR 45	10.80	18.9	12.84	12.80	66.7	1.78	1.75
427a	51/15		OPR 45	10.80	18.9	12.84	12.80	66.7	1.78	1.75
429a	51/15		OPR 45	10.80	18.9	12.84	12.80	66.7	1.78	1.75
436a	51/15 dark seam	Argo 451a	OPR 45	11.40	16.9	13.33	13.40	69.6	1.89	1.95
451a	51/15 dark seam		OPR 45	11.60	16.9	13.56	13.60	69.6	1.92	1.95
463a	51/15 dark seam		OPR 45	11.60	16.9	13.56	13.60	69.6	1.92	1.95
520b	60/15 dark seam		OPR 45	11.60	16.9	13.56	13.60	69.6	1.92	1.95
537a	60/15 dark seam		OPR 45	11.60	16.9	13.56	13.60	69.6	1.92	1.95

[1] Prices were rounded to customary price points (as described on base period schedule) in cases where the customary price points could be reached by adding or subtracting not more than 4 percent of the computed price to the computed price.

APPENDIX I—Continued

EXAMPLE 5—BASE PERIOD SCHEDULE OF MARKUP SPREADS FOR UNIFORM RETAIL PRICES BY A MANUFACTURER SELLING THROUGH WHOLESALERS AT NON-UNIFORM PRICES

Name of applicant ---------- Address ----------
CPR 7 category No ---------- Terms of sale to largest class of customer ----------

Base Period Markup Schedule

Article by brand name, style, model, lot No., etc. (1)	Description (2)	Manufacturer's net selling price to largest buying class of wholesaler (per dozen) (3)	Uniform retail selling price (per unit) [1] (4)	Percentage markup spread (on cost) [2] (5)
Spartan:				
23A	Sleeveless wool pullover	$24.00	[3] $3.95	97.5
47A	Sleeveless wool pullover	30.00	[3] 4.95	98.0
51B	Long sleeve wool pullover	30.00	[3] 4.95	98.0
54C	Long sleeve wool coat sweater	33.00	[3] 4.95	80.0
62A	Sleeveless wool pullover	36.00	5.50	83.3
63B	Long sleeve wool pullover	36.00	5.50	83.3
67C	Long sleeve wool coat sweater	39.00	[3] 5.95	83.1
75A	Sleeveless wool pullover	42.00	6.50	85.7
77B	Long sleeve wool pullover	42.00	[3] 6.95	[4] 98.6
		45.00	[3] 6.95	[5] 85.3
79C	Long sleeve wool coat sweater	45.00	[3] 6.95	[6] 85.3
		48.00	[3] 6.95	[7] 73.8
81B	Long sleeve wool pullover	48.00	[3] 7.95	98.8
83B	Long sleeve wool pullover	48.00	[3] 7.95	98.8
87B	Long sleeve wool pullover	60.00	[3] 9.95	99.0

[1] Customary price points consist of prices ending in .95.

[2] Markups were computed on basis of dozen lots $\left(\frac{\text{Col. (4)}\times 12-\text{col. (3)}}{\text{Col. (3)}}\right)\times 100$.

[3] Denotes customary price points.
[4] 10 months.
[5] 2 months.
[6] 8 months.
[7] 4 months.

EXAMPLE 6—PROPOSED SCHEDULE OF UNIFORM RETAIL CEILING PRICES BY A MANUFACTURER WHO SELLS THROUGH WHOLESALERS AT NON-UNIFORM PRICES

Name of applicant ----------
CPR 7 category No ----------

Address ----------
Terms of sale to largest class of customer ----------

Proposed Uniform Ceiling Price Schedule

Article by brand name, style, model, lot No., etc. (1)	Description (2)	Brand name, style, model, lot No., etc. of comparable base period item with cost nearest to that of new item (3)	OPS regulation under which manufacturer's ceiling price was determined (4)	Manufacturer's net selling price to largest buying class of wholesaler (per dozen) (5)	Percentage markup spread (on cost) (6)	Computed uniform retail price (per unit) prior to rounding [Col. 5× (Col. 6÷100) +Col. 5]÷12 (7)	Proposed uniform retail ceiling price (per unit) after rounding [1] (8)
Spartan:							
47A	Sleeveless wool pullover		CPR 45	$30.00	98.0	$4.95	$4.95
51B	Long sleeve wool pullover		CPR 45	30.00	98.0	4.95	4.95
54C	Long sleeve wool coat sweater		CPR 45	36.00	80.0	5.40	5.40
62A	Sleeveless wool pullover		CPR 45	36.00	83.3	5.50	5.50
63B	Long sleeve wool pullover		CPR 45	36.00	83.3	5.50	5.50
67C	Long sleeve wool coat sweater		CPR 45	42.00	83.1	6.41	6.41
75A	Sleeveless wool pullover		CPR 45	42.00	85.7	6.50	6.50
77B	Long sleeve wool pullover		CPR 45	42.00	98.6	6.95	6.95
79C	Long sleeve wool coat sweater		CPR 45	48.00	85.3	7.41	7.41
81B	Long sleeve wool pullover		CPR 45	48.00	98.8	7.95	7.95
86B	Long sleeve wool pullover	Spartan 87B	CPR 45	54.00	99.0	8.96	8.95
87B	Long sleeve wool pullover		CPR 45	60.00	99.0	9.95	9.95
93B	Long sleeve wool pullover	Spartan 87B	CPR 45	66.00	99.0	10.95	10.95

[1] Prices were rounded to customary price points (as described on base period schedule) in cases where the customary price points could be reached by adding or subtracting not more than 4 percent of the computed retail price to the computed retail price (column 6).

[F. R. Doc. 52-3431; Filed, Mar. 21, 1952; 12:04 p. m.]

[Ceiling Price Regulation 131]

CPR 131—GROUNDWOOD PRINTING AND CONVERTING PAPERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 131 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollar-and-cent ceiling prices for sales by manufacturers of 23 grades of groundwood printing and converting paper and provides that the ceiling prices of 45 pound coated enamel paper and related grades shall be determined under Ceiling Price Regulation 106. It also provides methods by which manufacturers shall establish ceiling prices for the sale of other grades of groundwood paper.

Description of the product and industry. Groundwood printing and converting papers comprise a group of coated and uncoated papers containing more than 25 percent of mechanically ground wood pulp. These papers are primarily consumed by the printing and publishing industries but also are used in the manufacture of wall paper, packaging, and school, office, and business supplies.

The groundwood paper industry is chiefly located in the Northeastern and Lake State regions with marked concentration in Maine, New York, and Minnesota. Mills located in these States account for about 75 percent of the industry's total output. The industry consists of about 30 mills operated by 22 companies, 5 of which account for 65 percent of the production of groundwood paper.

Mills producing this kind of paper represent a part of the industry which formerly produced newsprint but shifted to groundwood base paper when it became apparent that they could not success-

fully compete with low-cost producers of newsprint in Canada. The average age of the mills is high and some of the mills are operating under relatively high cost conditions, but in recent years the position of the industry has been strengthened by the opening of new markets due to the development of machine-coated paper and paper made from bleached groundwood pulp. The process of product improvement and shifting to the production of higher priced grades of paper has been continuous. It has resulted in higher returns to the mills and has caused nonuniform prices which reflect differences in quality within the limits of grade classifications. The extent to which mills have shifted to the production of higher priced papers is illustrated by the increase in production of machine-coated paper, from 40,000 tons in 1947 to an estimated 190,000 tons in 1951.

Some of the companies operate only mills which specialize to a high degree in the production of groundwood paper, but others operate a number of mills wherein groundwood paper, although produced in large volume, represents only a small part of the company's total production of paper and paperboard. Most of the mills produce all of the groundwood pulp they consume, but 40 percent of the total production of these papers is by mills which purchase all of the chemical pulp they consume.

Groundwood paper manufacturers sell about 70 percent of their production directly to large consumers and 30 percent to merchants. They sell approximately 75 percent of their output on a contract basis, and, in general, their spot and contract prices are identical, although the terms of sale may differ slightly. The fact that the bulk of sales are on a contract basis causes the prices of groundwood paper to be less responsive to changes in cost and market conditions than are the prices of most kinds of paper.

Recent economic developments. Since World War II, mill operations in this industry have been at a high level. Between 1946 and 1948 the mills operated at close to 100 percent of their capacity and, as additional mills shifted from the production of newsprint and existing mills modernized their plants and installed new equipment, production, as reported by the Groundwood Paper Manufacturer's Association, increased from 715,000 tons in 1946 to 805,000 tons in 1948. In 1949 and 1950, despite the high demand through the last 6 months of 1950, production was at lower levels than in 1948. In 1951 demand continued to be large and mills operated at close to 100 percent of their capacity to produce an estimated 880,000 tons valued at about 140 million dollars.

The National Production Authority considers groundwood paper essential to the defense effort and to the civilian economy and, under Order M–36, mills are required to reserve 10 percent of their production for sale at the direction of that agency.

Between the outbreak of the Korean war and the period January 25 through February 24, 1951, groundwood paper producers raised their prices about 10 percent. Between the latter date and the present, prices were raised an additional 10 percent under CPR 22. These price increases were relatively uniform for all grades due to the practice of the industry to price the bulk of its production by the application of standard differentials to 3 basic grades of paper.

Summary of the main features of the regulation. The ceiling prices established under this regulation are at the level of average prices currently in effect. This level is approximately 21 percent higher than in June 1950 and 10 percent higher than during the period January 25 through February 24, 1951. It is well below the level of prices permitted under Ceiling Price Regulation 22.

Spelled out ceiling prices have been set for 23 grades of groundwood paper by use of the industry technique of applying standard differentials to the ceiling prices of 3 basic grades. These 23 grades constitute about 75 percent of the output of this industry. A ceiling price for coated paper, which also is produced by book paper mills, has previously been established in Ceiling Price Regulation 106, and producers of such paper in the groundwood industry will determine their ceiling prices by reference to that regulation. Coated paper represents about 20 percent of the paper produced by groundwood mills. The ceiling prices of unlisted grades produced during the base period (January 25 through February 24, 1951) are determined by application of the price differentials in that period between the unlisted grades and the listed grades to which they are most closely related and the addition or subtraction of the appropriate differentials. To determine the ceiling price of an unlisted grade not produced during the base period, the producer must apply to the Director of Price Stabilization as set forth in section 22 of the regulation.

This regulation recognizes that, although most of the producers allow 40 cents or more per hundredweight freight allowance, it is the practice of a few producers to sell on an f. o. b. mill basis and permits them to sell on that basis at ceiling prices calculated by deducting from the specified ceiling price the actual freight charges up to 40 cents per hundredweight.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; to prices prevailing December 19, 1950 to January 25, 1951, inclusive, and to relevant factors of general applicability. The ceiling prices established herein are not below the level of (a) the price prevailing during the period January 25, 1951 to February 24, 1951, inclusive, or (b) the price prevailing just before the date of issuance of this regulation.

In formulating this regulation, there has been extensive consultation with representatives of the industry, including trade association members and consideration has been given to their recommendations. This consultation included six meetings of the Industry Advisory Committee. The specifications or standards used in this regulation are in general use in this industry.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Regulations superseded.
3. Geographical applicability.
4. Manufacturer and sales by a manufacturer defined.
5. Groundwood printing and converting papers defined.
6. Identification of grades.
7. Ceiling prices for 45 pound coated enamel.
8. Ceiling prices for listed grades.
9. Ceiling prices for unlisted grades.
10. Ceiling prices for spot sales of groundwood paper.
11. Ceiling prices for contract sales of groundwood paper.
12. Ceiling prices for direct sales involving special services.
13. Job lots and seconds.
14. Rounding of prices.
15. Prices lower than ceiling prices.
16. Adjustment of ceiling prices.
17. Petitions for amendment.
18. Adjustable pricing.
19. Taxes separately stated.
20. Exports and imports.
21. Transfers of business or stock in trade.
22. Application for classification of a grade or aid in determining a ceiling price.
23. Manufacturer operating as a merchant.
24. Records and reports.
25. Prohibitions.
26. Evasions.
27. Definitions and explanations.

AUTHORITY: Sections 1 to 27 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Sup.

SECTION 1. *What this regulation does.* This regulation establishes specific ceiling prices for sales by the manufacturers of 23 grades of groundwood printing and converting paper and provides that ceiling prices of 45 pound coated enamel paper and related grades shall be determined under Ceiling Price Regulation 106. Methods are also provided by which manufacturers shall establish their ceiling prices for other grades of these papers.

SEC. 2. *Regulations superseded.* Ceiling Price Regulation 22 and the General Ceiling Price Regulation insofar as they covered manufacturers of groundwood printing and converting papers are hereby superseded.

SEC. 3. *Geographical applicability.* The provisions of this regulation shall be applicable to sales by manufacturers of groundwood printing and converting papers located in the forty-eight states of the United States and the District of Columbia but shall not be applicable to sales by such manufacturers located in the territories and possessions of the United States.

SEC. 4. *Manufacturer and sales by a manufacturer defined.* For the purpose of this regulation:

(a) Manufacturer, hereinafter sometimes called "you", means any person who manufactures any of the papers covered by this regulation and includes an agent and a person affiliated with a manufacturer through community of ownership, who distributes or sells such manufacturer's papers covered by this regulation.

(b) Sales by a manufacturer operating as a merchant are excluded from this regulation if the Director of Price Stabilization has made a finding pursuant to section 23 that for such sales the manufacturer operates as a merchant.

SEC. 5. *Groundwood printing and converting papers defined.* For the purposes of this regulation: Groundwood printing and converting paper means those types, brands, and grades of paper which are generally used for the transmitting of a message or design, or for conversion into paper products, and which (a) contain more than 25 percent groundwood fiber in their fiber furnish, and (b) weigh no less than 25 pounds and no more than 140 pounds in basis weight 25 x 38—500.

SEC. 6. *Identification of grades.* You shall determine under which of the grades listed in this regulation each paper manufactured by you shall be classified. In determining whether a particular groundwood printing and converting paper is to be classified under one of the grades below, you shall consider the group descriptions and specifications stated with each grade. If the paper being classified meets the appropriate group descriptions and specifications of any grade, it may be considered as belonging to that grade. A paper made by you at a particular mill which does not meet the furnish specifications for a particular grade may nevertheless be considered as belonging to that grade: *Provided,* The paper being classified is of a quality which has been generally recognized in the industry as being equivalent in quality to paper which conforms with such specifications, and is in all respects equally satisfactory in appearance and use to paper which conforms with such specifications. The Director of Price Stabilization may at any time thereafter review and officially classify any papers subject to this regulation. There shall be taken into account in any review and reclassification by the Director the designation by which you heretofore identified the paper in question, the common designation in the paper manufacturing industry of papers possessing the same general physical characteristics, and other relevant factors. The basic grades are identified as follows:

(a) *Groundwood printing papers.* In the specifications below, the brightness values stated are for machine finish, unsized papers in minimum standard basis weights. Brightness is proportionately reduced by extra sizing, by supercalendering, and in the manufacture of weights lighter than the minimum standard basis weights.

(1) *Enamel.* Groundwood printing papers include those grades of enamel papers used generally but not exclusively for publishing and commercial printing end uses, such as magazines, books, pamphlets, labels, wraps, folders, and brochures where the use of fine halftone illustrations is frequently necessary. These papers, irrespective of furnish, have one or both surfaces treated with clay or a pigment, and adhesive mixture, or other suitable materials, to improve their finish with respect to printing quality, color, smoothness, opacity, or other surface properties: *Provided,* That the amount of such coating shall be no less than 2½ pounds of the total ream basis weight (25 x 38—500) if applied to one side only, or at least 5 pounds total if applied to both sides of the paper.

(2) *A Offset No. 1.* This paper contains 100 percent bleached fiber; it is surface sized for offset printing; and has an average brightness no less than 70.

(3) *A Offset No. 2.* This paper contains no less than 75 percent bleached fiber; it is surface sized for offset printing; and has an average brightness no less than 64.

(4) *A Printing.* This paper contains no less than 30 percent bleached chemical fiber or 60 percent bleached fiber; it contains no less than 7½ percent filler; and has an average brightness no less than 67.

(5) *A Printing supercalendered.* Same as A printing and supercalendered.

(6) *A–1 Printing.* This paper contains no less than 25 percent bleached chemical fiber or 50 percent bleached fiber; it contains no less than 7½ percent filler; and has an average brightness no less than 65.

(7) *A–1 Printing supercalendered.* Same as A–1 printing and supercalendered.

(8) *A–2 Printing.* This paper contains no less than 15 percent chemical fiber or 30 percent bleached fiber; it contains no less than 7½ percent filler; and has an average brightness no less than 63.

(9) *A–2 Printing supercalendered.* Same as A–2 printing and supercalendered.

(10) *B Printing.* This paper contains no less than 20 percent unbleached chemical fiber; the balance is unbleached specialty groundwood fiber; it contains no less than 7½ percent filler; and has an average brightness no less than 60.

(11) *C Printing.* This is an unsized, unfilled paper containing unbleached chemical and specialty groundwood fiber; it is not supercalendered and its minimum basis weight is 35 pounds (25 x 38—500).

(b) *Groundwood specific converting papers.* These grades are generally made to specifications established either by the mill or by customers for a great variety of end uses. All of these grades are sized unless otherwise indicated and conform with strength or other physical characteristics appropriate to the indicated use.

(1) *Canary pencil tablet.* This paper contains unbleached groundwood fiber and chemical fiber. It has no filler. It is made in canary color only and is normally made unsized.

(2) *Groundwood B carbonizing.* This paper contains unbleached groundwood fiber and chemical fiber; it is free of pin holes and is sufficiently dense to retain a carbon and wax solution on one surface without penetration through to the other surface. Its fibers are "fine" and specially treated for maximum resistance to oil penetration.

(3) *Groundwood coating base stock.* This paper contains no less than 25 percent chemical fiber; the balance of fiber furnish is groundwood fiber. It is especially formed and sized to be suitable for coating and when dry for calendering or glazing. It is made in two qualities:

(i) "A coating" containing bleached fiber, and

(ii) "B coating" containing no bleached fiber.

(4) *Groundwood drawing paper.* This paper contains no less than 20 percent chemical fiber; the balance of the fiber furnish is groundwood fiber. It is made in the standard colors—white, cream, and gray with a finish suitable for drawing. It is made in two qualities:

(i) "A drawing" containing bleached fiber, and

(ii) "B drawing" containing no bleached fiber.

(5) *Groundwood lining.* This paper contains no less than 20 percent chemical fiber; the balance of the fiber furnish is groundwood fiber. The basis weight 16 pounds (17 x 22—500) is made in two qualities:

(i) "A lining" containing bleached fiber, and

(ii) "B lining" containing no bleached fiber.

(6) *No. 2 Hanging paper.* This paper contains unbleached groundwood and chemical fiber. It is normally made without filler and is specially produced for conversion into wallpaper.

(c) *Groundwood general converting papers.* These papers are made in five generally recognized quality classifications. The specifications within a quality classification frequently vary as between customers of the same manufacturer to comply with end-use requirements. The five qualities are:

(1) A converting	Containing bleached fiber.
(2) A–1 converting	
(3) A–2 converting.	
(4) B–1 converting.	Containing no bleached fiber.
(5) B–2 converting.	

(d) *Groundwood general use papers—*

(1) *Mimeograph paper.* This paper is made to conform with federal specification UU–P–388e, dated May 17, 1951, regarding Type IV—mimeograph paper in which the fiber furnish shall be not less than 60% groundwood fiber. The physical requirements are as follows:

PHYSICAL REQUIREMENTS

Type IV—Groundwood mimeograph

Basis weight, 17 x 22—500 pounds	16	18	20	
Thickness—inch	0.0040	0.0050	0.0055	0.00
Bursting strength, minimum points	14	15	16	
Opacity, minimum—percent	81	89	91	
Oil penetration, maximum seconds	50	50	50	
Finish (smoothness), maximum—seconds	15–20	15–20	15–20	15–
Brightness, minimum—percent	65	65	68	

(2) *Groundwood poster.* This paper contains unbleached groundwood and chemical fiber; it contains no filler and is made with a medium printing finish. It is made in an assortment of colors, either the standard assortment consisting of pink, jade, mandarin, sulphur, gold, azure, and white, or in assortments of selected colors.

(3) *Railroad manila.* This paper contains unbleached groundwood and chemical fiber. It contains no filler and is sized for pen and ink writing. It is made in the standard color canary. The minimum basis weight manufactured is 13 pounds (17 x 22—500).

SEC. 7. *Ceiling price for 45 pound coated enamel.* The ceiling prices for the sale of coated two sides 45 pound enamel, 25 x 38—500, trimmed 4 sides, and all grades of enamel paper related thereto, directly or indirectly, as these terms are used in Ceiling Price Regulation 106, are determined under Ceiling Price Regulation 106, including sales of such paper whether spot, contract or direct sales involving special services.

SEC. 8. *Ceiling prices for listed grades.* The base prices for the sale of 23 listed grades of groundwood printing and converting papers are set forth in paragraph (a) of this section. To compute the ceiling price for an actual sale of one of these grades there may be added to and there must be subtracted from the base price all differentials of paragraph (b) of this section which are appropriate to the particular sale.

(a) *Base prices for listed grades.* The base prices for 23 listed grades of groundwood printing and converting papers are set forth in Schedule A below. Except for A Offset No. 1, these prices are per hundred pounds, on regular billing weight for one item of standard colors, standard finish, and standard basis weight packed in standard rolls, shipped in quantities of 36,000 pounds or more f. o. b. mill, with lowest available carload freight allowed up to 40 cents per hundred weight. For A Offset No. 1, these prices are per hundred pounds, trimmed 4 sides, packed on skids in carload quantities f. o. b. your mill, lowest available carload freight allowed to destination point. However, a freight allowance on A Offset No. 1 is not required on shipments of less than 5,000 pounds to a merchant to points other than the merchant's home city. *Provided, however:*

(1) If it was your customary practice during the period January 25, 1951, through February 24, 1951 to sell on an f. o. b. mill basis, you may continue to do so using as your base price the base price specified in Schedule A below, less the actual carload freight charges to the purchaser up to 40 cents per hundred weight.

(2) If it was your customary practice on paper produced in and shipped from Washington, Oregon, and California to add a differential to base prices, a like differential may be added to the base prices of Schedule A and freight allowances employed during the period January 25, 1951 through February 24, 1951, shall be continued by you.

SCHEDULE A—GROUNDWOOD PRINTING AND CONVERTING PAPERS

PRINTING PAPERS

Grade	Minimum standard basis weight	Code for lightweight differential, see par. (b) (5)	Base price per hundredweight
(1) A offset No. 1 trimmed 4 sides	50 pounds 25 x 38–500	BLD carload skids	$12.90
(2) A offset No. 2	45 pounds 25 x 38–500	CLD carload rolls	9.65
(3) A printing	40 pounds 25 x 38–500	DLD carload rolls	9.45
(4) A printing supercalendered	45 pounds 25 x 38–500	ELD carload rolls	9.95
(5) A-1 printing	40 pounds 25 x 38–500	DLD carload rolls	8.95
(6) A-1 printing supercalendered	45 pounds 25 x 38–500	ELD carload rolls	9.45
(7) A-2 printing	40 pounds 25 x 38–500	DLD carload rolls	8.70
(8) A-2 printing supercalendered	45 pounds 25 x 38–500	ELD carload rolls	9.20
(9) B printing	40 pounds 25 x 38–500	DLD carload rolls	8.55
(10) C printing	40 pounds 25 x 38–500	DLD carload rolls	8.45

SPECIFIC CONVERTING PAPERS

(1) Canary pencil tablet	32 pounds 24 x 36–500	None carload rolls	9.00
(2) B Carbonizing	35 pounds 24 x 36–500	None carload rolls	10.35
(3) B Coating	20 pounds 20 x 24–500	None carload rolls	9.50
(4) B Drawing	36 pounds 24 x 36–500	None carload rolls	8.75
(5) B Lining	16 pounds 17 x 22–500	BLD carload rolls	9.25
(6) #2 Hanging	38 pounds 24 x 36–480 (9 ounce)	None carload rolls	8.75

GENERAL CONVERTING PAPERS

(1) A-1 Converting	16 pounds 17 x 22–500	HLD carload rolls	9.75
(2) A-2 Converting	16 pounds 17 x 22–500	HLD carload rolls	9.50
(3) B-1 Converting	16 pounds 17 x 22–500	HLD carload rolls	9.50
(4) B-2 Converting	16 pounds 17 x 22–500	HLD carload rolls	9.25

GENERAL USE PAPERS

(1) A Mimeograph	16 pounds 17 x 22–500	None carload rolls	9.75
(2) Poster	32 pounds 24 x 36–500	GLD carload rolls	9.25
(3) Railroad Manila	14 pounds 17 x 22–500	FLD carload rolls	9.25

(b) *Differentials, charges, allowances, discounts, and other pricing elements.* Wherever a maximum charge is stated in dollars and cents under the following subparagraphs, it shall apply per hundred pounds, unless otherwise specified.

(1) *Antique and eggshell finish.* For paper manufactured in the antique or eggshell finishes, there may be added $0.25 per cwt.

(2) *Bulking.* (i) For manfacturing bulking paper there may be added $0.25 per cwt.

(ii) Paper made to bulk. For paper manufactured to bulk there may be added $0.40 per cwt.

(3) *Colors.* Appropriate color differentials may be added to those grades for which the base price does not include such standard colors, according to the shade and depth of such special colors, as follows:

	Per hundredweight
Tint colors	$0.50
Light colors	.50
Medium colors	.75
Deep colors	2.00
Special deep colors:	
Black	3.00
Purpurine	3.50
Scarlet and blue	4.00
Red	5.00

The above color classifications and shades shall be determined according to the color book entitled "Standard Color Nomenclature System and Manual", prepared by the Groundwood Paper Manufacturer's Association, a copy of which is on file with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C.

(4) *Finishing and packing, including trimming and cutting to small sizes.* Wherever differentials for finishing and packing, including trimming and cutting to small sizes are not specifically provided for in this regulation, your ceiling price for these operations and services is the price which you charged for these operations and services performed during the base period.

(5) *Lightweight differentials.* (i) Following each grade of groundwood printing and converting paper listed in Schedule A in paragraph (a) of this section will be found either the word "none" or a three letter coded reference. The word "none" indicates that no amount may be added for sales of lighter than standard weights to the grade involved. The code references are explained below:

(ii) The maximum lightweight differentials listed below may be applied to the base price after adding any applicable sheeting, finishing, trimming, and packing differentials:

CODE:

ALD—Add 2 percent to the base price per pound of basis weight or fraction thereof below 45 pounds down to and including 40 pounds (25 x 38–500). Add 3 percent to the base price per pound of basis weight or fraction thereof below 40 pounds down to and including 35 pounds (25 x 38–500).

BLD—Add 1 percent to the base price per pound of basis weight or fraction thereof below 50 pounds down to and including 40 pounds (25 x 38–500).

CLD—Add 1 percent to the base price per pound of basis weight or fraction thereof below 45 pounds down to and including 40 pounds (25 x 38–500).

DLD—Add 1 percent to the base price per pound of basis weight or fraction thereof below 40 pounds down to and including 35 pounds (25 x 38–500). Add 2 percent per pound or fraction thereof below 35 pounds down to and including 31 pounds. Add 3

percent per 30 pounds. Add 4 percent per pound or fraction thereof below 30 pounds down to and including 25 pounds.

ELD—Add 1⅓ percent to the base price per pound of basis weight or fraction thereof below 45 pounds down to and including 40 pounds (25 x 38–500). Add 2 percent per pound or fraction thereof below 40 pounds down to and including 35 pounds. Add 4 percent per pound or fraction thereof below 35 pounds down to and including 32 pounds.

FLD—Add 6 percent to the base price per pound of basis weight for any basis weight less than 14 pounds (17 x 22–500).

GLD—Add 3 percent to the base price per pound of basis weight or fraction thereof below 32 pounds down to and including 30 pounds (24 x 36–500).

HLD—Add 5 percent to the base price per pound of basis weight or fraction thereof below 16 pounds down to and including 14 pounds (17 x 22–500). Add 6 percent to the base price per pound of basis weight or fraction thereof below 14 pounds down to and including 12 pounds (17 x 22–500). Add 10 percent to the base price per pound of basis weight or fraction thereof below 12 pounds down to and including 10 pounds (17 x 22–500).

(6) *Nonstandard rolls.* For rolls in width or diameter other than standard as herein described, there may be added $0.50 per cwt.

(7) *Other manufacturing differentials.* For operations and services not specifically listed herein, you may add not more than the differentials charged by you during the base period. If you did not perform the particular operation during the base period, you may add the amount which you would have charged using the basis of calculations you used in the base period.

(8) *Quantity differentials.* Upon orders specifying less than a carload of one item for shipment at one time to one consignee at one destination there may be added the following quantity differentials:

	Per hundredweight
(i) 10,000 pounds to a carload	$0.10
(ii) 5,000 pounds to 9,999 pounds	.25
(iii) 2,000 pounds to 4,999 pounds	.50
(iv) Less than 2,000 pounds	.75

(9) *Roto differential.* When paper is ordered and made suitable for rotogravure printing, there may be added $0.20 per cwt.

(10) *Special labels.* For special labels prepared to the order of any purchaser there may be added no more than the actual cost to you of the special labels furnished.

(11) *Sizing.* For each of the following kinds of sizing in addition to that ordinarily supplied in the grade there may be added $0.50 per cwt. for:

(i) Beater sizing;

(ii) Surface sizing;

(iii) Waterleaf sizing.

(12) *Supercalendering.* There may be added to the base price $0.50 per cwt. when this operation is performed on a grade not already specified in the schedule of base prices as supercalendered.

(13) *Terms and discounts.* Terms and discounts shall be applied in accordance with your practices effective during the base period, January 25, 1951 through February 24, 1951.

(14) *Trim loss differential.* Upon sales of less than minimum acceptable trim, a trim loss differential may be added of $0.04 per cwt. per inch or major fraction of an inch of trim loss.

(15) *Watermarking, waterlining, or laid marking.* Where any of these operations are performed there may be added $0.25 per cwt. for each such operation in the case of uncoated paper.

SEC. 9. *Ceiling prices for unlisted grades.* The base price for a grade of groundwood printing and converting paper not listed in sections 7 and 8 above and not a related grade under section 7, is determined under paragraph (a) of this section in all instances where the unlisted grade was delivered or offered for delivery by you during the period January 25, 1951 through February 24, 1951. If the unlisted grade was not delivered or offered for delivery by you during that period, the base price shall be determined under section 22.

(a) The base price for an unlisted grade which was delivered or offered for delivery by you during the period January 25, 1951 through February 24, 1951, is determined as follows: You shall take the highest base price charged by you for the unlisted grade during the base period, and shall ascertain the difference between that base price and the highest base price charged by you during the same period for the listed grade which is most closely related to the unlisted grade being priced. For this purpose the most closely related listed grade is the one which is closest in fiber furnish and general use. That difference shall then be added to, or as the case may be, subtracted from the base price listed under section 8 (a) for the grade with which the comparison was made. The resulting amount shall be the base price for the unlisted grade being priced under this paragraph. To this base price there may be added and must be subtracted as may be appropriate all applicable differentials as set forth in section 8 (b) to compute the ceiling price.

SEC. 10. *Ceiling prices for spot sales of groundwood paper.* The ceiling prices for spot sales of all grades of groundwood printing and converting paper (except 45 pound coated enamel and all grades of enamel paper related thereto and covered by section 7) are determined as follows:

(a) The ceiling price for spot sales of a listed grade is the price determined under section 8 of this regulation to which you must apply your differentials, charges, discounts, allowances and other pricing elements prevailing for your spot sales during the period January 25, 1951, through February 24, 1951.

(b) The ceiling price for spot sales of an unlisted grade is the price determined under section 9 of this regulation to which you must apply your differentials, charges, discounts, allowances and other pricing elements prevailing for your spot sales during the period January 25, 1951 through February 24, 1951.

SEC. 11. *Ceiling prices for contract sales of groundwood paper.* The ceiling prices for contract sales of all grades of groundwood printing and converting paper (except 45 pound coated enamel and all grades of enamel paper related thereto and covered by section 7) are determined as follows:

(a) The ceiling price for contract sales of a listed grade is the price determined under paragraph (a) and (b) of section 8 of this regulation to which you must apply your differentials, charges, discounts, allowances and other pricing elements prevailing for your contract sales during the period January 25, 1951, through February 24, 1951.

(b) The ceiling price for contract sales of an unlisted grade is the price determined under section 9 of this regulation to which you must apply your differentials, charges, discounts, allowances and other pricing elements prevailing for your contract sales during the period January 25, 1951, through February 24, 1951.

SEC. 12. *Ceiling prices for direct sales involving special services.* (a) If you make a direct sale involving special services not generally performed by manufacturers and if you charged for such additional services during the base period, the ceiling price for all grades of groundwood printing and converting paper so sold (except 45 pound coated enamel and all grades of enamel paper related thereto covered by section 7) is:

(1) The price determined under sections 8 and 9 of this regulation;

(2) Plus your differentials in effect during the period January 25, 1951 through February 24, 1951, for this special service.

(b) Before selling at ceiling prices determined under paragraph (a) of this section, you must first file by registered mail, return receipt requested, with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., a statement explaining to what extent you perform such services and explaining your system of differentials with respect to such direct sales. If you have rendered such services and charged such higher prices only in particular areas or upon certain types of direct sales or to certain types of direct purchasers, set forth these customary practices in detail. Any information already on file with the Office of Price Stabilization may be incorporated into this statement by reference. Fifteen days after filing this statement, you may use your proposed ceiling price under this section unless or until you are advised in writing to the contrary by the Director of Price Stabilization.

SEC. 13. *Job lots and seconds.* Ceiling prices for job lots and seconds are to be determined in accordance with your practice during the period January 25, 1951 through February 24, 1951: *Provided, however,* The ceiling prices for job lots and seconds shall not exceed the ceiling prices for the first quality of the same paper. The invoice covering any sale of job lots or seconds shall state that the paper is a job lot or second.

SEC. 14. *Rounding of prices.* Cents and fractions of a cent remaining after calculation of prices may be rounded to the nearest five cents or to the nearest cent in accordance with your practice during the base period used as a basis for computation. In rounding to the nearest five cents, cents and fractions of a cent shall be dropped if less than two

and one half cents and may be increased to the nearest higher five cents if two and one half cents or more; similarly in rounding to the nearest cent, fractions less than a half cent shall be dropped, and may be increased to the nearest higher cent if one half cent or more.

SEC. 15. *Prices lower than ceiling prices.* Lower prices than the ceiling prices established by this regulation may be charged, demanded, paid or offered.

SEC. 16. *Adjustment of ceiling prices.* (a) Upon application or upon his own motion the Director of Price Stabilization may adjust any ceiling price established under this regulation so as to bring it into line with the general level of ceiling prices established by this regulation or by regulations specifically establishing ceiling prices for other grades of paper.

(b) Applications for adjustment shall be filed with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., and contain the following:

(1) The brand name, grade name, if any, specifications and a sample of the paper which is the subject of the application.

(2) The ceiling price for this grade established under this regulation and the computations by which this price was calculated.

(3) The ceiling price for this or a comparable grade of your closest competitor. Give the name of your competitor, the brand and grade name, if any, of the paper used in the comparison.

(4) Information as to the customary differentials, which existed prior to or during price control, between grades of paper demonstrating the necessity for adjusting the prices which are the subject of your application so as to bring them into line with the general level of ceiling prices established by this regulation or by regulations specifically establishing ceiling prices for other grades of paper.

(c) You may not make any adjustment applied for under this section unless and until you have been notified by letter order that you may do so by the Director of Price Stabilization.

SEC. 17. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

SEC. 18. *Adjustable pricing.* Any person may agree to sell or may sell at a price which can be increased up to the ceiling price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Stabilization, agree to sell or sell at prices to be adjusted upward in accordance with any increase in a ceiling price after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Defense Production Act of 1950, as amended.

SEC. 19. *Taxes separately stated.* (a) In addition to your ceiling price, you may collect the amount of any excise, sale or similar federal, state or local taxes paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar commodities.

(b) If such a tax is imposed by a law which is not effective until after the effective date of this regulation, or if any increase in such a tax is made subsequent to the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax paid.

SEC. 20. *Exports and imports.* The ceiling price for export sales of groundwood printing and converting paper is determined under Ceiling Price Regulation 61. The ceiling price for sales of groundwood printing and converting paper imported into the United States is determined under Ceiling Price Regulation 31.

SEC. 21. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business subject to this regulation are sold or otherwise transferred after the effective date of this regulation and the transferee carries on the business or continues to deal in the same type of products in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 22. *Application for classification of a grade or aid in determining a ceiling price.* If you did not deliver or offer a grade of paper during the base period, or are uncertain as to the proper grade under which to classify a particular kind of paper, or whether this regulation applies to a particular kind of paper, or need aid in determining the ceiling price of a particular kind of paper, you may apply in writing to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for an official classification or ceiling price or both of such paper, submitting the following with your application:

(a) Representative samples of the paper;

(b) Description of special processes of manufacture and proposed use of paper;

(c) Your available selling or ceiling prices, January 1, 1950–June 24, 1950, inclusive; December 19, 1950–January 24, 1951, inclusive; January 25, 1951–February 24, 1951, inclusive; current and proposed ceiling prices of the grade which is the subject of your application;

(d) Brand, current selling price, grade name and sample of closest type or types of paper with which it competes;

(e) Breakdown of your direct costs including date of same;

(f) Difficulty in clasifying grade or in calculating the ceiling price.

After filing an application under this section you may not sell the paper which is the subject of the application until the Director of Price Stabilization notifies you in writing of your grade or ceiling price, unless you had a ceiling price for such paper established prior to the issuance of this regulation. If you had such ceiling price, after filing your application you may continue to sell at not more than that ceiling price until the Director notifies you of a different ceiling price. In making such classification or determining the ceiling price upon application or upon his own motion, the Director shall bring the paper into line with the classifications and the level of ceiling prices otherwise established under this and related regulations.

SEC. 23. *Manufacturer operating as a merchant.* A manufacturer who sells groundwood printing and converting paper of his own manufacture as a merchant, and a person affiliated with such manufacturer through any community of ownership, shall not sell as a merchant unless within 15 days of the issue of this regulation, or prior to making such sales, an application for a finding that he operates as a merchant has been filed by registered mail, return receipt requested, with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., showing the following:

(a) Name and address of the manufacturer or affiliate making the application;

(b) Special services rendered not customarily rendered by manufacturers, but customarily performed by merchants;

(c) List of groundwood printing and converting papers sold as a merchant during the period January 1, 1951 through March 31, 1951;

(d) Type and geographic location of customers sold as a merchant;

(e) Pricing method and prices used during the period January 1, 1951 through March 31, 1951, for sales as a merchant.

All sales made by you as a merchant after filing your application shall include notice to the purchaser that the price is subject to revision until you are notified by the Director of Price Stabilization that you have or have not been found to operate as a merchant.

SEC. 24. *Records and reports.* (a) on and after the effective date of this regulation, on all sales, exchanges or purchases of groundwood printing and converting paper you shall, in addition to the base period records required by section 16 (a) of the General Ceiling Price Regulation, keep for inspection by the Office of Price Stabilization for a period of two years after making such sale or purchase, records of each sale or exchange or purchase of groundwood printing and converting paper. Such records may be in the form of invoices and must show the following:

(1) Date of sale or exchange.

(2) Name and address of the seller and the buyer.

(3) Quantity and grade of groundwood printing and converting paper sold or exchanged.

(4) Prices charged including shipping terms, premiums if any, and other terms of sale.

(b) You shall keep such other records and shall submit such reports as the Director of Price Stabilization may from time to time require, or permit, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) With respect to each sale of paper covered by this regulation, you shall furnish the buyer with the information set out in subparagraphs (1), (2), (3) and (4) of paragraph (a) above which may be in the form of an invoice.

(d) Within 45 days after the effective date of this regulation, you shall file with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., by registered mail the following information:

(1) Name your listed grades currently offered for sale, giving your grade names, your brand names and the ceiling prices for each such paper computed pursuant to this regulation.

(2) Name your unlisted grades currently offered for sale giving your brand names and the ceiling prices for each such paper computed pursuant to this regulation. In giving the ceiling price for each grade, name the listed grade used in the comparison.

(3) Complete statement of your pricing point and freight allowances.

SEC. 25. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 26. *Evasions.* Any means or devices which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information required for record purposes is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 27. *Definitions and explanations.* The terms in this Ceiling Price Regulation shall be construed in the following manner unless otherwise clearly required by the context.

(a) *Base period.* The base period used in this regulation is the period from January 25, 1951 through February 24, 1951.

(b) *Basis weight.* Basis weight means the weight in pounds of a ream of 480 or 500 sheets of paper cut to a given size.

(c) *Brightness.* Brightness is relative brightness of any white paper as measured by the GE Brightness test as that test is defined in the most recent modification T. A. P. P. I. Standard method.

(d) *Bulking paper.* (1) Bulking paper means paper manufactured in such a way as to produce a greater than normal thickness.

(2) "Made to bulk" means bulking paper manufactured in such a way as to achieve uniform thickness resulting in a specified thickness of a given number of sheets under a specified pressure.

(e) *Carload.* A minimum carload for pricing purposes is 36,000 pounds.

(f) *Chemical fiber.* Chemical fiber refers to fiber made by a chemical pulping process.

(g) *Colors.* This term refers to the colors, including black, set forth in the standard color book entitled "Standard Color Nomenclature System and Manual" published by the Groundwood Paper Manufacturers' Association; white shall not be considered a color.

(h) *Cut sizes of sheets.* Cut sizes of sheets include all sizes less than 336 square inches. All other size sheets shall be considered standard size.

(i) *Delivered.* Paper is deemed to have been "delivered" if it is received by the purchaser or by any carrier, including a carrier owned or controlled by the manufacturer, for shipment to the purchaser.

(j) *Differentials.* Differentials include all types of adjustments both by addition and substraction including such adjustments as those made for quantity, substance weights, color, finish, packing, cutting, discounts, allowances, etc., in order to transform a standard sale of a standard grade of paper into an actual sale of particular paper to a particular purchaser.

(k) *Fiber furnish.* Fiber furnish refers to the percentage of each of the different types of fiber contained in a particular grade of paper averaged for one uninterrputed run of the grade, expressed with reference to the total quantity of fiber.

(l) *Filler.* This term means any one of several types of fine mineral or nonfibrous materials used with the furnish to impart smoothness and opacity to the finished paper. The percentage of filler shall be determined by comparing the ash weight after burning with the weight of the paper, using the standard method approved by the Technical Association of the Pulp and Paper Industry. Paper is deemed to contain no filler if it contains less than 4 percent filler by the above ash test.

(m) *Grade.* Grade has reference to your practice of classifying your particular papers for pricing purposes in accordance with their difference in physical characteristics and uses, and also is applicable to those papers of your manufacture to which you have not given a brand or trade name. Papers produced by you which differ in physical characteristics or use constitute more than one grade.

(n) *Groundwood fiber.* Groundwood fiber means fiber, either bleached or unbleached, produced by the mechanical pulping process with characteristics of freeness, cleanliness and strength calculated to make it suitable for use in the manufacture of groundwood printing and converting papers.

(o) *Groundwood printing and converting papers.* This term is explained in section 5.

(p) *Highest price.* Highest price during a particular period means the highest price at which you delivered a grade of groundwood printing and converting paper during that period, or if you made no such delivery your highest offering price for delivery during that period.

(q) *Item.* Item means a quantity of paper all of which is of the same size, grain, basis weight, finish, color and brand or grade.

(r) *Job lots and seconds.* Job lots and seconds means substandard qualities of paper resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona fide attempt to manufacture paper of acceptable quality and quantity.

(s) *Manufacturer.* This term is explained in section 4.

(t) *Merchant.* Merchant means any person who buys and resells any groundwood printing and converting paper, except (1) Retailers, and (2) manufacturers buying groundwood printing and converting paper from another manufacturer and reselling it. A merchant who is a manufacturer selling groundwood printing and converting paper of his own manufacture, shall apply under section 21 for a finding that he operates as a merchant.

(u) *Minimum acceptable trim.* This term means the minimum width in inches of saleable paper of a particular grade which you customarily produce on a particular paper machine, without extra charge.

(v) *Offering price.* Offering price means the price quoted in your price list, or, if you had no such price list, the

price which you regularly quoted in any other manner.

(w) *Person.* Person includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivisions or agencies.

(x) *Regular billing weight.* This term when applied to sale in sheets, means the net billing weight computed from the nominal weight; and when applied to sales in rolls, means the gross weight exclusive of any returnable cores.

(y) *Retailer.* Retailer means any person, the major portion of whose sales are to ultimate consumers other than industrial, commercial, or institutional users or government agencies.

(z) *Returnable core.* This term means a metal capped, iron or other heavy duty core on which paper is wound in a roll and for which a unit charge is made by the seller in the event the core is not returned for further use. Returnable cores may be charged by each manufacturer on the standard unit basis up to its replacement cost at time of shipment, but this core charge is to be credited to the purchaser when the cores are returned in good condition, freight paid, to the mill from which they were shipped.

(aa) *Rolls.* Rolls are rolls of paper in the standard sizes customarily sold without differential by each manufacturer of the grade involved.

(bb) *Sell.* Sell includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(cc) *Sizing.* Sizing means the treatment of paper or its furnish in such a manner as to alter the normal resistance of the paper to the absorption of water. "Beater sizing" means sizing the furnish of paper before the sheet is formed on the paper machine. "Surface sizing" means the sizing of the paper after it is formed on the paper machine. "Water leaf sizing" means the treatment of the furnish of paper in such a way as substantially to reduce the normal resistance of the paper to the absorption of water.

(dd) *Special finishes.* Special finishes include those finishes recognized in the industry as generally carrying a differential such as, but not limited to, antique, eggshell, supercalendered, embossed and oatmeal.

(ee) *Spot and contract sales.* Spot sales are those sales which involve one shipment or multiple shipments in close sequence over a specified period against one order at a firm price as distinguished from contract sales which involve multiple shipments over a longer period at prices to be established in accordance with the terms of the contract.

(ff) *Standard finishes.* Standard finishes include those finishes recognized in the industry as not generally carrying a differential such as machine finish and English finish.

(gg) *Standard skid.* A standard skid is a packing unit of paper in sheets no less than 3000 pounds net.

(hh) *Supercalendering.* A finish obtained by passing paper between rolls of a supercalender under pressure.

(ii) *You.* You means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date. This regulation shall become effective on March 26, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3429; Filed, Mar. 21, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 9 as Amended March 21, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 9—NON-NICKEL-BEARING STAINLESS STEEL

This amended direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

This amendment affects Direction 9 to CMP Regulation No. 1 by amending section 4 and by adding a new section 5.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definitions.
3. Change of non-nickel-bearing stainless steel from a controlled material to a non-controlled material.
4. Applicability of NPA Orders M-1 and M-80.
5. Status of outstanding orders for non-nickel-bearing steel.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071. Sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this direction does.* The purpose of this direction is to change the designation of non-nickel-bearing stainless steel from a controlled material to a non-controlled material.

SEC. 2. *Definitions.* As used in this direction:

(a) "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements.

(b) "Non - nickel - bearing stainless steel" means a stainless steel containing less than 1 percent of nickel.

(c) "Nickel-bearing stainless steel" means a stainless steel, wrought, cast, or sintered, containing 1 percent or more of nickel.

SEC. 3. *Change of non-nickel-bearing stainless steel from a controlled material to a non-controlled material.* Notwithstanding the provisions of CMP Regulation No. 1, non-nickel-bearing stainless steel shall not be deemed a controlled material. The foregoing sentence shall not be construed to permit any person who has placed an authorized controlled material order for non-nickel-bearing stainless steel pursuant to an allotment, to place an authorized controlled material order for nickel-bearing stainless steel and to charge such order against that portion of his allotment already charged with the order theretofore placed for the non-nickel-bearing stainless steel.

SEC. 4. *Applicability of NPA Orders M-1 and M-80.* The applicable provisions of NPA Order M-1 continue to apply to producers of non-nickel-bearing stainless steel and the provisions of NPA Order M-80, continue to apply to melters, processors, and consumers of non-nickel-bearing stainless steel.

SEC. 5. *Status of outstanding orders for non-nickel-bearing stainless steel.* Each authorized controlled material order for non-nickel-bearing stainless steel outstanding on January 28, 1952, is hereby converted to a delivery order bearing a DO rating with the same allotment number that identified such authorized controlled material order. As converted under this section, each such delivery order shall retain its original delivery date (unless the purchaser agrees to a different delivery date), and shall be deemed a rated order as defined in and for the purposes of NPA Reg. 2.

This direction as amended shall take effect March 21, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3419; Filed, Mar. 21, 1952; 11:37 a. m.]

[CMP Regulation No. 4 as Amended March 21, 1952]

CMP REG. 4—DELIVERIES OF CONTROLLED MATERIALS BY DISTRIBUTORS

This amended CMP regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this regulation as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the regulation affects many different industries. However, there was consultation with industry representatives prior to the original issuance of this regulation on May 10, 1951.

This amendment affects CMP Regulation No. 4 as follows: Paragraph (a) of section 2 is amended; paragraph (b) of section 3 is amended; paragraphs (a) and (b) of section 4 are amended; a new paragraph (e) is added to section 4; and section 6 is amended. As so amended, CMP Regulation No. 4 reads as follows:

Sec.
1. What this regulation does.
2. Definitions.
3. Placement of authorized controlled material orders.
4. Rejection of orders.
5. Applicability of other regulations and orders.
6. Records and reports.
7. Applications for adjustment or exception.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this regulation does.* The purpose of this regulation is to describe the rules under which distributors make deliveries of controlled materials under the Controlled Materials Plan. The methods by which distributors obtain controlled materials will be covered by directives or other regulations and orders of NPA.

SEC. 2. *Definitions.* As used in this regulation and any other CMP regulation (unless otherwise indicated):

(a) "Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, whether new, remelted, rerolled, or redrawn, including used and second quality materials, shearings, and material sorted or salvaged from scrap which are sold for other than remelting, rerolling, or redrawing purposes.

(b) "Distributor" means any person (including a warehouseman, jobber, dealer, or retailer) engaged in the business of stocking any controlled material at a location regularly maintained by him for such purpose, for sale or resale, in the form or shape as received or after performing the operations described in this paragraph, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. Such operations are cutting, shearing, burning, or torch cutting to length, size, or shape; pipe threading; sorting and grading; and the like. A person who, in connection with any sale of controlled material from his stock, bends, punches, or performs any fabricating or processing operation designed to prepare such material for final use or assembly, shall not be deemed a distributor with respect to such sale; and a person who, in connection with any purchase of controlled material for resale, does not take physical delivery of such material into his own stock at a location regularly maintained by him for such purpose, shall not be deemed a distributor with respect to such resale.

SEC. 3. *Placement of authorized controlled material orders.* (a) Each distributor shall comply with such directives as may be issued from time to time by NPA.

(b) Each distributor shall accept all (1) authorized controlled material orders, except as provided in section 4 of this regulation, (2) orders which he is required to accept pursuant to any regulation or order of NPA, and (3) orders which he is required to accept pursuant to NPA directive.

(c) A delivery order for controlled material placed with a distributor shall be deemed an authorized controlled material order only if (1) it contains an allotment number, the calendar quarter for which the allotment is valid, and the certification as provided in section 19 of CMP Regulation No. 1, or (2) it is specifically designated as an authorized controlled material order by any regulation or order of NPA.

(d) A delivery order for controlled material placed with a distributor shall be considered as calling for immediate delivery unless such order specifically provides otherwise.

(e) An authorized controlled material order may be placed with a distributor orally or by telephone, provided that the person placing the order makes written confirmation of such order, conforming to the requirements of this regulation, within 15 days. If such confirmation is not received within 15 days, the distributor shall promptly notify NPA of the circumstances.

(f) An authorized controlled material order shall not constitute an allotment of controlled material to the distributor with whom it is placed.

SEC. 4. *Rejection of orders.* (a) A distributor shall be required to accept orders for controlled materials in conformity with the provisions of this regulation, as the same is or may be modified by the provisions of NPA Order M-6A (steel), NPA Order M-82 (copper), NPA Order M-86 (copper), NPA Order M-88 (aluminum), and NPA Order M-89 (steel, copper, and aluminum), and the directions thereto, or of any other applicable regulation or order of NPA, as the same may be issued or amended from time to time.

(b) A distributor must reject any authorized controlled material order bearing a specific allotment number which requires a quarterly identification, after the end of the quarter for which the allotment is valid. However, a distributor may accept, and make shipment against, any authorized controlled material order bearing a specific allotment number which requires a quarterly identification, calling for delivery during the 15 days prior to the first day of the calendar quarter for which the allotment is valid. Delivery orders bearing a symbol such as MRO which do not have to bear any quarterly identification may be filled during any quarter.

(c) A distributor may reject any order for controlled material which is not for immediate delivery. If he elects to accept such an order, he must not set aside or hold any material to fill it.

(d) A distributor may reject any authorized controlled material order if he does not have the material ordered in his stock, unless he knows that such material is in transit to his stock, but shall not discriminate between customers in rejecting or accepting such orders.

(e) A distributor may reject any order for controlled material if the person seeking to place the order is unwilling or unable to meet such distributor's regularly established prices and terms of sale or payment, but shall not discriminate between customers in rejecting or accepting such orders.

SEC. 5. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this regulation shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this regulation shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 7. *Applications for adjustment or exception.* Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Communications.* All communications concerning this regulation

shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: CMP Regulation No. 4.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation as amended shall take effect March 21, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3420; Filed, Mar. 21, 1952; 11:37 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 4 to Schedule B]

RR 1—HOUSING

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

TEXAS

Effective March 22, 1952, Rent Regulation 1 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 19th day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. A new item 47 is added to Schedule B of Rent Regulation 1 reading as follows:

47. *Provisions relating to Precincts 1, 2 and 8 in Cass County, Texas, a portion of the Mount Pleasant-Daingerfield, Texas, Defense-Rental Area (Item 324 of Schedule A):*

2. With respect to housing accommodations in Precincts 1, 2 and 8 in Cass County, Texas, Section 141 of this regulation shall read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* (a) The housing accommodations had a maximum rent in effect on May 31, 1947, and did not have a maximum rent on July 31, 1951 or on the maximum rent date, and the present maximum rent does not equal (1) 120 percent of the maximum rent in effect on May 31, 1947, (2) plus any increase in rental value because of a major capital improvement or an increase in services, furniture, furnishings, or equipment which occurred after May 31, 1947, (3) minus any decrease in rental value because of any decrease in services, furniture, furnishings, or equipment required by the rent regulations on May 31, 1947, or because of a substantial deterioration.

(b) The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 120 percent of the maximum rent in effect on May 31, 1947, (2) plus or minus appropriate increases or decreases in rental value, if any, specified in paragraph (a) of this section.

[F. R. Doc. 52-3311; Filed, Mar. 21, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

REIMBURSEMENT TO OWNERS AND TENANTS OF LAND ACQUIRED BY THE DEPARTMENT OF THE ARMY PURSUANT TO PUBLIC LAW 155, 82D CONGRESS

New §§ 536.90 through 536.97 are added to Part 536 as follows:

Sec.
536.90 Statutory provisions.
536.91 Definitions of terms as used in §§ 536.90 to 536.97.
536.92 Scope.
536.93 Delegation.
536.94 Filing of application.
536.95 Limitation of amount of payment.
536.96 Conditions of reimbursement.
536.97 Payment.

AUTHORITY: §§ 536.90 to 536.97 issued under Pub. Law 155, 82d Cong.

SOURCE: Regs., January 22, 1952, ENGCM.

§ 536.90 *Statutory provisions.* The Secretary of the Army is authorized, to the extent he determines to be fair and reasonable, to reimburse owners and tenants of land acquired by the Department of the Army pursuant to the provisions of Public Law 155, 82d Congress, for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law: *Provided,* That the total of such reimbursement to the owners or tenants of any parcel of land shall in no event exceed 25 percent of the fair value of such parcel of land as determined by the Secretary of the Army. No payment or reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses and damages so incurred shall have been submitted to the Secretary of the Army within one year following the date of such vacating (section 501 (b), Pub. Law 155, 82d Cong.).

§ 536.91 *Definitions of terms as used in §§ 536.90-536.97*—(a) *The act.* Public Law 155, 82d Congress, approved September 28, 1951.

(b) *Owner.* Any owner of land, who moves himself, his family, or his possessions because of acquisition of his land pursuant to the act.

(c) *Tenant.* One who under proper authority uses or occupies land and who moves himself, his family, or his possessions because of acquisition of such land pursuant to the act.

(d) *Acquisition pursuant to the act.* Acquisition by the Department of the Army of any interest in land for any project authorized by the act.

(e) *Date of vacating.* The date the owner or tenant moves himself, his family and his possessions.

(f) *Fair value.* The value of the land as determined in accordance with Department of the Army appraisal procedure.

§ 536.92 *Scope.* Pursuant to the provisions of the act, reimbursement may only be made to the extent determined fair and reasonable for items of expense and other losses and damages incurred by owners or tenants in the process and as a direct result of the moving of themselves and their families and possessions. The types of reimbursable items and non-reimbursable items hereinafter described are not intended to be exclusive.

(a) Types of reimbursable items:

(1) Moving expenses, such as cost of transportation, insurance, crating and uncrating;

(2) Temporary storage expenses;

(3) Expenditures for obtaining new site or land such as cost of appraisals, surveys, and title searches, where such expenses are normally borne by the purchaser. This does not include any part of the purchase price for the new site or any expenditures for the purpose of adding to the value or utility of the new site.

(b) Types of non-reimbursable items:

(1) Costs of conveying property to the Government;

(2) Consequential damages or losses, such as loss of good will, loss of profits, loss of trained employees, or expenses of sales and losses because of such sales.

§ 536.93 *Delegation.* Authority is delegated to the Chief of Engineers, Department of the Army, and such of his officers or employees in the Office, Chief of Engineers, as he may designate and are approved by the Secretary of the Army to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Army with respect to reimbursement under the provisions of section 501 (b) of the act.

§ 536.94 *Filing of application.* All applications for reimbursement will be filed with the appropriate Division or District Engineer, Corps of Engineers, Department of the Army, for forwarding to the Chief of Engineers for final action. Such applications must be delivered to or mailed to such Division or District Engineer within one year from the date of vacating and must be supported by an itemized statement of the expenses, and the losses and damages incurred and for which reimbursement is requested.

§ 536.95 *Limitation of amount of payment.* The act provides that the total

amount of reimbursement to all owners and tenants of any parcel of land shall not exceed 25 percent of the fair value of such parcel of land. In the event that the approved amount of reimbursement for all owners and tenants exceeds 25 percent of the fair value of the land, each applicant will receive the same proportion of the 25 percent of the fair value as the approved amount for each application is of the total amount approved for all applications.

§ 536.96 *Conditions of reimbursement.* In determining whether reimbursement will be made and the extent and amount thereof, consideration will be given to the following:

(a) Reimbursement shall not be made unless and until reasonable proof of the expenses or other losses and damages incurred, in the form of receipts therefor or the next best evidence thereof when receipts are not available, have been submitted.

(b) Reimbursement shall not be made to the extent the applicant's negligence, wrongful act has contributed to the amount of the expenses, losses or damages.

(c) Reimbursement shall not be made for any expenses, losses or damages which were allowed in establishing the compensation paid or to be paid for the interest acquired in the land.

§ 536.97 *Payment.* Appropriate action will be taken to accomplish payment in accordance with prescribed procedure and regulations. Reimbursement will be made from funds appropriated to the Department of the Army pursuant to the act, to the extent available.

NOTE: The regulations contained in §§ 536.90 to 536.97 were approved by the Acting Secretary of Defense on Feb. 19, 1952.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-3308; Filed, Mar. 21, 1952; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

[CGFR 52-1]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

MISCELLANEOUS AMENDMENTS

By virtue of the authority contained in an act approved June 29, 1948 (62 Stat. 1081); and in an act approved October 12, 1949 (63 Stat. 825); and section 751 of Title 14, United States Code (63 Stat. 551); the following amendments are hereby prescribed.

TRAINING OF RESERVE

1. Section 8.5301 is amended to read as follows:

§ 8.5301 *Means of training provided for Reserve.* The following means of training are provided for the training of the Coast Guard Reserve:

(a) Training duty with pay.
(b) Training duty without pay.
(c) Regular drills.
(d) Appropriate duty.
(e) Equivalent instruction or duty.
(f) Group training.
(g) Annual training duty.

2. Section 8.5303, paragraph (a) is amended to read as follows:

§ 8.5303 *Training duty without pay.* (a) Reservists may be permitted on their own application to perform training or other duty without pay and allowances and without expense to the Government for the travel to and from such duty. District Commanders are authorized to approve such requests and to issue necessary orders where duty is to be performed at activities or aboard vessels within their jurisdiction. In case of requests for training duty without pay in other districts or aboard vessels outside their jurisdiction, District Commanders receiving the requests will forward same with recommendation to the District Commander concerned for approval or disapproval. In any case where a reservist has applied for training duty without pay, District Commanders, in their discretion, may order such Reservists to perform training duty without pay but with expense to the Government for travel to and from training duty and for subsistence during the performance of such duty. In such cases, orders should specify that transportation and subsistence is at Government expense.

3. A new § 8.5304 is hereby added as follows:

§ 8.5304 *Regular drills.* (a) Regular drills will consist of training in duties pertaining to the Coast Guard, as designated from time to time by the Commandant in separate instructions.

(b) Regular drills must be:

(1) A period of not less than two (2) hours' duration, and may be conducted on any day of the week, holidays included.

(2) Conducted not more frequently than once during any one calendar week, except those for aviation units which may be conducted not more frequently than three (3) times during any one day, not more than three (3) times during any one calendar week, nor more than four (4) times during any one month.

(3) Conducted not more frequently in any one fiscal year than the maximum number prescribed by the Commandant from time to time for the authorized units of the Coast Guard Reserve.

(4) Designated quarterly in advance by the Commandant or in those authorized units in which the Commanding Officer is charged with developing the training curriculum, approved quarterly in advance by the District Commander.

(c) When required due to inadequacy of space or facilities or to facilitate training, authorized units may be authorized by the Commandant to drill in increments on different days.

(d) Coast Guard Reserve Personnel, in appropriate cases to be determined by the District Commander, may attend training drills of Reserve Components of the other Armed Forces in which their members receive points: *Provided*, That such attendance is in accordance with current inter-service agreements and that proper arrangements have been made with the local Commanding Officers.

4. A new § 8.5305 is hereby added as follows:

§ 8.5305 *Appropriate duty.* (a) The purpose of appropriate duty is to enable the Commandant, District Commanders, and the Commanding Officers of authorized units to accomplish various tasks and effect training of Coast Guard Reserve personnel who are not on active duty or on active duty for training.

(b) Periods of appropriate duty shall consist of not less than two (2) hours' duration. Duty performed in one calendar week may not be credited in a subsequent calendar week.

(c) The Commandant and District Commanders may authorize reservists to perform periods of appropriate duty by the issuance of written orders which stipulate:

(1) That the Reservist is authorized to perform appropriate duty, with or without pay, as the case may be.

(2) That the nature of the duty to be performed will consist of work assignments or similar duties which are commensurate with grade or rate.

(3) The number of periods of appropriate duty which may be performed.

(d) Commanding Officers of authorized units may authorize personnel assigned to their units to perform, without pay, periods of appropriate duty in connection with the administration of the units or the instruction of the members thereof, by the issuance of orders which stipulate:

(1) That such duty is to be performed without pay.

(2) The nature of the duty to be performed.

(3) The number of periods of appropriate duty which may be performed.

(e) The Commandant may prescribe the maximum number of periods of appropriate duty that may be performed by any reservist in any one fiscal year.

5. A new § 8.5306 is hereby added as follows:

§ 8.5306 *Equivalent instruction or duty.* (a) Equivalent instruction or duty is analogous to regular drills. It may be performed without pay by members of authorized units of the Coast Guard Reserve to supplement training or duty performed at regular drills.

(b) For authorized units of the Coast Guard Reserve, other than aviation units, equivalent instruction or duty must be:

(1) A period of not less than two (2) hours' duration and may be conducted on any day of the week, including holidays.

(2) Conducted on a day other than one on which a regular drill is prescribed.

(3) Prescribed by the commanding officer for all or part of his command not more frequently than once during any one calendar week, not more than three (3) times during any one calendar month,

nor more than sixteen (16) times during any one fiscal year.

(c) For Aviation Units, equivalent instruction or duty must be:

(1) A period of not less than two (2) hours' duration and may be conducted on any one day of the week, holidays included.

(2) Performed only at such times as may be acceptable to the commanding officers of Naval Air Stations or the commanding officers of Naval Air Reserve Training Units concerned or the commanding officers of Coast Guard Air Stations concerned.

(3) Conducted on days other than those on which a regular drill is conducted for the unit to which attached.

(4) Prescribed by the commanding officer for all or part of his command not more frequently than twice during any one calendar week, not more than four (4) times in any one calendar month; nor more than sixteen (16) times during any one fiscal year.

(5) Certified as having been performed by the commanding officer of the Naval Air Station or Naval Air Reserve Training Unit or Coast Guard Air Station at which training was conducted.

6. A new § 8.5307 is hereby added as follows:

§ 8.5307 *Group training.* (a) Personnel of Organized or Volunteer Units of the Reserve may be authorized by the District Commander under written orders for training duty with or without pay, to perform short periods of less than four (4) days of group training duty on board vessels or at shore stations.

(b) Employment of a single set of orders is authorized for the individuals comprising a group, provided the grade or rate and unit to which attached is stated therein opposite their respective names.

(c) Physical examinations shall be in accordance with § 8.1404.

(d) Appropriate records shall be maintained by the District Commander.

7. A new § 8.5308 is hereby added as follows:

§ 8.5308 *Annual training duty.* (a) The Commandant may prescribe annual training duty with pay for personnel of the Organized Reserve and the Volunteer Reserve to be performed on board vessels or at shore stations designated for this purpose.

(b) Quotas and instructions for such training shall be as determined by the Commandant.

8. A new § 8.5309 is hereby added as follows:

§ 8.5309 *Minimum training requirements.* (a) Under the Reserve regulations prescribed in § 8.1106 (c), the Commandant, with the approval of the Secretary of the Treasury, may prescribe minimum training requirements and minimum standards of performance of training duty for retention of personnel in an active reserve status. The Commandant may transfer to the inactive reserve status list any officer or enlisted personnel who fails to meet such minimum requirements and standards.

(b) The Commandant, with the approval of the Secretary of the Treasury, may prescribe the conditions under which officers and enlisted personnel who have been transferred to the inactive reserve status list may become eligible for restoration to an active reserve status. The Commandant may transfer officer and enlisted personnel who become so eligible to an active reserve status.

(c) The Commandant, with the approval of the Secretary of the Treasury, may prescribe minimum training requirements for officer personnel to become eligible for promotion under §§ 8.3103 to 8.3112, inclusive, of Reserve regulations; the names of officer personnel who thereafter fail to conform to such minimum training requirements, shall not be submitted to a promotion board and such personnel shall not receive consideration for promotion during any period in which they have failed so to conform.

9. Section 8.3101 is hereby amended to read as follows:

§ 8.3101 *Promotion zone.* The promotion zone for officers of the Reserve in each grade shall include all officers of the Reserve who are performing extended active duty or are in the Organized or Volunteer Reserve and whose running mates have been, or are scheduled to be, considered by a promotion board for officers of the Coast Guard; *Provided,* That the Commandant, with the approval of the Secretary of the Treasury, may prescribe minimum training requirements for officer personnel to become eligible for promotion under §§ 8.3103 to 8.3112 inclusive, of Reserve regulations; the names of officer personnel who thereafter fail to conform to such minimum training requirements, shall not be submitted to a promotion board and such personnel shall not receive consideration for promotion during any period in which they have failed so to conform.

(63 Stat. 551, as amended; 14 U. S. C. Sup., 751)

Approved: February 29, 1952.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

Concurred in: March 11, 1952.

DAN A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 52-3312; Filed, Mar. 21, 1952; 8:47 a. m.]

Subchapter L—Security of Waterfront Facilities

[CGFR 52-18]

PART 125—IDENTIFICATION CREDENTIALS FOR PERSONS REQUIRING ACCESS TO WATERFRONT FACILITIES OR VESSELS

TEMPORARY IDENTIFICATION CREDENTIALS

Pursuant to the authority of 33 CFR 6.10-3 in Executive Order 10173, as amended by Executive Order 10277 (15 F. R. 7007, 3 CFR 1950 Supp., 16 F. R. 7537), the Commandant, United States Coast Guard, may define and designate those categories of vessels and waterfront facilities wherein any person seeking access shall be required to carry identification credentials as prescribed in 33 CFR 6.10-7 and 125.11. The purpose of the new regulation, designated 33 CFR 125.37 (d) is to authorize the issuance and recognition of letters signed by the Coast Guard District Commander or Captain of the Port to serve in lieu of identification credentials listed in 33 CFR 125.11 for a period of time not to exceed sixty days in order to permit employment of members of crews of towing vessels or barges engaged in trade on the Great Lakes or the western rivers pending the issuance of a United States Coast Guard Port Security Card. Since the new regulation is a relaxation of present requirements and procedures, it is found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof, of the Administrative Procedure Act is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended by Executive Order 10277, § 125.37 is amended by adding a new paragraph reading as follows, which shall be in effect on and after the date of publication of this document in the FEDERAL REGISTER:

§ 125.37 *Requirements for credentials; towing vessels or barges engaged in trade on the Great Lakes or the western rivers.* * * *

(d) At the discretion of the District Commander a member of the crew of a vessel defined in paragraph (a) of this section may be furnished a letter signed by the District Commander or the Captain of the Port and this letter shall serve in lieu of a Coast Guard Port Security Card and will authorize his employment for a period not to exceed sixty days, and such a letter issued shall be deemed as satisfactory identification within the meaning of § 125.11. The issuance of the letter shall be subject to the following conditions:

(1) The services of the person are necessary to avoid delay in the sailing of the vessel;

(2) The person does not possess one of the identification credentials listed in § 125.11;

(3) The person has filed his application for a Coast Guard Port Security Card or submits his application before the letter is issued; and,

(4) The person has been screened by the District Commander or Coast Guard Captain of the Port and such officer is satisfied concerning the eligibility of the applicant to receive a temporary letter.

(40 Stat. 220, as amended; 50 U. S. C. 191. E. O. 10173, Oct. 18, 1950, 15 F. R. 7005; 3 CFR 1950 Supp., p. 140)

Dated: March 19, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 52-3313; Filed, Mar. 21, 1952; 8:47 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 24—SANITATION, HEALTH, AND QUARANTINE

CROSS REFERENCE: For revision of §§ 24.57 and 24.61 see Canal Zone Order 25 in appendix to this chapter, *infra.*

Appendix—Canal Zone Orders

[Canal Zone Order 25]

AMENDMENT OF CERTAIN PROVISIONS OF EXECUTIVE ORDER NO. 4314 OF SEPTEMBER 25, 1925, AS AMENDED, RELATING TO MARITIME AND AIRCRAFT QUARANTINE IN THE CANAL ZONE

By virtue of the authority vested in the President by section 371 of title 2 of the Canal Zone Code, and delegated to the Secretary of the Army by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, it is ordered as follows:

1. Rule 119c of Executive Order No. 4314 of September 25, 1925, as amended by Canal Zone Order No. 15 issued by the Secretary of the Army on July 15, 1948 (35 CFR 24.57), establishing rules governing the navigation of the Panama Canal and adjacent waters, and governing maritime and aircraft quarantine in the Canal Zone, is amended to read as follows:

RULE 119c. *General provision.* (a) A vessel or aircraft arriving at a port of the Canal Zone shall undergo quarantine inspection prior to disembarking passengers, officers or crew members, or discharging baggage or cargo unless:

(1) In the current voyage the vessel or aircraft has not touched at any port other than ports under the control of the United States or in the Republic of Panama or ports in Canada, the Islands of St. Pierre and Miquelon, Iceland, Greenland, the West Coast of Lower California, Cuba, the Bahama Islands, the Bermuda Islands, or the Islands of Aruba and Curacao; or

(2) The vessel or aircraft possesses a duplicate of a pratique issued at a port under the control of the United States, provided that since receiving such pratique the vessel or aircraft has not touched at ports other than those listed in the preceding paragraph.

(b) A vessel or aircraft otherwise exempt from inspection under the provisions of paragraph (a) (1) or (2) of this section shall undergo quarantine inspection prior to entering a port of the Canal Zone if the vessel or aircraft:

(1) Has aboard a person infected or suspected of being infected with anthrax, chickenpox, cholera, dengue, diphtheria, infectious encephalitis, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, scarlet fever, smallpox, streptococcic sore throat, typhoid fever, typhus, yellow fever, or with any illness characterized by fever and/or skin rash, or

(2) Arrives from a port where at the time of departure there was present or suspected of being present cholera, plague, or yellow fever, or where there was significant increase in prevalence of smallpox or typhus at the time the vessel or aircraft touched there.

2. Rule 119g, as amended (35 CFR 24.61), is amended to read as follows:

RULE 119g. *Vessels: Awaiting inspection.* A vessel shall fly a yellow flag, anchor in the prescribed anchorage, and await inspection; provided, however, that if the Health Director of the Canal Zone Government is of the opinion that the proceeding of the vessel to some other designated point in the port would not be likely to cause the introduction of communicable disease, he may direct the vessel to proceed to such a point to await inspection.

(Sec. 1, 39 Stat. 527, as amended; 2 C. Z. Code 371, 372; 48 U. S. C. 1310)

FRANK PACE, JR.,
Secretary of the Army.

MARCH 10, 1952.

[F. R. Doc. 52-3300; Filed, Mar. 21, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 949]

HANDLING OF MILK IN THE SAN ANTONIO, TEXAS, MARKETING AREA

NOTICE OF CORRECTION OF DECISION

Notice is hereby given that the order of the Secretary directing that a referendum be conducted; determination of a representative period; and designation of an agent to conduct such referendum contained in the decision of the Acting Secretary of Agriculture with respect to a proposed marketing agreement and order regulating the handling of milk in the San Antonio, Texas, marketing area, as published in the FEDERAL REGISTER on March 18, 1952 (17 F. R. 2327; F. R. Doc. 52-3124), is hereby corrected as follows:

Delete from column 2, paragraph 5, line 9, and column 3, paragraph 1, line 1, 17 F. R. 2333; F. R. Doc. 52-3124, the words "December 1951" and substitute therefor the words "January 1952."

Done at Washington, D. C., this 20th day of March 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3407; Filed, Mar. 21, 1952; 10:54 a. m.]

[7 CFR Part 974]

[Docket No. AO-176-A9]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Correction

In F. R. Doc. 52-3319, appearing at page 2450 of the issue for Friday, March 21, 1952, the signature should have read "George A. Dice."

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

CHIEF, MANAGEMENT AND LIQUIDATION BRANCH, AND MANAGER, NEW YORK OFFICE

ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

Subparagraphs 4 (d) (2) (iii) and 4 (h) (2) (ii) of the Statement of Organization and Delegations of Final Authority of the Office of Alien Property, as amended (16 F. R. 7880-7881), authorize the Chief, Management and Liquidation Branch, and the Manager, New York Office, severally, to demand and to accept payment of royalties and other monies due the Attorney General with respect to patents, applications for patents, trademarks, licenses, and interests therein. These functions are no longer performed by the Manager, New York Office, and the payments are made to this Office at Washington, D. C. Accordingly, subparagraph 4 (h) (2) (ii) of such Statement and Delegations is amended to read as follows:

4. *Organization.* * * *

(h) *New York Office.* * * *

(2) The Manager, New York Office, is authorized: * * *

(ii) To take custody of any property or interest therein, which is vested in, or is transferable or deliverable to, the Attorney General under the Trading With the Enemy Act, as amended; to

accept payment, conveyance, transfer, assignment, or delivery made to or for the account of the Attorney General pursuant to said act; and, where necessary and appropriate in connection with the foregoing, to execute such documents as may be necessary to evidence any such action, including receipts, surrenders, releases, or other similar instruments.

(Sec. 7, 40 Stat. 416, 50 U. S. C. App. 7; Sec. 301, 55 Stat. 839, 50 U. S. C. App. 5; Sec. 3, 60 Stat 418, 64 Stat. 1116, 22 U. S. C. and Sup. 1382; E. O. 9142, April 21, 1942, 7 F. R. 2985, 3 CFR, 1943 Cum. Supp.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9989, August 20, 1948, 13 F. R. 4981, 3 CFR, 1948 Supp.; E. O. 10244, May 17, 1951, 16 F. R. 4639; E. O. 10254, June 15, 1951, 16 F. R. 5829)

Executed at Washington, D. C., on March 17, 1952.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-3315; Filed, Mar. 21, 1952; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS

REVISED AREA DESIGNATIONS

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Georgia, in alphabetical order, add the counties "Sumter" and "Macon."

In Schedule A, under Ohio, in alphabetical order, add the county "Washington."

In Schedule B, under Georgia, delete the counties "Sumter" and "Macon."

In Schedule B, under Ohio, delete the county "Washington."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 19th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3334; Filed, Mar. 21, 1952; 9:09 a. m.]

Commodity Credit Corporation

KENAF PROGRAM

NOTICE OF 1952-CROP PLANTING

Notice is hereby given that the Secretary of Agriculture, through the Commodity Credit Corporation, will undertake a purchase program to obtain a supply of kenaf fiber. The Corporation will offer to purchase a maximum of 7,500 tons of kenaf fiber, or under certain circumstances some kenaf seed in lieu of fiber, harvested after March 31, 1952, and prior to March 31, 1953. Prices to be paid for kenaf fiber under the program range from 10 cents a pound to 32 cents a pound depending on the grade. Purchases will be made in Pinellas, Hillsborough, Polk, Osceola and Brevard Counties in Florida and in Florida counties south of such counties, in United States Possessions in the Western Hemisphere and in other Western Hemisphere countries. Detailed terms and conditions under which purchases will be made are contained in the contract forms.

Any person or company desiring to enter into a purchase contract with Commodity Credit Corporation must first file an application in writing with the Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The application should show the number of pounds requested, the area in which fiber will be produced and the name and address of the applicant. All applications received by the Cotton Branch by March 26, 1952, will be considered for allotments against the 7,500 tons of fiber to be purchased. Applications for allotments received after March 26, 1952, will be considered if any portion of the 7,500 tons remains unallocated. Information, application blanks, and contract forms with respect to the program may be obtained from the Cotton Branch.

Issued this 19th day of March 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President, Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President, Commodity Credit Corporation.

[F. R. Doc. 52-3317; Filed, Mar. 21, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1904]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

MARCH 17, 1952.

Take notice that on March 3, 1952, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct and operate facilities to connect with facilities to be constructed by United Gas Corporation for natural-gas service to the towns of Hall Summit, Keatchie, Eros, and Oak Ridge, all in Louisiana.

Applicant would construct and operate 4.4 miles of 2-inch line and appurtenant facilities extending from a point on its 24-inch and 20-inch Carthage-Sterlington lines near Milepost 63 southwesterly to United Gas Corporation's proposed distribution systems for the Town of Hall Summit; 1.8 miles of 2-inch line extending from Applicant's said lines near Milepost 25 northerly to United Gas Corporation's proposed distribution system for the town of Keatchie; 0.7 miles of 2-inch pipeline extending from Applicant's Auga, Dulce-Sterlington line, presently under construction, northwesterly to United Gas Corporation's proposed distribution system for the town of Eros; and 3.6 miles of 2-inch line extending from Applicant's Sterlington-Jackson 18-inch line near Milepost 19 northerly to United Gas Corporation's proposed distribution system for the town of Oak Ridge.

Applicant's estimated 1952 peak day demand for the four towns is 363 Mcf. The estimated cost of the facilities to be constructed is approximately $66,000. Applicant requests temporary authorization to construct and operate such facilities, and requests that its application be heard under the shortened procedure provided by the Commission's rules.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 4th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3299; Filed, Mar. 21, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 874, Amdt. 1[1] to Corr. 2d Rev. General Permit 8]

LIVESTOCK FEED WITH HIGH MOLASSES CONTENT

EXTENSION OF EXPIRATION DATE

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered,* That:

Corrected Second Revised General Permit No. 8 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3307; Filed, Mar. 21, 1952; 8:46 a. m.]

[1] Amendment No. 2 issued in error.

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-142, 59-34]

WEST PENN ELECTRIC CO. ET AL.

SUPPLEMENTAL ORDER AUTHORIZING AND DIRECTING PAYMENT OF SHARES

MARCH 17, 1952.

In the matter of the West Penn Electric Company et al., File No. 54-142; American Water Works and Electric Company, Incorporated, and subsidiary companies (American Water Works and Electric Company, Inc., dissolved and liquidated, the West Penn Electric Company being successor both as to assets and obligations), File No. 59-34.

American Water Works and Electric Company, Incorporated ("American"), a registered holding company, having heretofore filed a Plan, including amendments thereto, under section 11 (e) of the Public Utility Holding Company Act of 1935, providing for the liquidation and dissolution of American; said Plan having been approved by the Commission by its supplemental findings, opinion and order dated February 17, 1947, and ordered enforced by the United States District Court for the District of Delaware on March 19, 1947; and said Plan having provided, among other things, for the retirement of American's then outstanding 6 percent Cumulative Preferred Stock by the payment to the holders thereof of an amount of cash equal to their liquidation preference of $100 per share and accrued dividends together with the issuance for each share of such stock of one certificate evidencing the right to receive such additional amount, if any, as might subsequently be determined to be due by the Commission or a Court;

The Commission having reserved jurisdiction to determine what further amounts, if any, the holders of said certificates are entitled to receive;

American having deposited in escrow, to secure the payment of such amounts, non-interest bearing promissory notes of its successor in interest under the Plan, The West Penn Electric Company ("West Penn"), in the aggregate amount of $2,200,000, which American purchased for cash;

Public hearings having been held, after appropriate notice, on the reserved issue, a recommended opinion by the Division of Public Utilities and briefs and exceptions thereto having been filed, and the Commission having heard oral argument;

The Commission being duly advised and having this day issued its supplemental findings and opinion, concluding therein that a payment of $10 cash on each certificate, plus compensation for delay in payment of such $10 at the rate of 5.45 percent per annum is fair and equitable;

On the basis of said Supplemental Findings and Opinion, and pursuant to the applicable provisions of the act and the rules and regulations thereunder and the jurisdiction heretofore reserved by the Commission in its supplemental findings, opinion and order dated February 17, 1947,

It is ordered, That West Penn be and it hereby is authorized and directed to deposit with the escrow agent cash in an amount sufficient to pay to the holders of the certificates with respect to the 6 Percent Cumulative Preferred Stock of American the sum of $10 for each share of such preferred stock represented by said certificates, plus compensation for delay in payment of said amount at the rate of 5.45 percent per annum from October 15, 1947, to the date payment is made available to certificate holders, and said escrow agent, upon receipt of such deposit, be, and it hereby is, authorized and directed to distribute such amounts to the said certificate holders.

It is further ordered, That this order shall not be operative to authorize or require the carrying out of any of the determinations herein until the United States District Court for the District of Delaware shall have entered an order approving and enforcing said determinations.

It is further ordered, That jurisdiction be, and the same hereby is, reserved for the purpose of entertaining such further proceedings and entering such further orders as may be necessary or appropriate to ensure that the determinations herein made and the action herein ordered are duly accomplished in a manner consistent with the provisions of the act.

It is further ordered, That jurisdiction be, and the same hereby is, reserved with respect to fees and expenses in connection with this supplementary proceeding.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3301; Filed, Mar. 21, 1952; 8:45 a. m.]

[File No. 812-770]

BOND INVESTMENT TRUST OF AMERICA AND SOUTHERN PRODUCTION CO., INC.

NOTICE OF APPLICATION

MARCH 18, 1952.

The Bond Investment Trust of America, located in Boston, Massachusetts ("Applicant"), a registered investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of said section 10 (f) of the act a proposed purchase by Applicant of not exceeding $150,000 principal amount of Fifteen Year -- percent Convertible Debentures of Southern Production Company, Inc. ("Southern") to be publicly offered in the near future. Southern, whose principal offices are located in Fort Worth, Texas, and Shreveport, Louisiana, is principally engaged in producing oil and natural gas, processing gas, operating drilling rigs and exploring for, acquiring and developing prospective and proven oil and gas properties.

James H. Orr, who is one of three trustees of Applicant, and John R. Macomber, who is one of three advisory board members of Applicant, are directors and therefore affiliated persons of The First Boston Corporation, an investment banking organization which participates in the underwriting of securities. Applicant is informed that The First Boston Corporation expects to be among a group of underwriters of $12,500,000 principal amount of Fifteen Year -- percent Convertible Debentures of Southern, shortly to be offered to the public. The board of trustees of Applicant has authorized the purchase by Applicant, at the initial public offering price, of not exceeding $150,000 principal amount of such debentures, such purchase to be made from an underwriter or member of the selling group, if any, other than The First Boston Corporation. Orr and Macomber did not vote in connection with the authorization.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. Section 10 (f) further provides that the Commission by order upon application may conditionally or unconditionally exempt any such purchase or acquisition from the provisions of the section if and to the extent that such exemption is consistent with the protection of investors. Applicant has therefore filed the instant application for an order of the Commission exempting the proposed purchase from the provisions of section 10 (f).

The application states that if Applicant were to purchase the entire $150,000 principal amount of debentures, it would acquire approximately 1.2 percent of the total offering, and that assuming a price of $100 per $100 debenture, the purchase would represent an investment of approximately 2.4 percent of the total assets of the Applicant as of February 29, 1952.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after March 25, 1952, upon such conditions as the Commission may deem necessary or appropriate unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission, in writing, not later than March 24, 1952, at 5:30 p. m., his views or any additional facts bearing upon the aplication or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application

which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3302; Filed, Mar. 21, 1952; 8:46 a. m.]

[File No. 812-772]

RAILWAY AND LIGHT SECURITIES CO. AND SOUTHERN PRODUCTION CO., INC.

NOTICE OF APPLICATION

MARCH 18, 1952.

Railway and Light Securities Company, located in Boston, Massachusetts ("Applicant"), a registered investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of said section 10 (f) of the act a proposed purchase by Applicant of not exceeding $150,000 principal amount of Fifteen Year __ percent Convertible Debentures of Southern Production Company, Inc. ("Southern") to be publicly offered in the near future. Southern, whose principal offices are located in Fort Worth, Texas, and Shreveport, Louisiana, is principally engaged in producing oil and natural gas, processing gas, operating drilling rigs and exploring for, acquiring and developing prospective and proven oil and gas properties.

James H. Orr, Stedman Buttrick, and Russell Robb are three of the seven members of Applicant's board of directors and are, also, respectively, a director of The First Boston Corporation, a partner of Estabrook & Co., and a director of Stone & Webster, Incorporated, of which Stone & Webster Securities Corporation is a subsidiary. Orr, Buttrick, and Robb are therefore affiliated persons of the latter investment banking organizations which participate in the underwriting of securities. Applicant is informed that The First Boston Corporation and Stone & Webster Securities Corporation expect to be among a group of underwriters of $12,500,000 principal amount of Fifteen Year ------ Percent Convertible Debentures of Southern, shortly to be offered to the public. Applicant has no knowledge whether Estabrook & Co. will be included in the underwriting group or in any selling group which may be formed. The board of directors of Applicant has authorized the purchase by Applicant, at the initial public offering price, of not exceeding $150,000 principal amount of such debentures, such purchase to be made from an underwriter or member of the selling group, if any, other than The First Boston Corporation, Stone & Webster Securities Corporation or Estabrook & Co. Orr, Buttrick and Robb did not vote in connection with the authorization.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. Section 10 (f) further provides that the Commission by order upon application may conditionally or unconditionally exempt any such purchase or acquisition from the provisions of the section if and to the extent that such exemption is consistent with the protection of investors. Applicant has therefore filed the instant application for an order of the Commission exempting the proposed purchase from the provisions of section 10 (f).

The application states that if Applicant were to purchase the entire $150,000 principal amount of debentures, it would acquire approximately 1.2 percent of the total offering, and that assuming a price of $100 per $100 debenture, the purchase would represent an investment of approximately 1.0 percent of the total assets of the Applicant as of February 29, 1952.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after March 25, 1952, upon such conditions as the Commission may deem necessary or appropriate unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission, in writing, not later than March 24, 1952, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3303; Filed, Mar. 21, 1952; 8:46 a. m.]

[File No. 812-773]

UNITED STATES & FOREIGN SECURITIES CORP. AND UNITED STATES & INTERNATIONAL SECURITIES CORP.

NOTICE OF APPLICATION FOR ORDER EXEMPTING TRANSACTION INVOLVING AFFILIATED PERSONS

MARCH 20, 1952.

Notice is herby given that United States & Foreign Securities Corporation (hereinafter referred to as "Foreign"), a registered investment company, and United States & International Securities Corporation (hereinafter referred to as "International") also a registered investment company, have filed an application pursuant to section 10 (f) and 17 (b) of the Investment Company Act of 1940 for an order of the Commission (1) exempting from the provisions of section 10 (f) of the act the proposed purchase by Foreign of up to 20,000 shares of common stock, and by International of up to 15,000 shares of common stock of Canadian Chemical & Cellulose Company, Ltd. (hereinafter referred to as "Canadian Ltd.") at the initial public offering price of such shares or, to the extent that such shares are not available at such price, at the best price at which such shares are available, and (2) exempting from the provisions of section 17 (a) of the act the purchase of some or all such shares from Dillon, Read & Co., Inc. (hereinafter referred to as "Dillon Read") an affiliated person of an affiliated person of Foreign and International.

Foreign is a diversified, closed-end, management investment company and owns approximately 99 percent of the second preferred stock and approximately 80 percent of the common stock of International. The common stock of International is the only class of its stock entitled to vote. International also is a diversified, closed-end, management investment company. Both Foreign and International have offices at 33 Rector Street, New York, New York.

Foreign and International make studies of various industries and particular companies in those industries to determine what investments they will make. Such studies are made largely through Keswick Corporation, which is a wholly owned subsidiary of Foreign and International. The Keswick Corporation has made a study of Canadian, Ltd., and has recommended to Foreign and International the purchase by each respectively, of up to 20,000 and up to 15,000 shares of the common stock of Canadian, Ltd., without par value. A majority of the directors of each applicant has approved such purchase by it.

Foreign and International are informed as follows: Canadian, Ltd., was incorporated under The Companies Act, 1934, of Canada, in 1951 under the name of Celcana, Ltd. It adopted its present name on February 8, 1952. Canadian, Ltd., was organized by Celanese Corporation of America to utilize certain natural resources of Canada, principally wood and petroleum hydrocarbons, by processing them into cellulosic and chemical products which may be sold as such or combined into other products. Canadian, Ltd., filed with the Commission on March 7, 1952 a registration statement under the Securities Act of 1933 (on Form S-1, No. 2-9495) covering 1,000,000 of its common shares of which 500,000 shares are proposed to be offered for sale by United States underwriters and 500,000 shares by Canadian underwriters. Dillon Read is a principal underwriter of the 500,000 shares proposed to be offered for sale in the United States and, subject to such registration statement becoming effective, the initial public offering will be made on or about March 26, 1952.

Foreign and International each proposes to purchase the shares from one or more of the principal underwriters or in the over-the-counter market at the initial public offering price as will be set forth in the prospectus included in said registration statement when the same becomes effective or, to the extent that such shares are not available at such price, at the best price at which such shares are available. In an effort to obtain such shares, Foreign and International each may purchase some or all of such shares from Dillon Read.

Foreign and International have identical boards of directors, each consisting of ten men. Two of the ten men are C. Douglas Dillon, who is an officer and director of both Foreign and International and of Dillon Read, and Clarence Dillon, who is a director of both Foreign and International but who is neither a director nor an officer of Dillon Read. Each of the two men owns more than 10 percent of the outstanding voting securities of Dillon Read. These two also own, directly or indirectly a very substantial number of shares of the outstanding stock of Foreign and International.

Since C. Douglas Dillon and Clarence Dillon own more than 5 percent of the voting securities of Dillon Read, each is an affiliated person of Dillon Read by reason of the provisions of section 2 (a) (3) (A) of the act and therefore the proposed purchase of such shares of common stock is prohibited by section 10 (f) of the act unless the Commission by order issued pursuant to section 10 (f) exempts the transaction from the prohibition of the act. In addition, as a result of the ownership of such securities, Dillon Read is an affiliated person of C. Douglas Dillon and of Clarence Dillon by reason of section 2 (a) (3) (B) of the act, and by reason of the fact that C. Douglas Dillon and Clarence Dillon are directors of Foreign and International each is an affiliated person of Foreign and International by reason of section 2 (a) (3) (D) of the act. Therefore the proposed purchase of some or all of such shares from Dillon Read, who is an affiliated person of an affiliated person of Foreign and International, is prohibited by section 17 (a) of the act unless the Commission by order issued pursuant to section 17 (b) of the act exempts the purchase from the prohibition of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after March 27, 1952, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than March 26, 1952, at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional facts bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-3380; Filed, Mar. 21, 1952; 8:56 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority No. 22, Revision 2]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE-DETERMINING METHODS UNDER SECTION 5, AND TO FIX CEILING PRICES UNDER SECTION 16 (B), OF CPR 67

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2, as amended (16 F. R. 738, 11626), this Revision 2 to Delegation of Authority No. 22, Revision 1 (17 F. R. 219), is hereby issued.

1. *Authority to act under section 5 of CPR 67.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to approve, pursuant to section 5, CPR 67, a price-determining method for sales at wholesale or retail proposed by a reseller under CPR 67, disapprove such a proposed price-determining method, establish a different price-determining method, by order, or request further information concerning such a price-determining method.

2. *Authority to act under section 16 (b) of CPR 67.* Authority is hereby delegated to the Directors of Regional Offices of the Office of Price Stabilization to issue orders, pursuant to section 16 (b) of CPR 67, fixing ceiling prices for any person subject to this regulation who fails to keep the records, file the reports, and establish ceiling prices as required therein, or who fails to apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so.

3. *Redelegation of authority.* The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This Revision 2 to Delegation of Authority No. 22, Revision 1, shall take effect on March 22, 1952.

ELLIS G. ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3430; Filed, Mar. 21, 1952; 12:04 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 11, Amdt. 3]

GENERAL MOTORS CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES; CLARIFICATION

Statement of considerations. Inquiries received from dealers in passenger automobiles manufactured by the General Motors Corporation indicate that there is some misunderstanding as to whether all 1952 cars received by them at prices established by the manufacturer in accordance with the OPS Order granting the General Motors Corporation an adjustment in their prices pursuant to Supplementary Regulation 1 to Ceiling Price Regulation 1, Revision 1, may be sold by these dealers at the basic prices established in this Special Order. This amendment clarifies the intention of the Director that dealers in passenger automobiles manufactured by the General Motors Corporation be permitted to sell all 1952 cars at prices which reflect their existing markup as required by section 402 (k) of the Defense Production Act of 1950, as amended, commonly referred to as the Herlong amendment. Those 1952 cars received by a dealer at the lower prices in effect prior to the issuance of the order granting the manufacturer the increase, must be sold at the prices in effect prior to the issuance of this Special Order.

Amendatory provisions. For the reasons set forth in the statement of considerations and pursuant to section 2 of CPR 83, this amendment to Special Order No. 11 is hereby issued.

(1) The first sentence of paragraph numbered 1. is amended to read as follows:

1. The basic prices, as defined in Ceiling Price Regulation 83, section 2, which retail and wholesale sellers will use in determining the ceiling prices of 1952 model automobiles manufactured by the General Motors Corporation and which were delivered to such sellers at prices reflecting the adjustment provided for in Letter Order 3, dated January 17, 1952, for the several body styles in each line or series are as follows:

(2) The first sentence of paragraph numbered 2. is amended to read as follows:

2. The charges for factory installed extra, special or optional equipment which wholesalers and retail sellers will use in determining the ceiling prices of 1952 model automobiles manufactured by the General Motors Corporation and which were delivered at prices reflecting the adjustment provided for in Letter Order 3 dated January 17, 1952, are as follows:

Effective date. This amendment to Special Order 11 shall become effective March 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3428; Filed, Mar. 21, 1952; 12:04 p. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 59

Washington, Tuesday, March 25, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; PENNSYLVANIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

PENNSYLVANIA

County	Average value	Investment limit
Berks	$14,000	$12,000
Clarion	10,000	10,000
Schuylkill	12,000	12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 19th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3333; Filed, Mar. 24, 1952; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. P. L. 76 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

ERRATA

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars: The Positive List of Commodities, published in Amendment P. L. 68, 17 F. R. 1579, is corrected by adding thereto the following omitted entries. These entires were formerly included on the Positive List under Schedule B No. 860700.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Finished coal-tar products, n.e.c., exclusive of medicinals (specify by name):				
806098	Ethyl centralite (formerly 860700)	Lb.	RESN	None	RO
806098	Methyl centralite (formerly 860700)	Lb.	RESN	None	RO
	Sodium compounds:				
837990	Sodium azide (formerly 860700)	Lb.	RESN	None	RO
	Ammonium compounds, except fertilizers (report fertilizers and fertilizer materials in 850500-855100):				
838500	Nitroquanidine (formerly 860700)	Lb.	RESN	None	RO
	Other industrial chemicals:				
839900	Lead azide (formerly 860700)	Lb.	RESN	None	RO

(Sec. 3, 63 Stat. 7, Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-3336; Filed, Mar. 24, 1952; 8:47 a. m.]

[1] This amendment was published in Current Export Bulletin No. 662, dated March 13, 1952.

CONTENTS

Agriculture Department Page

See also Farmers Home Administration.

Notices:

Designation of disaster areas having need for agricultural credit 2577

Sale of mineral interests, revised area designation; Nebraska 2579

Army Department

See Engineers Corps.

California; withdrawing public land for use of the Department in connection with an ordnance depot (*see* Land Management, Bureau of).

Commerce Department

See International Trade, Office of; National Production Authority.

Commodity Credit Corporation

Directors of the Regional Offices (OPS); ceiling prices of commodities which have established support prices; sales by Corporation (*see* Price Stabilization, Office of) (3 documents).

Customs Bureau

Rules and regulations:

Vessels in foreign and domestic trades; coastwise procedure, permit to proceed 2547

Defense Department

Notification to the Department and General Services Administration of placement of procurement in Terre Haute, Ind., area (*see* Defense Mobilization, Office of).

Defense Mobilization, Office of

Notices:

Finding and determination of critical defense housing areas:

Midland, Pa., area (2 documents) 2582

New Brunswick-Perth Amboy, N. J., area and Bangor, Maine, area 2581

Savannah River, Georgia-South Carolina, area (2 documents) 2582

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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Titles 22–23 ($0.40)
Title 25 ($0.30)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Mobilization, Office of—Continued Page
Notices—Continued
Notification to Department of Defense and General Services Administration of placement of procurement in Terre Haute, Ind., area 2582

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of.

Engineers Corps
Rules and regulations:
Navigation regulations; Severn River at Annapolis, Md., experimental test area; U. S. Naval Engineering Experiment Station 2573

Farmers Home Administration
Rules and regulations:
Farm ownership loans; average values of farms and investment limits, Pennsylvania 2509

CONTENTS—Continued

Federal Power Commission Page
Notices:
Hearings, etc.:
Aluminum Co. of America et al 2581
County Gas Co 2580
El Paso Natural Gas Co 2580
El Paso Natural Gas Co. et al 2579
Jersey Central Power & Light Co 2580

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

General Services Administration
Notification to Department of Defense and the Administration of placement of procurement in Terre Haute, Ind., area (*see* Defense Moblization, Office of).

Indian Affairs Bureau
Rules and regulations:
Lummi Indian Diking Project, Washington; operation and maintenance charges 2547

Interior Department
See Indian Affairs Bureau; Land Management, Bureau of.

International Trade, Office of
Rules and regulations:
Positive list of commodities and related matters:
Errata 2509
Miscellaneous amendments 2511

Interstate Commerce Commission
Notices:
Nashville, Chattanooga and St. Louis Railway; rerouting or diversion of traffic 2581

Labor Department
See Public Contracts Division.

Land Management, Bureau of
Notices:
Michigan; filing of plat of survey 2577
Rules and regulations:
California; withdrawing public land for use of Department of the Army in connection with an ordnance depot 2576

National Production Authority
Rules and regulations:
Iron and steel—alloying materials and alloy products; nickel-bearing stainless steel, high nickel alloy, and nickel silver (M–80, Sch. A) 2569

Price Stabilization, Office of
Notices:
Directors of District Offices, redelegation of authority:
Region I; act under CPR 7 2585
Region VIII; take certain actions under DR 1 2585
Region X; act under CPR 7 2586
Directors of Regional Offices; delegation of authority to process applications for ceiling prices in conformity with the Commodity Credit Corporation price support program 2586
Ford Motor Co.; basic prices and charges for new passenger automobiles, clarification 2586

CONTENTS—Continued

Price Stabilization, Office of—Continued Page
Rules and regulations:
Adjustments, ceiling price; authorization to calculate adjustments (GOR 21) 2562
Ceiling prices:
Anti-freeze (CPR 57, Coll. 1) 2566
Commodities for which the Commodity Credit Corporation establishes support prices (GOR 26) 2550
Lamb, yearling and mutton products sold at wholesale; indefinite suspension of allocation provision (CPR 92) 2549
Sales by Commodity Credit Corporation (GCPR, SR 14) 2549
Sales by grain millers or processors of certain food commodities, feeds and feed ingredients processed from listed grains; clarification of classes of purchasers (GCPR, SR 18) 2562
Food products sold in Puerto Rico; establishing ceiling prices for milk (CPR 51) 2551
Retail ceiling prices for certain consumer goods, special pricing methods for consignors and their consignment outlets (CPR 7) 2563
Special pricing methods for certain chain stores, mail order establishments, departmentalized establishments, consignors and consignee-outlets (CPR 7, SR 1) 2564
Services; marine terminal companies operating under joint agreements (CPR 34, SR 14) 2564
Southern hardwood and yellow cypress lumber (CPR 132) 2552
Territorial exemptions; defining the term "territories and possessions" (GOR 23) 2563

Public Contracts Division
Proposed rule making:
Woolen and worsted industry; prevailing minimum wage 2576
Rules and regulations:
Minimum wage determinations; prevailing minimum wage for Small Arms Ammunition, Explosives and Related Products Industry 2573

Renegotiation Board
Rules and regulations:
Assignment of contractors for renegotiation 2541
Certain additions to subchapter 2512
Control of renegotiation records and information contained therein 2542
Instructions to prime and subcontractors on segregation of renegotiable sales 2543
Permissive exemptions from renegotiation 2539
Preliminary information required of contractors 2541
Statutes and orders 2543

CONTENTS—Continued

Rent Stabilization, Office of Page
Rules and regulations:
Defense-rental areas:
Alabama; hotels 2573
North Carolina and Pennsylvania; housing and rooms 2572
Securities and Exchange Commission
Notices:
Hearings, etc.:
Gulf Power Co 2583
Lehman Corp. and Monterey Oil Co 2584
Middle South Utilities, Inc 2583
Southwestern Gas and Electric Co 2583
Tariff Commission
Notices:
Figs, dried; investigation instituted 2585
Treasury Department
See also Customs Bureau.
Rules and regulations:
Table of charges at the mints and assay offices of the U. S 2547

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 Page
Chapter III:
Part 311 2509
Title 15
Chapter III:
Part 399 (2 documents) 2509, 2511
Title 19
Chapter I:
Part 4 2547
Title 25
Chapter I:
Part 130 2547
Title 31
Chapter I:
Part 90 2547
Title 32
Chapter XIV:
Parts 1451–1454 2512, 2513, 2515, 2519
Part 1455 2539
Parts 1456–1465 2520, 2522, 2524, 2525, 2529, 2532, 2533, 2534, 2536, 2538.
Part 1470 2541
Part 1471 2541
Part 1480 2542
Part 1492 2543
Part 1499 2543
Title 32A
Chapter III (OPS):
CPR 7 2563
CPR 7, SR 1 2564
CPR 34, SR 14 2564
CPR 51 2551
CPR 57 2566
CPR 92 2549
CPR 132 2552
GCPR, SR 14 2549
GCPR, SR 18 2562
GOR 21 2562
GOR 23 2563
GOR 26 2550
Chapter VI (NPA):
M–80, Sched. A 2569

CODIFICATION GUIDE—Con.

Title 32A—Continued Page
Chapter XXI (ORS):
RR 1 2572
RR 2 2572
RR 3 2573
Title 33
Chapter II:
Part 207 2573

CODIFICATION GUIDE—Con.

Title 41 Page
Chapter II:
Part 202 2573
Proposed rules 2576
Title 43
Chapter I:
Appendix (public land orders):
813 2576

[5th Gen. Rev. of Export Regs., Amdt. P. L. 77 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
839900	Other industrial chemicals: Copper sulfate (including basic and tribasic copper sulfate) (report copper sulfate for agricultural use in 820100).	Lb.	AGCH	100	RO

This part of the amendment shall become effective as of 12:01 a. m., March 20, 1952.

2. The following revisions are made in commodity descriptions. These revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
523110	Optical instrument glass and glass blanks except synthetic crystals.	No. and Lb.[1]	SATE 52	100	R
523130	Ophthalmic glass and glass blanks	No. and Lb.[1]	SATE	250	R
	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment:				
	Other metals, except precious (specify by name and type of metal):				
619950	Selenium metal and metal composition manufactures, n. e. c. (specify selenium content and grade) (formerly 669198).[3]	----------	MINL	10	RO
692990	Platinum manufactures, n. e. c. (including plated) (specify by name and platinum content) (formerly 692905).[3]	T. oz.	MINL	None	RO
692990	Platinum allied metal manufactures, n. e. c. (including plated) (specify by name and platinum allied metal content) (formerly 692998).[3]	T. oz.	MINL	None	RO
720210	Parts, accessories and attachments, n.e.c., specially fabricated for power excavators included on the Positive List under Schedule B Nos. 720112 through 720142, and 720160, for which validated license is required to R and O country destinations (specify by name) (formerly 720200).[4]	----------	CONS	100	RO
720210	Parts, accessories and attachments, n.e.c., specially fabricated for dredging machines (specify by name) (formerly 720200).[4]	----------	MINE	100	RO
720210	Parts, accessories and attachments, n.e.c., specially fabricated for power excavators included on the Positive List under Schedule B Nos. 720112 through 720142, and 720160, for which validated license is required to R country destinations only (specify by name) (formerly 720200).[4]	----------	CONS	250	R

[1] The effect of this revision is to require that numbers as well as pounds be specified.

[2] The above entry is substituted for the eighteenth entry presently on the Positive List under Schedule B No. 619950. The effect of this revision is to change the GLV dollar-value limit from $25 to $10, and to require that the selenium content and grade be specified.

[3] The above two entries are substituted for the entry presently on the Positive List under Schedule B No. 692990. The effect of this revision is to provide separate entries for platinum manufactures and platinum allied metal manufactures, to add the unit "troy ounce," and to require that the platinum or platinum allied metal content be specified.

[4] The above three entries are substituted for the two entries presently on the Positive List under Schedule B No. 720210. The effect of this revision is to change the processing code for parts, accessories and attachments, n.e.c., specially fabricated for dredging machines, from CONS to MINE.

This part of the amendment shall become effective as of 12:01 a. m., March 20, 1952.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced as a result of changes set forth in Parts 1 and 2 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 20, 1952, may be exported under the previous general license provisions up to and including April 12, 1952. Any

[1] This amendment was published in Current Export Bulletin No. 662, dated March 13, 1952.

such shipment not laden aboard the exporting carrier on or before April 12, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7, Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-3378; Filed, Mar. 24, 1952; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

CERTAIN ADDITIONS TO SUBCHAPTER

The Renegotiation Board hereby adopts Parts 1451 to 1454 and Parts 1456 to 1465 of the proposed regulations which were published on January 10, 1952 (17 F. R. 297-322), certain changes having been made therein. Said parts as adopted read as set forth below.

Dated: March 21, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

PART 1451—SCOPE OF RENEGOTIATION BOARD REGULATIONS UNDER THE RENEGOTIATION ACT OF 1951, AND DEFINITIONS APPLICABLE THERETO

SCOPE OF REGULATIONS

Sec.
1451.1 Applicability of regulations.
1451.2 Amendments and additions.

DEFINITIONS

1451.11 "The 1951 act" and "the act".
1451.12 "The 1948 act".
1451.13 "Board".
1451.14 "Department".
1451.15 "Secretary".
1451.16 "Excessive profits".
1451.17 "Profits derived from contracts with the Departments and subcontracts".
1451.18 "Subcontract".
1451.19 "Fiscal year".
1451.20 "Received or accrued" and "paid or incurred".
1451.21 "Person".
1451.22 "Materials".
1451.23 "Agency of the Government".
1451.24 "Subject prime contracts and subcontracts" and "renegotiable prime contracts and subcontracts".
1451.25 "Subject contracts".
1451.26 "Contract".
1451.27 "Contractor".
1451.28 "Renegotiable business" and "renegotiable sales".
1451.29 "Procurement".
1451.30 "Renegotiation clause".
1451.31 "Related contractors".
1451.32 "Regional Board".

AUTHORITY: §§ 1451.1 to 1451.32 issued under sec. 109, Pub. Law 9, 82d Cong.

SCOPE OF REGULATIONS

§ 1451.1 *Applicability of regulations.* The applicability of the regulations in this subchapter shall be co-extensive with the applicability of Title I of the Renegotiation Act of 1951, and the regulations in this subchapter shall apply to all proceedings conducted under Title I of the act.

§ 1451.2 *Amendments and additions.* When amendments or additions to the regulations in this subchapter are adopted by the Board, such amendments or additions will become effective at once unless otherwise specified. The adoption of such amendments or additions will not affect the validity of any action theretofore taken in accordance with prior regulations.

§ 1451.11 *"The 1951 act" and "the act".* The terms "the 1951 act" and "the act" mean the Renegotiation Act of 1951.

§ 1451.12 *"The 1948 act".* The term "the 1948 act" means the Renegotiation Act of 1948.

§ 1451.13 *"Board".* The term "Board" means The Renegotiation Board created by section 107 (a) of the act.

§ 1451.14 *"Department".* The term "Department" means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Commerce, the General Services Administration, the Atomic Energy Commission, the Reconstruction Finance Corporation, the Canal Zone Government, the Panama Canal Company, the Housing and Home Finance Agency, the Federal Civil Defense Administration, the National Advisory Committee for Aeronautics, the Tennessee Valley Authority, the United States Coast Guard, the Defense Materials Procurement Agency, the Bureau of Mines, the (United States) Geological Survey, the Bonneville Power Administration, and such other agencies of the Government exercising functions having a direct and immediate connection with the national defense as the President shall designate.

§ 1451.15 *"Secretary".* The term "Secretary" means the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of Commerce, the Administrator of General Services, the Atomic Energy Commission, the Administrator of the Reconstruction Finance Corporation, the Governor of the Canal Zone, the President of the Panama Canal Company, the Housing and Home Finance Administrator, the Administrator of Federal Civil Defense, the Chairman of the National Advisory Committee for Aeronautics, the Chairman of the Board of Directors of the Tennessee Valley Authority, the Commandant of the United States Coast Guard, the Administrator of the Defense Materials Procurement Agency, the Director of the Bureau of Mines, the Director of the (United States) Geological Survey, the Administrator of Bonneville Power, and the head of any other agency of the Government which the President shall designate pursuant to section 103 (a) of the act.

§ 1451.61 *"Excessive profits".* The term "excessive profits" means the portion of the profits derived from contracts with the Departments and subcontracts which is determined in accordance with Title I of the act to be excessive.

§ 1451.17 *"Profits derived from contracts with the Departments and subcontracts".* The term "profits derived from contracts with the Departments and subcontracts" means the excess of the amount received or accrued under such contracts and subcontracts over the costs paid or incurred with respect thereto and determined to be allocable thereto.

§ 1451.18 *"Subcontract".* The term "subcontract" means:

(a) Any purchase order or agreement (including purchase orders or agreements antedating the related prime contract or higher tier subcontract) to perform all or any part of the work, or to make or furnish any materials, required for the performance of any other contract or subcontract, but such term does not include any purchase order or agreement to furnish office supplies;

(b) Any contract or arrangement covering the right to use any patented or secret method, formula, or device for the performance of a contract or subcontract; and

(c) Any contract or arrangement (other than a contract or arrangement between two contracting parties, one of whom is found by the Board to be a bona fide executive officer, partner, or full-time employee of the other contracting party) under which:

(1) Any amount payable is contingent upon the procurement of a contract or contracts with a Department or of a subcontract or subcontracts; or

(2) Any amount payable is determined with reference to the amount of a contract or contracts with a Department or of a subcontract or subcontracts; or

(3) Any part of the services performed or to be performed consists of the soliciting, attempting to procure, or procuring a contract or contracts with a Department or a subcontract or subcontracts.

§ 1451.19 *"Fiscal year".* The term "fiscal year" means the taxable year of the contractor or subcontractor under chapter 1 of the Internal Revenue Code, except that where any readjustment of interests occurs in a partnership as defined in section 3797 (a) (2) of such code, the fiscal year of the partnership or partnerships involved in such readjustment shall be determined in accordance with the provisions of § 1457.7 of this subchapter.

§ 1451.20 *"Received or accrued" and "paid or incurred".* The terms "received or accrued" and "paid or incurred" shall be construed according to the method of accounting employed by the contractor or subcontractor in keeping his records, but if no such method of accounting has been employed, or if the method so employed does not, in the opinion of the Board, or, upon redetermination, in the opinion of The Tax Court of the United States, properly reflect his receipts or accruals or payments or obligations, such receipts or accruals or such payments or obligations shall be determined in accordance with such method as in the opinion of the Board, or, upon redetermination, in the opinion of The Tax Court of the United States, does properly reflect such receipts or accruals or such payments or obligations.

§ 1451.21 *"Person"*. The term "person" includes an individual, firm, corporation, association, partnership, and any organized group of persons whether or not incorporated.

§ 1451.22 *"Materials"*. The term "materials" includes raw materials, articles, commodities, parts, assemblies, products, machinery, equipment, supplies, components, technical data, processes, and other personal property.

§ 1451.23 *"Agency of the Government"*. The term "agency of the Government" means any part of the executive branch of the Government or any independent establishment of the Government or part thereof, including any department (whether or not a Department as defined in § 1451.14), any corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, employee, authority, administration, or other establishment of the Government which is not a part of the legislative or judicial branches.

§ 1451.24 *"Subject prime contracts and subcontracts" and "renegotiable prime contracts and subcontracts"*. The terms "subject prime contracts and subcontracts" and "renegotiable prime contracts and subcontracts" mean contracts and subcontracts to which the provisions of the act are applicable.

§ 1451.25 *"Subject contracts"*. The term "subject contracts" includes subject subcontracts, except when the context clearly indicates otherwise.

§ 1451.26 *"Contract"*. The term "contract" includes subcontract, except when the context clearly indicates otherwise.

§ 1451.27 *"Contractor"*. The term "contractor" includes subcontractor, except when the context clearly indicates otherwise.

§ 1451.28 *"Renegotiable business" and "renegotiable sales"*. The terms "renegotiable business" and "renegotiable sales" mean the aggregate business of a contractor or subcontractor under subject prime contracts and subcontracts which are not exempt. The term "nonrenegotiable business" means any business of a contractor or subcontractor other than renegotiable business.

§ 1451.29 *"Procurement"*. The term "procurement" means the purchasing, renting, leasing or otherwise obtaining or acquiring of any property, thing or service, or any combination thereof.

§ 1451.30 *"Renegotiation clause"*. The term "renegotiation clause" means any provision in a prime contract or subcontract which states or incorporates by reference the substance of section 104 of the act.

§ 1451.31 *"Related contractors"*. The term "related contractors" means all persons under control of or controlling or under common control with the contractor.

§ 1451.32 *"Regional Board"*. The term "Regional Board" means a regional board created by the Board by section 1 of the "Delegation of Authority to Regional Boards under the Renegotiation Acts of 1948 and 1951", dated February 8, 1952, as amended (see 17 F. R. 1401; 17 F. R. 2077).

PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

Sec.
1452.1 General coverage of the act.
1452.2 Application of the act to prime contracts.
1452.3 Application of the act to subcontracts.
1452.4 Subcontracts to perform work or furnish materials.
1452.5 Real property.
1452.6 Patent licenses.
1452.7 Brokers, manufacturers' agents and dealers.
1452.8 Effect of renegotiation clause.

AUTHORITY: §§ 1452.1 to 1452.8 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply secs. 102–104, Pub. Law 9, 82d Cong.

§ 1452.1 *General coverage of the act*—(a) *Statutory provisions.* (1) Section 102 (a) of the act provides as follows:

In general. The provisions of this title shall be applicable (1) to all contracts with the Departments specifically named in section 103 (a), and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of January 1951, whether such contracts or subcontracts were made on, before, or after such first day, and (2) to all contracts with the Departments designated by the President under section 103 (a), and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of the first month beginning after the date of such designation, whether such contracts or subcontracts were made on, before, or after such first day; but the provisions of this title shall not be applicable to receipts or accruals attributable to performance, under contracts or subcontracts, after December 31, 1953.

(2) Section 103 (a) of the act provides as follows:

Department. The term "Department" means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Commerce, the General Services Administration, the Atomic Energy Commission, the Reconstruction Finance Corporation, the Canal Zone Government, the Panama Canal Company, the Housing and Home Finance Agency, and such other agencies of the Government exercising functions having a direct and immediate connection with the national defense as the President shall designate.

(b) *Executive orders.* (1) On June 27, 1951, the President issued the following Executive Order 10260 (16 F. R. 6271):

By virtue of the authority vested in me by the Renegotiation Act of 1951 (Public Law 9, 82nd Congress), hereinafter referred to as the Act, and as President of the United States, it is ordered as follows:

1. The Federal Civil Defense Administration, the National Advisory Committee for Aeronautics, the Tennessee Valley Authority, and the United States Coast Guard, each of which exercises functions having a direct and immediate connection with the national defense, are hereby designated, pursuant to section 103 (a) of the Act, as agencies of the Government included within the definition of the term "Department" for the purposes of Title I of the Act.

2. In accordance with section 102 of the Act, the provisions of Title I of the Act shall be applicable to all contracts with each agency designated in paragraph 1 of this order, and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of July 1951, whether such contracts or subcontracts were made on, before, or after that date.

(2) On September 28, 1951, the President issued the following Executive Order 10294 (16 F. R. 9927):

By virtue of the authority vested in me by the Renegotiation Act of 1951 (Public Law 9, 82nd Congress), hereinafter referred to as the Act, and as President of the United States, it is ordered as follows:

1. The Defense Materials Procurement Agency, the Bureau of Mines, and the (United States) Geological Survey, each of which exercises functions having a direct and immediate connection with the national defense, are hereby designated, pursuant to section 103 (a) of the Act, as agencies of the Government included within the definition of the term "Department" for the purposes of Title I of the Act.

2. In accordance with section 102 of the Act, the provisions of Title I of the Act shall be applicable to all contracts with the Defense Materials Procurement Agency, the Bureau of Mines, and the (United States) Geological Survey, respectively, and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of October 1951, whether such contracts or subcontracts were made on, before, or after that date.

(3) On October 31, 1951, the President issued the following Executive Order 10299 (16 F. R. 11135):

By virtue of the authority vested in me by the Renegotiation Act of 1951 (Public Law 9, 82nd Congress), hereinafter referred to as the Act, and as President of the United States, it is ordered as follows:

1. The Bonneville Power Administration, which exercises functions having a direct and immediate connection with the national defense, is hereby designated, pursuant to subsection (a) of section 103 of the Act, as an agency coming within the definition of the term "Department" for the purposes of Title I of the Act.

2. In accordance with section 102 of the Act, the provisions of Title I of the Act shall be applicable to all contracts with the Bonneville Power Administration and related subcontracts, to the extent of the amounts received or accrued on or after the first day of November 1951, whether such contracts or subcontracts were made on, before, or after that date.

§ 1452.2 *Application of the act to prime contracts.* Excepting those contracts which are exempted from renegotiation pursuant to section 106 of the act (see Parts 1453 and 1455 of this subchapter), and except as set forth in § 1457.3 of this subchapter, all contracts with the following Departments are subject to renegotiation under the act to the extent of amounts received or accrued on or after the indicated dates:

January 1, 1951:
Department of Defense.
Department of the Army.
Department of the Navy.
Department of the Air Force.
Department of Commerce.
General Services Administration.
Atomic Energy Commission.
Reconstruction Finance Corporation.
Canal Zone Government.
Panama Canal Company.
Housing and Home Finance Agency.

July 1, 1951:
Federal Civil Defense Administration.
National Advisory Committee for Aeronautics.
Tennessee Valley Authority.
United States Coast Guard.
October 1, 1951:
Defense Materials Procurement Agency.
Bureau of Mines.
(United States) Geological Survey.

November 1, 1951:
Bonneville Power Administration.

§ 1452.3 *Application of the act to subcontracts.* Sections 1452.4 to 1452.7 state when contracts, agreements or purchase orders constitute "subcontracts" within the meaning of section 103 (g) of the act. Excepting those subcontracts which are exempted from renegotiation pursuant to section 106 of the act (see Parts 1453 and 1455 of this subchapter), and except as set forth in § 1457.3 of this subchapter, all subcontracts within the meaning of section 103 (g) of the act are subject to renegotiation under the act to the extent of amounts received or accrued on or after the date set forth in § 1452.2 which is applicable to the prime contract to which the subcontract relates.

§ 1452.4 *Subcontracts to perform work or furnish materials*—(a) *Statutory provision.* Section 103 (g) of the act provides in part as follows:

> The term "subcontract" means—
> (1) Any purchase order or agreement (including purchase orders or agreements antedating the related prime contract or higher tier subcontract) to perform all or any part of the work, or to make or furnish any materials, required for the performance of any other contract or subcontract, but such term does not include any purchase order or agreement to furnish office supplies; * * *

(b) *Interpretation of statutory provision*—(1) *In general.* The term "subcontract" includes all purchase orders or agreements to perform all or any part of the work or to make or furnish any materials required for the performance of a renegotiable prime contract, except purchase orders or agreements which are for materials which contribute to the performance of a renegotiable prime contract in such an indirect manner that the Board has determined that such purchase orders or agreements do not have a direct and immediate connection with the national defense. (See subparagraph (2) of this paragraph.) An agreement or purchase order to perform work or to make or furnish materials is a renegotiable subcontract if it is: (i) For the sale or processing of an end product which is to be delivered under a renegotiable prime contract; or (ii) for the sale or processing of materials to be physically incorporated in such end product; or (iii) for the sale, furnishing or installation of machinery, equipment or other materials used in the processing of such end product or materials incorporated therein; or (iv) for the sale, furnishing or installation of materials incorporated in machinery, equipment or other materials used in the processing of such end product or of materials incorporated therein; or (v) for the performance of services directly required for the performance of contracts included in (i), (ii), (iii), or (iv) above. Materials will be deemed to be used in the processing of other materials when the materials are used: (*a*) To produce or otherwise operate directly on such other materials by chemical, physical or mechanical methods; such, for example, as shaping, cutting, constructing, combining, refining, assembling, testing, inspecting, or (in the case of end products) packaging; (*b*) to transport such other materials within a contractor's plant; or (*c*) in connection with the repair, maintenance, equipping or operation in a contractor's plant of such other materials.

(2) *No "direct and immediate connection with the national defense."* The Board has determined pursuant to section 106 (a) (6) of the act that subcontracts for the following materials do not have a direct and immediate connection with the national defense when such materials are not to be ultimately delivered to a Department:

(i) Materials used for general plant maintenance, including fuel and equipment to produce light, heat and general power requirements.

(ii) Materials used for general office purposes, including all types of office machinery, furniture, equipment, and supplies.

(iii) Safety equipment and clothing.

(iv) Packaging materials and containers.

(v) Materials used in processing other than those used in the processing of an end product or of materials incorporated therein.

(3) *Office supplies.* It is not intended to exclude from renegotiation any materials sold to a contractor when such materials are ultimately to be resold to a Department either as end products or as component parts thereof. However, subcontracts to furnish office supplies are specifically excluded from the statutory definition of a subcontract. Therefore, subcontracts for office supplies, even though such office supplies are ultimately sold to a Department, are not subject to renegotiation. The term "office supplies" includes paper, ink, typewriter ribbons, binders, covers, blotters, paper clips, staples, and other items of a consumable character, as well as related items of relatively short life and minor cost, such as pens, penholders, pencils, blotter pads and calendars; the term "office supplies" does not include office furniture, machinery and equipment, such as desks, chairs, lamps, rugs, wastebaskets, filing cases, typewriters and calculating, recording, reproducing and dictating machines.

§ 1452.5 *Real property*—(a) *Existing real property.* The term "subcontract" does not include contracts for the purchase or rental of any interest in existing real estate by prime contractors and subcontractors since the term refers to the making or furnishing of "materials", the definition of which term is limited to personal property. (See § 1451.18 of this subchapter.) The term "subcontract" does include contracts for fixtures or for improvements to or construction of real property. Those contracts are discussed in paragraph (b) of this section.

(b) *Fixtures, construction and improvements on real property.* (1) If a contract is for work or materials which become real property in the course of its performance, as distinguished from existing real property, the principles stated in this paragraph govern.

(2) If a contract to sell, furnish or install materials would otherwise constitute a renegotiable contract or subcontract, the fact that such property is to be installed in a building or otherwise affixed to real estate and will be treated as real property for some purposes does not exclude the contract from renegotiation.

(3) If a contract for the construction of a building or improvements on or to real property is entered into by a Department, such contract is subject to renegotiation unless exempted. If a contract for the construction of a building or improvements on or to real property is entered into by someone other than a Department, such contract is nevertheless subject to renegotiation if, at the time such contract was made, the Government pursuant to a contract entered into by a Department is to obtain title to such building or improvements either immediately or ultimately. Likewise, all subcontracts under such a renegotiable contract, for furnishing services or materials such as building materials and structural steel, which are personal property when furnished but which become real property during the course of construction, are renegotiable unless exempted, and so are subcontracts for furnishing any machinery or equipment installed in the building.

(4) If a contract is for the construction of a building or improvement on or to real property for a contractor or subcontractor for the purpose of performing a renegotiable contract or subcontract, and if the Government is not to acquire title to such building or improvements, either immediately or ultimately, pursuant to a contract entered into by a Department, then except as provided in subparagraph (2) of this paragraph, such contract and subcontracts thereunder are not subject to renegotiation.

§ 1452.6 *Patent licenses*—(a) *Statutory provision.* Section 103 (g) of the act provides in part as follows:

> The term "subcontract" means—
> (1) * * *
> (2) any contract or arrangement covering the right to use any patented or secret method, formula, or device for the performance of a contract or subcontract; and * * *

(b) *Interpretation.* Any contract or arrangement covering the right to use any patented or secret method, formula, or device for the performance of a renegotiable prime contract or subcontract is a subcontract within the meaning of section 103 (g) (2) of the act. It is not a subcontract within the meaning of section 103 (g) (3) of the act. (See § 1452.7.) In any case where a license and an agreement by the licensor to furnish any technical or other services to the licensee are embraced within a single contract, the agreement to furnish technical or other services may be a subcontract under section 103 (g) (3) of the act. In any such case, the license may be severed from the agreement to furnish technical or other services, and an appropriate finding made as to that portion of the consideration payable under the contract which is payable on account of the license and that portion of the

consideration which is payable on account of the services.

(c) *Royalty Adjustment Act agreements or orders.* If the rates or amounts of the royalties received or accrued for the period involved in the renegotiation have been fixed as fair and just in a Royalty Adjustment Act order or agreement applicable to such period or any part thereof, the Board will ordinarily find that no excessive profits have been derived from that part of the royalties covered by such order or agreement. Rates or amounts of royalties fixed as fair and just in a Royalty Adjustment Act order or agreement will not be controlling with respect to the reasonableness of any royalties not covered by such order or agreement.

§ 1452.7 *Brokers, manufacturers' agents and dealers*—(a) *Statutory provision.* Section 103 (g) of the act provides in part as follows:

The term "subcontract" means—
(1) * * *
(2) * * *
(3) any contract or arrangement (other than a contract or arrangement between two contracting parties, one of whom is found by the Board to be a bona fide executive officer, partner, or full-time employee of the other contracting party) under which—
(A) any amount payable is contingent upon the procurement of a contract or contracts with a Department or of a subcontract or subcontracts; or
(B) any amount payable is determined with reference to the amount of a contract or contracts with a Department or of a subcontract or subcontracts; or
(C) any part of the services performed or to be performed consists of the soliciting, attempting to procure, or procuring a contract or contracts with a Department or a subcontract or subcontracts.

(b) *Cross reference.* Special regulations pertaining to this subject are set forth in Part 1490 of this subchapter (to be published at a later date).

§ 1452.8 *Effect of renegotiation clause.* The obligations assumed by the prime contractor or subcontractor under the renegotiation clause required by section 104 of the act to be inserted in prime contracts and subcontracts, shall be binding on the prime contractor or subcontractor only if the prime contract or subcontract is subject to the act. Whether or not the renegotiation clause is inserted in a prime contract or subcontract to which the act applies, such prime contract or subcontract shall be considered as having been made subject to the act in the same manner and to the same extent as if the renegotiation clause had been inserted.

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Sec.
1453.1 Contracts with other governmental agencies.
1453.2 Contracts and subcontracts for certain agricultural commodities and raw materials.
1453.3 Exemption of common carriers and public utilities.
1453.4 Contracts or subcontracts with tax-exempt charitable, religious and educational institutions.
1453.5 Contracts that do not have a direct and immediate connection with the national defense.
1453.6 Subcontracts under exempt contracts and subcontracts.

AUTHORITY: §§ 1453.1 to 1453.6 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 106, Pub. Law 9, 82d Cong.

§ 1453.1 *Contracts with other governmental agencies*—(a) *Statutory provision.* Section 106 (a) (1) of the act exempts the following:

(1) any contract by a Department with any Territory, possession, or State, or any agency or political subdivision thereof, or with any foreign government or any agency thereof;

(b) *Interpretation and application of exemption.* This provision is construed to exclude from renegotiation any contract by a Department with any Territory, possession or State or any agency or political subdivision thereof or with any foreign government or any agency thereof. A municipal corporation, whether acting in a proprietary or governmental capacity, is a political subdivision of a State for the purposes of this exemption.

§ 1453.2 *Contracts and subcontracts for certain agricultural commodities and raw materials*—(a) *Agricultural commodities*—(1) *Statutory provision.* Section 106 (a) (2) of the act exempts the following:

(2) any contract or subcontract for an agricultural commodity in its raw or natural state, or if the commodity is not customarily sold or has not an established market in its raw or natural state, in the first form or state, beyond the raw or natural state, in which it is customarily sold or in which it has an established market. The term "agricultural commodity" as used herein shall include but shall not be limited to—
(A) commodities resulting from the cultivation of the soil such as grains of all kinds, fruits, nuts, vegetables, hay, straw, cotton, tobacco, sugarcane, and sugar beets;
(B) natural resins, saps, and gums of trees;
(C) animals, such as cattle, hogs, poultry, and sheep, fish and other marine life, and the produce of live animals, such as wool, eggs, milk and cream;

(2) *Interpretation of exemption.* The purpose of this provision is to exempt from renegotiation farmers, fruit growers, livestock raisers, fishermen and other basic producers of agricultural commodities and those who trade in such products or handle or transport them without processing them; it is not intended to exempt canners, processors, manufacturers, and others who acquire such products and process them to a higher form or state. In order to qualify for exemption the product contracted for must be an agricultural commodity in its raw or natural state, or if such a commodity is not customarily sold or does not have an established market in its raw or natural state, in the first form or state beyond the raw or natural state in which it is customarily sold or in which it has an established market.

(3) *Application of exemption.* A commodity will be deemed to be an agricultural commodity in its raw or natural state only so long as it has not undergone some process of treatment or fabrication. In the case of fruits, vegetables and other like products this state does not ordinarily extend beyond the state in which such products are harvested. In the case of livestock, it terminates at the time the animal is slaughtered. When an agricultural commodity is not customarily sold or does not have an established market in its raw or natural state as above defined and is no longer in such state, the exempt status of such commodity will terminate with the state in which the commodity is first customarily sold or has an established market, and, with the exception of the produce of live animals which are specifically exempted, the exemption will not apply to any derivative products which are derived from such commodity in the state in which it is first sold, whether as a result of division, separation or further treatment or processing. For the purposes of determining whether an agricultural commodity is customarily sold or has an established market, regard will be given to the entire field in which such commodity is produced or marketed rather than to sectional or local practices; and varieties, types or classes of the commodity will be disregarded. Profits or losses from sales of agricultural commodities in their exempt form or state, including sales of "futures" in such commodities, are excluded from consideration in renegotiation.

(4) *Tentative list of exempt agricultural commodities.* The Board has tentatively determined that the form or state indicated in the following list is the last form or state to which the exemption set forth in section 106 (a) (2) of the act applies. This list is being promulgated as a guide to contractors in completing the Standard Form of Contractor's Report prescribed in § 1470.3 (a) of this subchapter. The Board intends to review the list and revise it if errors are found in it before concluding the renegotiation proceeding of any contractor under the act in which it is claimed that the act does not apply to certain prime contracts or subcontracts of the contractor by virtue of section 106 (a) (2) of the act and in which such claim would affect the determination of excessive profits or the absence thereof. Therefore, even though an item appears on the following list, a contractor may be required to substantiate its claim that such item is exempt from renegotiation.

AGRICULTURAL COMMODITIES EXEMPTION LIST

Agricultural commodity	*Last form or state at which exemption is to apply*
Beans and peas, dry	Threshed.
Beeswax	Crude or "country run".
Berries, edible	Fresh.
Chinchona bark	As bark (unprocessed).
Cocoa Bean	Fermented and dried.
Coffee	Beans (green).
Corn	As grain (shelled).
Cotton	Ginned (in the bale).
Cottonseed	Unprocessed (as they come from the gin).

AGRICULTURAL COMMODITIES EXEMPTION LIST—Continued

Agricultural commodity	*Last form or state at which exemption is to apply*
Cream, fluid	As sold from farms (not pasteurized).
Drugs (botanical)	Crude (unground, unprocessed, unstandardized, unpurified) as customarily sold by the basic producer.
Eggs	In the shell (raw).
Flax fiber	In bales.
Flaxseed (linseed)	As seed (unprocessed).
Fruits, edible	Fresh.
Gum opium	As gum in its natural state.
Hay	Baled or unbaled.
Hemp fiber	In bales.
Honey	In the comb, or in bulk (not packed).
Jute and sisal fiber	In bales.
Latex (base for chewing gum)	Crude, not processed beyond coagulation or dehydration for handling and shipping.
Livestock	On the hoof.
Milk, raw fluid	As sold from farms (not pasteurized).
Peanuts	In the shell (raw).
Pine gum	Crude, not distilled.
Poultry	Alive.
Rice	Rough, unpolished (as it comes from the thresher).
Sugar beets	As beets.
Sugar cane	As cane.
Tobacco	Not processed beyond the form or state at which farmers ordinarily sell it.
Tree nuts, edible	In the shell (raw).
Vegetables	Fresh.
Vegetable seeds	Not processed beyond the form or state at which they may be used as seeds.
Wheat, rye, oats, and barley	As threshed grain.
Wool	In the grease (as clipped from live animals).

(b) *Raw materials*—(1) *Statutory provision.* Section 106 (a) (3) of the act exempts the following:

(3) any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use;

(2) *Interpretation and application of exemption.* In determining whether or not a particular product is an "exempted product" under the foregoing exemption, the following principles will govern:

(i) *Exempted products.* The phrase "other mineral or natural deposit" will be interpreted to include only mineral or natural deposits of a wasting or depletable character similar to products "of a mine, oil or gas well." Accordingly, water, sea water and air, and products derived therefrom, are not considered to be other mineral or natural deposits within the meaning of the act, and prime contracts and subcontracts therefor, or for products derived therefrom, are subject to renegotiation.

(ii) *State at which exemption terminates.* In general, a product will be considered to be an exempted product until it has arrived at its dispersal point, i. e., the point at which a substantial proportion of the product is used by the ultimate consumer, or by industries other than the industry of origin. The industry of origin includes not only the primary industry of extraction or severance, but also any processing, refining or treatment directly supplementing its extraction or severance or to produce one or more of the chemical elements or compounds present in it in the state in which it may be found in abundance in nature; but excludes other processing, refining or treatment to produce various end products for the ultimate consumer, or a substantial variety of products which vary materially in size, shape or content from the original product.

(iii) *Combination of several materials.* When substantial quantities of two or more materials or ingredients are combined to produce a product for industrial use, the product resulting from such combination is considered to be non-exempt, unless the other material or materials are used as a catalyst or carrying agent or in some other subordinate capacity in connection with the processing, refining or treatment of the principal product which is in the course of preparation for its first industrial use.

(iv) *Different processes.* When a product is made in substantial quantities by two or more different processes, one of which would result in the exemption of the product under the above tests and the other would result in its inclusion, such a product will be considered to be renegotiable only when made by a process which would result in its inclusion.

(v) *Byproducts.* When a process for making a product or material subject to renegotiation under the above tests also produces byproducts, such byproducts will be treated as subject to renegotiation since any benefits resulting from the use or sale of such byproducts operate in substance to reduce the cost of the principal product. The principle of the preceding sentence is inapplicable to byproducts which would otherwise be exempt under this paragraph. In the case of byproducts resulting from processes principally designed to produce an "exempted product" under the above tests, such byproducts will be treated as "exempted products" if they are not further processed, refined or treated. If further processing, refining or treatment of such byproducts takes place, the status of the ultimate product resulting will be determined in accordance with the general principles set forth above.

(3) *Tentative list of exempt raw materials.* (i) The Board has tentatively determined that the following products are exempt under section 106 (a) (3) of the act and subparagraph (2) of this paragraph when they represent products of a mine, oil or gas well, or other mineral or natural deposit, or timber, which have not been processed, refined or treated beyond the first form or state suitable for industrial use. The following products are not exempt if manufactured from raw materials which do not fall within the above description or which have at some prior stage been processed, refined or treated beyond such first form or state suitable for industrial use. For example, magnesium products derived from sea water, products manufactured from the atmosphere, secondary aluminum pigs and ingots, and other similar products are not considered exempted products.

(ii) This list is being promulgated as a guide to contractors in completing the Standard Form of Contractor's Report prescribed in § 1470.3 (a) of this subchapter. The Board intends to review the list and revise it if errors are found in it before concluding the renegotiation proceeding of any contractor under the act in which it is claimed that the act does not apply to certain prime contracts or subcontracts of the contractor by virtue of section 106 (a) (3) of the act and in which such claim would affect the determination of excessive profits or the absence thereof. Therefore, even though an item appears on the following list, a contractor may be required to substantiate its claim that such item is exempt from renegotiation.

RAW MATERIALS EXEMPTION LIST

Aggregates including such items as washed or screened sand, gravel or crushed stone.
Alumina; aluminum sulfate; aluminum ingots and pigs.
Asphalt, natural.
Antimony ore, crude; antimony ore, concentrated; antimony metal; antimony oxide; antimony sulfide.
Arsenic, crude; arsenic powder; arsenious oxide (white arsenic).
Abestos rock; asbestos fibre.
Barytes, crude crushed.
Bauxite crude; calcined or dried bauxite; bauxite abrasive grains.
Bentonite, dried, crushed, granulated and pulverized.
Beryl ore and concentrates; beryllium oxide; beryllium metal; beryllium master alloys.
Bismuth metal.
Borax.
Cadmium flue dust; cadmium oxide; cadmium balls and slabs.
China clay; kaolin; fire clay; brick and tile made from clays other than kaolin, china and fire clay.
Chlorine and hydrogen produced directly by electrolysis of salt brine.
Chromium ore and ferrochrome; chromite not processed beyond the form or state suitable for use as a refractory; bichromates.
Coal, prepared; run-of-mine coal.
Cobalt oxide; cobalt anodes, shot and rondelles.
Columbium ore and concentrates; columbium oxide; ferrocolumbium.
Copper ore, crude; copper ore, concentrated; copper matte; blister copper; copper billets, cathodes, cakes, ingots, ingot bars, powder, slabs and wirebars.
Corundum ore and concentrates; corundum grain.
Cryolite ore and concentrates.
Diaspore; diaspore brick.
Diatomaceous silica, lump, block, brick and powder.

Dolomite; crushed dolomite.
Feldspar, crude and ground.
Ferrosilicon.
Fluorspar ore; fluorspar fluxing gravel; lump ceramic ground fluorspar; acid grades of fluorspar.
Fuller's earth.
Gas, natural, not processed or treated further than the processing or treating customarily occurring at or near the well.
Graphite ore and concentrates; flake graphite; graphite fines, lump and chip; graphite powder.
Gypsum, crude; calcined gypsum.
Indium metal.
Industrial diamonds.
Iridium metal, including ingot and powder.
Iron ore, crude; pig iron.
Kyanite ore and concentrates; kyanite brick.
Lead ore; refined lead bars, ingots and pigs; antimonial lead bars, ingots and pigs.
Limestone; crushed limestone.
Lithium bearing ores and concentrates; lithium carbonate; lithium hydroxide; lithium chloride.
Magnesite; dead burned magnesite.
Magnesium-bearing minerals, including brucite; magnesium oxide; magnesium chloride; metallic magnesium, pigs and ingots.
Mercury ore; mercury metal.
Manganese ore; ferromanganese, including spiegeleisen; silicomanganese.
Mesothorium.
Mica, crude, hand-cobbed; block mica; sheet mica, including splittings; wet or dry ground mica.
Molybdenum ore and concentrates; molybdenum oxide; calcium molybdate; ferromolybdenum.
Monel ore; monel matte; monel ingots, pigs, and shot, produced from monel matte.
Natural gasoline; casinghead gasoline; residue gas.
Nickel ore and concentrates; nickel matte; nickel oxide; nickel ingots, cathodes and shot.
Oil, crude, not processed or treated further than the processing or treating customarily occurring at or near the well.
Osmium metal, including ingot and powder.
Palladium metal, including ingot and powder.
Phosphate rock; elemental phosphorus; ferrophosphorus; phosphorus pentoxide and phosphoric acid derived directly by treatment of phosphate rock; superphosphate.
Platinum ore and concentrates; platinum metal, including ingot and powder.
Pumice, lump.
Quartz crystal, raw.
Radium bromide; radium sulfate; radium gas.
Rare earth products; didymium (neodymium) carbonate; lanthamm oxide; neodymium oxalate, rare earth chloride, technical; rare earth nitrate.
Rhodium metal, including ingot and powder.
Ruthenium metal, including ingot and powder.
Salt, rock; evaporated salt; soda ash, ammonia and electrolytic caustic soda and bicarbonate of soda when derived directly by treatment of brine.
Sea shells; oyster shells; clam and reef shells.
Selenium metal.
Silver, refined, including bars, shot, powder and grains.
Sodium aluminate.
Stone, rough dimension.
Sulfur, crude.
Sulfuric acid; oleum (other than sulfuric acid or aleum produced from crude sulfur or any other product having an industrial use).
Standing timber, logs, logs sawed into length, and logs with or without bark.
Talc, crude, ground and sawed.
Tantalum ore and concentrates; tantalum double fluoride.
Tellurium metal.
Thorium nitrate.
Tin ore and concentrates; refined pig tin.
Titanium-bearing ores and concentrates, including ilmenite and rutile; titanium oxide; ferrotitanium; ferro carbon titanium; titanium potassium oxalate.
Tungsten ore and concentrates; sodium tungstate; ferrotungsten; tungsten metal, including powder; tungstic oxide; tungstic acid.
Uranium ores and concentrates; uranium oxide.
Vanadium ores and concentrates; sodium vanadate; vanadium pentoxide; ferrovanadium.
Vermiculite ore, crude, crushed and expanded.
Whiting; chalk lump.
Zeolites derived from glauconite.
Zinc ores and concentrates; zinc anodes, bars, oxide, powder and slabs.
Zirconium ores and concentrates.

(c) *Cost allowance for agricultural commodities and raw materials in the case of integrated producers*—(1) *Statutory provision.* Section 106 (b) of the act provides in part as follows:

In the case of a contractor or subcontractor who produces or acquires the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, and processes, refines, or treats such a product to and beyond the first form or state suitable for industrial use, or who produces or acquires an agricultural product and processes, refines, or treats such a product to and beyond the first form or state in which it is customarily sold or in which it has an established market, the Board shall prescribe such regulations as may be necessary to give such contractor or subcontractor a cost allowance substantially equivalent to the amount which would have been realized by such contractor or subcontractor if he had sold such product at such first form or state.

(2) *Interpretation and application.* If a contractor (i) produces or acquires an agricultural product and processes, refines or treats such agricultural product to and beyond the first form or state in which it is customarily sold or in which it has an established market, or (ii) processes, refines, or treats a product of a mine, oil or gas well, or other mineral or natural deposit, or timber, to the first form or state suitable for industrial use, and further refines, processes or treats such product beyond the first form or state suitable for industrial use in order to perform its contract, then in such cases for the purposes of renegotiation the value of the product at its last exempt state will be treated as an item of cost of the performance of such contract in such amount as, in the opinion of the Board, fairly represents a properly applicable allowance. In determining the proper allowance, due consideration will be given to the established sale or market price when there is a representative market for the product in the exempt state, and to such other factors as may be necessary to reflect the purpose and intent of the exemption. In general, it is the purpose and intent of this provision to allow to the contractor engaged in an integrated process of the type described, an item of cost substantially equivalent to the amount excluded from renegotiation by the statute in the case of others who sell an exempt product, namely, what the contractor could have realized if it had sold the exempt product at the intermediate state.

(d) *Profits from increment in value of excess inventory*—(1) *Statutory provision.* Section 106 (b) of the act provides in part as follows:

Notwithstanding any other provisions of this title, there shall be excluded from consideration in determining whether or not a contractor or subcontractor has received or accrued excessive profits that portion of the profits, derived from receipts and accruals subject to the provisions of this title, attributable to the increment in value of the excess inventory. For the purposes of this subsection the term "excess inventory" means inventory of products, hereinbefore described in this subsection, acquired by the contractor or subcontractor in the form or at the state in which contracts for such products on hand or on contract would be exempted from this title by subsection (a) (2) or (3) of this section, which is in excess of the inventory reasonably necessary to fulfill existing contracts or orders. That portion of the profits, derived from receipts and accruals subject to the provisions of this title, attributable to the increment in value of the excess inventory, and the method of excluding such portion of profits from consideration in determining whether or not the contractor or subcontractor has received or accrued excessive profits, shall be determined in accordance with regulations prescribed by the Board.

(2) *Procedure.* A contractor who claims that a portion of its profits attributable to the increment in value of excess inventory should be excluded from consideration in determining whether or not it has received excessive profits shall give notice to the Board of such claim at the time such contractor files the Standard Form of Contractor's Report prescribed in § 1470.3 (a) of this subchapter. The Board will not conclude the renegotiation proceedings of such contractor until after the Board has prescribed regulations concerning the method of determining the portion of profits attributable to the increment in value of excess inventory and the method of excluding such portion of profits from consideration in renegotiation.

§ 1453.3 *Exemption of common carriers and public utilities*—(a) *Statutory provision.* Section 106 (a) (4) of the act exempts the following:

(4) any contract or subcontract with a common carrier for transportation, or with a public utility for gas, electric energy, water, communications, or transportation, when made in either case at rates not in excess of published rates or charges filed with, fixed, approved, or regulated by a public regulatory body, State, Federal, or local, or at rates not in excess of unregulated rates of such a public utility which are substantially as favorable to users and consumers as are regulated rates. In the case of the furnishing or sale of transportation by common carrier by water, this paragraph shall apply only to such furnishing or sale which is subject to the jurisdiction of the Interstate Commerce Commission under Part III of the Interstate Commerce Act or subject to the jurisdiction of the Federal Maritime Board under the Intercoastal Shipping Act, 1933;

(b) *Application of exemption.* A prime contract or subcontract is exempt under the provisions of section 106 (a) (4) of the act if the following conditions are met: (1) The prime contractor or subcontractor is a common carrier or public utility (see paragraph (c) of this

section); (2) in the case of a prime contract or subcontract for transportation by common carrier by water, the furnishing or sale of such transportation is subject to the jurisdiction of certain agencies of the Government (see paragraph (d) of this section); (3) the rates charged under the particular prime contract or subcontract qualify under the rules set forth in paragraph (e) of this section.

(c) *Common carrier or public utility.* In order to qualify under the exemption, the prime contractor or subcontractor must be a common carrier or public utilty upon entering into the particular prime contract or subcontract in question, and the prime contract or subcontract must be to perform services generally similar to those performed by the prime contractor or subcontractor as a common carrier or public utility. A contract which meets the tests prescribed herein qualifies for the exemption even though it is a contract by a common carrier for private carriage or is a contract by a public utility on terms not offered to the general public.

(d) *Common carriers by water.* A contract with a common carrier for transportation by water is exempt only if the sale or furnishing of such transportation is subject to the jurisdiction of the Interstate Commerce Commission under Part III of the Interstate Commerce Act or subject to the jurisdiction of the Federal Maritime Board under the Intercoastal Shipping Act, 1933. Rates for passenger or cargo transportation to foreign ports are not fixed by these agencies under the statutes referred to in the last sentence of section 106 (a) (4) of the act, and thus contracts for such transportation are not within the exemption.

(e). *Exempt rates: Regulated and unregulated.* Section 106 (a) (4) of the act exempts prime contracts and subcontracts of a public utility or a common carrier only if the rates charged thereunder fall into one of the three following types: (i) Rates filed with, fixed, approved or regulated by a public regulatory body; (ii) unregulated rates charged for services which are the same as services for which published rates are filed with, fixed, approved or regulated by a public regulatory body and which unregulated rates are not in excess of such regulated rates; and (iii) unregulated rates which are not in excess of unregulated rates offered generally by such a public utility which are substantially as favorable to users and consumers as are comparable regulated rates.

(1) *Published rates.* If a common carrier or public utility enters into a prime contract or subcontract to be performed at rates published or filed with, fixed, approved or regulated by a public regulatory body, State, Federal, or local, such prime contract or subcontract is exempt. Example: A prime contract entered into by a railroad for transporting Government personnel at rates not in excess of the tariff rates available to the general public is exempt from renegotiation under this section.

(2) *Unregulated rates not in excess of regulated rates.* (i) If a common carrier or public utility enters into a contract for the furnishing of services which are the same as those for which a rate has been published or filed with, fixed, approved, or regulated by a public regulatory body and the rate provided by the transaction for such services is not in excess of such regulated rate, the contract is exempt from renegotiation under this section even though the services in question are not subject to regulation. For example, a prime contract entered into by a railroad for freight carriage at a rate negotiated under section 22 of the Interstate Commerce Act is exempt since section 22 permits a railroad to negotiate contracts with the Government at special rates which are below the public rates.

(ii) However, in order for a contract at unregulated rates to qualify for an exemption under this section, the services must be the same as those for which the rate is regulated. The following is an example of a contract which is not exempt under this section: An airline agrees to carry freight or personnel at charges no higher than regulated general or charter tariff rates for carrying similar loads for like distances. The services for which the tariff rates were established do not include the utilization by the airline of Government bases, facilities or ground personnel. The agreement in question, however, provides that the airline may utilize Government bases, facilities and ground personnel, and thus the airline is not required to furnish services necessarily incident to the transportation for which the tariff rates were established. Therefore, the contract is not for transportation at or below regulated rates and does not fall within the exemption.

(3) *Unregulated rates substantially as favorable as regulated rates.* If a public utility furnishes services to Departments and to other consumers at rates which are unregulated but which are substantially as favorable as regulated rates for comparable services, a contract for the furnishing of such services is exempt under this section. For example, a gas company delivers gas to a Department in a state where gas sales are unregulated. The rates charged under the contract are the same as or lower than the rates offered by the contractor to the public generally and such public rates are substantially as favorable to consumers as comparable regulated rates in comparable areas. The contract with the Department is exempt from renegotiation under this section.

§ 1453.4 *Contracts or subcontracts with tax-exempt charitable, religious and educational institutions*—(a) *Statutory provision.* Section 106 (a) (5) of the act exempts the following:

(5) any contract or subcontract with an organization exempt from taxation under section 101 (6) of the Internal Revenue Code, but only if the income from such contract or subcontract is not includible under section 422 of such code in computing the unrelated business net income of such organization;

(b) *Related statutory provisions.* For the text of sections 101 (6) and 422 of the Internal Revenue Code, see §§ 1499.10 and 1499.11 of this subchapter, respectively.

§ 1453.5 *Contracts that do not have a direct and immediate connection with the national defense*—(a) *Statutory provision.* Subsection 106 (a) (6) of the act exempts the following:

(6) any contract which the Board determines does not have a direct and immediate connection with the national defense. The Board shall prescribe regulations designating those classes and types of contracts which shall be exempt under this paragraph; and the Board shall, in accordance with regulations prescribed by it, exempt any individual contract not falling within any such class or type if it determines that such contract does not have a direct and immediate connection with the national defense. Notwithstanding section 108 of this title, regulations prescribed by the Board under this paragraph, and any determination of the Board that a contract is or is not exempt under this paragraph, shall not be reviewed or redetermined by the Tax Court or by any other court or agency;

(b) *Exemptions.* Subject to the limitation provided in paragraph (c) of this section, the Board has determined that the following classes and types of contracts do not have a direct and immediate connection with the national defense:

(1) *Building maintenance and repair.* Contracts for maintenance and repair of buildings and structures. This exemption does not apply to contracts for the renovation or reactivation of standby facilities or facilities acquired after June 30, 1950 or for the substantial enlargement, alteration or expansion of facilities.

(2) *Contracts for other Departments.* Contracts to the extent that they obligate funds of another Department named in or designated pursuant to section 103 of the act or to the extent that the contracting Department is to be reimbursed by such other Department, provided that the contracts would be exempt under this section if made by such other Department.

(3) *Contracts for other persons or agencies.* Contracts to the extent that they obligate funds of another agency of the Government, other than a Department named in or designated pursuant to section 103 of the act, or to the extent that the contracting Department is to be reimbursed by such other Government agency or other person.

NOTE: It is the responsibility of any Department administering a contract which is exempt under subparagraph (2) or (3) of this paragraph to so notify the contractor and contractors must assume that Departments employ funds appropriated to them except when contractors are informed otherwise by such Departments.

(4) *Materials for authorized resale.* Contracts for the purchase of material to be resold through commissaries, military exchanges, ships' service stores, slop chests, post restaurants, and any other contracts for the purchase of material for authorized resale, except contracts for the purchase of materials to be issued or to be sold under the monetary clothing allowance system of any of the armed services.

(5) *Removal of waste materials.* Contracts for the removal of waste materials.

(6) *Laundry and cleaning services.* Contracts for laundry, cleaning and pressing services.

(7) *Department of Commerce.* All contracts of the Office of Technical Services, Bureau of Census, Weather Bureau, Coast and Geodetic Survey, Inland Waterways Corporation, Bureau of Foreign and Domestic Commerce, Patent Office, Civil Aeronautics Board and Bureau of Public Roads, Department of Commerce.

(8) *General Services Administration.* All contracts of the Public Buildings Service and the National Archives and Records Service, General Services Administration; all contracts of the Federal Supply Service, General Services Administration, for store stock to be delivered to its Supply Centers; and all Federal Supply Schedule contracts and consolidated direct delivery contracts of the Federal Supply Service, General Services Administration, to the extent that deliveries thereunder are made to agencies of the Government other than the Department of Defense, Department of the Army, Department of the Navy, Department of the Air Force, Atomic Energy Commission and United States Coast Guard.

(9) *Construction contracts.* All construction contracts entered into before July 1, 1950, except those entered into by the Department of Defense, Department of the Army, Department of the Navy, Department of the Air Force, United States Coast Guard, and Atomic Energy Commission.

(10) *Canal Zone Government and Panama Canal Company.* All construction contracts for housing entered into before July 1, 1950, by the Canal Zone Government and the Panama Canal Company.

(11) *Housing and Home Finance Agency.* All contracts of the Housing and Home Finance Agency, except construction contracts entered into after June 30, 1950.

(12) *Corps of Engineers.* All contracts obligating funds appropriated for the civil functions of the Corps of Engineers, Department of the Army, except those contracts entered into after June 30, 1950 for the construction of facilities directly or indirectly related to the generation or distribution of hydroelectric energy.

(13) *Bonneville Power Administration.* All contracts of the Bonneville Power Administration entered into before July 1, 1950.

(14) *Tennessee Valley Authority.* All contracts of the Tennessee Valley Authority entered into before July 1, 1950.

(15) *(United States) Geological Survey.* All contracts of the (United States) Geological Survey for gage-reading services.

(c) *Limitation on exemptions.* No contract of any class or type set forth in paragraph (b) of this section is exempt under section 106 (a) (6) of the act if the Department making the contract has determined that the contract has a direct and immediate connection with the national defense and such determination is set forth in the contract or any amendment or supplement thereto, except that, in the case of contracts made before the effective date of this regulation, it shall be sufficient if written notice of such determination is otherwise given to the contractor by such Department. Any determination to be made pursuant to the provisions of this paragraph shall be made by the head of such Department or by a person responsible directly to him and specifically authorized by him to make such determinations.

(d) *Interpretation of exemptions.* As used in this section, the term "construction" includes only construction of buildings, structures and other improvements to or on real estate. Amendments entered into after June 30, 1950 to contracts which are exempt under this section because they were entered into before July 1, 1950, are not exempt under this section if they are for new or additional procurement.

(e) *Procedure for exemption of contracts relating to floods, fires and other natural disasters.* Upon the occurrence of a major flood, conflagration, earthquake, epidemic, or other natural disaster, the Board will entertain requests from authorized procurement officers of any Department, and in appropriate cases will determine that any contracts let by such procurement officers for emergency procurement of relief supplies, for emergency repairs, or for other related purposes, are not subject to renegotiation under the act. The request shall be transmitted through regular channels in the Department involved unless the emergency necessitates an immediately telegraphic answer, in which case it may be addressed directly to the Board.

(f) *Procedure for exemption of individual contracts.* Any individual prime contractor or subcontractor who believes that its prime contract or subcontract is not directly and immediately connected with the national defense may submit its recommendation that such prime contract or subcontract be excluded from renegotiation under subsection 106 (a) (6) of the act, through the Department entering into the prime contract involved.

§ 1453.6 *Subcontracts under exempt contracts and subcontracts*—(a) *Statutory provision.* Section 106 (a) (7) of the act exempts the following:

> (7) any subcontract directly or indirectly under a contract or subcontract to which this title does not apply by reason of this subsection.

(b) *Interpretation and application.* (1) The foregoing exemption applies only when the subcontract is under a prime contract or subcontract exempted by section 106 (a) of the act, which provision is interpreted in this part. However, the Board has also exempted certain subcontracts related to prime contracts which the Board has exempted pursuant to section 106 (d) of the act. (See § 1455.7 of this subchapter.) The foregoing exemption does not apply to subcontracts which are related to subcontracts for new durable productive equipment partially exempted pursuant to section 106 (c) of the act.

(2) Subcontracts for the furnishing of packaging materials and containers in which there are delivered materials or products pursuant to prime contracts or subcontracts which are exempt under section 106 (a) (2) or (3) of the act are subcontracts under exempt contracts and are exempt from renegotiation.

PART 1454—PARTIAL MANDATORY EXEMPTION OF SUBCONTRACTS FOR NEW DURABLE PRODUCTIVE EQUIPMENT

Sec.

1454.1 Statutory provision.
1454.2 Application of act to subcontracts for new durable productive equipment.
1454.3 Basis and purpose of exemption.
1454.4 What constitutes subcontract for new durable productive equipment.
1454.5 Components of new durable productive equipment.
1454.6 Equipment purchased for account of Government.
1454.7 Pool orders or similar commitments.
1454.8 Subcontracts related to subcontracts for new durable productive equipment.

AUTHORITY: §§ 1454.1 to 1454.8 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 106, Pub. Law 9, 82d Cong.

§ 1454.1 *Statutory provision.* Section 106 (c) of the act provides as follows:

> (1) *In general.* The provisions of this title shall not apply to receipts or accruals (other than rents) from subcontracts for new durable productive equipment, except to that part of such receipts or accruals which bears the same ratio to the total of such receipts or accruals as five years bears to the average useful life of such equipment as set forth in Bulletin F of the Bureau of Internal Revenue (1942 edition) or, if an average useful life is not so set forth, then as estimated by the Board.
>
> (2) *Definitions.* For the purpose of this subsection—
>
> (A) the term "durable productive equipment" means machinery, tools, or other equipment which does not become a part of an end product acquired by any agency of the Government under a contract with a department, or of an article incorporated therein, and which has an average useful life of more than five years; and
>
> (B) the term "subcontracts for new durable productive equipment" does not include subcontracts where the purchaser of such durable productive equipment has acquired such equipment for the account of the Government, but includes pool orders and similar commitments placed in the first instance by a Department or other agency of the Government when title to the equipment is transferred on delivery thereof or within one year thereafter to a contractor or subcontractor.

§ 1454.2 *Application of act to subcontracts for new durable productive equipment.* The foregoing exemption has the effect of making the act applicable to subcontracts for new durable productive equipment only to the extent of that part of the amounts received or accrued after the effective date applicable to the related prime contract (see § 1452.2 of this subchapter) which bears the same ratio to the total of such amounts received or accrued as five years bears to the average useful life of such equipment as set forth in Bulletin F of the Bureau of Internal Revenue (1942 edition) or, if an average useful life is not so set forth, then as estimated by the Board. A description of the methods of determining the amount of renegotiable business under subcontracts for new durable productive equipment is set forth in § 1456.4 (b) of this subchapter.

§ 1454.3 *Basis and purpose of exemption.* The basis and purpose of this ex-

emption were stated as follows by the Senate Committee on Finance in its report on the act:

The cost of long-lived equipment which does not become property of the Government is ordinarily reimbursed to the owner over a period of years in the form of the depreciation charge for the use of the equipment on Government work. Reimbursement is completed, therefore only when the entire service life of the equipment is exhausted in such work. Where only a fraction of the life is so consumed, reimbursement through ordinary means is also partial. It is therefore considered proper that renegotiation should apply only to that portion of the profit which corresponds to the portion of the service life of the equipment that is exhausted in the performance of renegotiable contracts and subcontracts.

The method adopted in your committee bill to effectuate this principle is to invoke an arbitrary assumption calculated to work substantial over-all justice and at the same time to provide a workable rule. The assumption made is that the first 5 years of the service life of equipment originally acquired for defense production will be devoted entirely to such work, and that the remainder of the service life will be devoted to ordinary commercial work. Proceeding upon this assumption, the renegotiable portion of the sales of such equipment by suppliers is stated to be the proportion which 5 years is of its normal service life. Thus, for 10-year equipment, one-half of the receipts, or accruals would be subject to renegotiation; for 15-year equipment, one-third; for 20-year equipment, one-quarter; and so forth. To apply this rule, Bulletin F issued by the Bureau of Internal Revenue is designated as the measure of normal service life of durable equipment. Where Bulletin F does not specify such life for particular equipment, the Board is to estimate the same.

§ 1454.4 *What constitutes subcontract for new durable productive equipment; in general.* A purchase order or agreement for new durable productive equipment is a subcontract subject to the act if such equipment is required for the performance of a prime contract or subcontract subject to the act (see § 1452.4 of this subchapter).

§ 1454.5 *Components of new durable productive equipment.* In order for a subcontract to qualify as a subcontract for new durable productive equipment, it is immaterial whether the equipment is used directly in the processing of an end product or of an article incorporated therein, or is incorporated in another item of such equipment.

§ 1454.6 *Equipment purchased for account of Government.* There is excluded from the definition of "subcontracts for new durable productive equipment" subcontracts under which the purchaser has acquired such equipment for the account of the Government. A purchaser is considered to have acquired equipment for the account of the Government if he has acquired it pursuant to an arrangement between the Government and the purchaser whereby title to such equipment will, or may, at the option of the Government, vest in the Government.

§ 1454.7 *Pool orders or similar commitments.* Prime contracts for new durable productive equipment are not exempt from renegotiation since the exemption relates only to subcontracts. However, a pool order or similar commitment placed in the first instance by an agency of the Government is included within the definition of "subcontracts for new durable productive equipment" when title to the equipment is transferred on delivery thereof or within one year thereafter to a prime contractor or subcontractor.

§ 1454.8 *Subcontracts related to subcontracts for new durable productive equipment.* The extent to which the act applies to receipts or accruals from subcontracts for new durable productive equipment which is incorporated in or is used in the processing of another item of such equipment will be determined by reference to the average useful life of the equipment in question and not by reference to the life of the equipment which it processes or of which it becomes a part. Subcontracts for equipment or other materials which are not new durable productive equipment are not covered by the exemption set forth in this part even though the equipment or other materials are incorporated in new durable productive equipment. If such equipment or other materials are used in the manufacture or assembly of new durable productive equipment, or are incorporated therein, the act applies to all amounts received or accrued under subcontracts for such equipment or other materials, and the formula for determining renegotiable receipts and accruals from the sale of new durable productive equipment will not be applied to the receipts and accruals from such subcontracts.

PART 1456—METHODS OF SEGRETATING RENEGOTIABLE AND NON-RENEGOTIABLE SALES

NOTE: This part supersedes the interim regulations formerly contained in Part 1492 (transferred from Part 1475 of this subchapter; see 17 F. R. 1391).

Sec.

1456.1 Introduction.
1456.2 Responsibility for segregation.
1456.3 How to determine receipts or accruals subject to renegotiation; generally.
1456.4 How to determine receipts or accruals subject to renegotiation; new durable productive equipment.
1456.5 How to determine receipts or accruals subject to renegotiation; materials other than new durable productive equipment not incorporated in end product.
1456.6 How to determine receipts or accruals subject to renegotiation; brokers, manufacturers' agents, and dealers.

AUTHORITY: §§ 1456.1 to 1456.6 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 103, Pub. Law 9, 82d Cong.

§ 1456.1 *Introduction.* Part 1452 of this subchapter states the extent to which prime contracts and subcontracts are subject to renegotiation. In practice, the difficulty of tracing and identifying all sales with exactness, especially under lower tier subcontracts, often necessitates the use of general methods of segregating renegotiable and non-renegotiable business. This part deals with such methods of segregation.

§ 1456.2 *Responsibility for segregation—(a) Contractor has primary responsibility.* The contractor has the primary responsibility for determining which of its sales are subject to renegotiation. The Standard Form of Contractor's Report required to be filed by the contractor (see § 1470.3 of this subchapter) calls for a statement by the contractor regarding the amount of its renegotiable sales and for an explanation of the methods used in determining such amount. The segregation of sales must be satisfactory to the Board.

(b) *Duty to request information from customers.* It is the duty of the subcontractor to request information from its customers to enable it to determine the amount of renegotiable business, and it is the duty of the customer to supply such information. However, with respect to requests to be made of customers for information, the subcontractor is not expected to do more than a reasonable businessman would do under the circumstances. Specifically, the subcontractor who does not have knowledge of the use to which a customer has put the materials sold by the subcontractor is not required to make inquiries of such customer if such subcontractor did business aggregating less than $2,500 during its fiscal year with such customer; nor is the subcontractor required to make inquiries of customers the nature of whose business is such that it would be unreasonable to expect them to be engaged in supplying materials to the Departments directly or under subcontracts.

§ 1456.3 *How to determine receipts or accruals subject to renegotiation; generally.* (a) The contractor shall first determine the total receipts or accruals during its fiscal year, on and after the dates specified, from its prime contracts with the Departments listed in § 1452.2 of this subchapter, other than those exempted pursuant to section 106 (a) and (d) of the act (see Parts 1453 and 1455 of this subchapter). Prime contracts with the Departments may be readily identified by reference to the prime contracts themselves.

(b) The contractor shall then determine the total receipts or accruals during the applicable period from its subcontracts. The following methods will be acceptable to the Board for identifying subcontracts which are renegotiable:

(1) In many cases the subcontractor will be able to obtain sufficient information for purposes of renegotiation if it inquires from its customers regarding the use to which supplies or services furnished by such subcontractor have been put, or, in the case of machinery or equipment other than new durable productive equipment, the use to which the articles produced thereby have been put. This information may show that the customer has employed the articles delivered to it in producing other articles of which a specified percentage has been delivered to fulfill orders from Departments. The percentage may be stated in terms of dollars, units, or merely percentage. For example, a subcontractor who delivers brakes of a special design to a truck manufacturer may learn that of all of that manufacturer's trucks employing

this design of brake, 30 percent were delivered to fulfill military orders and 70 percent were delivered to the ordinary civilian market. This subcontractor would be justified in assuming for purposes of renegotiation that 30 percent of its sales of these brakes were renegotiable. Such information should of course be applied in the light of any differences between the subcontractor's fiscal year and that of its customer, and any other relevant details that may support or call into question a segregation based on the customer's sales ratio as described in this subparagraph.

(2) In certain cases, when the subcontractor has numerous customers in the same industry for a single product, and it would be reasonable to assume that the proportion of renegotiable sales to a representative sample of such customers will conform roughly to the proportion of renegotiable sales to such customers as a group, the subcontractor may make a sampling of such customers in order to determine the extent of the renegotiable sales. In certain cases, when the subcontractor has numerous customers in the same industry for a single product, and it would be reasonable to assume that the proportion of renegotiable business to total business of these customers as a group will conform roughly to the proportion of the industry as a whole, the subcontractor may use governmental, trade association or other reports indicating the proportion of renegotiable business to total business in the industry as a whole.

(3) In certain cases, the subcontractor may find it more suitable to identify the renegotiable subcontracts one by one. The first indication that a subcontract is renegotiable is, of course, that it contains a renegotiation clause or a notation stating that it is subject to renegotiation. However, the absence of a clause or statement cannot be relied on as indicating that the subcontract is non-renegotiable; and the clause or notation is in some cases erroneously added, or the subcontract is exempted only after it is made. Some prime contractors make a practice of including a renegotiation clause in all subcontracts, even those manifestly not subject to the act. A renegotiable subcontract may be identified if it contains a reference to a Government contract number and if the number indicates that the subcontract relates to a prime contract with one of the Departments listed in § 1452.2 of this subchapter. Similarly, the subcontract may contain a reference to a CMP allotment number or a DO rating which can be identified from the symbols used as having been issued by any of the Departments listed in § 1452.2 of this subchapter.

(4) The subcontractor may wish to adopt some method of obtaining information or making estimates of the probable end use of components supplied by it which, although not included in any of the methods in subparagraphs (1) to (3) of this paragraph, will enable a segregation to be made sufficiently accurate for the purposes of renegotiation. The Board will not disapprove any method if it is satisfied that such method, under all the circumstances, affords the best basis for reasonably precise determination.

(5) If the subcontractor is unable to determine to its satisfaction the extent of its renegotiable business by the methods in subparagraphs (1) to (4) of this paragraph, or any others, such subcontractor should report this fact to the Board.

(6) Contractors may secure from the Regional Boards current information regarding applicable CMP symbols (see subparagraph (3) of this paragraph) and current information available in governmental reports (see subparagraph (2) of this paragraph) to assist them in making a proper segregation of sales.

§ 1456.4 *How to determine receipts or accruals subject to renegotiation; new durable productive equipment*—(a) *Prime contracts.* Receipts and accruals under prime contracts for new durable productive equipment shall be determined in the same manner as receipts or accruals under all other prime contracts (see § 1456.3 (a)).

(b) *Subcontracts.* Reasonable over-all methods for segregating renegotiable receipts or accruals under subcontracts for new durable productive equipment will be accepted. However, techniques of segregation different from those set forth in § 1456.3 must be employed in respect of subcontracts for new durable productive equipment, since the extent to which such receipts or accruals are renegotiable is determined by a statutory formula (see § 1454.2 of this subchapter) and not by reference to the use to which the equipment is put by the purchaser.

(1) Sellers of new durable productive equipment shall first classify such equipment according to the average useful life thereof. Average useful life of new durable productive equipment shall be determined by reference to Bulletin F of the Bureau of Internal Revenue (1942 edition). If the average useful life of equipment of a particular type is not set forth in Bulletin F and if the Board has not yet made an estimate of the average useful life of equipment of such type, the seller shall estimate the average useful life of the equipment in question, taking into consideration the average useful life of comparable equipment as set forth in Bulletin F. It should be noted that equipment having an average useful life of five years or less is not covered by the partial mandatory exemption of subcontracts for new durable productive equipment.

(2) The seller shall next determine its total receipts or accruals from the sale of new durable productive equipment having the same average useful life to purchasers who use such equipment in the performance of renegotiable prime contracts and subcontracts. The seller may make this determination on an over-all basis as illustrated in subparagraph (4) of this paragraph, or on a contract by contract basis.

(3) The seller shall next apply to the total receipts or accruals determined in the manner set forth in subparagraph (2) of this paragraph, with respect to each group of equipment having the same average useful life, a ratio equal to the ratio that five years bears to the average useful life of such equipment. The aggregate of the resulting figures represents the amount of the seller's renegotiable receipts or accruals.

(4) The following examples illustrate the method of determining renegotiable receipts or accruals under subcontracts for new durable productive equipment. Assume that a seller, employing the accrual method of accounting, delivers during its fiscal year $500,000 worth of new durable productive equipment having an average useful life of ten years to a purchaser who manufactures both combat cars for military use and trucks for civilian use.

(i) If the purchaser advises the seller that the equipment will be used entirely in the manufacture of combat cars, the seller's renegotiable accruals amount to 5/10ths of $500,000, or $250,000.

(ii) If the purchaser advises the seller that the equipment will be used entirely in the manufacture of trucks for civilian use, the seller's renegotiable accruals are nil since its contract of sale with the purchaser did not constitute a subcontract within the meaning of section 103 (g) of the act even though for new durable productive equipment.

(iii) If, at the time of the delivery, the purchaser does not know the use to which the equipment will be put, but subsequently advises the seller that half of the equipment has been used exclusively in the manufacture of combat cars and half exclusively in the manufacture of trucks for civilian use, the seller's renegotiable accruals are 5/10ths of 50 percent of $500,000, or $125,000.

(iv) If the purchaser advises the seller that the entire equipment will be used 50 percent of the time in the manufacture of combat cars and 50 percent of the time in the manufacture of trucks for civilian use, the seller's renegotiable accruals are 5/10ths of $500,000, or $250,000. The fact that the equipment was used in the performance of non-renegotiable contracts as well as renegotiable contracts does not affect the renegotiability of the sales thereof.

§ 1456.5 *How to determine receipts or accruals subject to renegotiation; materials other than new durable productive equipment not incorporated in end product.* This section applies to materials which do not constitute new durable productive equipment and which are not incorporated in an end product delivered to a Department. Sales of such materials shall be considered renegotiable on the basis of the use of such materials (that is, whether the use is for renegotiable or non-renegotiable production). When the extent of the use cannot be readily established, such sales shall be considered renegotiable in substantially the same proportion as the production of the purchasers of such material is subject to renegotiation.

§ 1456.6 *How to determine receipts or accruals subject to renegotiation; brokers, manufacturers' agents, and dealers.* The regulations on this subject are set forth in § 1490.6 of this subchapter (to be published at a later date).

PART 1457—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

Sec.
1457.1 Fiscal year basis for renegotiation.
1457.2 Fiscal years beginning in 1950 and ending in 1951.
1457.3 Performance prior to July 1, 1950.
1457.4 Joint venture contracts.
1457.5 Treatment of contracts with price adjustment provisions.
1457.6 Treatment of receipts or accruals under termination claims.
1457.7 Fiscal year of partnerships.
1457.8 Profit or loss in other years.

FORMS

1457.90 Agreement for combined renegotiation pursuant to section 102 (c) of the act.

AUTHORITY: §§ 1457.1 to 1457.90 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply secs. 102, 103 and 105, Pub. Law 9, 82d Cong.

§ 1457.1 *Fiscal year basis for renegotiation*—(a) *Statutory provision.* Section 105 (a) of the act provides in part as follows:

The Board shall exercise its powers with respect to the aggregate of the amounts received or accrued during the fiscal year (or such other period as may be fixed by mutual agreement) by a contractor or subcontractor under contracts with the Departments and subcontracts, and not separately with respect to amounts received or accrued under separate contracts with the Departments or subcontracts, except that the Board may exercise such powers separately with respect to amounts received or accrued by the contractor or subcontractor under any one or more separate contracts with the Departments or subcontracts at the request of the contractor or subcontractor.

(b) *Application of statutory provision.* This provision requires the Board to renegotiate on a fiscal year basis (or such other period as may be fixed by mutual agreement). It also requires that renegotiation be conducted on an over-all basis unless the contractor and the Board agree that renegotiation be conducted with respect to its contracts separately or as two or more groups. Generally, renegotiation will be conducted on the basis of the amounts received or accrued by a contractor from its renegotiable prime contracts and subcontracts for a fiscal year. Under this method, excessive profits are determined by examining the contractor's financial position and the profits from such prime contracts and subcontracts taken as a whole for a particular fiscal year rather than on an individual contract basis. This avoids problems of allocation of costs and profits to each prime contract and subcontract, allows the contractor to offset the results of one contract against the results of another, and simplifies administration. Any other procedure may be employed only if authorized by the Board pursuant to these regulations.

§ 1457.2 *Fiscal years beginning in 1950 and ending in 1951.* (a) In the case of a fiscal year beginning in 1950 and ending in 1951, as in the case of any other fiscal year, renegotiation will generally be conducted on the fiscal year basis (see § 1457.1), but in the absence of an agreement for combined renegotiation pursuant to section 102 (c) of the act, the proceeding will not include any amounts received or accrued by the contractor before January 1, 1951 from its renegotiable prime contracts and subcontracts.

(b) Section 102 (c) of the act provides in part as follows:

In the case of a fiscal year beginning in 1950 and ending in 1951, if a contractor or subcontractor has receipts or accruals prior to January 1, 1951, from contracts or subcontracts subject to the Renegotiation Act of 1948, and also has receipts or accruals after December 31, 1950, to which the provisions of this title are applicable, the provisions of this title shall, notwithstanding subsection (a), apply to such receipts and accruals prior to January 1, 1951, if the Board and such contractor or subcontractor agree to such application of this title; and in the case of such an agreement the provisions of the Renegotiation Act of 1948 shall not apply to any of the receipts or accruals for such fiscal year.

(c) Upon request of any contractor, the Board will enter into an agreement for combined renegotiation pursuant to section 102 (c) of the act in any case of a fiscal year beginning in 1950 and ending in 1951 when such contractor has receipts or accruals before January 1, 1951 from prime contracts and subcontracts subject to the Renegotiation Act of 1948 and also has receipts or accruals after December 31, 1950 subject to the Renegotiation Act of 1951, but only when, if no such agreement were made, a contractor would be renegotiated under one or both of such acts. A letter form of agreement for this purpose is set forth in § 1457.90. Any contractor desiring to enter into such an agreement shall address a request in such form to the Board.

(d) For the purposes of an agreement for combined renegotiation pursuant to section 102 (c) of the act, the receipts or accruals before January 1, 1951, to which Title I of the 1951 act will apply will be determined under the provisions of the 1948 act and the Military Renegotiation Regulations issued pursuant thereto, and the contractor will be entitled to the benefit of applicable mandatory and permissive exemptions from renegotiation under the 1948 act in the same manner and to the same extent as if such agreement were not made. The contractor will not be entitled, however, to the benefit of any mandatory (partial or complete) or permissive exemptions from renegotiation under the 1951 act with respect to any amounts received or accrued before January 1, 1951. The renegotiable receipts or accruals of the contractor after December 31, 1950 will be determined under the provisions of the 1951 act and the regulations in this subchapter.

(e) As a condition to the making of an agreement for combined renegotiation pursuant to section 102 (c) of the act and as a part thereof, the contractor shall agree that the periods of limitation for the commencement and completion of renegotiation proceedings for the fiscal year covered by the agreement shall be as prescribed in section 105 (c) of the 1951 act and that the periods of limitation for the commencement and completion of renegotiation proceedings set forth in section 202 of the 1951 act shall have no application to such year.

(f) In the event of an agreement for combined renegotiation pursuant to section 102 (c) of the act, the limitation and "floor" applicable to the fiscal year covered by the agreement shall be $250,000 or $25,000, as the case may be, except that if the fiscal period covered by the agreement is a fractional part of twelve months, the limitation and "floor" applicable thereto shall be the same fractional part of $250,000 or $25,000, as the case may be (see § 1458.4 (c) of this subchapter). Such limitation and "floor" shall be determined by reference to the aggregate of the amounts received or accrued during such fiscal year by the contractor and all persons under control of or controlling or under common control with the contractor (see §§ 1458.2 and 1458.3 of this subchapter).

§ 1457.3 *Performance prior to July 1, 1950*—(a) *Statutory provision.* Section 102 (b) of the act provides as follows:

Notwithstanding the provisions of subsection (a), the provisions of this title shall not apply to contracts with the Departments, or related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the 1st day of January 1951, which are attributable to performance, under such contracts or subcontracts, prior to July 1, 1950. This subsection shall have no application in the case of contracts, or related subcontracts, which, but for subsection (c), would be subject to the Renegotiation Act of 1948.

(b) *Interpretation and application.* (1) The act does not apply to amounts received or accrued on or after January 1, 1951 which are attributable to performance before July 1, 1950 under contracts not subject to the 1948 act. The purpose of this section is to state the circumstances under which amounts received or accrued on or after January 1, 1951 from such contracts will be considered to be attributable to performance before July 1, 1950. It is immaterial to the application of this section whether an agreement for combined renegotiation has been entered into pursuant to section 102 (c) of the act.

(2) If a contractor has employed for the year under review a completed contract method of accounting for Federal income tax purposes, there will be considered as attributable to performance before July 1, 1950 under a contract an amount of receipts or accruals which bears the same relationship to the total income to be derived from the contract as the amount of work performed under the contract before July 1, 1950 bears to the total amount of work to be performed under the contract.

(3) If a contractor has employed for the year under review a cash receipts and disbursements method of accounting for Federal income tax purposes, those amounts which are received in respect of deliveries made before July 1, 1950 will be considered to be attributable to performance before July 1, 1950.

(4) If a contractor has employed for the year under review a method of accounting for Federal income tax purposes other than one of the methods described in subparagraphs (2) and (3) of this paragraph, then, in general, only those

amounts of income accrued before July 1, 1950 on the basis of such accounting method will be considered to be attributable to performance before July 1, 1950. However, in a case where adherence to this rule would result in the application of the act to amounts which the Board considers under all the circumstances to be properly attributable to performance before July 1, 1950, the Board will not renegotiate such amounts. For example, if the contractor accrues in 1951 a price increase as a result of the operation of a price determination clause or other escalation provision in a contract, or by the establishment of a claim under a contract, and the Board considers such price increase to be properly attributable to performance before July 1, 1950, the Board will not renegotiate the amount thereof.

(5) Costs will not be allowed in renegotiation to the extent that they are paid or incurred in respect of receipts or accruals to which the act does not apply by virtue of section 102 (b) thereof and this section.

§ 1457.4 *Joint venture contracts.* If two or more parties enter into an arrangement for the performance jointly of one or more prime contracts or subcontracts, the combination resulting from such arrangement is commonly referred to as a "joint venture". Such a joint venture is regarded as an entity which, with respect to its prime contracts or subcontracts within the scope of the act, is a prime contractor or subcontractor within the meaning of the act.

§ 1457.5 *Treatment of contracts with price adjustment provisions*—(a) *Subject to renegotiation.* Certain contracts contain incentive provisions or provide for escalation, redetermination or other revision of the contract price during the life of the contract. These contracts are subject to renegotiation unless otherwise exempted, but their provisions necessitate special treatment. The method of handling certain situations arising in connection with such contracts is discussed in paragraph (b) of this section.

(b) *Method of renegotiation.* Upon over-all renegotiation involving contracts with price adjustment provisions, if the price for the period under review is expected to be retroactively reduced under any such contract after the completion of the renegotiation proceedings, the contractor may be permitted to set up a reasonable reserve to cover the estimated refund under the contract for the period under review. Similarly, if the contract clause is expected to result in a retroactive upward revision of the price for the period under review, adjustment therefore may be made on the basis of reasonable estimates and included in the renegotiable income of the contractor.

§ 1457.6 *Treatment of receipts or accruals under termination claims*—(a) *Subject to renegotiation.* Termination compensation received or accrued under a subject prime contract or subcontract is renegotiable unless (1) received or accrued with respect to a terminated prime contract or subcontract which is exempt or has been exempted from renegotiation or (2) the termination settlement is exempted from renegotiation.

(b) *When received or accrued.* For purposes of renegotiation, amounts payable to a prime contractor or subcontractor on account of any termination claim under a prime contract or a subcontract will be deemed to have been received or accrued to the extent, and in the fiscal year for which, such amounts are estimated, upon the basis of the circumstances existing at the time of renegotiation, to be includible in the computation of taxable income. Renegotiation will not be postponed or delayed pending the settlement of a termination claim, whether by a "no-cost" waiver or otherwise.

(c) *Separate consideration.* Any contractor may, and in any case in which the aggregate of the amounts received or accrued under prime contracts and subcontracts includes any substantial amount on account of termination claims the contractor shall be required to, reflect in the financial and other data upon which the renegotiation is based the receipts or accruals on account of termination claims separately from other receipts or accruals subject to renegotiation. Such segregation may be required to be made in such general or such detailed manner as the Board may deem necessary.

§ 1457.7 *Fiscal year of partnerships*—(a) *Statutory provision.* Section 103 (h) of the act provides as follows:

> The term "fiscal year" means the taxable year of the contractor or subcontractor under chapter 1 of the Internal Revenue Code, except that where any readjustment of interests occurs in a partnership as defined in section 3797 (a) (2) of such code, the fiscal year of the partnership or partnerships involved in such readjustment shall be determined in accordance with regulations prescribed by the Board.

(b) *Application of statutory provision.* When a partnership completes an entire fiscal year without any change in membership or other readjustment of interests, its fiscal year is, as in the case of any other contractor or subcontractor, its taxable year under chapter 1 of the Internal Revenue Code. When, however, the composition of a partnership changes before the completion of a full fiscal year by reason of the death, withdrawal, or addition of a partner, or other cause, the Board is empowered to determine, for purposes of renegotiation, the fiscal year of the partnership or partnerships involved.

(c) *Partnership having a readjustment of interests.* When the composition of a partnership changes before the completion of a full fiscal year by reason of the death, withdrawal, or addition of a partner, or other cause, such event, for purposes of renegotiation, shall terminate the fiscal year of said partnership as of the date such readjustment of interests occurs, and shall commence a new fiscal year if the business continues. However, if a partnership having a readjustment of interests, or persons authorized to act on its behalf, have filed data with the Board claiming a fiscal year different from that herein prescribed, such claimed fiscal year may, at the option of the Board, be the fiscal year of the partnership.

§ 1457.8 *Profit or loss in other years*—(a) *Statutory provision.* Section 103 (f) of the act provides in part as follows:

> All items estimated to be allowed as deductions and exclusions under chapter 1 of the Internal Revenue Code (excluding taxes measured by income) shall, to the extent allocable to such contracts and subcontracts, be allowed as items of cost, except that no amount shall be allowed as an item of cost by reason of the application of a carry-over or carry-back. Nothwithstanding any other provision of this section, there shall be allowed as an item of cost in any fiscal year, subject to regulations of the Board, an amount equal to the excess, if any, of costs (computed without the application of this sentence) paid or incurred in the preceding fiscal year with respect to receipts or accruals subject to the provisions of this title over the amount of receipts or accruals subject to the provisions of this title which were received or accrued in such preceding fiscal year, but only to the extent that such excess did not result from gross inefficiency of the contractor or subcontractor. For the purposes of the preceding sentence, the term "preceding fiscal year" does not include any fiscal year ending prior to January 1, 1951.

(b) *Application of statutory provision.* Except as provided in this section, the contractor's profit or loss on renegotiable business in years other than the one under review shall not be used as an offset or adjustment in the determination of excessive profits for the year under review. An over-all loss sustained by the contractor, in the performance of prime contracts and subcontracts subject to the act, in the fiscal year of such contractor immediately preceding the year under review, will be allowed as a cost in the year under review to the extent that such loss did not result from the gross inefficiency of the contractor, and if such loss was sustained in a year ending on or after January 1, 1951. In computing a loss in a preceding fiscal year, no amount of a loss sustained in a year before such preceding fiscal year may be considered. If an over-all loss was sustained by the contractor during a preceding fiscal year ended during 1950, in the performance of prime contracts and subcontracts renegotiable under any law, such loss is a factor which may be considered in determining the reasonableness of profits in the year under review to the extent that such loss did not result from the gross inefficiency of the contractor. Any prime contractor claiming allowance or consideration for a loss suffered in a preceding fiscal year must show that it has reasonably pursued all remedies afforded by any agency of the Government for obtaining relief from such loss.

FORMS

§ 1457.90 *Agreement for combined renegotiation pursuant to section 102 (c) of the act.*

THE RENEGOTIATION BOARD
Washington 25, D. C.

GENTLEMEN: The undersigned company has a fiscal year beginning on ----------, 1950 and ended on ----------, 1951. During such year, it had receipts or accruals

from prime contracts and/or subcontracts subject to the Renegotiation Act of 1948 and also had receipts or accruals from prime contracts and/or subcontracts subject to the Renegotiation Act of 1951.

It is hereby requested that you agree, pursuant to section 102 (c) of the Renegotiation Act of 1951, to the application of Title I of such act to amounts which were received or accrued by the undersigned company before January 1, 1951.

It is the understanding of the undersigned company that the receipts or accruals before January 1, 1951, to which Title I of the Renegotiation Act of 1951 will apply, in the event of your approval of this request, will be determined under the provisions of the 1948 Act and the Military Renegotiation Regulations issued pursuant thereto, and that this company will be entitled to the benefit of applicable mandatory and permissive exemptions from renegotiation under the 1948 Act in the same manner and to the same extent as if this agreement had not been made. The undersigned company understands, however, that it will not be entitled to the benefit of any mandatory (partial or complete) or permissive exemptions from renegotiation under the 1951 Act insofar as receipts or accruals before January 1, 1951 are concerned. The renegotiable receipts or accruals of this company after December 31, 1950 will be determined, of course, under the provisions of the Renegotiation Act of 1951. It is also understood, in accordance with section 105 (f) (3) of the 1951 Act, that the limitation and "floor" applicable to the fiscal year covered by this agreement shall be $250,000.

It is further understood and agreed that the periods of limitation for the commencement and completion of renegotiation proceedings for the fiscal year of this company covered by this agreement shall be as prescribed in section 105 (c) of the Renegotiation Act of 1951 and that the periods of limitation for the commencement and completion of renegotiation proceedings set forth in section 202 of the Renegotiation Act of 1951 shall have no application to such year.

Yours very truly,

(Name of company)

By ---

(Title of officer)

Agreed, ----------, 195--:

UNITED STATES OF AMERICA.

By ---

THE RENEGOTIATION BOARD.

PART 1458—RECEIPTS OR ACCRUALS UNDER STATUTORY MINIMUM

Sec.

1458.1 Statutory provision.
1458.2 Computation of aggregate receipts and accruals.
1458.3 No reduction by refund below statutory minimum.
1458.4 Proration of statutory minimum.
1458.5 Statutory minimum not an exemption.
1458.6 Tests of "control".

AUTHORITY: §§ 1458.1 to 1458.6 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 105, Pub. Law 9, 82d Cong.

§ 1458.1 *Statutory provision.* Section 105 (f) of the act provides as follows:

(1) *In general.* If the aggregate of the amounts received or accrued during a fiscal year (and on or after the applicable effective date specified in section 102 (a)) by a contractor or subcontractor, and all persons under control of or controlling or under common control with the contractor or subcontractor, under contracts with the Departments and subcontracts described in section 103 (g) (1) and (2), is not more than $250,000, the receipts or accruals from such contracts and subcontracts shall not, for such fiscal year, be renegotiated under this title. If the aggregate of such amounts received or accrued during the fiscal year under such contracts and subcontracts is more than $250,000, no determination of excessive profits to be eliminated for such year with respect to such contracts and subcontracts shall be in an amount greater than the amount by which such aggregate exceeds $250,000.

(2) *Subcontracts described in section 103 (g) (3).* If the aggregate of the amounts received or accrued during a fiscal year (and on or after the applicable effective date specified in section 102 (a)) by a subcontractor, and all persons under control of or controlling or under common control with the subcontractor, under subcontracts described in section 103 (g) (3) is not more than $25,000, the receipts or accruals from such subcontracts shall not, for such fiscal year, be renegotiated under this title. If the aggregate of such amounts received or accrued during the fiscal year under such subcontracts is more than $25,000, no determination of excessive profits to be eliminated for such year with respect to such subcontracts shall be in an amount greater than the amount by which such aggregate exceeds $25,000.

(3) *Computation.* In computing the aggregate of the amounts received or accrued during any fiscal year for the purposes of paragraphs (1) and (2) of this subsection, there shall be eliminated all amounts received or accrued by a contractor or subcontractor from all persons under control of or controlling or under common control with the contractor or subcontractor and all amounts received or accrued by each such person from such contractor or subcontractor and from each other such person. If the fiscal year is a fractional part of twelve months, the $250,000 amount and the $25,000 amount shall be reduced to the same fractional part thereof for the purposes of paragraphs (1) and (2). In the case of a fiscal year beginning in 1950 and ending in 1951, the $250,000 amount and the $25,000 amount shall be reduced to an amount which bears the same ratio to $250,000 or $25,000, as the case may be, as the number of days in such fiscal year after December 31, 1950, bears to 365, but this sentence shall have no application if the contractor or subcontractor has made an agreement with the Board pursuant to section 102 (c) for the application of the provisions of this title to receipts or accruals prior to January 1, 1951, during such fiscal year.

§ 1458.2 *Computation of aggregate receipts and accruals.* (a) Paragraphs (1) and (2) of section 105 (f) of the act, quoted in § 1458.1, are not mutually exclusive. That is, every contractor having receipts or accruals subject to the act will be renegotiated thereunder unless such contractor meets both of the following conditions:

(1) The aggregate renegotiable receipts or accruals of the contractor and any related contractors for the fiscal year of the contractor under contracts with the Departments and subcontracts described in section 103 (g) (1) and (2) of the act do not exceed $250,000; and

(2) The aggregate renegotiable receipts or accruals of the contractor and any related contractors for the fiscal year of the contractor under subcontracts described in section 103 (g) (3) of the act do not exceed $25,000.

If the contractor meets one of the above conditions but not the other, renegotiation will be conducted only with respect to the receipts or accruals as to which the condition is not met.

(b) The aggregate receipts or accruals of the contractor and related contractors under subject prime contracts and subcontracts shall be determined in accordance with the method of accounting used for purposes of renegotiation. Total receipts or total billings under cost-plus-a-fixed-fee contracts shall be included in computing such aggregate receipts or accruals. There shall be excluded from such computation (1) all receipts or accruals of the contractor and related contractors under prime contracts and subcontracts which are exempt from renegotiation under section 106 (a) or (d) of the act (see Parts 1453 and 1455 of this subchapter), and (2) that part of the receipts or accruals of the contractor and related contractors under subcontracts for new durable productive equipment which is exempt from renegotiation under section 106 (c) of the act (see Part 1454 of this subchapter). There shall also be excluded from such computation all "inter-company sales"—i. e., all amounts received or accrued by the contractor from related contractors and all amounts received or accrued by each such related contractor from the contractor and from each other such related contractor.

(c) When the fiscal years of the contractor and any of the related contractors differ, the test will be whether, during the twelve-month period (or fraction thereof) which is the fiscal year of the contractor, the aggregate receipts or accruals of the contractor and related contractors were in excess of the statutory minimum.

§ 1458.3 *No reduction by refund below statutory minimum.* (a) No determination of excessive profits to be eliminated from the aggregate amount of receipts or accruals of the contractor and related contractors for the period of time which is the fiscal year of the contractor, under contracts with the Departments and subcontracts described in section 103 (g) (1) and (2) of the act (see §§ 1452.4 to 1452.6 of this subchapter), shall be in an amount greater than the amount by which such aggregate exceeds $250,000.

(b) No determination of excessive profits to be eliminated from the aggregate amount of receipts or accruals of the contractor and related contractors for the period of time which is the fiscal year of the contractor, under subcontracts described in section 103 (g) (3) of the act (see § 1452.7 of this subchapter), shall be in an amount greater than the amount by which such aggregate exceeds $25,000.

(c) In the application of the "floor" provisions set forth in paragraphs (a) and (b) of this section, if any related contractor has been renegotiated prior to the renegotiation of the contractor, the receipts or accruals of such related contractor, received or accrued during the fiscal year of such contractor, shall be adjusted. In the absence of evidence to the contrary, a determination of excessive profits shall, for the purposes of this paragraph, be deemed to adjust receipts

or accruals in each month ratably, according to the ratio of such monthly receipts or accruals to the aggregate receipts or accruals for the fiscal year of such related contractor. There shall not be included in the aggregate amount of receipts or accruals of such related contractor any amount received or accrued by any such related contractor in any part of the fiscal year of the contractor during which the relationship between the contractor and such related contractor did not exist.

(d) In any case in which an adjustment for taxes (other than Federal taxes) measured by income is required (see § 1459.9 of this subchapter), excessive profits shall first be determined and the appropriate adjustment for such taxes measured by income shall be made, without regard to any limitations imposed by section 105 (f) (1) or (2) of the act and this section. The limitations of section 105 (f) (1) or (2) of the act and this section shall then be applied in determining the amount of excessive profits to be eliminated.

§ 1458.4 *Proration of statutory minimum.* For the purpose of making the computation described in §1458.2:

(a) In the case of a fiscal year which is a fractional part of twelve months, the $250,000 amount specified in section 105 (f) (1) of the act and the $25,000 amount specified in section 105 (f) (2) thereof will be reduced to the same fractional part thereof.

(b) In the case of a fiscal year beginning in 1950 and ending in 1951, the $250,000 amount and the $25,000 amount will be reduced to an amount which bears the same ratio to $250,000 or $25,000, as the case may be, as the number of days in such fiscal year after December 31, 1950, bears to 365. This provision will not be applicable if the contractor and the Board enter into an agreement with respect to said fiscal year for combined renegotiation pursuant to section 102 (c) of the act.

(c) In the case of a fiscal year beginning in 1950 and ending in 1951 and which is a fractional part of twelve months, the $250,000 amount and the $25,000 amount will be reduced to the same fractional part thereof if the contractor and the Board enter into an agreement with respect to said fiscal year for combined renegotiation pursuant to section 102 (c) of the act.

§ 1458.5 *Statutory minimum not an exemption.* (a) The minimum amounts specified in section 105 (f) (1) and (2) of the act are not exemptions. Such provisions are not to be construed to mean that receipts or accruals in the amount of $250,000 or $25,000, as the case may be, are wholly excluded from consideration when the aggregate receipts or accruals of the contractor exceed such amounts for its fiscal year. When the aggregate receipts or accruals of the contractor do not exceed $250,000 or $25,000, as the case may be, section 105 (f) of the act provides that the contractor shall not be renegotiated for such year; but when the applicable minimum amount is exceeded and the contractor is renegotiated for its fiscal year, it is renegotiated on the basis of all of its renegotiable receipts or accruals for such year, including such $250,000 or $25,000, as the case may be.

(b) Subcontracts are not exempted merely because the receipts or accruals of the prime contractor or any higher tier subcontractor do not exceed $250,000 or $25,000, as the case may be.

§ 1458.6 *Tests of "control".* For the purposes of section 105 (f) of the act, in determining whether the contractor controls or is controlled by or under common control with another person, the following principles will be followed:

(a) *Corporate control.* A parent corporation which owns more than 50 percent of the voting stock of another corporation controls such other corporation and also controls all corporations controlled by such other corporation.

(b) *Individual control.* An individual who owns more than 50 percent of the voting stock of a corporation controls the corporation and also controls all corporations controlled by the corporation.

(c) *Partnership control.* A general partner who is entitled to more than 50 percent of the profits of the partnership controls the partnership.

(d) *Joint venture control.* A joint venturer who is entitled to more than 50 percent of the profits of a joint venture controls the joint venture.

(e) *Other cases.* Actual control is a question of fact. Even though the foregoing conditions do not exist, the Board may determine that actual control exists.

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

Sec.

1459.1 Statutory provisions and general regulations.
1459.2 Salaries, wages and other compensation.
1459.3 Amortization and depreciation.
1459.4 Conversion to renegotiable production.
1459.5 Losses
1459.6 Interest
1459.7 Selling and advertising expenses.
1459.8 Other costs, expenses and reserves.
1459.9 Taxes measured by income ("state income taxes").

AUTHORITY: §§ 1459.1 to 1459.9 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 103, Pub. Law 9, 82d Cong.

§ 1459.1 *Statutory provisions and general regulations—(a) Determination of costs.* Section 103 (f) of the act provides as follows:

> The term "profits derived from contracts with the Departments and subcontracts" means the excess of the amount received or accrued under such contracts and subcontracts over the costs paid or incurred with respect thereto and determined to be allocable thereto. All items estimated to be allowed as deductions and exclusions under chapter 1 of the Internal Revenue Code (excluding taxes measured by income) shall, to the extent allocable to such contracts and subcontracts, be allowed as items of cost, except that no amount shall be allowed as an item of cost by reason of the application of a carry-over or carry-back. Notwithstanding any other provision of this section, there shall be allowed as an item of cost in any fiscal year, subject to regulations of the Board, an amount equal to the excess, if any, of costs (computed without the application of this sentence) paid or incurred in the preceding fiscal year with respect to receipts or accruals subject to the provisions of this title over the amount of receipts or accruals subject to the provisions of this title which were received or accrued in such preceding fiscal year, but only to the extent that such excess did not result from gross inefficiency of the contractor or subcontractor. For the purposes of the preceding sentence, the term "preceding fiscal year" does not include any fiscal year ending prior to January 1, 1951. Costs shall be determined in accordance with the method of accounting regularly employed by the contractor or subcontractor in keeping his records, but, if no such method of accounting has been employed, or if the method so employed does not, in the opinion of the Board, or, upon redetermination, in the opinion of The Tax Court of the United States, properly reflect such costs, such costs shall be determined in accordance with such method as in the opinion of the Board, or, upon redetermination, in the opinion of The Tax Court of the United States, does properly reflect such costs. In determining the amount of excessive profits to be eliminated, proper adjustment shall be made on account of the taxes measured by income, other than Federal taxes, which are attributable to the portion of the profits which are not excessive.

(b) *Profit, cost allocation and allowance; general—(1) Accounting methods.* In connection with renegotiation on an over-all fiscal year basis, income received or accrued and costs paid or incurred will be considered as having been received or accrued or paid or incurred in the fiscal year to which such items are to be attributed in accordance with the method of accounting employed by the contractor in determining net income for Federal income tax purposes or in accordance with such other method of accounting as the contractor and the Board may agree upon pursuant to the provisions of subparagraph (2) of this paragraph.

(2) *Differing accounting methods.* (i) The Board will permit a contractor to adopt for renegotiation purposes a method of accounting other than that used by the contractor for Federal income tax purposes, provided that:

(*a*) The Board finds that the method of accounting employed by the contractor for Federal income tax purposes is manifestly unsuitable for the purposes of renegotiation because it does not clearly reflect the profits attributable to the contractor's performance of renegotiable contracts for the fiscal year under review, and the method of accounting to be adopted does clearly reflect such profits; and

(*b*) The contractor enters into a written agreement with the Board before the conclusion of the renegotiation proceedings for the year under review, providing among other things substantially as follows:

(*1*) That the contractor will employ such different method of accounting for the purposes of the renegotiation proceedings for the year under review and all subsequent years, whether such proceedings are concluded by agreement or order;

(*2*) That no cost or expense recognized in the renegotiation proceedings for the first year covered by the agreement will be recognized in any subsequent renegotiation proceeding; and

(3) That the computation of losses, if any, in preceding fiscal years (see § 1457.8 of this subchapter) will be made on the basis of such different method of accounting.

(ii) Under this section, a contractor may adopt a different method of accounting for the purpose of determining all amounts received or accrued and costs paid or incurred in a fiscal year, as in the case of a change from a cash receipts and disbursements method of accounting to an accrual method of accounting; or it may adopt a different method of accounting for a particular item of cost or for a particular class of items of cost which would result in recognizing such item or items in one fiscal year rather than another.

(iii) Subject to the foregoing conditions, the Board will also permit a contractor to adopt for renegotiation purposes the completed contract method of accounting for contracts to be performed over a period of more than one fiscal year, which, because of circumstances of performance, would require estimates of performance and allocation of income and costs that could result in material distortion in accounting on an interim basis prior to completion. Such contracts may include contracts for construction of major facilities or major units (such as a vessel or group of vessels) when the profits can best be determined upon completion.

(iv) If a contractor employs, for the purposes of a renegotiation proceeding relating to the year under review, a method of accounting different from that which it employed for the purposes of a renegotiation proceeding relating to the preceding fiscal year, whether pursuant to this section or otherwise, it will be required to employ such different method of accounting for the purposes of all subsequent renegotiation proceedings, and the amounts received or accrued and costs paid or incurred which have been recognized in prior renegotiation proceedings will not be recognized in the proceedings relating to the year under review.

(3) *Allocation of costs.* In general, the costs paid or incurred with respect to renegotiable contracts will be those costs allocated thereto by the contractor's established cost accounting method if that method reflects recognized accounting principles and practices. If in the opinion of the Board there is no adequate or effective cost accounting method in use, or if the method employed does not properly reflect such costs because there are unjustified or improper allocations of items of cost in the accounting records or in the reports or statements filed for the purpose of renegotiation, costs will be allocated in accordance with such method as in the opinion of the Board does properly reflect such costs. The fact that all receipts and accruals during a fiscal year are classifiable as renegotiable does not necessarily mean that all items of cost estimated to be deductible in that year are allocable to renegotiable business.

(4) *Tax deductions.* Costs allocable to renegotiable business will be determined in accordance with the principles set forth in this paragraph (b). When the full amount of an item of cost is allocable to renegotiable business, it will be allowed in the amount estimated by the Board to be allowable as a deduction or exclusion under chapter 1 of the Internal Revenue Code. No such item of cost will be allowed in an amount less than or in excess of that estimated to be deductible or excludible from income under the Internal Revenue Code, and all items of cost will be attributed to the fiscal year in which they are allowable in the determination of taxable income under said Code, except as provided in subparagraph (2) of this paragraph. When only a portion of an item of cost is allocable to renegotiable business, the Board will estimate the total amount allowable to the contractor as a deduction or exclusion under chapter 1 of the Internal Revenue Code, and the portion of this estimated amount which is allocable to renegotiable business in accordance with the principles set forth above will be allowed as a cost of renegotiable business. When it is clear that a contractor's deductions and exclusions under the Internal Revenue Code result in allowable costs of renegotiable business which are in the aggregate either high or low on a comparative basis, this circumstance will be considered in connection with the factor of the "reasonableness of costs" of the contractor and the determination of the amount of any profit adjustment to be required of the contractor. The Board will allow as items of cost, to the extent allocable to renegotiable contracts, all items estimated to be allowable as deductions and exclusions under chapter 1 of the Internal Revenue Code. In making any such estimate due consideration will be given to any pertinent action by the Bureau of Internal Revenue. Published rulings of the Bureau on matters of general application will be adhered to in estimating the deductibility or excludibility of items under the Internal Revenue Code. However, the allowance of items as costs is not required merely because they have been or are expected to be allowed for tax purposes by particular revenue agents or other field representatives of the Bureau of Internal Revenue. Occasionally cases may be encountered in which revenue agents will have allowed salaries or other items as deductions for tax purposes which the Board concludes are not properly allowable under the Internal Revenue Code or are properly allowable in a different amount. In such cases the action of the revenue agents is not regarded as conclusive. Similarly, disallowances by such officials are not conclusive. The Board will exercise independent judgment as to whether and to what extent items are allowable as deductions or exclusions under the Internal Revenue Code. Such judgment will be based upon an estimate of what the courts would do if the deductibilty or excludibility of the items were the subject of litigation.

(5) *Effect of cost principles promulgated by other agencies.* Agreements for the allowance or disallowance of costs entered into by a contractor with another agency of the Government, either by specific contractual provision or by acceptance (expressed or implied) of Government regulations or policies, are not controlling with respect to recognition of such costs for renegotiation purposes. Thus, a cost properly disallowed in accordance with the Armed Services Procurement Regulation, in connection with a contract to which such Regulation is applicable, will nevertheless be recognized for renegotiation purposes if such cost is a proper Federal income tax deduction. Similarly, an item allowable as a "cost" by such Regulation or by specific contractual agreement will not be allowed unless it is a proper Federal income tax deduction. Furthermore, a specific agreement that additional proper costs incurred in performing a contract will not be claimed as an addition to the contract price, will not result in the non-recognition of such cost for renegotiation purposes.

(6) *Conditional allowance of cost.* If an occasion should arise in which the Board is unable to make a reasonable estimate of whether or the extent to which a particular item is allowable as a deduction or exclusion under the Internal Revenue Code for the year under review and the item is material in relation to the excessive profits to be eliminated, the Board may allow the item as a cost in renegotiation, provided that the contractor agrees to refund as additional excessive profits the amount so allowed to the extent that such amount may finally be determined to be not allowable as a deduction or exclusion under the Internal Revenue Code for the year under review.

(7) *Costs previously allowed in renegotiation.* No item of cost will be deemed allocable to renegotiable business to the extent that such item has, in a previous renegotiation under the act or under any other renegotiation law, been allocated to renegotiable business in determining excessive profits, notwithstanding that such item may be a deduction or exclusion under chapter 1 of the Internal Revenue Code in computing taxable net income for the taxable period corresponding to the fiscal period covered by the current renegotiation.

(8) *Replacement of inventory involuntarily liquidated.* Under section 22 (d) (6) of the Internal Revenue Code, a taxpayer using the last in, first out inventory method may, for any year in which it involuntarily liquidated any part of its base stock inventory, elect to adjust retroactively its net income for tax purposes for such year by reference to the costs of replacing in a subsequent year the inventory so involuntarily liquidated. The excess of such replacement costs over base stock costs being neither an exclusion nor a deduction under the Internal Revenue Code but merely a retroactive adjustment of net income, no part thereof will be allowed as a cost in determining profits under renegotiable contracts. Similarly, no adjustment is required in renegotiation on account of any excess of base stock costs over replacement costs. However, for the purposes of determining to what extent a contractor's profits are excessive, low production costs resulting from the use of low-priced base stock inventory will be taken into consideration under the provisions of § 1460.10 of this subchapter.

Such consideration will be given in appraising the reasonableness of the contractor's costs whether or not the use of the low-priced base stock inventory constitutes involuntary liquidation under the provisions of the Internal Revenue Code.

(c) *Costs allocable to uncompleted portions of terminated contracts and subcontracts*—(1) *Allowed in renegotiation.* Costs allocable to the uncompleted portion of any terminated contract or subcontract which is subject to renegotiation will be allowed as costs in renegotiation. (See § 1457.6 (a) of this subchapter.) Such costs will be allowed however, only to the extent that, and for the fiscal year for which, they are estimated to be deductible in the computation of taxable income under the Internal Revenue Code (see § 29.42–1 of Bureau of Internal Revenue Regulations 29 CFR 29.42–1) and see also Bureau of Internal Revenue Mimeograph No. 3897) and will not be allowed to the extent theretofore allowed as items of cost in any previous renegotiation under the Act or under any other renegotiation law.

(2) *Segregation of costs allocable to uncompleted portions of terminated contracts and subcontracts.* Costs allocable to the uncompleted portions of terminated contracts and subcontracts shall be segregated from other costs pertaining to renegotiable business, unless the costs allocable to such uncompleted portions of contracts and subcontracts do not constitute a material portion of the contractor's total renegotiable costs. Such segregation may be required to be made in such general or such detailed manner as the Board may deem necessary.

(3) *Effect of waiver of termination claims.* The principles stated in subparagraphs (1) and (2) of this paragraph with respect to the allowance of costs allocable to the uncompleted portions of terminated contracts and subcontracts and the segregation of such costs are equally applicable whether or not the contractor has waived all or any part of the compensation to which it might be entitled.

§ 1459.2 *Salaries, wages and other compensation.*—(a) *Allocation.* Salaries, wages and other compensation which are estimated to be deductible for Federal income tax purposes will be allocated between renegotiable and non-renegotiable business according to the principles established in § 1459.1 (b).

(b) *Allowances.* Under section 23 (a) of the Internal Revenue Code, salaries or other compensation for personal services are allowed to the extent found "reasonable". In determining whether any salaries or other compensation paid by a contractor to its officers or employees are reasonable, consideration will be given to the nature of the work, extent of responsibility, experience and effectiveness of the officer or employee, recent compensation record, and such other factors as may be pertinent. Comparison will be made when possible with the compensation of officers or employees in similar positions in other companies within the particular industry. When the contract of employment is an arm's length transaction, reasonableness of compensation may be determined only within the broadest limits, and weight will be given to the determination by the contractor of the worth of the services of an officer or employee. Whether or not the profit and loss statement of a partnership or individual proprietorship includes salaries or drawing accounts for the partners or the individual proprietor as an expense, in determining the amount of excessive profits to be eliminated a so-called "salary allowance" will be made for reasonable salaries for such partners as are active in the business or for the individual proprietor if he is active in the business.

(c) *Brokers' commissions.* Commissions paid or payable to brokers or agents, if estimated to be deductible under the Internal Revenue Code, will be allowed as a cost in renegotiation to the extent allocable to renegotiable business. In estimating whether a commission is deductible under the Internal Revenue Code, consideration will be given to whether the commission was paid pursuant to a legally binding arrangement made in good faith in the ordinary course of business, and to the reasonableness of the commission arrangement at the time it was agreed upon. If the arrangement was reasonable when made but the commissions payable thereunder have become excessive through change in circumstances, consideration will be given to whether the contractor has taken advantage of any opportunity afforded to terminate or modify the arrangement. In no event will a commission paid or payable by a prime contractor be allowed in renegotiation if the payment thereof contravenes a provision of a contract with a Department which prohibits the payment of such commission.

(d) *Pension, annuity, stock bonus and profit sharing plans.* Payments on account of plans for pensions, annuities, stock bonuses, or profit sharing, estimated to be deductible under the Internal Revenue Code, will be allowed as items of cost of renegotiable business to the extent allocable thereto under the principles set forth in § 1459.1 (b). If the amount of the item of cost is material and the compensation plan is in controversy with or under review by the Bureau of Internal Revenue, the Board may make a conditional allowance of the item (see § 1459.1 (b) (6)), if it is unable to estimate the amount properly deductible under the Internal Revenue Code.

§ 1459.3 *Amortization and depreciation*—(a) *Allocation.* General depreciation, maintenance and other such charges will be allocated between renegotiable and non-renegotiable business according to the principles established in § 1459.1 (b). Where stand-by facilities are customary or necessary to a particular product or service, or type of business, the depreciation, maintenance, etc., of such facilities as are being maintained in idle status will be allocated between renegotiable and non-renegotiable business according to the principles established in § 1459.1 (b). Depreciation and maintenance charges on properties which are not in use but which are being maintained in an idle status pursuant to written request by or on behalf of an authorized official of a Department may be allocated as a charge against renegotiable business.

(b) *Depreciation.* Facilities representing permanent capital additions for the manufacture of renegotiable products or materials are depreciable for the purposes of renegotiation at the rates estimated to be deductible under the Internal Revenue Code.

(c) *Emergency facilities.* Amortization of emergency facilities with respect to which a Necessity Certificate has been issued and which is deductible for Federal income tax purposes under section 124A of the Internal Revenue Code, will be allocated between renegotiable and non-renegotiable business according to the principles established in § 1459.1 (b).

§ 1459.4 *Conversion to renegotiable production*—(a) *Cost of conversion of facilities.* The cost of converting facilities to production for renegotiable business, which does not represent a capital expenditure, will be allowed in renegotiation for the year in which it is incurred to the extent estimated to be deductible under the Internal Revenue Code.

§ 1459.5 *Losses*—(a) *Losses in prior or subsequent years.* Section 122 of the Internal Revenue Code authorizes a taxpayer, under certain prescribed rules, to take a deduction for a taxable year by a "carry-over" or "carry-back" of net operating losses for certain preceding or subsequent taxable years. No such deduction is allowable in renegotiation as an item of cost or as a deduction or exclusion from excessive profits. Under certain circumstances, however, a loss sustained on renegotiable business in the preceding fiscal year will be allowed as a cost in renegotiation (see § 1457.8 of this subchapter).

§ 1459.6 *Interest*—(a) *Allowance.* Interest on borrowed capital is deductible under the Internal Revenue Code and will, therefore, be allowed in renegotiation to the extent allocable to renegotiable business.

(b) *Allocation.* (1) Interest on borrowed funds will be allocated to renegotiable business according to the general principles set forth in § 1459.1 (b).

(2) However, if a contractor has an amount of unrestricted current funds, or marketable securities obviously in excess of the reasonable working capital needs of its business, or if there is a significant amount of assets not directly related to those operations of the contractor which result in renegotiable business, consideration will be given to these circumstances in the allocation of interest expense to renegotiable business.

(3) Premium or discount reflected in taxable income as the result of redemption or retirement of debt obligations will be reflected in interest expense for allocation purposes if such redemption or retirement is part of a normal program of debt reduction provided by the debt agreement or in accordance with a debt reduction program previously followed by the contractor. However, premium or discount on extraordinary debt

retirement, or loss on purchase of debt obligations at a premium beyond the normal past practice of the contractor, will not be allowed as a cost of renegotiable business.

(c) *Interest on tax deficiencies.* Interest on deficiencies in taxes measured by income (including Federal income and excess profits taxes) is not deemed allocable in any part to renegotiable business. Accordingly, such interest is not allowable as a cost of renegotiable business, notwithstanding that such interest is deductible in the computation of taxable income under the Internal Revenue Code.

§ 1459.7 *Selling and advertising expenses*—(a) *Selling.* (1) Selling expense will be allocated to renegotiable business only to the extent that (i) it relates in major part to technical, consulting and other services performed in connection with the application and adaptation of products comprising the renegotiable business to the uses and requirements of the Government or other contractors; or (ii) it relates to the maintenance of offices or agencies engaged in the servicing of products comprising the renegotiable business; or (iii) it relates to the sale of products or services comprising the renegotiable business which are of the type ordinarily sold or rendered by the contractor and which are sold or rendered through the distribution system normally used by the contractor; or (iv) it is a commission of the type allowed in § 1459.2 (c).

(2) The allocation of selling expenses to renegotiable business will be in accordance with the method of accounting found by the Board to be acceptable under § 1459.1 (b).

(b) *Advertising.* (1) Items of advertising expense comprising "help wanted" advertising, advertising in trade publications which are primarily directed to the dissemination of technical information within the contractor's industry, catalogues and technical pamphlets designed to aid users of the contractor's products, and house organs and other publications directed to labor and personnel management and relations, are recognized as costs allocable to renegotiable business. The aggregate of such costs will be allocated in accordance with the method of accounting found by the Board to be acceptable under § 1459.1 (b).

(2) Other advertising expense is allocable to renegotiable business as follows:

(i) In the case of renegotiable business performed under subcontracts, advertising expense will be allocated thereto provided that the products sold under such subcontracts are substantially the same as those sold in such subcontractor's normal commercial business. In the allocation of such advertising expense consideration will be given to (*a*) the volume of non-renegotiable business in the year under review as contrasted with the subcontractor's normal volume of commercial business, and (*b*) the total amount of such advertising expense in the year under review as contrasted with the subcontractor's normal advertising expense.

(ii) In cases in which it can be demonstrated that a prime contractor or subcontractor engaged in renegotiable business to the detriment of its normal commercial business in the year under review, and thereby incurred the risk of loss of its competitive position in the industry concerned, the Board will allocate to renegotiable business that portion of the prime contractor's or subcontractor's normal advertising expense which the Board deems properly attributable to the effort by the prime contractor or subcontractor to forestall such loss of competitive position.

§ 1459.8 *Other costs, expenses and reserves*—(a) *Patent royalties.* (1) When, in renegotiation, a contractor has included substantial amounts in costs for royalties paid or payable under patent rights, the Board will determine whether any action has been taken, or is pending or contemplated under the Royalty Adjustment Act, and will be guided by the principles set out below.

(2) An order under the Royalty Adjustment Act fixing the rates and amounts of royalties to be paid under a license agreement has no legal effect retroactively. The order applies only to royalties, irrespective of when payable, which are unpaid to the licensor on the effective date of the notice under the statute, whether accruing before or after the effective date of the notice, and does not and cannot require the refund of any royalties which have been paid to the licensor before said effective date.

(3) In determining excessive profits of a licensee in renegotiation for a period in which royalty accruals are covered by an order or agreement under the Royalty Adjustment Act, the Board will give full effect to the rates or amounts of royalties fixed in the Royalty Adjustment Act order or agreement as fair and just. No allowance will be made in renegotiation for royalties paid or accruing during that period in excess of the amounts permitted or provided to be paid under such order or agreement. With respect to renegotiation with a licensor, see § 1452.6 of this subchapter.

(4) Rates or amounts of royalties fixed as fair and just in a Royalty Adjustment Act order or agreement which does not cover all or some part of the period involved in the renegotiation will not be controlling with respect to the reasonableness of the royalties paid or accrued by the licensee for such period or such part thereof as is not covered by the order or agreement. In such a case as well as in one in which no action under the Royalty Adjustment Act is involved, the Board will estimate the amount of the royalties deductible for Federal income tax purposes. Ordinarily the licensee will be allowed to include in its costs royalties properly allocable to renegotiable business provided they are actually paid to the licensor before the service of a notice in any royalty adjustment proceedings. However, an amount paid pursuant to an arrangement entered into not at arm's length or without a full disclosure of interest, or in bad faith, will be disallowed as an item of cost if it is not an "ordinary and necessary" business expense within the meaning of section 23 (a) of the Internal Revenue Code. Particular attention will be given to any relationship or affiliation to the licensor; for example, where the licensor was a partner, officer, director or substantial stockholder of the licensee; or where any partner, officer, director or substantial stockholder of the licensee participated in the royalties paid to the licensor.

(5) No royalties paid or incurred by a licensee and no amortization or development expense charged by a licensor will be allocated as a cost in determining excessive profits under the act, even though deductible under the Internal Revenue Code, unless such payments or charges are allocable to the sales made under contracts subject to renegotiation. In deciding this question with respect to any particular patent, the Board will consider the extent to which the products sold involve the use of the invention or inventions covered by the patent, and as a general rule it should appear that the patent has not expired, that no final adjudication has been made by a court of competent jurisdiction holding the patent invalid, and that it is not in fact the property of the licensee.

(b) *Charitable and other contributions.* (1) Contributions will, to the extent allocable thereto, be allowed as a cost of renegotiable business if such contributions are estimated to be deductible in the fiscal year under review for Federal income tax purposes under section 23 (o) and (q) of the Internal Revenue Code.

(2) The primary consideration in determining the extent to which such contributions are allocable to renegotiable business is whether they are reasonably necessary for the conduct of such business. In this connection weight will be given to the practice of the contractor before July 1, 1950, with respect to charitable contributions.

(c) *Cost allowance in connection with raw materials.* Reference is made to § 1453.2 (c) of this subchapter for a discussion of the allowance of a fair cost of exempt agricultural commodities and raw materials processed by an integrated producer.

(d) *Inventories.* (1) If inventory valuation is a significant element in determining profits, a determination of excessive profits or of no excessive profits will not be made unless the Board is satisfied with respect to the value of the inventory.

(2) A physical inventory at the close of the period involved in the renegotiation is the most satisfactory basis for an inventory valuation; however, a physical inventory taken within a reasonable time (ordinarily not in excess of three months) before or after the close of the period and reconciled to the close of the period may be acceptable.

(3) In the absence of a physical inventory at or within a reasonable time before or after the close of the period involved in the renegotiation, the contractor's book records will not be accepted as an appropriate basis for an inventory valuation as of the close of such period unless the Board is satisfied (i) after spot checks or other tests, that the recorded inventory properly reflected the actual inventory on hand, or (ii) that the method of determining inventory is such as to assure reasonable agreement be

tween the recorded inventory and the actual inventory on hand.

(4) If necessary in order to arrive at a satisfactory valuation of inventory at the close of the period involved in the renegotiation, the Board may either (i) cause a physical inventory to be taken by or on behalf of the Government as near as possible to the close of the period involved in the renegotiation, or (ii) if such a physical inventory is not feasible, estimate the inventory valuation as at the close of the period involved in the renegotiation, making such adjustments in the book inventory as, on the basis of the information then available, will protect the interests of the Government and minimize the likelihood of an understatement of profits for the period involved in the renegotiation.

(5) If the data submitted by a contractor include financial statements certified by independent public accountants, and if such accountants have not qualified their opinion of the fairness of the accounts because of inventory practices which in their opinion are inadequate, the Board will not require a physical inventory to be taken by or on behalf of the Government.

§ 1459.9 *Taxes measured by income ("State income taxes")*—(a) *In general.* Under section 103 (f) of the act, taxes measured by income cannot be allowed as items of cost for purposes of renegotiation. However, said section provides specifically that in determining the amount of excessive profits to be eliminated, proper adjustment shall be made on account of the taxes measured by income (other than Federal taxes) so excluded, which are attributable to non-excessive renegotiable profits. The amount of any such adjustment will in no case exceed that part of such taxes actually payable which is payable because of the inclusion in income of the non-excessive renegotiable profits. The term "taxes measured by income" is interpreted to mean taxes which vary in accordance with the amount of net income of the taxpayer. Such term does not include taxes imposed upon or measured by gross income, gross receipts or sales. Such taxes measured by net income are herein referred to generally as "State income taxes" although they may not be designated as "income taxes" in the legislation imposing such taxes, and although they may be imposed by political subdivisions other than a State. For the effect of the "floor" provision limiting refunds of excessive profits, see § 1458.3 of this subchapter.

(b) *Adjustment for State tax imposed at a "flat rate".* (1) The amount of unadjusted excessive profits, without consideration of any State income tax, is first determined. This amount is then deducted from the renegotiable profits to obtain the amount of non-excessive renegotiable profits. The State income tax attributable to such non-excessive renegotiable profits is then computed and this amount is deducted from the unadjusted excessive profits. The remainder constitutes the excessive profits to be eliminated, subject of course to any Federal tax credit to which the contractor may be entitled under section 3806 of the Internal Revenue Code. (See Part 1462 of this subchapter.) If the contractor has a loss on non-renegotiable business, the unadjusted excessive profits will be deducted from the total profits (including renegotiable and non-renegotiable business) to obtain the tentative retained profits. The tax attributable to the non-excessive renegotiable profits will then be the amount of tax computed on such tentative retained profits.

(2) The following example illustrates the method of calculation of the adjustment for State taxes:

The contractor's total profits during the fiscal year under review are $1,000,000, of which $500,000 is derived from renegotiable business. The Board determines that $100,000 of these renegotiable profits is excessive. This is the amount of unadjusted excessive profits. The amount of non-excessive renegotiable profits is the difference between the total renegotiable profits and the unadjusted excessive profits, or $400,000. The State income tax, based on an assumed flat rate of 3 percent attributable to such non-excessive renegotiable profits, is $12,000. The difference between the amount of unadjusted excessive profits and the State income tax attributable to the non-excessive renegotiable profits is $88,000, which is the amount of excessive profits to be eliminated.

(3) The amount of unadjusted excessive profits (i. e., before the adjustment for State income tax) will be a "rounded" figure, but after the tax attributable to the non-excessive renegotiable profits has been ascertained, there will be no "rounding off" in deducting such amount from the unadjusted excessive profits to obtain the final amount of excessive profits to be eliminated.

(c) *Adjustment for graduated State tax.* If the State income tax is imposed at graduated rates as distinguished from a "flat rate", the adjustment is to be made as follows:

(1) The contractor's total profits subject to the State tax, including non-renegotiable and renegotiable profits, is determined. The unadjusted excessive profits are deducted from such total profits to obtain the contractor's tentative retained profits. The unadjusted excessive profits are also deducted from the renegotiable profits to obtain the non-excessive renegotiable profits.

(2) The State tax on the tentative retained profits is computed as though such profits were the only profits of the contractor.

(3) The tax attributable to the non-excessive renegotiable profits will then be the amount which bears the same ratio to the tax computed in subparagraph (2) of this paragraph as the amount of non-excessive renegotiable profits bears to the tentative retained profits.

(4) The tax attributable to the non-excessive renegotiable profits computed in subparagraph (3) of this paragraph is deducted from the unadjusted excessive profits to obtain the amount of excessive profits to be eliminated.

(5) If the contractor has a loss on non-renegotiable business, the tax attributable to the non-excessive renegotiable profits will be the amount of tax computed on the tentative retained profits determined as provided in subparagraph (1) of this paragraph.

(d) *Multiple State income taxes.* A contractor doing business in more than one State may be subject to more than one income tax. In such event, the adjustment will be made by an accurate determination of the tax attributable to the non-excessive renegotiable profits imposed by each State, if such a computation is feasible. If an exact computation is not feasible, the adjustment will be made upon the best estimate of the Board and the contractor, made in good faith and with reasonable care. This estimate may take the form of a pro rata application to each State of the non-excessive renegotiable profits based upon the profits before renegotiation attributable to each State, if no more accurate method is available. If all such taxes are imposed at flat rates, a composite rate may be obtained by dividing total State income taxes by total profits, and this composite rate may be applied to the non-excessive renegotiable profits.

(e) *State income tax measured by income for preceding year.* In some States, the tax is measured by the income for the year subject to renegotiation but is a liability of the contractor not for such year but for the next succeeding year. In this event, the adjustment for such tax will be made as though such tax measured by the income subject to renegotiation were in fact a liability for the year subject to renegotiation.

(f) *Adjustment for State income tax of contractor operating as a partnership or sole proprietorship.* (1) A contractor doing business as a partnership or sole proprietorship is entitled to an adjustment for State income tax based upon the tax liability of the individual partners or of the proprietor. In general, the same procedure will be followed as stated above. Thus, in the case of a partnership, adjustment will be made for the aggregate of the State taxes attributable to each partner's share of non-excessive renegotiable profits.

(2) Normally, a State income tax is imposed upon individuals on a graduated basis. Reference is therefore made to § 1459.9 (c).

(3) If the contractor is a partnership or sole proprietorship and is subjected to an unincorporated business tax measured by income, adjustment will be made therefor as well as for the State income taxes of the partners or the proprietor.

(4) If a so-called "salary allowance" is made in renegotiation for the services of partners or proprietors, the amount of such "salary" allowed to each partner or to the proprietor will be deducted from the partner's or proprietor's share of non-excessive renegotiable profits before calculation of the State income tax attributable to such non-excessive renegotiable profits. Such "salary allowance" will also be deducted before calculating any such unincorporated business tax adjustment.

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Sec.

1460.1 General considerations.
1460.2 Specific considerations.
1460.3 Adjustment of sales.

Sec.
1460.4 Overextended contractors.
1460.5 Minimum refund.
1460.7 Uncompleted portions of terminated contracts.
1460.8 Application of statutory factors; general policy.
1460.9 Efficiency of contractor.
1460.10 Reasonableness of costs and profits.
1460.11 Capital employed.
1460.12 Extent of risk assumed.
1460.13 Contribution to the defense effort.
1460.14 Character of business.
1460.15 Additional factors.

AUTHORITY: §§ 1460.1 to 1460.15 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 103, Pub. Law 9, 82d Cong.

§ 1460.1 *General considerations.* In making determinations in renegotiation, the Board will proceed generally as follows:

(a) All the information necessary to a sound determination will be obtained.

(b) The contractor will be given an opportunity to develop and present whatever information is available to it which the contractor may consider pertinent to the determination.

(c) Requests for additional information and the number of meetings held with the contractor or its representatives will be kept to a minimum.

(d) Financial and factual information will be reviewed with the contractor and its agreement to the accuracy of such information will be obtained.

(e) The contractor will be given every reasonable assistance and all necessary information with respect to the technical requirements of renegotiation, the act, and the regulations in this subchapter.

(f) The facts and conclusions with respect to the contractor's business will be fully developed.

§ 1460.2 *Specific considerations*—(a) *Profits before taxes.* In renegotiation the amount of excessive profits is determined before provision for Federal taxes on income. In determining the existence or amount of excessive profits, the effect of Federal income taxes on the retained profits will not be considered.

(b) *Separate consideration of certain types of contracts.* While renegotiation will be conducted with respect to the aggregate of the contractor's renegotiable business for the fiscal year, separate consideration will be given to cost-plus-a-fixed-fee contracts and other cost-type contracts and to contracts, whether fixed price or cost-plus-a-fixed-fee, which contain incentive provisions or provide for escalation, redetermination, or other revision of the contract price during the life of the contract. Patent royalty income will also be separately considered.

(c) *Comparisons.* In evaluating the contractor's performance, comparisons will be made with the prices, costs and profits of other contractors engaged in the production of the same or similar products or using the same or similar processes.

(d) *Significance of settlements or profits or losses in prior years.* Renegotiation settlements for prior years are not controlling precedents. Consideration will be given to profits or losses in prior years only to the extent provided elsewhere in these regulations. Except to that extent, determinations of excessive profits will be predicated on the facts and circumstances of the year under review.

(e) *Reserves for possible renegotiation refunds.* It is recognized that sound accounting principles may make it desirable for contractors to establish reserves for possible renegotiation refunds and that the amount of such reserves established in individual situations will vary widely depending upon the policy of the particular contractor concerned. Neither the existence nor the amount of such reserves is to be considered directly or indirectly in connection with the determination of excessive profits. The Board recognizes that conservative practice may result in setting up such reserves in excess of the anticipated liability and will not permit such a practice to prejudice the contractor in any way.

§ 1460.3 *Adjustment of sales.* The amount of excessive profits is always deducted from the renegotiable receipts or accruals, as well as from the profit thereon, for the purposes of determining the relation of retained profits to sales.

§ 1460.4 *Overextended contractors.* A contractor's lack of adequate working capital will not be taken into consideration in determining excessive profits to be eliminated.

§ 1460.5 *Minimum refund.* No refund shall, in the absence of unusual circumstances, be required if excessive profits amount to less than $10,000. The provisions of this section shall not apply, however, to subcontracts under section 103 (g) (3) of the act, or to cases where the provisions of § 1458.3 of this subchapter operate to limit the amount of the refund.

§ 1460.7 *Uncompleted portions of terminated contracts*—(a) *Separate consideration.* When a segregation of the items allocable to the uncompleted portions of terminated prime contracts and subcontracts is made in accordance with the principles set forth in §§ 1457.6 and 1459.1 (c) of this subchapter, separate consideration will be given to such items in the light of the applicable factors in determining excessive profits. The evaluation of the contractor's performance with respect to the uncompleted portions of terminated prime contracts and subcontracts will be considered in connection with the evaluation of the contractor's performance of the completed portions of such prime contracts and subcontracts and with that of other prime contracts and subcontracts in determining the excessive profits, if any, for the period involved in the renegotiation.

(b) *Evaluation of performance.* The evaluation of the contractor's performance with respect to the uncompleted portions of terminated prime contracts and subcontracts will be measured by the nature and extent thereof. The more nearly the nature and extent of such performance approximate the nature and extent of the contractor's performance of completed contracts and subcontracts of the same type, the more nearly the evaluation of such performance will approach that given to the contractor's performance of the completed prime contracts and subcontracts. On the other hand, if the contractor's performance under the uncompleted portions of terminated prime contracts and subcontracts has consisted largely of the acquisition of inventory which it has processed only slightly or not at all, then the value placed upon such performance must be expected to be substantially less than the value of the contractor's performance in processing such inventory into finished articles delivered under completed prime contracts and subcontracts.

(c) *Effect of waivers of termination claims.* The evaluation of the contractor's performance with respect to the uncompleted portions of terminated contracts and subcontracts is not affected by whether the contractor has or has not waived all or any part of its rights to compensation under termination claims. Appropriate effect will be given to the evaluation of such performance in determining the excessive profits, if any, which are included in the contractor's aggregate receipts or accruals subject to renegotiation, whether or not such receipts or accruals include any amounts received or accrued under termination claims (see § 1457.6 of this subchapter).

§ 1460.8 *Application of statutory factors; general policy.* Reasonable profits will be determined in every case by over-all evaluation of the particular factors present and not by the application of any fixed formula with respect to rate of profit, or otherwise. Renegotiation proceedings will not result in a profit based on the principle of a percentage of cost. Contractors who sell at lower prices and produce at lower costs through good management, including conservation of manpower, facilities and materials, improved methods of production, close control of expenditures, and careful purchasing will receive a more favorable determination than those who do not. Such favorable or unfavorable determination will be reflected in the profits allowed to be retained by the contractor or subcontractor as nonexcessive. Claims of a contractor for favorable consideration must be supported by established facts, analyses, and appropriate comparisons. This section and the following sections of this part apply to all contractors except those whose renegotiable contracts consist only of subcontracts described in section 103 (g) (3) of the act. For the application of the statutory factors to such subcontractors, see Part 1490 of this subchapter (to be published at a later date).

§ 1460.9 *Efficiency of contractor*—(a) *Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits, favorable recognition must be given to:

> the efficiency of the contractor or subcontractor, with particular regard to attainment of quantity and quality production, reduction of costs, and economy in the use of materials, facilities, and manpower;

(b) *Comment.* Favorable recognition must be given to the contractor's efficiency in operations, with particular attention to the following:

(1) Quantity of production; for example, in relation to available physical facilities; meeting of production schedules; expansion of facilities; maximum use of available production facilities.

(2) Quality of production; for example, maintenance of standards of quality; rejection record; reported mechanical or other difficulties in the use or installation of the product.

(3) Reduction of costs; for example, a decrease in costs per unit of production or per unit of sales as between fiscal years and as compared with other contractors producing the same or similar products when the operations are reasonably comparable; a decrease in administrative, selling, or other general and controllable expenses; a decrease in prices paid vendors for purchased materials and subcontracted items or units. (See § 1460.10 (b).)

(4) Economy in the use of materials, facilities, and manpower; for example, a decrease in quantity of materials used in relation to production and the number of employees in relation to production; reduction of waste.

§ 1460.10 *Reasonableness of costs and profits*—(a) *Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factor:

(1) Reasonableness of costs and profits, with particular regard to volume of production, normal earnings, and comparison of war and peacetime products;

(b) *Comment.* (1) Consideration will be given to the reasonableness or the excessiveness of costs and profits of the contractor. Comparisons will be made with the contractor's own costs and profits in previous years and with current costs and profits of other contractors, if such information is available. In comparisons, uncontrollable variations in labor, material, or other costs will be taken into account. Particular attention will be given to relative changes in controllable costs such as selling and general administrative expense. Low costs with relation to other contractors, when clearly established and shown to be the result of efficiency in management, are especially significant and must receive favorable consideration.

(2) Consideration for comparative purposes will be given to profits of the contractor, and of the industry, on products and services not subject to renegotiation, especially in cases in which the renegotiable business involves products or services substantially similar to those not subject to renegotiation. In making comparisons for fiscal periods before those subject to the act, profits during World War II years will not be regarded as determinative. If the renegotiable business is not fundamentally different from the non-renegotiable business and the product is sold and distributed by the contractor's normal channels and methods, the profit margin on non-renegotiable business is significant in renegotiation.

(3) Favorable consideration will be given to an increase in volume of production for defense purposes. On the other hand, when the Government's demand has enabled the contractor to increase his sales without exceptional effort and without corresponding increases in costs, decreased unit costs result, and the Government should normally get the principal benefit in more favorable prices, or in renegotiation. In many cases, the contractor may establish that factors related to the increased volume, such as developmental contribution, added risk assumed, or added investment of capital, entitle the contractor to claim a larger share of the benefit resulting from increased volume, but to the extent that this is not shown, the margin of profit on expanded renegotiable sales should be adjusted in reasonable relationship to the expanded volume. Increase in volume made possible by increased subcontracting may often not involve any cost savings, and will involve problems discussed under other factors. See §§ 1460.12 and 1460.14.

(4) When the contractor is engaged in more than one class or type of business, the varied characteristics of the several classes of business will be taken into consideration.

§ 1460.11 *Capital employed*—(a) *Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factor:

(2) The net worth, with particular regard to the amount and source of public and private capital employed;

(b) *Comment.* (1) The amount of net worth employed, as well as the amount and source of capital employed, will, as a general rule, be that existing at the beginning of the fiscal year. However, if significant changes, in either capital or net worth, occur during the year, they will be reflected in the determination of the amount employed during such year.

(2) The amount of net worth employed in renegotiable business will be estimated and considered whenever a reasonable estimate of that amount is possible.

(3) Capital employed is the total of net worth, debt, and any assets furnished by the Government or customers not contained in the contractor's records. The source of capital will be established in order that a determination may be made of the extent to which capital employed in renegotiable business came from public sources or from customers, or was furnished by the contractor.

(4) The relationship of profit realized on renegotiable business to the capital and net worth employed in renegotiable business will be used as one of the considerations in the final determination of what constitutes excessive profits. A contractor who is not dependent upon Government or customer financing of any type is entitled to more favorable consideration than a contractor who is largely dependent upon these sources of capital. When a large part of the capital employed is supplied by the Government or by customers, the contractor's contribution tends to become one of management only and the profit will be considered accordingly.

§ 1460.12 *Extent of risk assumed*—(a) *Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factor:

(3) Extent of risk assumed, including the risk incident to reasonable pricing policies;

(b) *Comment.* (1) The risks to be considered include but are not limited to risks incident to close pricing policies. For example, contractors in certain industries may attain maximum production only at the risk of saturating post-emergency markets. Contractors may assume risks by guaranteeing delivery schedules notwithstanding possible inability to obtain needed materials or labor. Contractors may guarantee quality and performance of the product notwithstanding uncertainties as to the quality obtainable from their plants, particularly with respect to products which may be more or less abnormal to them. In some cases a substantial degree of risk will be found in the temporary sacrifice of civilian markets to competitors, in order to accept more defense orders, or in the certainty of heavy reconversion expenses at the end of the emergency. Acceptance of contracts without escalation or similar protection may involve a risk that the cost of labor or materials may increase. Contractors who subcontract work, the performance of which they guarantee, in general assume a greater risk than contractors who retain performance entirely within their own control. In general, the Board will consider whether the contractor's performance of renegotiable business is free from risk, or subject to it, on the basis of actual experience and not mere speculative or unlikely possibilities. The Board will give special consideration to evidence showing risks through actual realization of losses incurred by the contractor in performing contracts in other years similar to the contracts undergoing renegotiation, and losses incurred in the same or other years by concerns other than the contractor, especially when connected with the contractor in any way, and in performing similar contracts.

(2) The risk assumed by the contractor as a result of its pricing policy will be given particular consideration. A contractor, having initial prices calculated to yield a reasonable profit, who revises such initial prices downward periodically when circumstances warrant, will be given more favorable treatment under this factor than a contractor who does not follow such policy. In order that proper consideration may be given, it is suggested that contractors, when making such periodic price revisions, notify the Board of the action taken in this respect.

(3) Consideration of the pricing policy of the contractor frequently involves the question of refunds made before renegotiation under the act. As stated in Part 1462, such refunds may be made as an integral part of the repricing policy of the contractor or as prepayments of excessive profits. In either event, the effect upon the risk assumed by the particular contractor depends entirely upon

the facts of each case, including the manner in which the refund is made. For example, a contractor who executes a legally binding agreement to pay the Government a rebate on articles delivered during a particular period of time, has incurred a greater risk than a contractor who gives the Government a nonbinding "statement of intention" or "statement of policy" indicating that it will make refunds, even though the final profit position of the two contractors at the end of the fiscal year is the same. On the other hand, a contractor who makes a refund pursuant to such a "statement of intention" or "statement of policy" may have incurred a greater risk than one who simply makes a refund. Similarly, a contractor who makes a refund near the beginning of its current fiscal year has incurred a greater risk than one who makes a refund near the end of its fiscal year. The effect of the refund must, therefore, be weighed in the light of all pertinent facts.

§ 1460.13 *Contribution to the defense effort*—(a) *Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factor:

(4) Nature and extent of contribution to the defense effort, including inventive and developmental contribution and cooperation with the Government and other contractors (*sic*) in supplying technical assistance.

(b) *Comment.* This factor applies with continued force to contributions to the defense effort by prime contractors and subcontractors through their business subject to the act. Consideration will be given to the nature and extent of the contractor's contribution. Favorable consideration for unusual contributions will be possible only when the contribution is exceptional. Experimental and developmental work of high value to the defense effort and new inventions, techniques, and processes of unusual merit are examples of special contributions. The extent to which a contractor cooperates with the Government and with other contractors in developing and supplying technical assistance to alternative or competitive sources of supply is a factor which will be given favorable consideration and the effect of such sharing of knowledge on such contractor's future business will also be taken into account.

§ 1460.14 *Character of business*—(a) *Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factor:

(5) Character of business, including source and nature of materials, complexity of manufacturing technique, character and extent of subcontracting, and rate of turnover,

(b) *Comment.* (1) Consideration will be given to the character of the business of the contractor. The manufacturing contribution will vary with the nature of the product and the degree of skill and precision required in the work performed by the contractor. The relative complexity of the manufacturing technique and the relative integration of the manufacturing process are the basic considerations in evaluating this factor.

(2) A contractor who uses customer-furnished materials generally is not entitled to as large a dollar profit as the dollar profit to which such contractor would have been entitled had it furnished the materials itself. In the latter case, the contractor would have expended effort in finding or acquiring the materials, would have invested capital in the materials and would have assumed the risks of obsolescence, spoilage, or other loss inherent in owning such materials. Although the aggregate dollar profit allowed the contractor in the former case should not be as great as it would be if such contractor furnished its own materials, nevertheless the dollar profit allowed will usually result in a larger percentage of sales than the dollar profit which would have been allowed if the materials had been purchased by the contractor and, therefore, included in its sales and costs.

(3) Maximum defense production and the policy of Congress require that subcontracting, particularly to small business concerns, be used to the maximum extent practicable. In the renegotiation of a contractor, favorable consideration will be given to the extent to which such contractor, by subcontracting, utilizes in the defense effort facilities and services, particularly of small business concerns, which might otherwise have been overlooked or passed by.

A contractor will be given favorable treatment when it has demonstrated its efficiency and ingenuity in finding appropriate opportunities for subcontracting; when the amount of subcontracting so accomplished is substantial; when the amount or complexity of technical, engineering, and other assistance rendered by the contractor to the subcontractor is substantial; and when the price negotiated with the subcontractor is reasonable in view of the character of the components produced. However, it must be recognized that to the extent that the subcontractor's facilities and production skill contribute to successful performance, it is, of course, such subcontractor who is entitled to consideration therefor in renegotiation. The portion of the renegotiable business which is subcontracted will be a part of the total sales and special consideration must be given in applying to this portion the factors of risks assumed, capital employed, and reasonableness of costs and profits.

(4) The rate of turn-over will indicate the use of plant, materials, and net worth. A low rate of turn-over may indicate more complete integration in production or may be related to the type of the product and the nature of the manufacturing process. A high rate of turnover may indicate a relatively smaller manufacturing contribution or, by comparison with other manufacturers of similar products, a relatively greater efficiency.

§ 1460.15 *Additional factors*—(a) *Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following:

(6) Such other factors the consideration of which the public interest and fair and equitable dealing may require, which factors shall be published in the regulations of the Board from time to time as adopted.

(b) *Factors adopted by the Board.* No additional factors have been adopted by the Board to the date of the publication of the regulations in this part.

PART 1461—RECOVERY OF EXCESSIVE PROFITS AFTER DETERMINATION

Sec.

1461.1 Collection authority.
1461.2 Recovery of refund pursuant to agreement.
1461.3 [Reserved.]
1461.4 Withholding as a method of recovery
1461.5 Administration of determinations by agreement or order.

AUTHORITY: §§ 1461.1 to 1461.5 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 105, Pub. Law 9, 82d Cong.

§ 1461.1 *Collection authority.* Section 105 (b) of the act provides in part as follows:

(1) *In general.* Upon the making of an agreement, or the entry of an order * * * determining excessive profits, the Board shall forthwith authorize and direct the Secretaries or any of them to eliminate such excessive profits—

(A) by reductions in the amounts otherwise payable to the contractor under contracts with the Departments, or by other revision of their terms;

(B) by withholding from amounts otherwise due to the contractor any amount of such excessive profits;

(C) by directing any person having a contract with any agency of the Government or any subcontractor thereunder, to withhold for the account of the United States from any amounts otherwise due from such person or such subcontractor to a contractor or subcontractor, having excessive profits to be eliminated, and every such person or subcontractor receiving such direction shall withhold and pay over to the United States the amounts so required to be withheld;

(D) by recovery from the contractor or subcontractor, or from any person or subcontractor directed under subparagraph (C) to withhold for the account of the United States, through payment, repayment, credit or suit any amount of such excessive profits realized by the contractor or subcontractor or directed under subparagraph (C) to be withheld for the account of the United States; or

(E) by any combination of these methods, as is deemed desirable.

§ 1461.2 *Recovery of refund pursuant to agreement*—(a) *In general.* The elimination of excessive profits ordinarily will be effected pursuant to an agreement providing for a refund in renegotiation proceedings with respect to a completed fiscal period. Such refund may be made by the contractor in a single payment or in installments as the agreement may provide.

(b) *Relation to income tax payments.* In any case in which excessive profits have been or may be excluded from income for Federal income tax purposes for the year to which the renegotiation relates, and are to be repaid in installments, the installments must be sufficient, with respect to both amount and time, in order that they will, at no time be less than the tax payments which would have been required if the excessive profits had been reported as income

(c) *Interest.* (1) When a renegotiation agreement provides for a refund of excessive profits in installments, the payment of interest will not be required on installments of the refund which are not in default under the agreement and which are provided to be payable within a 2-year period after the close of the fiscal period to which the renegotiation agreement relates. A renegotiation agreement providing for the payment of a refund or portion thereof beyond 2 years after the close of the fiscal period to which the renegotiation relates will require the payment of interest at the rate of 4 per centum per annum from and after the date which is 2 years after the last day of the fiscal period to which the renegotiation relates or 30 days after execution and delivery of the agreement, whichever is later.

(2) In cases of default, section 105 (b) (2) of the act provides that interest at the rate of 4 per centum per annum shall accrue and be paid from the date fixed for repayment by the agreement to the date of repayment. Such interest shall accrue and be paid whether or not the agreement contains a provision for the payment of interest.

§ 1461.3 [Reserved.]

§ 1461.4 *Withholding as a method of recovery.* (a) Excessive profits may be eliminated by withholding the amount thereof from amounts otherwise due to a prime contractor or by directing any person having a contract with any agency of the Government, or any subcontractor thereunder, to withhold for the account of the United States amounts otherwise due from such person or such subcontractor to a prime contractor, or subcontractor, having excessive profits to be eliminated. Excessive profits to be eliminated by such direction shall include the interest thereon, if any, as provided by § 1461.2 (c).

(b) Withholding by any person having a contract with any agency of the Government, or by any subcontractor thereunder, will be effected by such person or such subcontractor upon a direction issued by a Secretary of a Department or pursuant to his authority. No amounts shall be withheld, in accordance with the provisions of this section, by any such person or any such subcontractor other than by authority of a direction issued by, or pursuant to the authority of, a Secretary of a Department. Any amount so withheld by any person or any such subcontractor shall be held by him for the account of the United States and shall be paid only upon a direction issued by or pursuant to the authority of a Secretary of a Department. The act indemnifies each person against all claims on account of amounts so withheld and paid over to the United States.

(c) Action to withhold under prime contracts and subcontracts may be taken upon default in the elimination of excessive profits determined by agreement as well as in cases of determinations of excessive profits made by unilateral order.

(d) Any withholding or recovery under any prime contract with any Department or agency, or related subcontract, when claims under such prime contract or subcontract have been assigned to any bank, trust company, or other financing institution, shall be subject to the applicable provisions of section 105 (b) (5) of the act and also to the applicable provisions of the Assignment of Claims Act of 1940, as amended.

§ 1461.5 *Administration of determinations by agreement or order.* Upon the making of an agreement or the entry of an order determining excessive profits, the Board will direct the Secretary of one of the Departments to effect the collection of such excessive profits and secure the performance by the contractor of any other provisions which may be included in the agreement or order.

PART 1462—RENEGOTIATION AND TAXES

Sec.

1462.1 Scope of part.
1462.2 Statutory provisions.
1462.3 Renegotiation after filing of Federal tax returns.
1462.4 Determination of Federal tax credit for partnerships and joint ventures.
1462.5 Determination of Federal tax credit for sole proprietor, partnership and joint venture in community property States.
1462.6 Determination of Federal tax credit in the case of a joint return by husband and wife.
1462.7 Renegotiation before filing of Federal tax returns.
1462.8 Special allocations of excessive profits elimination required for Federal tax purposes.

AUTHORITY: §§ 1462.1 to 1462.8 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 105, Pub. Law 9, 82d Cong.

§ 1462.1 *Scope of part.* This part deals with the effect of renegotiation upon a contractor's Federal income tax.

§ 1462.2 *Statutory provisions.* (a) Section 105 (b) (8) of the act provides as follows:

> In eliminating excessive profits, the Secretary shall allow the contractor or subcontractor credit for Federal income and excess profits taxes as provided in Section 3806 of the Internal Revenue Code.

(b) Section 3806 of the Internal Revenue Code requires, as a general rule, that the amount of a contractor's Federal income tax, which has been assessed for the taxable year under renegotiation in respect of excessive profits realized in such year, be allowed as a credit against the total excessive profits to be eliminated. (For the text of section 3806 of the Internal Revenue Code, see § 1449.30 of this subchapter.)

§ 1462.3 *Renegotiation after filing of Federal tax returns*—(a) *Allowance of credit for Federal taxes.* (1) The allowance of a credit for Federal taxes is provided by section 3806 of the Internal Revenue Code for the purpose of relieving contractors from double payments of excessive profits to the United States, once in the form of taxes and again as excessive profits, and to avoid the necessity for tax refunds by the Treasury.

(2) When excessive profits are determined for a taxable year for which complete Federal income tax returns, as distinguished from tentative returns, have been filed, the difference between the amount of Federal income tax assessed in respect of the contractor's income for the period (including the excessive profits) and the amount of Federal income tax which would have been assessed if the excessive profits had been excluded from the returns, is allowed as a credit against the excessive profits determined.

(3) The amount of the credit is based upon the amount of taxes assessed before the credit computation. If the assessment based upon the return filed has not been revised by the Bureau of Internal Revenue, the credit is computed upon the basis of such assessment. If such assessment has been revised, the credit is computed upon the basis of the revised assessment.

(4) Adjustments of a contractor's returns to reflect the reduction of taxable gross and net income and the amount of tax are made by the Bureau of Internal Revenue after tax credits have been allowed. Any subsequent changes in the contractor's net income or tax liabilities are based upon these adjusted figures. Amended returns are not to be filed.

(5) The effect of this credit provision is to require precisely the same aggregate amount of payments to the Government (as taxes and excessive profits) when renegotiation occurs after the filing of Federal tax returns, as would have been required if the gross amount of the excessive profits had been repaid to the Government before the filing of the Federal tax returns and no Federal taxes had been assessed.

(b) *Computation of credit for Federal taxes.* (1) The Bureau of Internal Revenue computes the credit allowable under section 3806 of the Internal Revenue Code for Federal income tax assessed for a prior taxable year. The contractor shall submit written requests for such determinations directly to the Internal Revenue Agent in Charge of the Division of the Bureau of Internal Revenue where the contractor filed its tax return for the fiscal year involved. Such requests should not be sent to the Collector of Internal Revenue.

(2) When the original returns have been filed so recently that they are not available to the office of the Internal Revenue Agent in Charge, he will compute the amount of tax credit from the contractor's retained copies of the returns. In such cases, photostat or certified copies of the returns shall accompany the request to the Internal Revenue Agent in Charge. It usually requires at least 6 months after filing for a return to reach the office of the Internal Revenue Agent in Charge.

(3) A copy of the contractor's request to the Internal Revenue Agent in Charge shall be mailed to the Board.

§ 1462.4 *Determination of Federal tax credit for partnerships and joint ventures.* (a) Since a partnership files only an information return and the Federal tax is imposed on the individual income of the partners, the tax credit to which a partnership is entitled under section 3806 for the taxable year under renegotiation is the aggregate amount of the separate credits to which the individual

partners are entitled, because their shares of the partnership's income are reduced by the elimination of the excessive partnership profit. A request for a credit computation shall be made for each partner.

(b) For example, if A and B are partners with 60 percent and 40 percent interests, respectively, and the partnership has realized excessive profits of $1,000,000 for a prior taxable year, the elimination of $1,000,000 excessive profits of the partnership will reduce the taxable income of A for the year by $600,000 and that of B by $400,000. Upon request for a determination of credit under section 3806, the Internal Revenue Agent in Charge will determine the amount by which the elimination of those excessive profits would reduce the individual income taxes of A and B for the year. The aggregate amount of such reductions in the individual Federal income taxes of A and B will represent the credit to be allowed, under section 3806, against the partnership's obligation to refund excessive profits of $1,000,000.

§ 1462.5 *Determination of Federal tax credit for sole proprietor, partnership and joint venture in community property States.* If a portion of the excessive profits received or accrued by a sole proprietor, partner, or joint venturer in any taxable year was included in the Federal income tax return of his or her spouse, by virtue of the community property laws of the State in which they were domiciled during such year, the tax credit allowed under section 3806 will include the amount, as determined by the Internal Revenue Agent in Charge, by which the tax of the spouse is decreased by the elimination of the excessive profits. In such cases, both the husband and the wife shall submit to the Internal Revenue Agent in Charge a written request for a determination of tax credit.

§ 1462.6 *Determination of Federal tax credit in the case of a joint return by husband and wife.* If all or a portion of the excessive profits received or accrued by a sole proprietor, partner, or joint venturer was included in a Federal income tax return made jointly with his or her spouse and the tax is computed with respect thereto under section 12 (d) of the Internal Revenue Code, the tax credit allowed under section 3806 will be the amount, as determined by the Internal Revenue Agent in Charge, by which the tax of the spouses under the joint return is reduced by reason of the elimination of the excessive profits. In such cases, both spouses shall submit to the Internal Revenue Agent in Charge a written request for a determination of tax credit.

§ 1462.7 *Renegotiation before filing of Federal tax returns*—(a) *Exclusion of excessive profits from returns.* (1) When, as a result of renegotiation, the amount of excessive profits is determined for a period for which Federal income tax returns have not yet been filed, such amount of excessive profits may be excluded from the contractor's income tax returns for the period.

(2) The amount of excessive profits eliminated for a particular taxable year may not be deducted or excluded from taxable income for any other taxable year.

(3) For the tax effect of renegotiation for periods for which Federal income tax returns have not been filed, see I. T. 3577, I. T. 3611 and I. T. 3671 (§§ 1499.31 to 1499.33 of this subchapter).

(b) *Effect of tentative tax return.* When a contractor has filed a tentative return for the year involved and has been granted an extension of time for filing its completed return, the provisions of I. T. 3577, I. T. 3611 and I. T. 3671 as noted in paragraph (a) (3) of this section will apply if the renegotiation takes place before the filing of the complete return.

§ 1462.8 *Special allocations of excessive profits elimination required for Federal tax purposes.* (a) When the contractor has reported earnings for Federal tax purposes on a basis different from the basis upon which renegotiation is conducted, the excessive profits to be eliminated will, for purposes of computing the allowable tax credit under section 3806 of the Internal Revenue Code, be allocated to the contractor's taxable year or years in which the Board determines that such excessive profits were reported as income in the tax returns. This procedure is applicable, for example, when renegotiation has been conducted on a completed contract basis although the contractor has used some other method of accounting for Federal tax purposes in reporting income from some or all of the contracts covered by the renegotiation.

(b) When renegotiation is conducted on a consolidated basis, excessive profits to be eliminated will be allocated between the entities so consolidated (see § 1464.8 of this subchapter).

(c) The allocation of excessive profits will be made by the Board and not by the contractor. The contractor may, however, furnish or be required to furnish such supplementary information in explanation of the sources of taxable income reported for any year as may be pertinent to such allocation.

(d) Allocations of excessive profits to be eliminated under paragraphs (a) and (b) of this section will be set forth in the renegotiation agreement or in the unilateral order determining excessive profits and shall also be set forth in any request to an Internal Revenue Agent in Charge for tax credit computation.

PART 1463—INTERIM PREPAYMENT OF EXCESSIVE PROFITS

Sec.

1463.1 Introduction.
1463.2 What constitutes interim prepayment of excessive profits.
1463.3 Procedure for acceptance of interim prepayment of excessive profits.
1463.4 Treatment of interim prepayment for Federal income tax purposes.

FORMS

1463.90 Letter agreement transmitting interim prepayment of excessive profits before close of fiscal year.
1463.91 Letter agreement providing for prepayment of excessive profits after close of fiscal year.

AUTHORITY: §§ 1463.1 to 1463.91 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 105, Pub. Law 9, 82d Cong.

§ 1463.1 *Introduction.* Excessive profits are determined under the act only pursuant to a renegotiation proceeding commenced and conducted in the manner prescribed by the regulations in this subchapter. Profits refunded before renegotiation will be deemed to be excessive profits determined within the meaning of the act only if such refund is made in the manner prescribed in § 1463.3 as an interim prepayment of excessive profits to be determined by the Board in a subsequent renegotiation and only to the extent that the amount of such prepayment is determined in such renegotiation to constitute excessive profits within the meaning of the act. It is the purpose of this part to set forth: (a) The circumstances under which the Board will agree that such prepayments will be accepted as interim prepayments of excessive profits; and (b) the method by which such interim prepayments may be made. Reference is made to § 1460.12 (b) (3) of this subchapter for a discussion of the effect of refunds made before renegotiation upon the statutory factor of risk.

§ 1463.2 *What constitutes interim prepayment of excessive profits*—(a) *Repricing of specific contracts.* In any case in which a specific prime contract or subcontract is amended to reduce the price charged, no refund paid as a result of such amendment will be treated as a payment or prepayment of excessive profits.

(b) *Voluntary refunds.* A prime contractor or subcontractor may wish to refund a portion of its profits to the Government before renegotiation without making any prior binding agreement or prior non-binding statement of policy to make such refunds. Such a refund will, subject to the conditions set forth in § 1463.3 be accepted as an interim prepayment of excessive profits.

§ 1463.3 *Procedure for acceptance of interim prepayment of excessive profits.* A refund made under the circumstances set forth in § 1463.2 (b) will be accepted subject to the following conditions:

(a) Each prepayment shall be made pursuant to a letter agreement in the form prescribed as follows:

(1) If the refund is made before the close of the fiscal year to which it relates, a letter agreement in the form set forth in § 1463.90 shall be used.

(2) If the refund is made after the close of the fiscal year to which it relates, but before the Federal tax return for such year has been filed, a letter agreement in the form set forth in § 1463.90 shall be used, except that the word "ending" appearing in the first sentence of such form shall be changed to "ended".

(3) If the refund is made after the Federal tax return has been filed for the fiscal year to which the refund relates, a letter agreement in the form set forth in § 1463.91 shall be used. In this latter case, it will be necessary for the contractor to request a tax credit under section 3806 of the Internal Revenue Code.

(b) If the contractor who makes a prepayment is thereafter renegotiated for the particular fiscal year and excessive profits are determined, the prepayment will be included in the renegotiable receipts or accruals; excessive profits, if

any, will be determined upon such basis, and the prepayment will be applied in elimination of the excessive profits so determined.

(c) If the contractor, for any reason, is not renegotiated for the particular fiscal year, the prepayment will not be refunded to the contractor, but such prepayment will not be deemed to be excessive profits determined within the meaning of the act.

(d) If the contractor is renegotiated for the particular fiscal year but if the amount of excessive profits determined is less than the prepayment, such prepayment will be applied in elimination of the excessive profits determined, but the excess of such prepayment over the amount of excessive profits determined will not be deemed to be excessive profits determined within the meaning of the act. However, such excess will not be refunded to the contractor.

§ 1463.4 *Treatment of interim prepayment for Federal income tax purposes.* Any prepayment, if made pursuant to the letter agreement set forth in § 1463.90 or § 1463.91, is intended to constitute an elimination of excessive profits within the meaning of section 3806 of the Internal Revenue Code, and is to be treated as a reduction of taxable income for the year to which the prepayment relates. This is true whether or not, under § 1463.3, the prepayment is ultimately deemed to be excessive profits determined within the meaning of the act.

FORMS

§ 1463.90 *Letter agreement transmitting interim prepayment of excessive profits before close of fiscal year.*

(Date)

THE RENEGOTIATION BOARD,
Washington 25, D. C.

GENTLEMEN: There is herewith (or has been) transmitted to you a check, payable to the Treasurer of the United States, in the amount of $--------, representing profits received or accrued in our fiscal year ending ---------- (hereinafter referred to as "such fiscal year") derived from prime contracts and/or subcontracts subject to the provisions of the Renegotiation Act of 1951.

This prepayment is made on the understanding (1) that such amount shall be deemed to be a payment in elimination of "excessive profits" within the meaning of such term as defined in section 3806 of the Internal Revenue Code; and (2) that such amount will not be included in income in the computation of taxable income for such fiscal year under the Internal Revenue Code and, accordingly, no tax credit is allowable against such amount. The undersigned represents that this payment is not made in satisfaction or discharge, in whole or in part, of any legally binding obligation heretofore existing.

It is agreed that acceptance of this prepayment does not constitute a commencement of renegotiation pursuant to the Renegotiation Act of 1951 and that, except as provided herein, renegotiation may be conducted in all respects as though this prepayment had not been made. It is further agreed that if renegotiation pursuant to the Renegotiation Act of 1951 shall hereafter be concluded with respect to such fiscal year, (1) the amount of this prepayment will, for the purpose of such renegotiation, be included in renegotiable receipts or accruals, (2) upon such basis, excessive profits, if any, will be determined under the Renegotiation Act of 1951 and the regulations promulgated thereunder and (3) upon such determination of excessive profits, the prepayment will be applied in elimination of the excessive profits so determined, and, to the extent so applied, this prepayment will be deemed to be excessive profits determined within the meaning of the Renegotiation Act of 1951. It is intended that, if any amount of excessive profits so determined is less than the amount of this prepayment, or if for any reason renegotiation pursuant to the Renegotiation Act of 1951 shall not be concluded with respect to such fiscal year, then the excess of the prepayment, or the full amount thereof, as the case may be, shall constitute a payment in elimination of "excessive profits" as such term is defined in section 3806 of the Internal Revenue Code even though not constituting an elimination of excessive profits determined within the meaning of the Renegotiation Act of 1951.

It is further agreed that no part of this prepayment shall be refunded to the undersigned, provided, however, that if this prepayment, or a portion thereof, shall be deemed to be excessive profits determined within the meaning of the Renegotiation Act of 1951, nothing herein contained shall prejudice any right which the undersigned may have to receive any refund or rebate which may be provided by law with respect to the excessive profits so determined.

If this prepayment is acceptable on the foregoing terms, please so indicate by indorsement of one of the three (3) copies inclosed and return such copy to us.

Yours very truly,

(Name of contractor)

By ----------

(Title)

Attest:

(Secretary)

(If a corporation, add corporate seal.)

Accepted, ----------, 195--:

UNITED STATES OF AMERICA.

By ----------
THE RENEGOTIATION BOARD.

§ 1463.91 *Letter agreement providing for prepayment of excessive profits after close of fiscal year.*

(Date)

THE RENEGOTIATION BOARD,
Washington 25, D. C.

GENTLEMEN: Of the profits received or accrued in our fiscal year ended ---------- (hereinafter referred to as "such fiscal year") derived from prime contracts and/or subcontracts subject to the provisions of the Renegotiation Act of 1951, we intend to pay to you as a prepayment of excessive profits, the sum $-------- (hereinafter referred to as the "gross prepayment").

This prepayment is to be made on the understanding (1) that the gross prepayment shall be deemed to be a payment in elimination of "excessive profits" within the meaning of such terms as defined in section 3806 of the Internal Revenue Code; (2) that the gross prepayment has been included in the Federal income and excess profits tax returns filed by the undersigned for such fiscal year; (3) that the undersigned will promptly apply for a computation by the Bureau of Internal Revenue based upon the assessments made to the date of such computation, of the amount by which the taxes of the undersigned for such fiscal year payable under the Internal Revenue Code, will be decreased by reason of the elimination from income of the gross prepayment pursuant to section 3806 of the Internal Revenue Code; and (4) that the undersigned will, upon receiving such computation, pay to the Government the gross prepayment, less the amount of the tax credit, if any, so computed by the Bureau of Internal Revenue. The undersigned represents that this prepayment is not made in satisfaction or discharge, in whole or in part, of any legally binding obligation heretofore existing.

It is agreed that neither acceptance of this letter nor acceptance of the prepayment to be made hereunder constitutes a commencement of renegotiation pursuant to the Renegotiation Act of 1951 and that, except as provided herein, renegotiation may be conducted in all respects as though this prepayment had not been made. It is further agreed that if renegotiation pursuant to the Renegotiation Act of 1951 shall hereafter be concluded with respect to such fiscal year, (1) the amount of the gross prepayment will, for the purpose of such renegotiation, be included in renegotiable receipts or accruals; (2) upon such basis, excessive profits, if any, will be determined under the Renegotiation Act of 1951 and the regulations promulgated thereunder, and (3) upon such determination of excessive profits, the amount of gross prepayment will be applied in elimination of the excessive profits so determined, and, to the extent so applied, the gross prepayment will be deemed to be excessive profits determined within the meaning of the Renegotiation Act of 1951. It is intended that, if the amount of excessive profits so determined is less than the amount of the gross prepayment, or if for any reason renegotiation pursuant to the Renegotiation Act of 1951 shall not be concluded with respect to such fiscal year, then the excess of this gross prepayment, or the full amount thereof, as the case may be, shall constitute a payment in elimination of "excessive profits" as such term is defined in section 3806 of the Internal Revenue Code, even though not constituting an elimination of excessive profits determined within the meaning of the Renegotiation Act of 1951.

It is further agreed that no part of this prepayment shall be refunded to the undersigned, provided, however, that if this gross prepayment, or a portion thereof, shall be deemed to be excessive profits determined within the meaning of the Renegotiation Act of 1951, nothing herein contained shall prejudice any right which the undersigned may have to receive any refund or rebate which may be provided by law with respect to the excessive profits so determined. The undersigned further agrees that if this gross prepayment, or a portion thereof, shall be deemed to be excessive profits determined within the meaning of the Renegotiation Act of 1951, the undersigned shall not be entitled to any tax credit with respect to the gross prepayment, or portion thereof, as the case may be, other than the tax credit computed as provided in the second paragraph of this agreement, and that the undersigned will so inform the Bureau of Internal Revenue at the time it applies for a computation of tax credit with respect to the excessive profits determined pursuant to the Renegotiation Act of 1951.

If this prepayment is acceptable on the foregoing terms, please so indicate by indorsement of one of the three (3) copies enclosed and return such copy to us.

Yours very truly,

(Name of contractor)

By ----------

(Title)

Attest:

(Secretary)

(If a corporation, add corporate seal.)

Accepted, ----------, 195--:

UNITED STATES OF AMERICA.

By ----------
THE RENEGOTIATION BOARD.

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

Sec.

1464.1 Consolidated renegotiation of affiliated group.
1464.2 Renegotiation of an affiliated group.
1464.3 Consolidated renegotiation of a related group.
1464.4 When request for consolidated renegotiation of related group granted.
1464.5 Consolidated renegotiation: Exceptions to requirement of a common fiscal year.
1464.6 Effect of consolidation.
1464.7 Miscellaneous provisions applicable to consolidated renegotiation.
1464.8 Allocation of excessive profits.
1464.9 Liability of members of affiliated or related group.
1464.10 When consolidated basis not used.

FORMS

1464.90 Letter form of request for renegotiation on consolidated basis (Affiliated Group).
1464.91 Letter form of request for renegotiation on consolidated basis (Related Group).

AUTHORITY: §§ 1464.1 to 1464.91 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 105, Pub. Law 9, 82d Cong.

§ 1464.1 *Consolidated renegotiation of affiliated group—*(a) *Statutory provision.* Section 105 (a) of the act provides in part as follows:

Renegotiation shall be conducted on a consolidated basis with a parent and its subsidiary corporations which constitute an affiliated group under section 141 (d) of the Internal Revenue Code if all of the corporations included in such affiliated group request renegotiation on such basis and consent to such regulations as the Board shall prescribe with respect to (1) the determination and elimination of excessive profits of such affiliated group, and (2) the determination of the amount of the excessive profits of such affiliated group allocable, for the purposes of section 3806 of the Internal Revenue Code, to each corporation included in such affiliated group.

(b) *Definition of "affiliated group".* Section 141 (d) of the Internal Revenue Code provides as follows:

(d) *Definition of "affiliated group".* As used in this section, an "affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

(1) Stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the non-voting stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

(2) The common parent corporation owns directly stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the nonvoting stock of at least one of the other includible corporations.

As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

The term "affiliated group" as used hereafter means a group of corporations which qualify under the above-quoted definition of section 141 (d). A corporation cannot be a member of an affiliated group unless it is an "includible corporation", as defined in subsections (e), (f), (g) and (j) of section 141 of the Internal Revenue Code.

§ 1464.2 *Renegotiation of an affiliated group.* (a) If an affiliated group has not filed consolidated Federal income and excess profits tax returns before filing the request for consolidated renegotiation, renegotiation will be conducted on a consolidated basis as follows:

(1) The fiscal year of the group for the purposes of such consolidation will be the fiscal year of the common parent corporation.

(2) Except as hereafter provided in § 1464.5, no member of the affiliated group will be included in the consolidated proceeding unless (i) it has been a member of the affiliated group during the entire fiscal year of the common parent corporation, and (ii) its fiscal year for Federal income tax purposes ends on the same date as the fiscal year of the common parent corporation.

(b) If an affiliated group has filed consolidated Federal income and excess profits tax returns before filing the request for consolidated renegotiation, renegotiation will be conducted on a consolidated basis as follows:

(1) The fiscal year of the group for the purposes of such consolidation will be the same as the fiscal year for which the group has filed consolidated tax returns.

(2) Except as hereafter provided in § 1464.5, no member of the affiliated group will be included in the consolidated proceeding unless it has been a member of the affiliated group during the entire fiscal year for which the group has filed consolidated tax returns.

(c) A subsidiary corporation which is a member of an affiliated group but which has no renegotiable business during the year under review will not be included in the consolidated proceeding.

(d) The application for consolidated renegotiation shall be made by all members of the affiliated group who qualify for renegotiation on such basis.

§ 1464.3 *Consolidated renegotiation of a related group—*(a) *Statutory provision.* Section 105 (a) of the act provides in part as follows:

By agreement with any contractor or subcontractor, and pursuant to regulations promulgated by it, the Board may in its discretion conduct renegotiation on a consolidated basis in order properly to reflect excessive profits of two or more related contractors or subcontractors.

(b) *Definition of "related group".* A "related group" means two or more persons, not an affiliated group as defined in § 1464.1 (b), one of whom controls the other or others, or who are under common control, and who request renegotiation on a consolidated basis. The group may consist of persons including corporations, partnerships, joint ventures, associations, sole proprietorships, or a combination of some or all of these.

§ 1464.4 *When request for consolidated renegotiation of related group granted.* In order properly to reflect excessive profits, the Board may, in its discretion, grant a request for a consolidated proceeding with respect to a related group, if all of the following conditions exist:

(a) Except as hereafter provided in § 1464.5, all members of the related group had the same fiscal year for Federal income tax purposes, and were members of such group during the entire fiscal year.

(b) All outside minority interests in any member of the group consent to the consolidation, except that such consent shall not be required of any such interests not exceeding 5 percent in any member of the group.

NOTE: For the purposes of this section, an outside minority interest is a person or persons who own minority shares or rights to participate in the profits of one or more members of the group without having corresponding shares or rights in all members of the group, so that consolidation might have different consequences with respect to such person or persons than it would with respect to the majority or controlling interests.

(c) The renegotiable business done by the members of the group was related in such a way that consolidation will facilitate conduct of the proceeding.

NOTE: Consolidated renegotiation of contractors in wholly different and unrelated lines of business might hamper the Board in applying the factors prescribed in the statute for determining what profits are excessive. Relationship justifying consolidation may be found either in the similarity of supplies or services furnished, in the connection of the members of the group as supplier and customer, or possibly in other circumstances.

§ 1464.5 *Consolidated renegotiation Exceptions to requirement of a common fiscal year.* For the purposes of renegotiation, an affiliated group must, and a related group may, include a member whose fiscal year did not begin and end on the same dates as that of the other members of the group, under the following circumstances:

(a) If the fiscal period of a member of the group ended on the same date as the fiscal year of the other member or members but began on a later date because the member was incorporated or organized during such fiscal year, and if such member during its entire first fiscal period was a member of the group.

(b) If the fiscal period of a member of the group began on the same date as the fiscal year of the other member or members but ended on an earlier date because it was dissolved during such fiscal year (or, in the case of a sole proprietorship which was a member of a related group, because the sole proprietor died during such fiscal year) and if such member during its (or his) entire fiscal period was a member of the group.

§ 1464.6 *Effect of consolidation.* Once the Board has granted a request for renegotiation of an affiliated group or related group on a consolidated basis then, except as otherwise provided herein, the proceeding will remain consolidated for all purposes, regardless of whether a clearance issues or excessive profits are determined by agreement or order. However, on request of any member of the group or on its own motion, the Board may discontinue the consolidated proceeding and convert it to separate renegotiation proceedings or consolidate a different group, if satisfied

that the consolidation was improperly effected pursuant to the regulations in this subchapter.

§ 1464.7 *Miscellaneous provisions applicable to consolidated renegotiation.* A request for consolidated renegotiation proceedings shall conform to the following requirements:

(a) A request made by an affiliated group shall be made in the form prescribed by § 1464.90. A request made by a related group shall be made in the form prescribed by § 1464.91. A request by either group shall constitute a consent by each member of such group to the application of the regulations governing consolidated renegotiation. The request shall be duly executed by each eligible member of the affiliated group or by each member of the related group. If there are any outside minority interests exceeding 5 percent in any member or members of a related group, the request of the group shall disclose such fact and shall state that all such minority interests have consented to renegotiation on a consolidated basis. The request shall be filed with the Board at the time of or before the filing of the Standard Form of Contractor's Report required by section 105 (e) of the act and by § 1470.3 (a) of this subchapter.

(b) A request filed by the members of an affiliated group shall designate the common parent corporation as agent of the group and shall authorize such parent corporation to represent all members of the group in all respects in connection with the consolidated proceedings. A request filed by the members of a related group shall designate one member of the group as agent of the group and shall authorize such member to represent all members of the group in all respects in connection with the consolidated proceeding. Such authorization in either case shall be irrevocable as long as renegotiation is conducted on a consolidated basis, and shall apply to all phases of the proceeding including commencement of renegotiation, submission of data, the making and execution of renegotiation agreements, administrative review, and petition to the Tax Court.

(c) The Board will commence renegotiation with an affiliated group on a consolidated basis by sending a registered letter to the common parent corporation of such group, and such letter will constitute an acknowledgment by the Board that the group has complied with the regulations of the Board with respect to (1) the determination and elimination of excessive profits of such affiliated group, and (2) the determination of the amount of excessive profits of such affiliated group allocable, for the purposes of section 3806 of the Internal Revenue Code, to each member of such affiliated group, unless the Board has previously made such an acknowledgment. The Board will commence renegotiation with a related group on a consolidated basis by sending a registered letter to the member of such group designated as agent pursuant to paragraph (b) of this section, and such letter will constitute the granting by the Board of the request of such related group for renegotiation on a consolidated basis, unless the Board has previously granted such request.

§ 1464.8 *Allocation of excessive profits.* (a) Excessive profits, whether determined by agreement or order, will be allocated among the members of the consolidated group in an equitable manner, and the agreement or order will disclose the allocation. The excessive profits will be so allocated even though some or all of the members of the consolidated group participate in filing a consolidated Federal tax return. If excessive profits have been realized and if the renegotiation agreement or order were to impose liability generally on the entire consolidated group for the profits found to be excessive, without fixing the separate allocations, the members of the group might not be allowed appropriate deductions for Federal income and excess profits tax purposes under section 3806 of the Internal Revenue Code.

§ 1464.9 *Liability of members of affiliated or related group.* Although excessive profits to be eliminated will be allocated to members of an affiliated or related group, each member of the affiliated or related group shall be jointly and severally liable for the total amount of excessive profits, if any, to be eliminated as determined in the consolidated proceeding.

§ 1464.10 *When consolidated basis not used.* Whenever the members of an affiliated group or a related group are renegotiated separately, renegotiations with the individual members of such group will if practicable be conducted concurrently.

FORMS

§ 1464.90 *Letter form of request for renegotiation on consolidated basis (Affiliated Group).* The following letter is prescribed for requesting consolidated renegotiation of an affiliated group:

THE RENEGOTIATION BOARD,
Washington 25, D. C.

GENTLEMEN: 1. Pursuant to the provisions of section 105 (a) of the Renegotiation Act of 1951 and Part 1464 of the Renegotiation Board Regulations, the undersigned corporations hereby request renegotiation on a consolidated basis for the fiscal year ended ----------.

2. (Delete 2 (a) or 2 (b), whichever is not applicable.)

(a) The undersigned represent that they constitute all the members of an "affiliated group" as that term is defined in section 141 (d) of the Internal Revenue Code.

(b) The undersigned represent that they are all members of an "affiliated group" as that term is defined in section 141 (d) of the Internal Revenue Code, and that each of the following corporations is also a member of such affiliated group:

Name of corporation	*Principal office*	*Fiscal year end*
----------	----------	----------
----------	----------	----------
----------	----------	----------

The corporation or corporations listed above have not joined in this request because (1) each such corporation was not a member of such affiliated group during the entire fiscal year of the common parent corporation, or its fiscal year for Federal income tax purposes did not end on the same date as the fiscal year of the common parent corporation, and (2) it does not qualify for consolidated renegotiation with the undersigned within the exceptions described in § 1464.5 of said regulations as set forth in Schedule A attached hereto; or because it had no renegotiable business during the year under review.

3. Each of the undersigned hereby consents, for said fiscal year, to the Renegotiation Board Regulations with respect to (a) the determination and elimination of excessive profits of the undersigned affiliated group and (b) the determination of the amount of the excessive profits of the undersigned affiliated group allocable, for the purposes of section 3806 of the Internal Revenue Code, to each of the undersigned.

4. ---------- (the common parent corporation of the undersigned affiliated group) is hereby designated as agent of the undersigned affiliated group and is hereby authorized to represent all members of the group in all respects in connection with the consolidated renegotiation proceeding requested herein for said fiscal year.

5. The undersigned represent that they (have) (have not) (delete inapplicable language) filed consolidated Federal income and excess profits tax returns for said fiscal year; that each of the undersigned was a member of the affiliated group during the entire fiscal year of the undersigned common parent corporation; and that the fiscal year of each of the other undersigned for Federal income tax purposes ended on the same date as the fiscal year of such common parent corporation, except as indicated in Schedule A attached hereto.

6. The undersigned are aware that under section 105 (e) (1) of the Renegotiation Act of 1951, criminal penalties may be incurred by any person who knowingly furnishes any statement, information, records or data required under said section 105 (e) (1), containing information which is false or misleading in any material respect.

In witness whereof, the undersigned corporations have executed this request as of the -------- day of ---------- 19--, by their duly authorized representatives.

(Contractor)

By ---
(Authorized representative)

(Title of authorized representative)

Attest: ---
(Secretary)

(Contractor)

By ---
(Authorized representative)

(Title of authorized representative)

Attest: ---
(Secretary)

A duly certified copy of the resolution of the Board of Directors of each corporation authorizing execution and delivery of this request shall be attached to the request.

SCHEDULE A—EXCEPTIONS TO COMMON FISCAL YEAR

(a) The fiscal period of each of the following members of the applicant affiliated group ended on the same date as the fiscal year of the other members but began on a later date because such member was incorporated during such fiscal year, and such member during its entire first fiscal period was a member of such affiliated group (*if none, write "None"*):

Name of corporation	*Principal office*	*Fiscal period Began*	*Ended*
----------	----------	------	------
----------	----------	------	------
----------	----------	------	------

(b) The fiscal period of each of the following members of the applicant affiliated group began on the same date as the fiscal year of the other members but ended on an earlier date because it was dissolved during such fiscal year, and such member during its entire fiscal period was a member of such affiliated group (*if none, write "None"*):

Name of corporation	*Principal office*	*Fiscal period Began*	*Ended*
----------	----------	------	------
----------	----------	------	------
----------	----------	------	------

(NOTE: For each corporation listed above, state applicable date of incorporation or dissolution and such other information as will clearly demonstrate that such corporation is entitled to be included in the consolidated proceeding. See § 1464.5.)

§ 1464.91 *Letter form of request for renegotiation on consolidated basis (Related Group).* The following letter form is prescribed for requesting consolidated renegotiation of a related group:

THE RENEGOTIATION BOARD,
Washington 25, D. C.

GENTLEMEN: 1. Pursuant to the provisions of section 105 (a) of the Renegotiation Act of 1951 and Part 1464 of the Renegotiation Board Regulations, the undersigned contractors hereby request renegotiation on a consolidated basis for the fiscal year ended ----------.

2. The undersigned represent that they constitute a "related group" as that term is defined in § 1464.3 (b) of the Renegotiation Board Regulations.

3. Each of the undersigned hereby consents, for said fiscal year, to the Renegotiation Board Regulations with respect to (a) the determination and elimination of excessive profits of the undersigned related group and (b) the determination of the amount of the excessive profits of the undersigned related group allocable, for the purposes of section 3806 of the Internal Revenue Code, to each of the undersigned.

4. ---------- (one of the undersigned) is hereby designated as agent of the undersigned related group and is hereby authorized to represent all members of the group in all respects in connection with the consolidated renegotiation proceeding requested herein for said fiscal year.

5. The undersigned represent that all of the undersigned had the same fiscal year for Federal income tax purposes, except as indicated in Schedule A attached hereto, and that each was a member of the undersigned related group during such entire fiscal year.

6. (*Delete clause (a) or (b), whichever is not applicable.*) The undersigned are familiar with the definition of the term "outside minority interests" contained in § 1464.4 (b) of the Renegotiation Board Regulations and represent (a) that there are no such interests exceeding 5 percent in any member of the undersigned related group, (b) that there are such interests exceeding 5 percent in one or more members of the undersigned related group, and that all such interests have consented to renegotiation on a consolidated basis for said fiscal year.

7. The undersigned represent that the renegotiable business done by them was related in the following way (see § 1464.4 (c)):

8. The undersigned are aware that under section 105 (e) (1) of the Renegotiation Act of 1951, criminal penalties may be incurred by any person who knowingly furnishes any statement, information, records or data required under said section 105 (e) (1), containing information which is false or misleading in any material respect.

In witness whereof, the undersigned contractors have executed this request as of the ------ day of ----------, 19---- in their proper persons or by their duly authorized representatives.

(Contractor)

By ----------
(Authorized representative)

(Title of authorized representative)

Attest: ----------
(Secretary)

(Contractor)

By ----------
(Authorized representative)

(Title of authorized representative)

Attest: ----------
(Secretary)

In the case of a corporation, a duly certified copy of the resolution of the Board of Directors of the corporation authorizing execution and delivery of this request shall be attached to the request. In the case of a partnership, all general partners shall execute the request.

SCHEDULE A—EXCEPTIONS TO COMMON FISCAL YEAR

(a) The fiscal period of each of the following members of the applicant related group ended on the same date as the fiscal year of the other members but began on a later date because such member was incorporated or organized during such fiscal year, and such member during its entire first fiscal period was a member of such related group (*if none, write "None"*):

Name of corporation	*Principal office*	*Fiscal period Began*	*Ended*
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(b) The fiscal period of each of the following members of the applicant related group began on the same date as the fiscal year of the other members but ended on an earlier date because it was dissolved during such fiscal year (or, in the case of a sole proprietorship which was a member of the group, because the sole proprietor died during such fiscal year), and such member during its (or his) entire fiscal period was a member of such related group (*if none, write "None"*):

Name of corporation	*Principal office*	*Fiscal period Began*	*Ended*
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(NOTE: For each member listed above, state applicable date of incorporation, organization, dissolution or death and such information as will clearly demonstrate that such member is entitled to be included in the consolidated proceeding. See § 1464.5).

PART 1465—LIMITATIONS ON COMMENCEMENT AND COMPLETION OF RENEGOTIATION

Sec.
1465.1 Statutory provision.
1465.2 Commencement of renegotiation proceedings.
1465.3 Completion of renegotiation proceedings.

AUTHORITY: §§ 1465.1 to 1465.3 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply section 105, Pub. Law 9, 82d Cong.

§ 1465.1 *Statutory provision.* Section 105 (c) of the act provides as follows:

Periods of limitations. No proceeding to determine the amount of excessive profits for any fiscal year shall be commenced more than one year after the statement required under subsection (e) (1)[1] of this section is filed with the Board with respect to such year, and, if such proceeding is not commenced prior to the expiration of one year following the date upon which such statement is so filed, all liabilities of the contractor or subcontractor for excessive profits received or accrued during such fiscal year shall thereupon be discharged. If an agreement or order determining the amount of excessive profits is not made within two years following the commencement of the renegotiation proceeding, then upon the expiration of such two years all liabilities of the contractor or subcontractor for excessive profits with respect to which such proceeding was commenced shall thereupon be discharged, except that (1) if an order is made within such two years pursuant to a delegation of authority under subsection (d) of section 107, such two-year limitation shall not apply to review of such order by the Board, and (2) such two-year period may be extended by mutual agreement.

§ 1465.2 *Commencement of renegotiation proceedings.* (a) Under section 105 (a) of the act, renegotiation proceedings are commenced by the mailing of a notice to that effect, by registered mail, to the contractor or subcontractor. Unless renegotiation proceedings are commenced within one year after the financial statement required under section 105 (e) (1) of the act is filed with the Board with respect to any fiscal year, the liability of the contractor or subcontractor for excessive profits received or accrued during such fiscal year is discharged. For the purposes of this section, the filing of that portion of the Standard Form of Contractor's Report entitled RB 1 is considered to be the filing of the financial statement required under section 105 (e) (1) of the act (see § 1470.3 (d) of this subchapter).

(b) The financial statement prescribed in section 105 (e) (1) of the act provides the information upon the basis of which it is determined whether the contractor or subcontractor will or will not be renegotiated under the act. If the purported financial statement filed by any contractor or subcontractor for any fiscal year contains a false statement of a material fact, either fraudulently or negligently made, the filing of such purported statement will not be regarded as a filing of the financial statement prescribed in section 105 (e) (1) of the act, sufficient to start the one-year period of limitations running as prescribed in section 105 (c) of the act, and even if renegotiation is not commenced by the Board within one year after the filing thereof, the liability of the contractor or subcontractor for excessive profits received or accrued during the fiscal year involved is not discharged.

§ 1465.3 *Completion of renegotiation proceedings.* Unless an agreement or order determining the amount of excessive profits (see Parts 1474 and 1475 of this subchapter) is made within two years after the commencement of a renegotiation proceeding with respect to any fiscal year, the liability of the contractor or subcontractor for excessive profits received or accrued during such fiscal year is discharged. If in the course of such proceeding, the contractor makes,

[1] Quoted in § 1470.2.

either fraudulently or negligently, a false statement of a material fact, the liability of the contractor or subcontractor for excessive profits received or accrued during the fiscal year involved is not discharged even though renegotiation is not completed by the Board within two years after the commencement of such renegotiation proceeding.

[F. R. Doc. 52-3442; Filed, Mar. 24, 1952; 8:49 a. m.]

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

PART 1480—CONTROL OF RENEGOTIATION RECORDS AND INFORMATION CONTAINED THEREIN

PART 1492—INSTRUCTIONS TO PRIME AND SUBCONTRACTORS ON SEGREGATION OF RENEGOTIABLE SALES

PART 1499—STATUTES AND ORDERS

MISCELLANEOUS AMENDMENTS

Parts 1455, 1470 and 1471 are revised, Parts 1480 and 1499 are adopted, and Part 1492 is vacated, as follows:

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

Sec.

1455.1 Introduction.
1455.2 Prime contracts and subcontracts to be performed outside of the United States.
1455.3 Contracts under which profits can be determined at time contract price is established.
1455.4 Contracts when contractual provisions adequate to prevent excessive profits.
1455.5 Contracts and subcontracts of a secret nature.
1455.6 Subcontracts as to which it is not administratively feasible to segregate profits.
1455.7 Subcontracts related to exempt prime contracts and subcontracts.

AUTHORITY: §§ 1455.1 to 1455.7 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 106, Pub. Law 9, 82d Cong.

§ 1455.1 *Introduction.* Section 106 (d) of the act authorizes the Board in its discretion to exempt from some or all of the provisions of Title I of the act certain prime contracts and subcontracts described therein both individually and by general classes or types. This part sets forth the specific statutory authority to make such permissive exemptions and describes the prime contracts and subcontracts which have been exempted by the Board thereunder.

§ 1455.2 *Prime contracts and subcontracts to be performed outside of the United States*—(a) *Statutory authority.* Section 106 (d) (1) of the act authorizes the Board in its discretion to exempt from some or all of the provisions of Title I of the act the following:

(1) Any contract or subcontract to be performed outside the territorial limits of the continental United States or in Alaska;

(b) *Exemptions.* The Board has exempted from the provisions of the act: (1) All prime contracts and subcontracts under which the aggregate amount involved does not exceed $10,000, whenever (i) performance and delivery are to be effected outside the United States, its territories and possessions, and (ii) the prime contractor or subcontractor is a foreign corporation or a foreign national, or is a partnership or joint venture, all the members of which are foreign corporations or foreign nationals.

(2) All prime contracts of the Panama Canal Company and the Canal Zone Government, and related subcontracts, under which the aggregate amount involved does not exceed $10,000, whenever such prime contracts or subcontracts are for products manufactured in the Republic of Panama.

(c) *Application of exemptions.* In arriving at "the aggregate amount involved", there must be included all materials and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertisement. Purchases or contracts aggregating more than $10,000 shall not be broken down into several purchases or contracts which are less than $10,000 each, nor shall customary purchasing or contracting procedures be altered, merely for the purpose of avoiding renegotiation under this exemption.

(d) *Specific exemption of prime contracts and subcontracts.* The Board has exempted and will in the future exempt individual prime contracts or subcontracts, or the prime contracts or subcontracts related to a particular authorized procurement program, when such prime contracts or subcontracts are to be performed outside the territorial limits of the continental United States or in Alaska, and when the Department responsible for procurement establishes to the satisfaction of the Board that (1) the prime contracts or subcontracts involved in the request are to be placed with foreign nationals or foreign corporations whom it is not practicable to subject to renegotiation; (2) the provisions of the prime contracts or subcontracts are otherwise sufficient to prevent excessive profits; (3) the program is of direct and immediate concern to the defense of the United States and refusal to grant the exemption would jeopardize the success of the program; or (4) the contract or group of contracts should be exempted for any combination of the foregoing reasons or for any other reason. Prime contractors or subcontractors who believe that their prime contracts or subcontracts should be exempted under this provision should address their requests to the Departments entering into the prime contracts involved.

§ 1455.3 *Contracts under which profits can be determined at time contract price is established*—(a) *Statutory authority.* Section 106 (d) (2) of the act authorizes the Board in its discretion to exempt from some or all of the provisions of Title I of the act the following:

(2) Any contracts or subcontracts under which, in the opinion of the Board, the profits can be determined with reasonable certainty when the contract price is established, such as certain classes of (A) agreements for personal services or for the purchase of real property, perishable goods, or commodities the minimum price for the sale of which has been fixed by a public regulatory body, (B) leases and license agreements, and (C) agreements where the period of performance under such contract or subcontract will not be in excess of thirty days.

(b) *Exemptions.* In the opinion of the Board the profits from the following contracts can be determined with reasonable certainty when the contract price is established, and the Board has accordingly exempted such contracts from the provisions of the act:

(1) *Certain service contracts.* All prime contracts with natural persons (not partnerships, joint ventures or corporations) entered into under authority of any law, which call for the performance of services, whether personal or professional, by the individual contractor in person under the supervision of the Government, and which are paid for on a time basis.

(2) *Real estate contracts.* Contracts for the sale or rental of any interest in existing real estate. (See § 1452.5 (a) pertaining to subcontracts.)

(i) *Application of exemption.* The exemption set forth in this subparagraph (2) extends only to contracts under which the price is a fixed or determinable amount at the time the contract is entered into, and does not apply to any contract under which the price, at the time the contract is entered into, is contingent upon a subsequent event or is thereafter to be determined by reference to a variable element (as, for example, the lessee's sales or profits).

(3) *Contracts for property used in trade or business of vendor.* Prime contracts and subcontracts for the sale or exchange of tangible property used in the trade or business of the vendor, with respect to which depreciation is allowable under section 23 (l) of the Internal Revenue Code (not including stock in trade of the vendor or other property which would properly be included in the inventory of the vendor if on hand at the close of its fiscal year, or property held by the vendor primarily for sale in its trade or business.)

(i) *Application of exemption.* The exemption set forth in this subparagraph (3) extends only to contracts under which the price is a fixed or determinable amount at the time the contract is entered into, and does not apply to any contract under which the price, at the time the contract is entered into, is contingent upon a subsequent event or is thereafter to be determined by reference to a variable element.

(4) *Perishable subsistence supplies.* Prime contracts and subcontracts for perishable subsistence supplies entered into before July 1, 1952.

NOTE: The Board intends to review this exemption and to make it applicable to prime contracts and subcontracts for particular perishable goods entered into on or after July 1, 1952 to the extent that it determines that such prime contracts and subcontracts will not result in excessive profits.

(5) *Contracts where period of performance is less than thirty days.* Any prime contract in which the aggregate amount involved does not exceed $1,000 and the period of performance will not

be in excess of thirty days, such period to be measured from the date of such contract to the date of delivery specified in such contract.

(i) *Application of exemption.* Prime contracts calling for payment of $1,000 or less are subject to this exemption if the period of performance will not exceed thirty days, to be measured as described in this subparagraph (5), and the renegotiation clause shall not be required in any such prime contract. In arriving at "the aggregate amount involved", there shall be included all supplies and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertisement. Purchases or contracts aggregating more than $1,000 shall not be broken down into several purchases or contracts which are less than $1,000 each, nor shall customary purchasing or contracting procedures be altered, merely for the purpose of avoiding renegotiation under this exemption.

(6) *Subcontracts for architectural, design or engineering services.* Subcontracts described in section 103 (g) (3) (A) and (B) of the act for architectural, design or engineering services, no part of which services are or were related to the effecting or procuring of a contract with a Department or a subcontract, if the aggregate amount received or accrued during a fiscal year by a subcontractor and all persons under control of or controlling or under common control with the subcontractor, is not more than $250,000.

(c) *Exemption of individual prime contracts and subcontracts.* The Board will exempt an individual prime contract or subcontract, or performance thereunder during a specified period or periods if, in the opinion of the Board, the profits under such prime contract or subcontract can be determined with reasonable certainty when the contract price is established. The Board will make such an exemption only after it has received from the agency entering into the prime contract sought to be exempted, or the prime contract to which the subcontract sought to be exempted relates, a request for the exemption of such prime contract or subcontract and information which would support the conclusion that the profits thereunder can be determined with reasonable certainty when the contract price is established. Accordingly, prime contractors or subcontractors who believe that their prime contracts or subcontracts should be exempted under this provision should address requests to the agencies entering into the prime contracts involved.

§ 1455.4 *Contracts when contractual provisions adequate to prevent excessive profits*—(a) *Statutory authority.* Section 106 (d) (3) of the act authorizes the Board in its discretion to exempt from some or all of the provisions of the act the following:

(3) any contract or subcontract or performance thereunder during a specified period or periods if, in the opinion of the Board, the provisions of the contract are otherwise adequate to prevent excessive profits;

(b) *Exemption.* Pursuant to the foregoing authority, the Board has exempted from renegotiation all operating differential subsidy contracts of the Maritime Administration which are let under authority of 46 U. S. C. 1171, 1173, as amended, whenever such contracts contain or incorporate by reference or are subject to the redetermination and recapture provisions of 46 U. S. C. 1176.

(c) *Exemption of individual prime contracts and subcontracts.* The Board will exempt an individual prime contract or subcontract, or performance thereunder during a specified period or periods if, in the opinion of the Board, the provisions of the contract are otherwise adequate to prevent excessive profits. The Board will make such an exemption only after it has received from the agency entering into the prime contract sought to be exempted, or the prime contract to which the subcontract sought to be exempted relates, a request for the exemption of such prime contract or subcontract and information which would support the conclusion that the provisions of the prime contract or subcontract are otherwise adequate to prevent excessive profits. Accordingly, prime contractors or subcontractors who believe that their prime contracts or subcontracts should be exempted under this provision should address requests to the agencies entering into the prime contracts involved.

§ 1455.5 *Contracts and subcontracts of a secret nature*—(a) *Statutory authority.* Section 106 (d) (4) of the act authorizes the Board in its discretion to exempt from some or all of the provisions of Title I of the act the following:

(4) any contract or subcontract the renegotiation of which would jeopardize secrecy required in the public interest;

(b) *Exemption of individual prime contracts and subcontracts.* The Board will exempt any prime contract or subcontract the renegotiation of which would jeopardize secrecy required in the public interest. Requests for exemption of individual contracts under this section will be entertained only if made by the agency entering into the prime contract sought to be exempted or the prime contract to which the subcontract sought to be exempted relates.

§ 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits*—(a) *Statutory authority.* Section 106 (d) (5) of the act authorizes the Board in its discretion to exempt from some or all of the provisions of Title I of the act the following:

(5) any subcontract or group of subcontracts not otherwise exempt from the provisions of this section, if, in the opinion of the Board, it is not administratively feasible in the case of such subcontract or in the case of such group of subcontracts to determine and segregate the profits attributable to such subcontract or group of subcontracts from the profits attributable to activities not subject to renegotiation.

(b) *"Stock item" exemption.* The Board has found that it is not administratively feasible to determine and segregate the profits attributable to activities subject to renegotiation from those not so subject in the case of the following and has, therefore, exempted from the provisions of the act, to the extent of amounts received or accrued prior to January 1, 1953, all subcontracts subject to the act which are for materials (including maintenance, repair and operating supplies) customarily purchased for stock in the normal course of the purchaser's business, except when such materials are specially purchased for use in performing one or more prime contracts or higher tier subcontracts subject to the act.

(c) *Application of exemption.* (1) When the purchaser customarily carries an article in stock and purchases a supply of it to be placed in stock, the purchase is not subject to renegotiation merely because the purchaser knows that some portion of the stock thus replenished will inevitably be used in the performance of renegotiable contracts or subcontracts then on hand, but when materials have been specially purchased for use in performing one or more renegotiable contracts or subcontracts, the subcontract for such a purchase is subject to renegotiation, notwithstanding that the article may be customarily carried in stock by the purchaser, and irrespective of the amount customarily carried. When items are specially purchased for use in performing one or more renegotiable contracts or subcontracts, it is immaterial that the purchaser does not know at the time of purchase the specific contract or subcontract in the performance of which such articles or any portion of them will be used, or even that the contract or subcontract has not yet been let; the purchase is subject to renegotiation in its entirety.

(2) Any one or more of the following circumstances normally would indicate that the article was "specially purchased" and not exempt:

(i) That the specifications of the article were adapted to the purchaser's renegotiable business only.

(ii) That the article was segregated or earmarked, either in whole or in part, for the performance of renegotiable contracts or subcontracts.

(iii) That the purchaser represented to the supplier that the article was required for the performance of military or other renegotiable contracts or subcontracts, or extended to the supplier a preference rating or allotment symbol applicable only to such contracts or subcontracts.

(iv) That the amount of the purchase coincided substantially with the purchaser's requirements for performance of his renegotiable contracts or subcontracts, or those he expected to obtain and was abnormal to his usual requirements.

(v) That all or substantially all of the purchaser's business in the plant or other facility to which the article was delivered was subject to renegotiation.

§ 1455.7 *Subcontracts related to exempt prime contracts and subcontracts.* The Board has exempted all subcontracts related to the prime contracts and subcontracts exempted pursuant to the authority of section 106 (d) of the act, except subcontracts related to prime contracts and subcontracts exempted in § 1455.2.

§ 1455.8 *Renegotiation clause in exempt contracts.* The renegotiation clause provided for by section 104 of the act shall not be inserted in prime contracts and subcontracts exempted in this part, except that there shall be inserted in prime contracts and subcontracts exempted in § 1455.2 a provision requiring the prime contractor or subcontractor, as the case may be, to insert a renegotiation clause in each subcontract into which it enters and which is not exempt from the provisions of the act.

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

Sec.
1470.1 Scope of part.
1470.2 Statutory provision.
1470.3 Filing of financial statement.

AUTHORITY: §§ 1470.1 to 1470.3 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 105, Pub. Law 9, 82d Cong.

§ 1470.1 *Scope of part.* This part deals with the filing of financial statements required of contractors, and other preliminary information.

§ 1470.2 *Statutory provision.* Section 105 (e) (1) of the act provides as follows:

Furnishing of financial statements, etc. Every person who holds contracts or subcontracts, to which the provisions of this title are applicable, shall, in such form and detail as the Board may by regulations prescribe, file with the Board, on or before the first day of the fourth calendar month following the close of his fiscal year, a financial statement setting forth such information as the Board may by regulations prescribe as necessary to carry out this title. In addition to the statement required under the preceding sentence, every such person shall, at such time or times and in such form and detail as the Board may by regulations prescribe, furnish the Board any information, records, or data which are determined by the Board to be necessary to carry out this title. Any person who willfully fails or refuses to furnish any statement, information, records, or data required of him under this subsection, or who knowingly furnishes any such statement, information, records, or data containing information which is false or misleading in any material respect, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or imprisonment for not more than one year, or both.

§ 1470.3 *Filing of financial statement*—(a) *Form.* In accordance with the requirements of the first sentence of section 105 (e) (1) of the act, the "Standard Form of Contractor's Report" hereby prescribed as the form of financial statement required to be filed by prime contractors and subcontractors, including sales agents and others whose principal business falls within the definition of subcontracts as set forth in section 103 (g) (3) of the act. The Standard Form of Contractor's Report is composed of two parts (RB 1 and RB 1B). No special form is prescribed for construction contractors, architects and engineers. Such contractors shall adapt the Standard Form of Contractor's Report to their particular needs.

(b) *By whom filed.* In accordance with section 105 (e) (1) of the act, every person who holds prime contracts or subcontracts which are subject to the act is required to file the Standard Form of Contractor's Report. The fact that a prime contractor or subcontractor did not receive or accrue any amount during its fiscal year from such prime contracts or subcontracts, or that its aggregate receipts or accruals therefrom did not exceed $250,000 (or $25,000, in the case of subcontracts described in section 103 (g) (3) of the act), does not relieve such prime contractor or subcontractor from the obligation to file a Standard Form of Contractor's Report for such year.

(c) *Sufficiency of contents.* The Standard Form of Contractor's Report is required to be prepared in accordance with the instructions contained therein. However, if any of the information called for by the Standard Form of Contractor's Report for a fiscal year has been furnished previously by the contractor to the Board, the contractor may complete the Standard Form of Contractor's Report by incorporating therein, by reference, the information so furnished and making a specific statement of the time and place of such filing.

(d) *Time for filing.* (1) The Standard Form of Contractor's Report shall be filed on or before the first day of the fourth calendar month following the close of the fiscal year of the contractor, whether or not any specific request for filing has been made: *Provided, however,* That the filing of the portion of the Standard Form of Contractor's Report entitled RB 1B shall be subject to the provisions of subparagraph (2) of this paragraph.

(2) RB Form 1B shall, whenever possible, be filed with RB Form 1. If not so filed, said RB Form 1B shall be filed as soon thereafter as possible but not later than the sixtieth day after the date prescribed in subparagraph (1) of this paragraph for the filing of the Standard Form of Contractor's Report or, if the time of the contractor to file such report has been extended by the Board, then not later than the sixtieth day after such extended date.

(3) The filing of RB Form 1 will be considered to be the filing of the statement required under section 105 (e) (1) of the act for the purposes of § 1465.2 of this subchapter.

(4) The Board will extend the time for filing the Standard Form of Contractor's Report upon the request of the contractor in appropriate cases.

(e) *Place for filing.* The Standard Form of Contractor's Report shall be filed in duplicate with The Renegotiation Board, Washington 25, D. C.

(f) *Availability of forms.* Copies of the Standard Form of Contractor's Report may be obtained from The Renegotiation Board, Washington 25, D. C.

(g) *Effect of filing.* The filing of a Standard Form of Contractor's Report in accordance with the provisions of this section will not relieve any prime contractor or subcontractor of the duty to furnish such other information, records, or data which are determined by the Board to be necessary to carry out its responsibilities under the act.

(h) *Filing on a consolidated basis.* A group which qualifies for renegotiation on a consolidated basis (see Part 1464) may satisfy the requirements for the filing of the financial statement prescribed by the first sentence of section 105 (e) (1) of the act by filing a consolidated Standard Form of Contractor's Report if such group makes a request for renegotiation on a consolidated basis at the time of or before filing such consolidated Standard Form of Contractor's Report. A consolidated Standard Form of Contractor's Report shall include (1) a statement of the consolidated financial information of the group made in the same manner as if the group were a single contractor, and (2) a consolidating income account showing separately the renegotiable and non-renegotiable business of each member of the group in the detail specified in RB Form 1B. Notwithstanding the foregoing, each member of such group shall file RB Form 1, which may be completed by stating thereon that a consolidated report has been filed and indicating the name under which the consolidated filing was made.

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

Sec.
1471.1 When assignment is made.
1471.2 How assignment is made.
1471.3 Cancellation of assignment.
1471.4 Reassignment to Board.

AUTHORITY: §§ 1471.1 to 1471.4 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 107, Pub. Law 9, 82d Cong.

§ 1471.1 *When assignment is made.* After receipt of a Standard Form of Contractor's Report from a contractor, the Board will assign the case to a Regional Board for renegotiation if it determines that further proceedings in the matter are warranted. Generally, an assignment will be made whenever a contractor's receipts and accruals during a fiscal year are in excess of the applicable statutory minimum. (See Part 1458 of this subchapter.) (However, no assignment will be made when the Board can readily decide on the basis of the information contained in the Standard Form of Contractor's Report that the contractor has not realized excessive profits for the fiscal year and that no purpose would be served by making an assignment to a Regional Board. If the Board decides not to make an assignment, the Board will notify the contractor to this effect and will not take any further action with respect to the fiscal year, in the absence of a subsequent indication that there is a possibility that the contractor has realized excessive profits for such fiscal year.

§ 1471.2 *How assignment is made.* (a) An assignment may be made to a Regional Board on some basis other than geographical in an appropriate case when it is believed that such assignment will promote efficiency in the renegotiation procedure. Similarly, the Board will reassign a case from one Regional Board to another if it appears that efficiency of renegotiation procedure will be promoted thereby.

(b) At the time of assignment, every case will be designated by the Board as either a Class A case or a Class B case. Generally, a Class A case will be one in which the contractor reports on the Standard Form of Contractor's Report that it has derived from subject contracts profits of more than $400,000 and a Class B case will be one in which the contractor reports on the Standard

Form of Contractor's Report that it has derived from subject contracts profits of $400,000 or less. The Board has delegated to the Regional Boards authority (1) in Class A cases, to make recommended determinations of excessive profits to the Board for final determination by the Board, and (2) in Class B cases, to make final determinations of excessive profits (see § 1499.50 of this subchapter.

(c) The Regional Board to which the case is assigned will notify the contractor of the assignment and will also advise the contractor whether the case is a Class A case or a Class B case.

§ 1471.3 *Cancellation of assignment*—(a) *Class A cases.* The Board will cancel an assignment in a Class A case whenever it appears that the contractor has not realized excessive profits for the fiscal year in question. Ordinarily, the Board will cancel an assignment only after the Regional Board to which the assignment has been made has advised the Board that in its opinion the contractor has not realized excessive profits and that the assignment should be cancelled.

(b) *Class B cases.* The Regional Board to which a Class B case is assigned may cancel such assignment whenever it appears that the contractor has not realized excessive profits for the fiscal year in question.

(c) *Effect of cancellation.* After an assignment has been cancelled, no further action will be taken by the Board or the Regional Board, as the case may be, with respect to the fiscal year in question in the absence of a subsequent indication that there is a possibility that the contractor has realized excessive profits for such fiscal year.

§ 1471.4 *Reassignment to Board.* A case will be reassigned from a Regional Board to the Board in the circumstances set forth in § 1472.4 of this subchapter.

PART 1480—CONTROL OF RENEGOTIATION RECORDS AND INFORMATION CONTAINED THEREIN

Sec.

1480.1 Scope of part.
1480.2 General.
1480.3 Income tax data.
1480.4 Access to renegotiation records.
1480.5 Affording access to documents pursuant to subpoena or other judicial process.
1480.6 Disclosure of information acquired in the performance of duties in connection with renegotiation.
1480.7 Control of physical possession of documents.
1480.8 Opinions and orders.
1480.9 Copies of documents.

AUTHORITY: §§ 1480.1 to 1480.9 issued under sec. 109, Pub. Law 9, 82d Cong.

§ 1480.1 *Scope of part.* This part establishes the regulations governing access to and disclosure of information, records and files relating to renegotiation proceedings conducted by or under the authority of (a) The Renegotiation Board, (b) the Military Renegotiation Policy and Review Board, transferred to The Renegotiation Board pursuant to delegation by the Secretary of Defense (17 F. R. 736), and (c) the War Contracts Price Adjustment Board, transferred to The Renegotiation Board pursuant to section 201 (e) of the act. Nothing contained in this part will authorize the transmission or disclosure of any "classified security information" as that term is defined in the regulations prescribed by Executive Order 10290, dated September 24, 1951.

§ 1480.2 *General.* Renegotiation agreements, reports, records, files, correspondence, memoranda and all other data, documents and material (hereinafter referred to generally as "documents") which have been transferred to or have been prepared by the Board in connection with any renegotiation proceeding, are the property of the Government of the United States. They are in the legal custody of the Board and are subject to this part notwithstanding that they may be in the physical possession of another agency. They are not to be distributed, nor are their contents to be revealed to any person other than as provided in this part or as may be prescribed by the Board in any specific instance. "Access" to documents, as used in this part, includes the furnishing of copies of such documents and oral disclosure of the contents of the documents. Authority to grant access to documents includes the authority to prescribe the extent of such access and the terms and conditions upon which it will be granted. This part does not apply to documents which the Board has authorized to be distributed to the public.

§ 1480.3 *Income tax data.* Under section 55 (f) (1) of the Internal Revenue Code, it is unlawful for any person "to divulge or make known in any manner whatever not provided by law" any information set forth or disclosed in any Federal income tax return or copy thereof or abstract therefrom. Pursuant to other provisions of the Internal Revenue Code, procedures have been established by the Treasury Department under which persons entitled to such information may get it from the Treasury Department. Accordingly, under no circumstances will access be afforded to copies of Federal tax returns, revenue agents' reports, or other Federal tax data in the custody of the Board. Any such material will, in every case, be carefully excluded from any documents to which access is granted in accordance with this part.

§ 1480.4 *Access to renegotiation records*—(a) *The public.* Upon request to the Secretary of The Renegotiation Board, Washington 25, D. C., any person may inspect during usual business hours, at the office of the Secretary, a copy of the transcript of any official Board actions granting exemptions of contracts from renegotiation under the act, except in cases where such Board action is of a nature required to be held confidential for good cause. The purpose of this paragraph (a) is to make available for public inspection Board actions on applications for exemptions, when such actions are not issued as regulations and are not required to be held confidential for good cause.

(b) *Departmental procurement personnel.* Any Department named in or designated pursuant to section 103 (a) of the act may be afforded access to documents in the custody of the Board when such Department determines that such assistance is necessary to further its procurement activities. Credentials duly issued to employees of any such Department for such purpose will be honored accordingly.

(c) *Departments performing renegotiation functions.* Any Department named in or designated pursuant to section 103 (a) of the act and any Department named in a prior renegotiation act will be afforded access to documents in the custody of the Board when any such agency determines that such access is necessary to the performance of duties imposed on it by the several acts under which such documents were obtained. Credentials duly issued to employees of any such agency for such purpose will be honored accordingly.

(d) *Persons properly and directly concerned in renegotiations.* Persons properly and directly concerned in any renegotiation proceeding, or their duly authorized representatives, may apply in writing to the Secretary of The Renegotiation Board for access to records of such proceeding. Access will be granted at times and places which are convenient in the light of the physical location of the records to which access is sought. Access will not be furnished under this paragraph (d) to memoranda and reports prepared by Government employees for use within the Government or to any other material which, in the opinion of the Board, should be held confidential for good cause. A person will not be deemed properly and directly concerned in any renegotiation record unless it relates to renegotiation of the contracts of such person, or of a partnership or joint venture in which he was a partner or joint venturer during the period renegotiated, or unless the person has such other pecuniary interest in the result of a renegotiation proceeding that in the opinion of the Board, he would be caused unreasonable hardship by being denied access to records relating thereto.

§ 1480.5 *Affording access to documents pursuant to subpoena or other judicial process.* Subpoenas duces tecum, or other judicial process constituting a demand for access to or the production of documents in the custody of the Board, are properly to be served upon the Chairman of the Board. No person notwithstanding that he may have physical possession of such documents, is authorized to afford access thereto or to produce the same pursuant to subpoena duces tecum or other judicial process except upon authorization or direction from the Chairman of the Board. Whenever a subpoena or other process demanding the production of documents which are in the custody of the Board, whether issued by a Federal court, State court or administrative tribunal, is served upon any person, other than said Chairman, having possession of such documents, such person will appear in such court or tribunal and respectfully decline to present such documents, bas

ing his refusal upon this regulation and pointing out that the Board's regulation makes provision for the serving of subpoenas upon its Chairman.

§ 1480.6 *Disclosure of information acquired in the performance of duties in connection with renegotiation.* Disclosure of facts, knowledge of which was acquired in the course of official duty in connection with any renegotiation proceeding conducted by or under the authority of the Board, the Military Renegotiation Policy and Review Board or the War Contracts Price Adjustment Board is to be made only to such persons or bodies and subject to the same restrictions as are provided in this part with respect to access to documents in the custody of the Board.

§ 1480.7 *Control of physical possession of documents.* Any person transferred or separated from duty or employment in connection with renegotiation, or transferred or separated from duty or employment in any other connection in which possession of documents in the custody of the Board is authorized, shall, upon such transfer or separation, deliver all such documents in his possession into the possession of a responsible official.

§ 1480.8 *Opinions and orders.* Except as authorized in § 1480.4 (a), opinions and orders will not be published or made available to the public under section 3 (b) of the Administrative Procedure Act, inasmuch as they are regarded as confidential for good cause shown, by reason of the confidential data furnished by contractors and relating to their business, and included therein. For the purposes of this paragraph, the term "opinion" includes a statement furnished pursuant to Part 1477 of this subchapter and the term "order" includes an agreement to eliminate excessive profits, as well as a unilateral determination. Opinions and orders are not cited as precedents in any renegotiation proceedings.

§ 1480.9 *Copies of documents.* A person or Department entitled to access to documents under this part will, upon request, be given copies of such documents, provided that such person or Department reimburses the Board for any expenses incurred in connection with the preparation of such copies which the Board considers should properly be borne by such person or Department.

PART 1492—INSTRUCTIONS TO PRIME AND SUBCONTRACTORS ON SEGREGATION OF RENEGOTIABLE SALES

This part is hereby vacated. The interim regulations formerly contained in this part (transferred from Part 1475 of this subchapter; see 17 F. R. 1391) are superseded by Part 1456 of this subchapter, *supra*.

PART 1499—STATUTES AND ORDERS

Sec.
1499.10 Section 101 (6), Internal Revenue Code.
1499.11 Section 422, Internal Revenue Code.
1499.30 Section 3806, Internal Revenue Code, as amended.
1499.31 Bureau of Internal Revenue: I. T. 3577.
1499.32 Bureau of Internal Revenue: I. T. 3611.
1499.33 Bureau of Internal Revenue: I. T. 3671.

§ 1499.10 *Section 101 (6), Internal Revenue Code.* Section 101 (6) of the Internal Revenue Code exempts from taxation:

(6) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation.

§ 1499.11 *Section 422, Internal Revenue Code. Unrelated Business Net Income.*

[Sec. 422 (a)]

(a) *Definition.* The term "unrelated business net income" means the gross income derived by any organization from any unrelated trade or business (as defined in subsection (b)) regularly carried on by it, less the deductions allowed by section 23 which are directly connected with the carrying on of such trade or business, subject to the following exceptions, additions, and limitations:

(1) There shall be excluded all dividends, interest, and annuities, and all deductions directly connected with such income.

(2) There shall be excluded all royalties (including overriding royalties) whether measured by production or by gross or net income from the property, and all deductions directly connected with such income.

(3) There shall be excluded all rents from real property (including personal property leased with the real property), and all deductions directly connected with such rents.

(4) Notwithstanding paragraph (3), in the case of a supplement U lease (as defined in section 423 (a)), there shall be included, as an item of gross income derived from an unrelated trade or business, the amount ascertained under section 423 (d) (1) and there shall be allowed, as a deduction, the amount ascertained under section 423 (d) (2).

(5) There shall be excluded all gains or losses from the sale, exchange, or other disposition of property other than (A) stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year, or (B) property held primarily for sale to customers in the ordinary course of the trade or business. This paragraph shall not apply with respect to the cutting of timber which is considered, upon the application of section 117 (k) (1), as a sale or exchange of such timber.

(6) The net operating loss deduction provided in section 23 (s) shall be allowed, except that—

(A) the net operating loss for any taxable year, the amount of the net operating loss carry-back or carry-over to any taxable year, and the net operating loss deduction for any taxable year shall be determined under section 122 without taking into account any amount of income or deduction which is excluded under this supplement in computing the unrelated business net income; and

(B) the terms "preceding taxable year" and "preceding taxable years" as used in section 122 shall not include any taxable year for which the organization was not subject to the provision of this supplement.

(7) There shall be excluded all income derived from research for (A) the United States, or any of its agencies or instrumentalities, or (B) any State or political subdivision thereof; and there shall be excluded all deductions directly connected with such income.

(8) (A) In the case of a college, university, or hospital, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(B) In the case of an organization operated primarily for the purposes of carrying on fundamental research the results of which are freely available to the general public, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(9) (A) In the case of any organization described in section 421 (b) (1), the so-called "charitable contribution" deduction allowed by section 23 (q) shall be allowed (whether or not directly connected with the carrying on of the trade or business), but shall not exceed 5 per centum of the unrelated business net income computed without the benefit of this subparagraph.

(B) In the case of any trust described in section 421 (b) (2), the so-called "charitable contribution" deduction allowed by section 23 (o) shall be allowed (whether or not directly connected with the carrying on of the trade or business), and for such purpose a distribution made by the trust to a beneficiary described in section 23 (o) shall be considered as a gift or contribution. The deduction allowed by this subparagraph shall not exceed 15 per centum of the unrelated business net income computed without the benefit of this subparagraph.

If a trade or business regularly carried on by a partnership of which an organization is a member is an unrelated trade or business with respect to such organization, such organization in computing its unrelated business net income shall, subject to the exceptions, additions, and limitations contained in paragraph (1) through (9) above, include its share (whether or not distributed) of the gross income of the partnership from such unrelated trade or business and its share of the partnership deductions directly connected with such gross income. If the taxable year of the organization is different from that of the partnership, the amounts to be so included or deducted in computing the unrelated business net income shall be based upon the income and deductions of the partnership for any taxable year of the partnership (whether beginning on, before, or after January 1, 1951) ending within or with the taxable year of the organization. In the case of an organization described in section 3813 (a) (2) which is a member of a partnership all of whose members are organizations described in section 3813 (a) (2), if a trade or business regularly carried on by such partnership is an unrelated trade or business with respect to such organization, such organization shall, for taxable years beginning before January 1, 1954, be allowed a deduction in an amount equal to the portion of the gross income of such partnership from such unrelated trade or business which such organization is required (by a provision of a written contract executed by such organization prior to January 1, 1950, which provision expressly deals with the disposition of the gross income of the partnership) to pay within the taxable year in discharge of indebtedness incurred by such organization in acquiring its share of such trade or business, or to irrevocably set aside within the taxable year for the discharge of such indebtedness (to the extent that such amount has been so paid or set aside) if (i) such partnership was formed prior to January 1, 1950, for the purpose of carrying on such trade or busi-

ness, and (ii) substantially all the assets used in carrying on such trade or business were acquired by it or by its members prior to such date. As used in the preceeding sentence, the word "indebtedness" does not include indebtedness incurred after January 1, 1950.

[Sec. 422 (b)]

(b) *Unrelated trade or business.* The term "unrelated trade or business" means, in the case of any organization subject to the tax imposed by section 421 (a), any trade or business the conduct of which is not substantially related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 101 (or, in the case of an organization described in section 421 (b) (1) (B), to the exercise or performance of any purpose or function described in section 101 (6)), except that such term shall not include any trade or business—

(1) In which substantially all the work in carrying on such trade or business is performed for the organization without compensation; or

(2) Which is carried on, in the case of an organization described in section 101 (6), or in the case of a college or university described in section 421 (b) (1) (B), by the organization primarily for the convenience of its members, students, patients, officers, or employees; or

(3) Which is the selling of merchandise, substantially all of which has been received by the organization as gifts or contributions.

The term "unrelated trade or business" means, in the case of a trust computing its unrelated business net income under the section for the purpose of section 162 (g) (1), any trade or business regularly carried on by such trust by a partnership of which it is a member. If a publishing business carried on by an organization during a taxable year beginning before January 1, 1953, is, without regard to this sentence, an unrelated trade or business, but before the beginning of the third succeeding taxable year the business is carried on by it (or by a successor who acquired such business in a liquidation which would constitute a tax-free exchange under section 112 (b) (6)) in such manner that the conduct thereof is substantially related to the exercise or performance by such organization (or such successor) of its educational or other purpose or function described in section 101 (6), such publishing business shall not be considered, for the taxable year as an unrelated trade or business.

§ 1499.30 *Section 3806, Internal Revenue Code, as amended.* Mitigation of effect of renegotiation of war contracts or disallowance of reimbursement.

SEC. 3806. (a) *Reduction for prior taxable year*—(1) *Excessive profits eliminated for prior taxable year.* In the case of a contract with the United States or any agency thereof, or any subcontract thereunder, which is made by the taxpayer, if a renegotiation is made in respect of such contract or subcontract and an amount of excessive profits received or accrued under such contract or subcontract for a taxable year (hereinafter referred to as "prior taxable year") is eliminated and, in a taxable year ending after December 31, 1941, the taxpayer is required to pay or repay to the United States or any agency thereof the amount of excessive profits eliminated or the amount of excessive profits eliminated is applied as an offset against other amounts due the taxpayer, the part of the contract or subcontract price which was received or was accrued for the prior taxable year shall be reduced by the amount of excessive profits eliminated. For the purposes of this section—

(A) The term "renegotiation" includes any transaction which is a renegotiation within the meaning of the Federal renegotiation act applicable to such transaction, any modification of one or more contracts with the United States or any agency thereof, and any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder.

(B) The term "excessive profits" includes any amount which constitutes excessive profits within the meaning assigned to such term by the applicable Federal renegotiation act, any part of the contract price of a contract with the United States or any agency thereof, any part of the subcontract price of a subcontract under such a contract, and any profits derived from one or more such contracts or subcontracts.

(C) The term "subcontract" includes any purchase order or agreement which is a subcontract within the meaning assigned to such term by the applicable Federal renegotiation act.

(D) The term "Federal renegotiation act" includes section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.), as amended or supplemented, the Renegotiation Act of 1948, as amended or supplemented, and the Renegotiation Act of 1951, as amended or supplemented.

(2) *Reduction of reimbursement for prior taxable year.* In the case of a cost-plus-a-fixed-fee contract between the United States or any agency thereof and the taxpayer, if an item for which the taxpayer has been reimbursed is disallowed as an item of cost chargeable to such contract and, in a taxable year beginning after December 31, 1941, the taxpayer is required to repay the United States or any agency thereof the amount disallowed or the amount disallowed is applied as an offset against other amounts due the taxpayer, the amount of the reimbursement of the taxpayer under the contract for the taxable year in which the reimbursement for such item was received or was accrued (hereinafter referred to as "prior taxable year") shall be reduced by the amount disallowed.

(3) *Deduction disallowed.* The amount of the payment, repayment, or offset described in paragraph (1) or paragraph (2) shall not constitute a deduction for the year in which paid or incurred.

(4) *Exception.* The foregoing provisions of this subsection shall not apply in respect of any contract if the taxpayer shows to the satisfaction of the Commissioner that a different method of accounting for the amount of the payment, repayment, or disallowance clearly reflects income, and in such case the payment, repayment, or disallowance shall be accounted for with respect to the taxable year provided for under such method, which for the purposes of subsections (b) and (c) shall be considered a prior taxable year.

SEC. 3806. (b) *Credit against repayment on account of renegotiation or allowance*—(1) *General rule.* There shall be credited against the amount of excessive profits eliminated the amount by which the tax for the prior taxable year under chapter 1, chapter 2A, chapter 2B, chapter 2D, and chapter 2E, is decreased by reason of the application of paragraph (1) of subsection (a); and there shall be credited against the amount disallowed the amount by which the tax for the prior taxable year under chapter 1, chapter 2A, chapter 2B, chapter 2D, and chapter 2E, is decreased by reason of the application of paragraph (2) of subsection (a).

(2) *Special rules as to individuals for 1942 and 1943.* In the case of an individual subject to the provisions of sections 58, 59, and 60 of chapter 1 and to the provisions of section 6 of the Current Tax Payment Act of 1943—

(A) No credit shall be allowed under paragraph (1) of this subsection for any amount by which the tax for the taxable year 1942 under chapter 1 is decreased by the application of paragraph (1) or paragraph (2) of subsection (a) if, contrary to the foregoing provisions of this subparagraph, any part of the amount shown on the return as such tax for the taxable year 1942 or any part of an amount assessed as such tax for such year or as an addition to such tax is credited against excessive profits eliminated for such year or against an amount disallowed for such year, the individual shall pay into the Treasury an amount equal to the amount of such credit, and if such amount is not voluntarily paid, the Commissioner shall, despite the provisions of the Current Tax Payment Act of 1943, collect the same under the usual methods employed to collect the tax imposed by chapter 1. For the purposes of this section the amount required by this subparagraph to be paid into the Treasury shall be considered as an amount of excessive profits eliminated for the taxable year 1942, or an amount disallowed for such year, as the case may be; and despite the provisions of the Current Tax Payment Act of 1943, the payment of such amount shall not be considered as payment on account of the tax or estimated tax for the taxable year 1943.

(B) In the case of a renegotiation with respect to the taxable year 1942 which is made after the enactment of the Current Tax Payment Act of 1943 and prior to the date on which the individual files his return for the taxable year 1943 and with respect to which payment or repayment of the excessive profits eliminated or any part thereof is deferred by agreement, if the amount shown as the tax on the return for the taxable year 1943 reflects the application of paragraph (1) of subsection (a) with respect to the taxable year 1942 and is computed in accordance with the provisions of section 6 of the Current Tax Payment Act of 1943, there shall be credited against the excessive profits eliminated for the taxable year 1942 the amount by which the sum of the estimated tax previously paid for the taxable year 1943 and the payments on account of the taxable year 1942 which are treated as payments on account of the estimated tax for the taxable year 1943, exceeds the amount shown as the tax on the return for the taxable year 1943: *Provided,* That the amount allowable as a credit under the foregoing provisions of this subparagraph shall not exceed (i) the amount of credit of overpayment of tax provided for in the agreement deferring payment or repayment of excessive profits eliminated or (ii) the amount of excessive profits eliminated for the taxable year 1942 which, at the time the credit is allowed, have not been paid or repaid to the United States or an agency thereof or applied as an offset against other amounts due the individual. If any credit is allowed under this subparagraph, no other credit or refund under the internal revenue laws shall be made on account of the amount so allowed with respect to the taxable year 1943. Any credit of overpayment of tax allowed pursuant to the agreement deferring payment or repayment of excessive profits eliminated shall be considered as a credit allowed under this subparagraph.

(C) Except as prevented by the provisions of the foregoing subparagraph (B), there shall be credited against the amount of excessive profits eliminated for the taxable year 1942 the amount by which the tax for the taxable year 1943 as computed under section 6 of the Current Tax Payment Act of 1943 is decreased by reason of the application of paragraph (1) of subsection (a) with respect to the taxable year 1942; and there shall be credited against the amount disallowed for the taxable year 1942 the amount by which the tax for the taxable year 1943 as computed under section 6 of the Current Tax Payment Act of 1943 is decreased by reason of the application of paragraph (2) of sub-

section (a) with respect to the taxable year 1942. For the purposes of the foregoing provisions of this paragraph, the terms "taxable year 1942" and "taxable year 1943" shall have the meanings assigned to them by section 6 (g) of the Current Tax Payment Act of 1943.

(3) *Credit for barred year.* If at the time of the payment, repayment, or offset described in paragraph (1) or paragraph (2) of subsection (a), refund or credit of tax under chapter 1, chapter 2A, chapter 2B, chapter 2D, or chapter 2E, for the prior taxable year, is prevented (except for the provisions of sec. 3801) by any provision of the internal revenue laws other than section 3761, or by rule of law, the amount by which the tax for such year under such chapters is decreased by the application of paragraph (1) of paragraph (2) of subsection (a) shall be computed under this paragraph. There shall first be ascertained the tax previously determined for the prior taxable year. The amount of the tax previously determined shall be the excess of—(1) the sum of (A) the amount shown as the tax by the taxpayer upon his return (determined as provided in section 271 (b) (1) and (3)), if a return was made by the taxpayer and an amount was shown as the tax by the taxpayer thereon, plus (B) the amounts previously assessed (or collected without assessment) as a deficiency, over—(2) the amount of rebates, as defined in section 271 (b) (2), made. There shall then be ascertained the decrease in tax previously determined which results solely from the application of paragraph (1) or paragraph (2) of subsection (a) to the prior taxable year. The amounts so ascertained, together with any amounts collected as additions to the tax or interest, as a result of paragraph (1) or paragraph (2) of subsection (a) not having been applied to the prior taxable year shall be the amount by which such tax is decreased.

(4) *Interest.* In determining the amount of the credit under this subsection no interest shall be allowed with respect to the amount ascertained under paragraph (1) or paragraph (2); except that if interest is charged by the United States or the agency thereof on account of the disallowance for any period before the date of the payment, repayment, or offset, the credit shall be increased by an amount equal to interest on the amount ascertained under either such paragraph at the same rate and for the period (prior to the date of the payment, repayment, or offset) as interest is so charged.

SEC. 3806. (c) *Credit in lieu of other credit or refund.* If a credit is allowed under subsection (b) with respect to a prior taxable year no other credit or refund under the internal revenue laws founded on the application of subsection (a) shall be made on account of the amount allowed with respect to such taxable year. If the amount allowable as a credit under subsection (b) exceeds the amount allowed under such subsection, the excess shall, for the purposes of the internal revenue laws relating to credit or refund of tax, be treated as an overpayment for the prior taxable year which was made at the time the payment, repayment, or ofiset was made.

§ 1499.31 *Bureau of Internal Revenue I. T. 3577.*

Statement of policy of the Bureau of Internal Revenue as to the tax effect in cases in which Government war contracts are renegotiated, or in cases where, pursuant to action by the Comptroller General, an item for which a taxpayer has been reimbursed is disallowed as an item of cost chargeable to a cost-plus-a-fixed-fee contract.

Advice is requested as to the policy of the Bureau of Internal Revenue with respect to the adjustment of income and excess profits taxes in cases in which Government war contracts are renegotiated and it is determined by the renegotiating department or agency that excessive profits have been, or are likely to be, paid to the contractor or subcontractor, and in cases where, pursuant to action by the Comptroller General, an item for which a taxpayer has been reimbursed is disallowed as an item of cost chargeable to a cost-plus-a-fixed-fee contract, the taxpayer being required to repay to the Government the amount of such disallowance.

Under Title IV of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public Law 528, 77th Cong., 2d sess.), certain Government departments or agencies are authorized and directed to require contractors or subcontractors to renegotiate the contract price with respect to designated contracts and subcontracts in case any amounts of excessive profits have been, or are likely to be, realized therefrom and to recover such excessive profits paid, or to withhold payment if the profits have not been paid.

The determination of the amount of the excessive profits and the making of an agreement with the contractor or subcontractor in regard to the method by which repayment to the Government of the excessive profits is to be effected are matters within the jurisdiction of the particular renegotiating department or agency. The Bureau of Internal Revenue has no authority to function in the determination or collection of these excessive profits. The Bureau, however, upon request of the parties to the renegotiation will advise them of the manner in which renegotiation will affect the contractor's Federal income and excess profits taxes.

The determination of tax liabilities and the collection thereof are under the administration of the Bureau, together with the making of rulings, and closing agreements, under Section 3760 of the Internal Revenue Code, with the taxpayer with respect to either actual tax liability for any taxable year or prospectively with respect to proposed transactions.

In case the renegotiating agreement provides for reduced contract prices to be retroactively applied to prior taxable years for which returns have been filed and the income and excess profits taxes paid or assessed, repayment to the Government of the excessive profits on which such taxes have been paid or assessed will be involved in the settlement. This raises the questions, "If the contractor or subcontractor repays the entire amount of such excessive profits to the Government, should the Bureau be required to refund the income and excess profits taxes paid on such excessive profits?" The position of the Bureau is that only the amount of such profits in excess of the Federal income and excess profits taxes paid or assessed thereon should be repaid by the contractor or subcontractor, and no refund or abatement of such taxes should be made, since the taxes should be considered as a recapture of a portion of the excessive profits and as such a proper offset against the total excessive profits. The remainder of the excessive profits would be recaptured through repayment thereof to the Government by the contractor or subcontractor. The repayment should not be allowed as a deduction in the income and excess profits tax returns of the taxpayer for any taxable year. To do so would result in a double tax benefit where the income and excess profits taxes have been offset against the excessive profits. Even though the right to such offset is foregone by the taxpayer and the offset is not made, the repayment should not be allowed as a deduction in the taxpayer's returns, since the taxpayer should not be permitted to forego the right to offset for the sake of obtaining a deduction for a year for which the deduction will result in a greater tax benefit. This may be illustrated by the following example:

Example. The M Corporation filed a return for the calendar year 1941 on March 15, 1942, reporting therein an amount of $1,000,000, which was subsequently in the year 1942 held by one of the designated renegotiating agencies to be excessive profits realized in performance of a contract, on which excessive profits income and excess profits taxes aggregating $400,000 were paid. The $400,000 taxes should not be refunded and the remainder of the excessive profits, or $600,000, should be repaid by the corporation to the Government. The amount of $600,000 repaid to the Government will not constitute an allowable deduction from gross income for any taxable year. This produces the correct result. Excessive profits, before Federal taxes, of $1,000,000 would have been recaptured by the Government, $400,000 through the medium of taxes and $600,000 by direct repayment to the Government, with no aftermath affecting Federal taxes. To hold otherwise, for instance, to hold that the $1,000,000 should be repaid to the Government and allow such repayment as a deduction for income tax purposes for the year 1942, when the effective rate of tax, for example, is 75 percent, would produce the following incorrect result: The tax benefit in 1942 would be $750,000. The taxpayer would have paid $1,400,000 to the Government and derived a tax benefit of $750,000. The taxpayer, therefore, would have paid only $650,000 net to the Government, whereas the excessive profits admittedly were $1,000,000. Different results would be obtained in other cases depending upon the factors of income and effective rates of taxes being different from those in this example.

In case the renegotiating agreement determines reduced contract prices to be charged during the year of the agreement or subsequent thereto, or a repayment is to be made in lieu thereof which is not applicable to profits for a year for which an income tax return has been filed, and on which profits income and excess profits taxes have not been assessed or paid, gross income to be reported in the returns for such years should be reduced to conform with the reduced prices, or in case of repayment, a deduction may be taken in computing net income, provided excessive profits determined to have been realized and received by the taxpayer are repaid to the Government. Likewise, in case the reduced contract prices are determined for the immediately preceding taxable year or a repayment is to made in lieu thereof, and the income and excess profits tax returns for such year have not been filed at the time of such determination, the gross income for such preceding year may be reported to conform with the reduced prices agreed upon, or a deduction may be taken in computing net income, as the case may be, provided the taxpayer repays to the Government the excessive profits determined to have been realized. No deduction from gross income will be allowed for any other taxable year for the amount of such excessive profits so repaid. This may be illustrated by the following example:

Example. The X Corporation filed a return for the calendar year 1942 on March 15, 1943. In February, 1943, it was determined that the taxpayer had realized during the 1942 excessive profits in the amount of $1,000,000 and the parties agree that during 1943 repayment of such excessive profits will be made to the Government in designated amounts per month until the entire amount of $1,000,000 excessive profits is repaid. The gross income to be reported by the corporation in its return for 1942 should not include the $1,000,000, and no tax attributable to excessive profits will thus be assessed or paid. No deduction from gross income will be allowed for any year for the amount of the excessive profits excluded from gross income and repaid to the Government.

In cases of renegotiation agreements with respect to years for which income and excess profits tax returns have not been filed and

income and excess profits taxes not assessed and paid, the reduction in gross income may be made, or the deduction may be taken in computing net income, as the case may be, although the renegotiating agreement has not been completed, provided at the time of filing the return the negotiations have progressed to such a stage that the amount of the reduction in gross income, or the amount of the repayment in lieu thereof, is certain, and in filing the income and excess profits tax return such reduction is made or such deduction is taken.

The Bureau, upon request of the parties to the renegotiation, in any case will advise them relative to the amount of excessive profits previously recaptured through the medium of income and excess profits taxes paid thereon.

In addition to the above stated considerations for the basis of the position of the Bureau that refunds of income and excess profits taxes should not be allowed in such cases, it may be stated that if the Bureau should be required to make refunds of the taxes paid on excessive profits repaid to the Government because such excessive profits have been determined before the taxes, instead of after the taxes, entirely ignoring the previous recapture of a portion of the excessive profits through the medium of such taxes, an appropriation from Congress to provide funds for such refunds would be necessary. The estimate of the sum necessary for such purpose logically would be based upon information from the negotiating agencies relative to the income and excess profits taxes paid on the excessive profits recaptured by such taxes previously paid thereon.

What has been said above applies with equal force to cases involving a cost-plus-a-fixed-fee contract where an item for which the taxpayer has been reimbursed is disallowed as an item of cost chargeable to such contract and the taxpayer is required to repay to the United States the amount disallowed.

§ 1499.32 *Bureau of Internal Revenue I. T. 3611.* Section 3806: Mitigation of effect of renegotiation of war contracts or disallowance of reimbursement.

Effect for Federal income and excess profits tax purposes of the renegotiation of Government contracts or subcontracts thereunder to eliminate excessive profits for a particular year, and the allowance, in mitigation of the effect of such renegotiation, of a credit against the excessive profits, under section 3806 of the Internal Revenue Code, as added by section 508 of the Revenue Act of 1942, for Federal income and excess profits taxes attributable to such excessive profits. Practice of Bureau (I. T. 3577, C. B. 1942-2, 163) restated.

Advice is requested as to the effect for Federal income and excess profits tax purposes of the renegotiation of Government contracts or subcontracts thereunder to eliminate excessive profits for a particular year, and the allowance, in mitigation of the effect of such renegotiation, of a credit against the excessive profits, under section 3806 of the Internal Revenue Code, as added by section 508 of the Revenue Act of 1942, for Federal income and excess profits taxes attributable to such excessive profits.

Under Title IV of the Sixth Supplemental National Defense Appropriation Act of 1942 (Public law 528, 77th Cong., 2d sess.), as amended by section 801 of the Revenue Act of 1942 (Public law 753, 77th Cong., 2d sess.), certain Government departments or agencies are authorized and directed to require contractors or subcontractors to renegotiate the contract price with respect to designated contracts and subcontracts in case any amounts of excessive profits have been or are likely to be realized therefrom and recover such excessive profits paid, or to withhold payment if the profits have not been paid.

In case the renegotiating agreement provides that excessive profits have been realized under contracts in effect during prior taxable years for which returns have been filed and the income and excess profits taxes paid or assessed, elimination of the excessive profits on which such taxes have been paid or assessed is involved in the settlement. The question was raised whether the contractor or subcontractor should repay the entire amount of such excessive profits to the Government and the Bureau of Internal Revenue be required to refund the income and excess profits taxes paid on such excessive profits, or whether only the amount of such profits in excess of the Federal income and excess profits taxes paid or assessed thereon should be repaid by the contractor or subcontractor and no refund or abatement of such taxes be made, the taxes being considered as a recapture of a portion of the excessive profits, and as such a proper offset against the total excessive profits, and the remainder of the excessive profits being recaptured through payment thereof to the Government by the contractor or subcontractor. The question was also raised whether the excessive profits eliminated give rise to a deduction in the income and excess profits tax returns of the taxpayer for any other taxable year, since to do so would result in a double tax benefit where the income and excess profits taxes have been offset against the excessive profits. These questions have now been resolved by section 3806 of the Code, as indicated below.

Section 3806 (a) (1) of the Code requires that a payment or repayment within a taxable year ending after December 31, 1941, of excessive profits pursuant to a renegotiation, shall be treated as a reduction of the price of the contracts or subcontracts for the taxable year for which such price was received or accrued. Section 3806 (b) of the Code requires that the decrease in Federal income and excess profits taxes resulting from such contract price reductions be credited against the amount of the excessive profits eliminated through renegotiation. Consequently the taxpayer will, on account of the renegotiation, pay or repay to the United States only the net amount of excessive profits of a prior taxable year which remain after there has been credited against the excessive profits the amount of Federal income and excess profits taxes attributable to such excessive profits. If the amount allowed as such credit against the excessive profits is less than the amount allowable, the difference is to be treated as an overpayment of the tax to be refunded or credited to the taxpayer as provided in section 3806 (c) of the Code. Also, the credit allowed against the amount of excessive profits, for Federal income tax purposes, including computation of postwar refund of excess profits taxes under section 780 of the Code, is treated the same as if such credit were a refund of the taxes forming the basis of the credit.

In view of the provisions of section 3806, it is the opinion of this office that the taxpayer's net income for Federal income and excess profits tax purposes is required to be, in effect, determined upon the basis of, and by giving effect to, the renegotiation. No refund of tax for any taxable year shall include any amount of tax which, pursuant to section 3806 (b), is credited against excessive profits eliminated for such year. However, for the purpose of determining the correct amount of the tax after a renegotiation has been made for a taxable year, the amount credited against the excessive profits eliminated is to be treated as an amount previously credited to the taxpayer in respect of the tax for such year. Also, the amount of the postwar refund, under sections 780 and 781 of the Code, of excess profits tax shall be reduced to reflect the amount of such tax which is credited against the excessive profits eliminated. Furthermore, where excessive profits eliminated and repaid to the Government are treated as a reduction of gross income, the amount of such excessive profits is not an allowable deduction from the gross income of the taxpayer for any taxable year. (See sec. 3806 (a) (3) of the Code). This may be illustrated by the following example:

Example. The A Corporation, which makes its income and excess profits tax returns on the calendar-year basis, filed its returns for 1942 on March 15, 1943. As a result of a renegotiation consummated on May 1, 1943, it was determined that in 1942 the A Corporation realized excessive profits of $1,000,000 in the performance of its Government contracts. On such amount of $1,000,000, the A Corporation was assessed Federal income and excess profits taxes aggregating $700,000, of which $10,000 represented declared value excess profits taxes and $270,000 represented excess profits taxes imposed by Subchapter E of Chapter 2 of the Code. Such taxes were credited against the $1,000,000 of excessive profits eliminated for 1942, and on May 1, 1943, the A Corporation paid to the United States the net amount of $300,000 ($1,000,000 less $700,000). The gross income of the A Corporation for 1942 is to be reduced by the $1,000,000 in excessive profits eliminated. The A Corporation is not entitled in computing its net income for 1942 or any subsequent taxable year to deduct any portion of such $1,000,000 excessive profits. No part of the $700,000 Federal income and excess profits taxes shall be refunded or credited to the taxpayer under sections 321 and 322 of the Code. However, for the purpose of determining the correct tax for 1942, the amount of tax shown by the A Corporation on its return for such year shall be decreased by the $700,000 credit allowed against excessive profits. The postwar refund of excess profits tax is reduced by $27,000 (10 percent of $270,000).

In giving effect to the principles applied by section 3806 of the Code in case the renegotiating agreement determines reduced contract prices to be charged during the year of the agreement or subsequent thereto, or a repayment is to be made in lieu thereof which is not applicable to profits for a year for which an income tax return has been filed, and on which profits income and excess profits taxes have not been assessed or paid, the practice of the Bureau has been to permit the taxpayer to reduce the gross income to be reported in the returns for such years to conform with the reduced price or, in case of repayment, to permit a deduction to be taken in computing net income, provided excessive profits determined to have been realized and received by the taxpayer are repaid to the Government. Likewise, in case the reduced contract prices are determined for the immediately preceding taxable year or a repayment is to be made in lieu thereof, and the completed income and excess profits tax returns for such year have not been filed at the time of such determination, the taxpayer has been permitted to report the gross income for such preceding year to conform with the reduced prices agreed upon or to take a deduction in computing net income, as the case may be, provided the taxpayer repays to the Government the excessive profits determined to have been realized. No deduction from gross income is allowed for any other taxable year for the amount of such excessive profits so repaid. This method of treatment will continue to be followed, subject to the condition that the excessive profits be paid or repaid to the United States or credited against amounts due and payable from the United States, and no deduction from gross income will be allowed for any other taxable year for the amount of such excessive profits so repaid. (See I. T. 3577, C. B. 1942-2, 163.)

The above statements apply with equal force to (1) disallowance of items of cost for which a contractor has been previously reimbursed under a cost-plus-a-fixed-fee contract (see sec. 3806 (a) (2) of the Code), and (2) contracts involving any renegotiation within the meaning of that term as it is defined in section 3806 (a) (1) (A) of the

Code, including, but not limited to, (a) any modification of one or more contracts with the United States or any agency thereof when such modification effects a voluntary elimination of excessive profits (as defined in section 3806 (a) (1) (B) of the Code) for a prior year, or a price reduction made retroactive for a prior year pursuant to express provision for price adjustment contained in the contract, and (b) any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder.

§ 1499.33 *Bureau of Internal Revenue I. T. 3671.* Section 3806: Mitigation of effect of renegotiation of war contracts or disallowance of reimbursement.

The term "renegotiation," for the purposes of section 3806 of the Internal Revenue Code, as amended, is not limited to a renegotiation within the meaning of section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (56 Stat. 226), as amended.

Advice is requested whether the term "renegotiation," for the purposes of section 3806 of the Internal Revenue Code, as amended, is limited to a renegotiation within the meaning of section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (56 Stat. 226), as amended, or whether any Government contractor, acting upon his own initiative and desirous of refunding direct to the United States profits he has realized under a Government contract, or a subcontract thereunder, may effect a repayment of such profits in a manner coming within the provisions of section 3806 of the Code, as amended.

Section 3806 (a) (1) (A) of the Code provides as follows:

The term "renegotiation" includes any transaction which is a renegotiation within the meaning of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d sess.) or such section, as amended, any modification of one or more contracts with the United States or any agency thereof, and any agreement with the United States or agency thereof in respect of one or more such contracts or subcontracts thereunder.

It will be noted that the above-quoted provision of the Code includes within the term "renegotiation"—"any modification of one or more contracts with the United States or any agency thereof, and any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder."

It is held that the term "renegotiation," for the purposes of section 3806 of the Internal Revenue Code, as amended, is not limited to a renegotiation within the meaning of section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, supra (which section is cited as the Renegotiation Act). It includes an agreement in writing made in respect of one or more Government contracts or subcontracts thereunder, and may be effected by an exchange of correspondence which embodies a binding agreement by both parties as to the amount repaid or to be repaid and the year to which the repayment relates. A Government contractor, acting upon his own initiative and desirous of refunding direct to the United States, profits he has realized under a Government contract, or a subcontract thereunder, should, however, get in touch with the renegotiating agency as to the form of agreement in writing which may be employed.

Dated: March 21, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-3443; Filed, Mar. 24, 1952; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52954]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

COASTWISE PROCEDURE; PERMIT TO PROCEED

In view of the rearrangement and renumbering of the subdivisions of customs Form 1385, "Permit to Proceed," when that form was revised, the following corresponding changes are made in the Customs Regulations of 1943.

1. Section 4.81 (d) of the Customs Regulations of 1943, as amended (19 CFR 4.81 (d)), is amended by deleting "(subdivision 4)" from the first sentence and substituting therefor "(subdivision 1 (e))", by deleting "subdivision 5" from the second sentence and substituting therefor "subdivision 2", and by deleting "subdivision 6" from the third sentence and substituting therefor "subdivision 3".

(Interprets or applies R. S. 4132, as amended, 4311, 4367, 4368, sec. 27, 41 Stat. 999, as amended, sec. 433, 46 Stat. 711; 19 U. S. C. 1433, 46 U. S. C. 11, 251, 313, 314, 883)

2. The fourth sentence of § 4.91 (b) of the Customs Regulations of 1943, as amended (19 CFR 4.91 (b)), is further amended by deleting "with subdivision 6 thereof, appropriately modified by the substitution of the word 'attached' for the word 'foregoing', completely executed" and substituting therefor "with subdivision 3 thereof completely executed".

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: March 18, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3379; Filed, Mar. 24, 1952; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 130—OPERATION AND MAINTENANCE CHARGES

LUMMI INDIAN DIKING PROJECT, WASHINGTON

On January 23, 1952, there was published in 17 F. R. 700, a notice of intention to amend 25 CFR 130.49 and 130.50. Interested persons were given opportunity to participate in preparing the amendments by filing objections or arguments as therein specified, within 30 days from the date of the publishing of the notice in the daily issue of the FEDERAL REGISTER. No objections having been received within the time allowed, the amended sections are promulgated as follows:

§ 130.49 *Charges.* In compliance with the provisions of the act of March 18, 1926 (44 Stat. 211) as supplemented by the act of February 17, 1933 (47 Stat. 820, 832), the maintenance and operation charges for the lands under the Lummi Indian Diking Project on the Lummi Indian Reservation, Washington, are hereby fixed at $2.50 per acre, for the calendar year 1952, and for subsequent years unless such charges shall be modified by the Commissioner of Indian Affairs or by the Area Director of the Portland Area Office upon the direction of the Commissioner.

§ 130.50 *Payment.* The charges as fixed in § 130.49 shall become due April 1 of each year, and shall be payable on or before that date. To all charges assessed against these lands, except lands in Indian ownership, not paid on the due date, April 1, there shall be added a penalty of one-half of one percent per month, or fraction thereof, so long as the delinquency shall continue.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 18, 1952.

[F. R. Doc. 52-3323; Filed, Mar. 24, 1952; 8:49 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 90—TABLE OF CHARGES AT THE MINTS AND ASSAY OFFICES OF THE UNITED STATES [1]

The Bureau of the Mint finds that it is necessary, because of increased costs of labor and material, to revise its Table of Charges for various services performed by the mint. It also finds that notice and public procedure thereon is impracticable, unnecessary and contrary to the public interest because such revisions are required by statute (sec. 3, 24 Stat. 635, 31 U. S. C. 332) which requires the Director of the Mint with the concurrence of the Secretary of the Treasury, to fix mint charges so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labor, wastage, and use of machinery employed. Acordingly, Part 90, Chapter 1, Title 31 of the Code of Federal Regulations of the United States of America, is hereby revised to read as follows:

Sec.
90.1 Melting charge.
90.2 Withdrawal and rejection of deposits.
90.3 Parting and refining charge.
90.4 Bar charges.
90.5 Assays of gold or silver bullion or jewelry free from platinum group metals.
90.6 Assays of plated and filled goods (over 800 base metal) and white gold free from platinum group metals.
90.7 Assays of platinum group metals.

[1] Coinage mints are located at Philadelphia, Pennsylvania; San Francisco, California; and Denver, Colorado. United States Assay Offices are located at New York, New York, and Seattle, Washington. No deposits are accepted at the Office of the Director of the Mint in Washington, D. C. The United States is divided into mint districts for the receipt of deposits. (Sec. 31.3 of this chapter.)

Sec.
90.8 Assays of ores.
90.9 Assaying and stamping charges.
90.10 General provision.

AUTHORITY: §§ 90.1 to 90.10 issued under R. S. 3524, as amended, R. S. 3546; 31 U. S. C. 332, 360.

§ 90.1 *Melting charge.* (a) On each deposit of bullion a melting charge of $2.00 shall be imposed for the first 1,000 gross troy ounces or fraction thereof, and 20 cents additional for each 100 ounces or fraction thereof in excess of 1,000 ounces, computed on the after-melting weight: *Provided*, That no melting charge shall be imposed on deposits consisting of uncurrent United States coin or unmutilated stamped United States mint bars; or on silver bullion free from gold, of the fineness of 999 thousandths or over when received in conformity with official regulations for monetary purposes and a satisfactory assay can be obtained without melting.

(b) When the melting loss exceeds 15 percent, an additional charge of $1.25 for each deposit shall be imposed when the deposit weighs 100 gross troy ounces or less; on deposits weighing over 100 ounces the charge shall be $1.25 for the first 100 ounces and 35 cents for each 100 ounces or fraction in excess of 100 ounces. Such additional charge shall be computed on the before melting weight of the deposit.

(c) On each deposit containing white gold alloys, as determined by the assayer, an extra melting charge of $1.25 for 100 gross troy ounces or fraction thereof, shall be imposed.

(d) Deposits which fail to give concordant assays and those requiring an excessive amount of treatment (such as filings containing metals other than gold and silver), shall, at the discretion of the officer in charge, be subject to an additional charge equal to the cost to the Government for additional fuel, labor, and materials used in melting and treatment, as well as in remelting and retreatment, if necessary, by the deposit melter. When such actual costs are assessed the charge set forth in paragraph (b) of this section shall not be made.

§ 90.2 *Withdrawal and rejection of deposits.* (a) If otherwise permissible,[2] deposits may be withdrawn by depositors at any time before payment is tendered therefor, and thereafter at the option of the officer in charge of the mint or assay office, subject to payment in cash of such charges for melting, etc., as have been incurred up to the time of withdrawal.

(b) Rejected deposits are subject to payment in cash of such charges as have been incurred up to time of rejection. All deposits containing 800 thousandths or more of base metal must be rejected and should be returned to the depositor unless the metal may not be received by the depositor.[2]

§ 90.3 *Parting and refining charge (rate per gross troy ounce or fraction).*

CLASS A—BULLION CONTAINING GOLD

Base content (thousandths)	Gold content (thousandths)		
	Up to 250	250¼ to 500	500¼ to 949¾
	Cents	*Cents*	*Cents*
Up to 50	1¾	3½	6¾
Over 50 to 150	2½	4¼	7½
Over 150 to 250	4¼	6	9¼
Over 250 to 350	6	7½	11
Over 350 to 450	7½	9¼	12½
Over 450 to 550	9¼	11	14¼
Over 550 to 650	11	12½	---
Over 650 to 750	12½	14¼	---
Over 750	14¼	---	---
Base content disregarded	Gold content 950 to 994¾		3½
Do	Gold content 995 and over.		0

CLASS B—SILVER BULLION FREE FROM GOLD

	Charge (cents)
Silver content:	
600 thousandths or less	6½
600½ to 850 thousandths	5
850½ to 998¾ thousandths	1¾

CLASS C—MISCELLANEOUS

Upon gold bullion from 899 to 917 thousandths fine, having but one precious metal present and having base content of good copper, including foreign coins and domestic mutilated or uncurrent coin, a refining charge will be imposed only when payment is to be made in fine bars, in which case a charge of 7½ cents per gross ounce, or fraction, will be imposed. Domestic gold coin will be received only in accordance with the provisions of § 92.1 of this chapter.

No refining charge will be imposed on domestic mutilated or uncurrent silver coin received in accordance with Part 100 of this chapter.

When bullion contains less than one-fourth thousandth of gold or less than 8 thousandths of silver the gold or silver content respectively shall not be reported for the benefit of the depositor.

Gold coin containing 8 thousandths or over of silver acquires the status of bullion as regards charges and is subject to the appropriate charge for refining.

§ 90.4 *Bar charges*—(a) *Charges on gold bars issued in exchange for gold bullion.*[2] (1) When payment in gold bars is requested without specification as to size, no bar charge will be imposed; except that when fine gold bullion of 0.995 or higher fineness is deposited in exchange for Government-stamped bars a bar charge of 5 cents per $100 value of bars issued will be made; and with the further exception that when fineness of 999.9 is requested and available, a charge of 15 cents per $100 value of bars issued will be made.

(2) When special size bars are requested and are available, the bar charges will be:

Bar sizes (gross troy ounces)	*Rate per $100 value (cents)*
Large, over 50 ounces	5
Medium, 25 to 50 ounces	6½
Small, below 25 but not less than 15 ounces	8¼
Special, below 15 but not less than 5 ounces	10

(b) *Charges on silver bars issued in exchange for silver bullion.*[2] No bar charges are imposed except when special size bars are requested and are available, in which case the bar charges will be:

Items	*Rate per troy-ounce gross (cents)*
Bars of standard silver	⅞
Bars of fine silver, not less than 500 ounces	⅛
Bars of fine silver, between 125 and 500 ounces	⅜
Bars of fine silver, 125 ounces or less	⅞

Silver bars may not be sold except upon special authorization. (Secs. 92.7, 92.8 of this chapter.)

(c) *Charges on gold bars sold.*[2] (1) Gold bars may be sold only in lots of not less than 25 fine troy ounces and only when of a fineness of 899 thousandths or above.

(2) No bar charge will be imposed on any gold bars of a fineness below 999 thousandths when particular sizes or finenesses are not requested.

(3) The following bar charges will be made for bars of a fineness of 999 thousandths or above, for bars of particular fineness, and for bars of particular sizes, when any of such bars are requested and available:

Fineness (thousandths)	Bar sizes (gross troy ounces)	Rates per $100 value
		Cents
999 and above, but below 999.9; also below 999 when particular sizes or finenesses are requested.	Large, over 50 ounces	5
	Medium, 25 to 50 ounces	6½
	Small, below 25 ounces but not less than 15 ounces.	8¼
	Special, below 15 but not less than 5 ounces.	10
999.9	Any size	15

§ 90.5 *Assays of gold or silver bullion or jewelry free from platinum group metals.*

	Charge
Gold	$3.00
Silver	3.00

An extra charge of $2 for each assay of gold or silver will be imposed when the sample contains any of the platinum group metals.

§ 90.6 *Assays of plated and filled goods (over 800 base metal) and white gold free from platinum group metals.*

	Charge
Gold	$4.00
Silver	4.00

An extra charge of $2 for each assay of gold or silver will be imposed when the sample contains any of the platinum group metals.

§ 90.7 *Assays of platinum group metals.* Assays of platinum, palladium, and iridium metals except in samples of ores, slags, or mattes may be made at the Assay Office at New York, N. Y., when authorized by the Director of the Mint; the charges imposed therefor by the superintendent of the institution shall be equal to the cost to the Government for labor, materials, and other expenses incident thereto.

§ 90.8 *Assays of ores.* Assays of ores will be made at the United States Assay Office at Seattle, Washington. The charge for each metal determined will be:

[2] See § 90.10.

	Charge
Gold	$1.50
Silver	1.50
Gold and Silver (same sample)	2.50
Lead	2.50
Zinc	3.00
Copper	3.00

§ 90.9 *Assaying and stamping charges.*[2] On bullion deposited for the purpose of receiving the Government assay and stamp the melting and assay charges above specified shall be imposed.

§ 90.10 *General provision.*[3] Nothing herein provided shall be applied in a manner inconsistent with, or deemed to amend, modify, or repeal, any acts, orders, proclamations, regulations, or instructions, relating to gold or silver.

This revision shall become effective April 1, 1952.

[SEAL] NELLIE TAYLOE ROSS,
Director of the Mint.

Approved: March 20, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3409; Filed, Mar. 21, 1952; 11:25 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 92, Amdt. 4]

CPR 92—CEILING PRICES OF LAMB, YEARLING, AND MUTTON PRODUCTS SOLD AT WHOLESALE

INDEFINITE SUSPENSION OF ALLOCATION PROVISION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended (16 F. R. 11620), and Economic Stabilization Agency General Order 5, Revision (16 F. R. 11875), this Amendment 4 to Ceiling Price Regulation 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides for the suspension until further notice of section 12, Allocation of carcasses, foresaddles, and hindsaddles. Since the issuance of Amendment 1, lamb, yearling, and mutton have continued to sell below the established ceilings. Section 12, as originally issued, required a slaughterer, packer branch house or a wholesaler to sell during a monthly accounting period as large a proportion of his total sales of lamb, yearling, and mutton in the form of carcasses, hindsaddles, or foresaddles as such seller sold during a selected monthly base period in 1950. This provision was placed in the regulation to insure that retailers as a group would be able to obtain a normal supply of carcasses and not be required to take their purchases in the form of primal cuts, which might increase the sellers' realization, but which would tend to reduce the retailers' margins during those periods when all prices were at ceiling.

At the present time, lambs are generally selling below the prices established in CPR 92. It is believed that for a short period there will not be any serious pressure on the CPR 92 ceiling prices and that retailers would not be injured if sellers were permitted to sell any given proportion of the lambs they handle in the form of primal cuts. The suspension until further notice of section 12 will allow the sellers to break a larger proportion of the carcasses and thus make it possible for them to sell the primal cuts according to local demand conditions.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended. In the judgment of the Director of Price Stabilization they also comply with all the applicable standards of the Defense Production Act of 1950, as amended. In formulating this amendment, the Director has consulted with representatives of industry, including trade association representatives to the extent practicable under the circumstances, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Section 12 (c) is amended to read as follows:

(c) The provisions of this section shall be inoperative until further notice.

(Sec. 704, 64 Stat. 798, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective March 22, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 22, 1952.

[F. R. Doc. 52-3447; Filed, Mar. 21, 1952; 4:46 p. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 14]

GCPR, SR 14—SALES BY COMMODITY CREDIT CORPORATION

CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment No. 2 to Supplementary Regulation 14 to the General Ceiling Price Regulation (17 F. R. 68) is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this Amendment 2 to Supplementary Regulation 14 to the General Ceiling Price Regulation is to establish ceiling prices on nonstorable nonbasic agricultural commodities held by Commodity Credit Corporation (hereinafter referred to as CCC) in a way similar to the method of establishing ceiling prices for basic and storable nonbasic commodities contained in section 2 of Supplementary Regulation 14 as amended by Amendment 1. This amendment will encourage the trade to carry normal inventories of its own rather than rely upon Government stocks of nonstorable nonbasic commodities and will enable CCC to sell such commodities acquired under a price support program without bestowing windfalls on the buyers.

It was explained in the Statement of Considerations accompanying Amendment 1 that CCC, in the operation of its price support programs, acquires agricultural commodities during relatively short periods of time and disposes of them when circumstances permit disposition without disruption of commercial markets or price support policies. CCC does not operate in the market in the day-to-day manner normal to commercial trade. As a consequence, commodities held by CCC in the GCPR base period could not thereafter be disposed of at prices exceeding the GCPR base period price even though, as a result of parity pass-through provisions of section 11 of GCPR, prices were raised in the commercial trade. This same consideration will apply to commodities which CCC may hereafter acquire under price support programs. If CCC acquires a commodity at a certain price and thereafter that price rises in the market because of parity pass-throughs CCC will be forced to sell the commodity, if it desires to dispose of it, by giving a windfall to the buyer.

Section 407 of the Agricultural Act of 1949 directs CCC to sell a basic agricultural commodity or a storable nonbasic commodity at not less than 5 percent above the current support price for such commodity plus reasonable carrying charge. This provision is not operative in the case of commodities like butter and nonfat dry milk solids which are nonbasic commodities and are considered by the Department of Agriculture to be nonstorable, within the meaning of the definitions in the Agricultural Act of 1949. Therefore, this amendment expressly limits the provisions of section 2 of Supplementary Regulation 14, as amended, to basic and storable nonbasic commodities and adds a new section 3 which deals specifically with ceiling prices for nonstorable nonbasic commodities. Section 3 establishes ceiling prices for nonstorable nonbasic commodities in line with those established under section 2 and, in addition, follows the sales policy laid down in section 407 of the Agricultural Act of 1949, with some modifications. This amendment is issued pursuant to a request of the U. S. Department of Agriculture.

In view of the nature of this amendment which involves the power and policy of a Government agency in disposing of its property, there has been no

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[2] See § 90.10.

[3] Secs. 54.42 and 54.44 of this chapter set forth the purchase and sale price of gold purchased and sold by the United States Mints and Assay Offices under Arts. VI and VII of the Provisional Gold Regulations. (§§ 54.35–54.42, 54.43, 54.44 of this chapter.)

The one-fourth of 1 percent charge referred to therein shall be in addition to all other mint charges in connection with purchases or sales of gold by the United States.

consultation with representatives of industry.

AMENDATORY PROVISIONS

Supplementary Regulation 14 to the General Ceiling Price Regulation is amended as follows:

1. Section 2 of Supplementary Regulation 14 is amended in two respects:

a. The title of section 2 shall read: SEC. 2. *Ceiling prices for basic and storable nonbasic commodities.*

b. In section 2, the words "unprocessed and processed agricultural commodities" shall be deleted and the following substituted therefor: "basic and storable nonbasic agricultural commodities, whether processed or unprocessed,".

2. A new section 3 is added to Supplementary Regulation 14 to read as follows:

SEC. 3. *Ceiling prices for nonstorable nonbasic commodities.* The sale by the Commodity Credit Corporation of nonstorable nonbasic agricultural commodities, whether processed or unprocessed, acquired in connection with its price support program shall be at a price not to exceed the highest of:

(a) The highest ceiling price the purchaser could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made;

(b) The cost of acquisition of the commodity by the Commodity Credit Corporation plus reasonable carrying charges;

(c) The latest announced support price, or purchase price under a support program, of the commodity plus reasonable handling and storage charges from the beginning of the month in which the support price was announced: *Provided,* that if a price support program is announced to take effect more than 45 days thereafter and at the time of the announcement Commodity Credit Corporation has an inventory of the commodity covered by the program, sales of such inventory may not be made in reliance on this paragraph until on or after the 45th day preceding the effective date of the price support program; and

(d) The minimum sales prices authorized by section 112 (e) of the Foreign Assistance Act of 1948.

Effective date. This Amendment 2 to Supplementary Regulation 14 to the General Ceiling Price Regulation shall become effective March 26, 1952.

(Sec. 704, 64 Stat. 798; Pub. Law 96, 82d Cong., 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3449; Filed, Mar. 21, 1952; 4:47 p. m.]

[General Overriding Regulation 26]

GOR 26—CEILING PRICES OF COMMODITIES FOR WHICH THE COMMODITY CREDIT CORPORATION ESTABLISHES SUPPORT PRICES

Pursuant to the Defense Production Act of 1950, as amended (64 Stat. 803; Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 26 is hereby issued.

STATEMENT OF CONSIDERATIONS

Under the terms of the Agricultural Act of 1949, as amended, the Commodity Credit Corporation (hereinafter referred to as CCC) establishes support prices for agricultural commodities. The price support program of the CCC sometimes takes the form of purchasing the processed or manufactured product from manufacturers at announced purchase prices. Payment to the manufacturer of these purchase prices enables the manufacturer, in turn, to pay the support price to producers of the raw agricultural commodity from which his product is processed.

The ceiling prices of some of these agricultural products may, under the General Ceiling Price Regulation (hereinafter referred to as GCPR), as amended, or any other applicable ceiling price regulation or order, be lower than the purchase prices for the products announced by CCC. Section 402 (d) (3) of the Defense Production Act of 1950, as amended, provides, however, that nothing contained in that statute shall be construed to modify, repeal, supersede, or affect the provisions of the Agricultural Act of 1949. It is therefore incumbent upon the Office of Price Stabilization to establish for products for which purchase prices under a support program are announced, ceiling prices applicable to sales to the CCC no lower than the announced purchase prices.

In announcing purchase prices for processed agricultural products under a price support program, the CCC must take into account not only producer prices but also processors' margins. Assuming that the processing margins incorporated in the purchase prices are proper for price control purposes, it would be entirely appropriate for the Office of Price Stabilization not only to set minimum ceiling prices at support levels on sales to the CCC, as required by the Agricultural Act of 1949, as amended, but also to establish minimum ceilings for commercial sales between private parties at support or purchase prices, modified by appropriate differentials. To restrict commercial transactions to ceiling prices lower than the prices at which the products are being purchased under a support program would, of course, channel most sales to the CCC and would adversely affect the price support and price stabilization programs.

It is primarly for these reasons that this General Overriding Regulation is being issued permitting all sales of products processed from agricultural commodities to be made at prices equalling the respective annnounced purchase prices, whether the sales are of a commercial nature between private individuals or to the CCC or other governmental agency. The regulation also covers unprocessed agricultural commodities. It should be noted, however, that should it appear that processing margins included in the determination of the purchase prices for processed agricultural products are not reasonable, the Office of Price Stabilization reserves the right to re-examine the action taken by this General Overriding Regulation as far as sales to buyers other than CCC are concerned.

A seller of a commodity for which CCC has announced a support or purchase program will have an election to adhere to his GCPR base period price as modified by parity adjustments or to compute a price in accordance with this overriding regulation, and the higher of the two will be his ceiling price. If a seller elects to price under this overriding regulation he shall price under it all sizes, containers, and sales to classes of purchasers of the commodity for which CCC has announced a support or purchase program. Though he may have elected to use a ceiling price computed pursuant to this overriding regulation he may subsequently use as a ceiling price the GCPR base period price as modified by parity adjustments and vice versa.

This regulation was issued pursuant to a request made to the Office of Price Stabilization by the United States Department of Agriculture. In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Where this regulation applies.
3. Ceiling price of a commodity for which the Commodity Credit Corporation establishes either a support price or a purchase price under a support program.
4. Reporting requirements.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation provides an alternative method for determining the ceiling price of any commodity for which a support price or purchase price under a support program is established by the Commodity Credit Corporation.

SEC. 2. *Where this regulation applies.* This regulation applies to sales within the continental United States and the District of Columbia.

SEC. 3. *Ceiling price of a commodity for which the Commodity Credit Corporation establishes either a support price or a purchase price under a support program*—(a) *When you sell the commodity on terms, conditions, and specifications established by the Commodity Credit Corporation.* Notwithstanding the provisions of the General Ceiling Price Regulation, as amended, or any other regulation or order, the ceiling price for the sale of any commodity for which the Commodity Credit Corporation has announced a support or purchase price under the provisions of the Agricultural Act of 1949, as amended, shall, during the effective period of such price support program, not be lower than that support or purchase price, when the commodity is sold to Commodity Credit Corporation or to anyone else on the terms, conditions, and specifications, hereinafter re-

ferred to as "terms," established by the Commodity Credit Corporation for its purchases of the commodity.

(b) *When you sell the commodity on different terms, conditions, or specifications.* (1) Your ceiling price to purchasers other than Commodity Credit Corporation on terms different from those established by Commodity Credit Corporation shall not be lower than the support or purchase price adjusted by your widest dollar-and-cent differential between the support or purchase price and your ceiling price to a commercial buyer for the same or most comparable grade, computed at any one time in the period from January 26, 1951, to the date of the issuance of this overriding regulation.

(2) If you cannot compute your ceiling price under (1), your ceiling price for the commodity on terms which differ from those established by Commodity Credit Corporation shall be the same as the ceiling price, computed pursuant to (1), of your most closely competitive seller of the same class selling the commodity on the same terms to the same class of purchaser.

(3) If you cannot compute a ceiling price under subparagraph (1) or (2) of this paragraph, you may apply in writing to the Regional Office of Price Stabilization for the region within which your main place of business is located, for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under subparagraph (1) or (2) of this paragraph; a description of the commodity and the terms on which you wish to sell it and the nature of your business; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established under the regulations of the Office of Price Stabilization. You may not sell the commodity until the Office of Price Stabilization in writing notifies you of your ceiling price.

SEC. 4. *Reporting requirements*—(a) *Prohibitions.* You shall not sell any commodity for which you have determined a ceiling price under (1) or (2) of section 3 (b) of this regulation until you have sent a report, as hereinafter described, by registered mail to the Regional Office of the Office of Price Stabilization within the region where your main place of business is located, return receipt requested, and the Regional Director has received the report, as evidenced by the postal return receipt. After he has so received the report, you may sell the commodity at your proposed ceiling price unless you are notified by the Office of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required.

(b) *Contents of reports.* (1) If you compute your ceiling prices under section 3 (b) (1), (i) describe the commodity; and (ii) state the terms of the sales being priced; (iii) your new ceiling prices; (iv) your widest dollar-and-cent differential between the support or purchase price established by Commodity Credit Corporation under a price support program and your ceiling price to a commercial buyer for the same or most comparable grade; (v) the name and address of such commercial buyer; and (vi) the day (between January 26, 1951, and the date of issuance of this regulation) as of which you computed the differential referred to under (iv).

(2) If you compute your ceiling price under section 3 (b) (2) your report should state the following: (i) The name and address of your company. (ii) The name, address, and type of business of your most closely competitive seller of the same class. (iii) Your reasons for selecting him as your most closely competitive seller. (iv) In addition, (*a*) if you are a manufacturer, your proposed ceiling price and the terms of the sales you are pricing, the manufacturing processes involved, your unit direct cost, and the types of customers to whom you will be selling; and (*b*) if you are a wholesaler, your proposed ceiling price and your net invoice cost of the commodity being priced, the names and addresses of your sources of supply, the function performed by them (e. g. manufacturing, distributing, etc.), and the types of purchasers to whom you plan to sell.

Effective date. This General Overriding Regulation 26 is effective March 26, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3450; Filed, Mar. 21, 1952; 4:47 p. m.]

[Ceiling Price Regulation 51, Amdt. 4]

CPR 51—FOOD PRODUCTS SOLD IN PUERTO RICO

ESTABLISHING CEILING PRICES FOR MILK

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to Ceiling Price Regulation 51 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 51 establishes ceiling prices for sales in Puerto Rico of cow's milk for fluid consumption at all levels of distribution including sales by producers. The amendment covers sales of raw, pasteurized and homogenized milk.

This amendment supersedes the General Ceiling Price Regulation with respect to sales by distributors of raw, pasteurized and homogenized milk for fluid consumption.

Section 14 (s) (1) of the General Ceiling Price Regulation exempts raw milk at the producer level from the provisions of the General Ceiling Price Regulation. Producers have in the past three months increased their prices for the sale of milk, and under section 11 of the GCPR, other sellers of milk have been permitted to pass on this increase.

Since milk is such a vital food and constitutes a substantial part of the food budget of the people of Puerto Rico, it is essential that further increases in milk prices be prevented. By freezing the price of milk for fluid consumption at all levels of distribution at the weighted average price of 75 percent of sales made in the period January 15, 1952–February 15, 1952, such increases will be prevented.

It has been determined that the ceiling prices which are established by this regulation do permit retailers and wholesalers of milk the customary margin they received in the period May 24–June 24, 1950, in accordance with the provisions of section 402 (k) of the Defense Production Act of 1950, as amended.

In the formulation of this amendment, the OPS has consulted with industry representatives, including trade association representatives, to the extent practicable, and has given full consideration to their recommendations.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. A new article is added to Ceiling Price Regulation 51 following Article IV—Livestock, as follows:

ARTICLE V—MILK

SEC. 5.1 *Milk for fluid consumption*—(a) *Definition.* (1) "Milk", as the term is used in this article, means cow's milk.

(b) *Ceiling prices.* Your ceiling prices for sales of raw milk, pasteurized milk, and pasteurized-homogenized milk, for fluid consumption, are the weighted average prices you received on 75 percent of your sales by dollar volume, for fluid consumption of raw milk, pasteurized milk, or pasteurized-homogenized milk, respectively, in the same size container to purchasers of the same class during the period from January 15, 1952 to February 15, 1952, inclusive.

(c) *Ceiling prices for new sellers.* If you are a new seller, or are otherwise selling milk for fluid consumption for which ceiling prices are not established by paragraph (b) of this section, your ceiling price for raw, pasteurized, or pasteurized-homogenized milk, is the ceiling price of your most closely competitive seller for raw, pasteurized, or pasteurized-homogenized milk, respectively, when sold in the same size container to the same class of purchaser.

(d) *Reports of new sellers.* Within ten days from the day you first offer milk for sale, you must file with the Director of the Territorial Office of the Office of Price Stabilization a signed statement indicating:

(1) Your business name and address.

(2) Your ceiling prices.

If your ceiling prices are established under paragraph (c) of this section you must, in addition, include:

(3) An explanation of why you cannot price under paragraph (b) of this section.

(4) Your closest competitor's name and address.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Ceiling Price Regulation 51 is effective March 29, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 24, 1952.

[F. R. Doc. 52-3485; Filed, Mar. 24, 1952; 11:58 a. m.]

[Ceiling Price Regulation 132]

CPR 132—SOUTHERN HARDWOOD AND YELLOW CYPRESS LUMBER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 132 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific dollars and cents ceiling prices at the manufacturing level for hardwood and yellow cypress lumber produced in the Southern Hardwood Region, consisting of the states of Arkansas, Alabama, Florida, Louisiana, Oklahoma, Mississippi, Texas, and parts of Georgia, North Carolina, South Carolina, Tennessee, and Virginia. Although yellow cypress is a softwood, it is covered by this regulation because it is found in the same timber stands and sawed in the same mills as the hardwoods. The hardwood lumber covered by this regulation is produced from deciduous trees, the most important of which are red and white oak, red and sap gum, tough and cabinet ash, cottonwood, and magnolia.

The Southern hardwood lumber industry consists of some 14,000 mills, most of which are small operations producing less than one million board feet per year. A substantial part of the total production is from a relatively few integrated companies which turn out rough and surfaced lumber, and various lumber products. The total output of the hardwood industry in this area, according to the Census of Manufacturers in 1947, was 3.2 billion board feet, which was about 43 percent of the total hardwood lumber production in the United States. Approximately 35 percent of the lumber produced in this Southern region is consumed by its own wood-using industries.

Prices are set at the mill level on an f. o. b. point-of-origin basis. The regulation also provides for sales on a delivered basis, in which case established weights set forth in this regulation must be applied in computing transportation additions. A table of percentages is given for use in computing the weights of kiln-dried, surfaced, and resawn lumber.

Four price zones are established based on freight rates to the Northern markets. Zone 1 is the zone of maximum freight rates. Prices in each of Zones 2, 3, and 4 increase $1.00 per thousand feet progressively as the freight rates decrease for each zone. These zones are established in recognition of historical differentials in prices at the mill level. The regulation requires that the lumber covered be graded in accordance with the 1952 "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers and Thin Lumber," published by the National Hardwood Lumber Association.

Pending the issuance of an applicable service regulation, lumber sold surfaced, resawn, and/or kiln-dried may include a charge not to exceed the highest amount added for such services during the period of January 25, 1951 through February 24, 1951.

Lumber sold on specifications for special widths and/or lengths may include a charge not to exceed the highest amount added for such special sizes during the period of January 25, 1951 through February 24, 1951.

The ceiling price of each of several items stated in the regulation for which dollars and cents ceiling prices are not shown is the highest price charged for each item during the period of January 25, 1951 through February 24, 1951.

The regulation recognizes the service performed by independent commission salesmen by providing that commissions paid to them of not more than 4 percent may be added to the ceiling prices charged.

Provision is made for additions to ceiling prices for retail-type sales, mixed shipments, less than carload lot shipments, bundling, stenciling, and antistain treatment. These additions are included in this tailored regulation in order to insure continuation of standard industry practices under price control.

By establishing dollars and cents ceilings for the various species, grades, and sizes of green and air-dried hardwood lumber and yellow cypress at the prevailing level of the GCPR ceilings, this regulation eliminates the distorted pattern frozen under the GCPR and establishes ceiling prices at a level which is not inflationary, and yet which should be high enough to insure production adequate for the needs of the defense mobilization program. This level of lumber ceiling prices is not below the lower of (a) the level of such prices prevailing just before the issuance of this regulation, or (b) the level of such prices prevailing during the period January 25, 1951 through February 24, 1951.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24 to June 24, 1950, inclusive; to prices prevailing from January 25 to February 24, 1951, inclusive; and to prices prevailing just before the issuance of this regulation; and to relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included two meetings with the Southern Hardwood Industry Advisory Committee, and two meetings with a subcommittee thereof.

Every effort has been made to conform this regulation to business practices existing in the Southern Hardwood Region with respect to the production, sale, and distribution of hardwood and yellow cypress lumber produced in that area. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

ARTICLE I—COVERAGE

Sec.
1.1 What this regulation does.
1.2 Which regulation is superseded.
1.3 Items, species, and area of production covered.
1.4 Types of sellers covered.
1.5 Geographical applicability.
1.6 How to determine your ceiling prices.

ARTICLE II—ZONE DIFFERENTIALS

2.1 Freight rate groups.

ARTICLE III—CEILING PRICES

3.1 Graded rough hardwood and Yellow Cypress lumber.
3.2 Special widths and lengths.
3.3 Dunnage.
3.4 Rough tie siding.
3.5 Construction boards.
3.6 Residue sales.
3.7 Ungraded hardwood and Yellow Cypress lumber.
3.8 Kiln-dried, resawn, and surfaced lumber.
3.9 How to calculate weights for shipping kiln-dried, surfaced, and resawn lumber.
3.10 Bending Oak and other listed grades.
3.11 Ceiling prices for special specifications.

ARTICLE IV—COMMISSION-TYPE SALES AND RETAIL-TYPE DIRECT-MILL SALES

4.1 Commission-type sales.
4.2 Retail-type sales.

ARTICLE V—CEILING PRICE ADDITIONS

5.1 Ceiling price additions.

ARTICLE VI—OTHER CEILING PRICE PROVISION

6.1 Grade terms and grading.
6.2 Delivered ceiling prices.
6.3 Mixed cars.
6.4 Green lumber.

ARTICLE VII—MISCELLANEOUS PROVISIONS

7.1 Modification of proposed ceiling price by Director of Price Stabilization.
7.2 Petitions for amendment.
7.3 Adjustable pricing.
7.4 Records.

ARTICLE VII—MISCELLANEOUS PROVISIONS—CON.

Sec.
7.5 Invoicing.
7.6 Interpretations.
7.7 Prohibitions and violations.
7.8 Evasions.
7.9 Definitions.

AUTHORITY: Sections 1.1 to 7.9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—COVERAGE

SECTION 1.1 *What this regulation does.* This regulation establishes manufacturers' dollars and cents ceiling prices for all standard grades of dry and green hardwood and yellow Cypress lumber produced in the Southern Hardwood Region (as defined in section 1.3). The regulation also provides ceiling prices for special items.

SEC. 1.2 *Which regulation is superseded.* The General Ceiling Price Regulation is superseded in respect to all transactions covered by this regulation.

SEC. 1.3 *Items, species, and area of production covered.* (a) This regulation covers all hardwood and yellow Cypress lumber produced in the Southern Hardwood Region. It does not cover items fabricated from lumber such as flooring, hand rails, mouldings, step treads and thresholds, and sawn timbers, such as cross ties, mine ties, switch ties, mine material, navy oak ship stock, and small dimension stock.

(b) The term "hardwood lumber" refers to all lumber produced from broad-leaved deciduous trees, and specifically includes the following species: Tough Ash (Fraxinus americana), Cabinet Ash (Fraxinus tomentosa), Basswood (Tilia sp.), Beech (Fagus grandifolia), Birch (Betula nigra), Cherry (Prunus serotina), Cottonwood (Populus sp.), Yellow Cypress (taxodium distichum), Soft Elm (Ulmus sp.), Hard Elm (Ulmus sp.), Red Gum and Sap Gum (Liquidambar styracifulua), Hackberry (Celtis occidentalis), Hickory (Carya sp.), Locust (Gleditsia triacanthos), Magnolia (Magnolia sp.), Soft Maple (Acer sp.), Red Oak and White Oak (Quercus sp.), Pecan (Carya illinoensis), Poplar (Liriodendron tulipifera), Sycamore (Platanus occidentalis), Black Gum (Nyssa sylvatica), Tupelo (Nyssa aquatica), and Willow (Salix nigra).

(c) "Yellow Cypress lumber" or "Yellow Cypress" includes all species of Baldy Cypress (Taxodium distichum) other than Tide-Water Red Cypress.

(d) The term "Southern Hardwood Region" refers to an area which includes Alabama, Arkansas, Florida, Louisiana, Mississippi, Texas, and Oklahoma; the following Counties in Tennessee: Fayette, Hardeman, Haywood, Lauderdale, Shelby, and Tipton; all of Georgia except the Counties of Dawson, Fannin, Gilmer, Habersham, Lumpkin, Pickens, Rabun, Stephens, Towns, Union, and White; all of South Carolina except the Counties of Greenville, Oconee, and Pickens; the following Counties in North Carolina: Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Cabarrus, Camden, Carteret, Caswell, Catawba, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Hyde, Iredell, Johnston, Jones, Lee, Lenoir, Lincoln, Martin, Mecklenburg, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanley, Stokes, Tyrrell, Union, Vance, Wake, Warren, Washington, Wayne, Wilson, and Yadkin; and the following Counties in Virginia: Accomac, Alexandria, Amelia, Appomattox, Arlington, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Culpeper, Cumberland, Dinwiddie, Elizabeth City, Essex, Fairfax, Fluvanna, Gloucester, Goochland, Greenville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Pittsylvania, Powhatan, Prince Edward, Prince George, Princess Anne, Prince William, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, and York.

SEC. 1.4. *Types of sellers covered.* (a) This regulation applies to every sale by manufacturers of the lumber covered by this regulation, whether effected directly, or through independent commission salesmen, and whether the sale is made to a wholesaler, retailer, industrial user, or to any other consumer or reseller.

(b) The term "manufacturer" includes sawmills, planing mills and concentration yards. Sawmills are establishments producing rough lumber from logs by sawing. Planing mills are establishments surfacing lumber by planing. Concentration yards are establishments which receive rough lumber from several producers; prepare it for commercial shipment by grading, resorting, drying, planing, resawing, and other processing; and sell their lumber chiefly to large industrial users, resellers, and building contractors.

Independent commission salesmen are defined in section 4.1.

SEC. 1.5 *Geographical applicability.* Every manufacturer's sale for delivery (f. o. b. mill or on a delivered basis) in the forty-eight states of the United States or in the District of Columbia, is subject to this regulation, whether or not the sale of the lumber is made in the United States.

SEC. 1.6 *How to determine your ceiling prices.* (a) This section furnishes a general guide as to how to determine your ceiling prices under this regulation. It also shows how the ceiling price provisions of this regulation are related to each other.

(b) The basic ceiling prices established in Article III of this regulation are f. o. b. mill ceiling prices. Additions to these ceiling prices may be made under the circumstances shown in the table below:

Additions	Where shown in regulation
Zone differentials based on proximity to key Northern markets	Article II.
Shipments in straight or mixed cars of FAS 1 Face or Better grades	Section 3.1
Sales through independent commission salesmen	Section 4.1.
Retail-type sales	Section 4.2.
Special services required	Article V.
Sales on a delivered basis	Section 6.2.
Mixed car shipments	Section 6.3.

(c) The ceiling prices for standard grades of lumber subject to this regulation are shown in section 3.1; for dunnage, in section 3.3; for tie siding, in section 3.4; for construction boards, in section 3.5; for residue lumber, in section 3.6; for ungraded lumber, in section 3.7; for lumber that is kiln-dried, resawn, and/or surfaced, in section 3.8; and for Bending Oak and other listed grades, in section 3.10.

ARTICLE II—ZONE DIFFERENTIALS

SEC. 2.1 *Freight rate groups.* (a) Mills covered by this regulation are divided into four groups, and different f. o. b. mill ceiling prices are made applicable to each group. These groupings are based on freight rates from the mills to Chicago, Illinois, or Scranton, Pennsylvania. The freight rates referred to in this section are those in effect at the effective date of this regulation. Changes in freight rates after the effective date of this regulation will not affect the group classification of a mill.

Group 1 mills. Mills for which the rail freight rate to Chicago, Illinois, or to Scranton, Pennsylvania, whichever is the lower, is 69 cents per cwt. or greater.

Group 2 mills. Mills for which the rail freight rate to Chicago, Illinois, or to Scranton, Pennsylvania, whichever is the lower, is from 64 cents per cwt. up to but not including 69 cents per cwt.

Group 3 mills. Mills for which the rail freight rate to Chicago, Illinois, or to Scranton, Pennsylvania, whichever is the lower, is from 59 cents per cwt. up to but not including 64 cents per cwt.

Group 4 mills. Mills for which the rail freight rate to Chicago, Illinois, or to Scranton, Pennsylvania, whichever is the lower, is less than 59 cents per cwt.

(b) For mills located in the groups described in paragraph (a) of this section, the f. o. b. point-of-origin ceiling prices established by this regulation are subject to the additions shown below:

For Group 1 mills. No addition to the base ceiling prices established in Article III of this regulation.

For Group 2 mills. An addition of $1.00 per thousand feet to the base ceiling prices established in Article III.

For Group 3 mills. An addition of $2.00 per thousand feet to the base ceiling prices established in Article III.

For Group 4 mills. An addition of $3.00 per thousand feet to the base ceiling prices established in Article III.

ARTICLE III—CEILING PRICES

SEC. 3.1 *Graded rough hardwood and yellow Cypress lumber.* The ceiling prices f. o. b. point-of-origin and the established air-dried weights for standard grades of rough hardwood and Yellow Cypress lumber, in random widths and lengths, produced in the Southern Hardwood Lumber Region, are as follows: (All prices shown are per thousand feet.)

(a) *Hardwood lumber*—(1) *Tough Ash.*

AIR-DRIED OR GREEN

Thickness (inch)	Established air-dried weight (pounds per M, feet)	FAS	FAS 1 face	No. 1 common	No. 2 common	No. 3 common
5/8	2,500	$125	$115	$90	$50	------
3/4	3,000	140	130	99	55	------
4/4	4,000	155	145	110	62	$42
5/4	4,000	160	150	115	63	42
6/4	4,100	170	160	120	67	42
8/4	4,200	180	170	140	70	42
10/4	4,200	190	180	145	70	47
12/4	4,300	210	200	155	72	47
16/4	4,300	220	210	160	75	47

(2) *Cabinet Ash (other than Tough Ash).*

AIR-DRIED OR GREEN

Thickness (inch)	Established air-dried weight (pounds per M, feet)	FAS	FAS 1 face	No. 1 common	No. 2 common	No. 3 common
5/8	2,300	$125	$115	$90	$50	------
4/4	3,700	145	135	100	62	42
5/4	3,700	150	140	105	63	42
6/4	3,800	160	150	110	67	42
8/4	3,900	170	160	120	70	42
10/4	3,900	180	170	135	70	47
12/4	4,000	200	190	145	72	47

(3) *Basswood.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	$160	$120	$150	$113	$125	$94	$80	$60
5/4	3,100	165	124	155	116	130	98	84	63
6/4	3,100	170	128	160	120	135	101	87	65
8/4	3,200	180	135	170	128	145	109	90	68
10/4	3,200	190	143	180	135	155	116	95	71

(4) *Beech.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3A Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,700	$115	$69	$105	$63	$95	$57	$60	$36	------	------	------	------
3/4	3,200	120	72	110	66	95	57	60	36	------	------	------	------
4/4	4,200	125	75	115	69	100	60	62	37	$50	$30	$34	$20
5/4	4,300	130	78	120	72	105	63	65	39	------	------	34	20
6/4	4,400	140	84	130	78	110	66	67	40	------	------	34	20
8/4	4,500	167	100	157	94	127	76	72	43	------	------	34	20

(5) *Birch.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,200	$175	$105	$165	$99	$130	$78	$75	$45

(6) *Cherry.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,100	$220	$132	$210	$126	$150	$90	$90	$54	$42	$25
5/4	4,100	230	138	220	132	165	99	95	57	42	25
6/4	4,200	240	144	230	138	170	102	95	57	42	25
8/4	4,300	250	150	240	144	180	108	100	60	42	25
10/4	4,300	270	162	260	156	190	114	------	------	------	------
12/4	4,400	280	168	270	162	200	120	------	------	------	------
16/4	4,400	290	174	280	168	210	126	------	------	------	------

(7) *Cottonwood.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	$110	$66	$100	$60	$85	$51	$69	$41	$40	$24
5/4	3,000	115	69	105	63	90	54	70	42	40	24
6/4	3,100	125	75	115	69	95	57	73	44	40	24
8/4	3,200	130	78	120	72	105	63	75	45	40	24

For 4/4" Cottonwood panel and wide No. 1 Common, your ceiling price is computed by adding $75 per 1,000 feet to the ceiling price listed above for 4/4" lumber of No. 1 Common grade.

For 4/4" Cottonwood box boards 9" to 12" wide, your ceiling price is computed by adding $25 per 1,000 feet to the ceiling price listed above for 4/4" lumber of FAS grade.

For 4/4" Cottonwood box boards 13" to 17" wide, your ceiling price is computed by adding $40 per 1,000 feet to the ceiling price listed above for the 4/4" lumber of FAS grade.

(8) *Soft Elm.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	$80	$48	$70	$42	$64	$38	$46	$28	------	------
3/4	2,700	90	54	80	48	72	43	52	31	------	------
4/4	3,400	100	60	90	54	80	48	58	35	$34	$20
5/4	3,500	105	63	95	57	85	51	60	36	34	20
6/4	3,600	110	66	100	60	87	52	61	37	34	20
8/4	3,800	115	69	105	63	90	54	63	38	34	20
10/4	3,900	125	75	115	69	95	57	65	39	------	------
12/4	4,000	130	78	120	72	100	60	65	39	------	------

(9) *Hard Elm.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,200	$120	$72	$110	$66	$95	$57	$53	$32	$34	$20
5/4	4,300	130	78	120	72	105	63	58	35	34	20
6/4	4,400	135	81	125	75	110	66	63	38	34	20
8/4	4,500	155	93	145	87	130	78	68	41	34	20

(10) *Black Gum—plain.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	$108	$65	$98	$59	$92	$55	$48	$29		
3/4	2,700	122	73	112	67	103	62	54	32		
4/4	3,400	130	78	120	72	110	66	58	35	$36	$22
5/4	3,500	140	84	130	78	120	72	60	36	36	22
6/4	3,600	145	87	135	81	125	75	61	37	36	22
8/4	3,800	155	93	145	87	135	81	63	38	36	22

(11) *Black Gum—quartered.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	$140	$84	$130	$78	$125	$75	$65	$39
5/4	3,500	150	90	140	84	130	78	70	42
6/4	3,600	155	93	145	87	135	81	70	42
8/4	3,800	180	108	170	102	155	93	75	45
10/4	3,900	195	117	185	111	170	102	75	45
12/4	4,000	210	126	200	120	190	114	75	45

(12) *Red Gum—plain.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,600	$205	$123	$195	$117	$150	$90	$75	$45
5/4	3,700	215	129	205	123	160	96	75	45
6/4	3,800	220	132	210	126	160	96	75	45
8/4	4,000	250	150	240	144	190	114	80	48

(13) *Red Gum—quartered.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,600	$220	$132	$210	$126	$165	$99	$80	$48
5/4	3,700	230	138	220	132	175	105	85	51
6/4	3,800	240	144	230	138	190	114	90	54
8/4	4,000	255	153	245	147	200	120	100	60
10/4	4,100	260	156	250	150	210	126	105	63
12/4	4,200	270	162	260	156	220	132	105	63

(14) *Red Gum—figured.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,600	$245	$147	$235	$141	$180	$108
5/4	3,700	255	153	245	147	190	114
6/4	3,800	265	159	255	153	205	123
8/4	4,000	280	168	270	162	215	129
10/4	4,100	285	171	275	165	225	135
12/4	4,200	295	177	285	171	235	141

(15) *Sap Gum—plain.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	$108	$65	$98	$59	$92	$55	$48	$29		
3/4	2,700	122	73	112	67	103	62	54	32		
4/4	3,400	140	84	130	78	120	72	58	35	$34	$20
5/4	3,500	150	90	140	84	130	78	60	36	34	20
6/4	3,600	155	93	145	87	135	81	60	36	34	20
8/4	3,800	160	96	150	90	140	84	60	36	34	20

For 4/4", 5/4", and 6/4" plain Sap Gum panel and wide No. 1 Common, your ceiling prices are computed by adding $75 per 1,000 feet to the applicable ceiling prices listed above for lumber of No. 1 Common grade.

For 4/4", 5/4", and 6/4" plain Sap Gum box boards 9" to 12" wide, your ceiling prices are computed by adding $35 per 1,000 feet to the applicable ceiling prices listed above for lumber of FAS grade.

For 4/4", 5/4", and 6/4" plain Sap Gum box boards 13" to 17" wide, your ceiling prices are computed by adding $45 per 1,000 feet to the applicable ceiling prices listed above for lumber of FAS grade.

(16) *Sap Gum—quartered.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	$145	$87	$135	$81	$125	$75	$70	$42
5/4	3,500	160	96	150	90	140	84	75	45
6/4	3,600	165	99	155	93	145	87	75	45
8/4	3,800	185	111	175	105	160	96	75	45
10/4	3,900	205	123	195	117	180	108	75	45
12/4	4,000	220	132	210	126	195	117	75	45

(17) *Hackberry.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,500	$100	$75	$90	$68	$83	$62	$56	$42		
4/4	3,500	110	83	100	75	90	68	65	49	$34	$26
5/4	3,600	115	86	105	79	95	71	70	53	34	26
6/4	3,700	125	94	115	86	105	79	75	56	34	26
8/4	3,800	135	101	125	94	110	83	75	56	34	26
10/4	3,900	145	109	135	101	120	90	80	60	34	26
12/4	4,000	155	116	145	109	125	94	80	60	34	26

(18) *Hickory.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,700	$120	$72	$110	$66	$95	$57	$50	$30	$34	$20
5/4	4,800	130	78	120	72	105	63	55	33	34	20
6/4	4,900	135	81	125	75	110	66	60	36	34	20
8/4	5,100	155	93	145	87	130	78	65	39	34	20
10/4	5,200	165	99	155	93	140	84	70	42		
12/4	5,300	180	108	170	102	155	93	75	45		

(19) *Locust.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,500	$80	$48	$70	$42	$64	$38	$46	$28		
3/4	3,100	90	54	80	48	72	43	52	31		
4/4	4,100	100	60	90	54	80	48	58	35	$34	$20
5/4	4,200	105	63	95	57	85	51	60	36	34	20
6/4	4,300	110	66	100	60	87	52	61	37	34	20
8/4	4,500	115	69	105	63	90	54	63	38	34	20

(20) *Magnolia.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	$135	$101	$125	$94	$104	$78	$64	$48		
3/4	2,700	152	114	142	107	125	94	72	54		
4/4	3,400	170	128	160	120	135	101	80	60	$40	$30
5/4	3,500	175	131	165	124	138	104	84	63	40	30
6/4	3,600	185	139	175	131	143	107	87	65	40	30
8/4	3,800	205	154	195	146	150	113	90	68	40	30
10/4	3,900	220	165	210	158	155	116	95	71		
12/4	4,000	225	169	215	161	160	120	97	73		
16/4	4,000	235	176	225	169	170	128	100	75		

(21) *Soft Maple—WHAD.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	$104	$78	$94	$71	$88	$66	$53	$40		
3/4	2,700	117	88	107	80	99	74	55	41		
4/4	3,400	130	98	120	90	110	83	67	50	$34	$26
5/4	3,500	140	105	130	98	115	80	72	54	34	26
6/4	3,600	145	109	135	101	120	90	77	58	34	26
8/4	3,800	155	116	145	109	125	94	80	60	34	26
10/4	3,900	160	120	150	113	130	98	86	65		
12/4	4,000	165	124	155	116	135	101	90	68		

(22) *Soft Maple—WHND.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	$120	$90	$110	$83	$95	$71	$65	$49	$34	$26
5/4	3,500	125	94	115	86	100	75	70	53	34	26
6/4	3,600	130	98	120	90	105	79	75	56	34	26
8/4	3,800	135	101	125	94	110	83	80	60	34	26
10/4	3,900	145	109	135	101	120	90	80	60		
12/4	4,000	155	116	145	109	125	94	80	60		

(23) *Red Oak—plain.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		Sound Wormy		No. 3A Common		No. 3B Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,800	$125	$81	$115	$75	$90	$59	$65	$42	$58	$38	$58	$38	$25	$16
3/4	3,400	157	102	147	96	99	64	72	47	63	41	63	41	31	20
4/4	4,400	175	114	165	107	110	72	81	53	71	46	71	46	34	22
5/4	4,500	185	120	175	114	125	81	81	53	71	46	71	46	34	22
6/4	4,600	195	127	185	120	135	88	81	53	71	46	71	46	34	22
8/4	4,800	200	130	190	124	140	91	81	53	71	46	71	46	34	22
10/4	4,900	215	140	205	133	150	98	100	65	100	65	80	52	37	24
12/4	5,000	240	156	230	150	160	104	100	65	100	65	80	52	37	24
16/4	5,000	263	171	253	164	165	107	100	65	100	65	80	52	37	24

For plain Red Oak step plank and sill stock, your ceiling prices are computed in the following manner:

FAS step planks 11" and wider—add $40 per 1,000 feet to the applicable ceiling prices listed above for the FAS grade.

No. 1 Common step planks 11" and wider—add $30 per 1,000 feet to the applicable ceiling prices listed above for the No. 1 Common grade.

FAS step planks 13" and wider—add $70 per 1,000 feet to the applicable ceiling prices listed above for the FAS grade.

No. 1 Common step planks 13" and wider—add $50 per 1,000 feet to the applicable ceiling prices listed above for the No. 1 Common grade.

FAS sill stock—add $30 per 1,000 feet to the applicable ceiling prices listed above for the FAS grade.

No. 1 Common sill stock—add $25 per 1,000 feet to the applicable ceiling prices listed above for the No. 1 Common grade.

For vehicle stock, your ceiling prices are computed by adding the following amounts per thousand feet to the applicable ceiling prices listed above for the No. 1 Common grade:

4/4"	$10.00	6/4"	$5.00
5/4"	15.00	8/4"	5.00

(24) *Red Oak—quartered.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
		Air-dried	Green	Air dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,500	$185	$120	$175	$114	$132	$86	$83	$54
5/4	4,600	195	127	185	120	140	91	83	54
6/4	4,700	205	133	195	127	150	98	83	54
8/4	4,900	215	140	205	133	160	104	83	54

(25) *White Oak—plain.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		Sound Wormy		No. 3A Common		No. 3B Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,800	$125	$81	$115	$75	$90	$59	$65	$42	$58	$38	$58	$38	$25	$16
3/4	3,400	157	102	147	96	99	64	72	47	63	41	63	41	31	20
4/4	4,400	180	117	170	111	115	75	81	53	71	46	71	46	34	22
5/4	4,500	190	124	180	117	130	85	81	53	71	46	71	46	34	22
6/4	4,600	200	130	190	124	140	91	81	53	71	46	71	46	34	22
8/4	4,800	205	133	195	127	145	94	81	53	71	46	71	46	34	22
10/4	4,900	230	150	220	143	155	101	100	65	100	65	80	52	37	24
12/4	5,000	245	159	235	153	165	107	100	65	100	65	80	52	37	24
16/4	5,000	268	174	258	168	170	111	100	65	100	65	80	52	37	24

For plain White Oak step plank and sill stock, your ceiling prices are computed in the following manner:
FAS step plank 11" and wider—add $40 per 1,000 feet to the applicable ceiling prices listed above for FAS grade.
No. 1 Common step plank 11" and wider—add $30 per 1,000 feet to the applicable ceiling prices listed above for the No. 1 Common grade.
FAS step plank 13" and wider—add $70 per 1,000 feet to the applicable ceiling prices listed above for the FAS grade.
No. 1 Common step plank 13" and wider—add $50 per 1,000 feet to the applicable ceiling prices listed above for the No. 1 Common grade.
FAS sill stock—add $30 per 1,000 feet to the applicable ceiling prices listed above for the FAS grade.
No. 1 Common sill stock—add $25 per 1,000 feet to the applicable ceiling prices listed above for the No. 1 Common grade.
For vehicle stock, your ceiling prices are computed by adding the following amounts per 1,000 feet to the applicable ceiling prices listed above for the No. 1 Common grade:

4/4"	$10.00	6/4"	$5.00
5/4"	15.00	8/4"	5.00

(26) *White Oak—quartered.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,900	$170	$111	$160	$104	$113	$73	$67	$44
3/4	3,500	190	124	180	117	135	88	74	48
4/4	4,500	240	156	230	150	155	101	83	54
5/4	4,600	250	163	240	156	165	107	83	54
6/4	4,700	255	166	245	159	170	111	83	54
8/4	4,900	260	169	250	163	180	117	83	54

For 4/4", 2" to 5½" wide clear quartered strips, your ceiling price is $180 per 1,000 feet.
For 4/4", 2" to 5½" wide No. - Common quartered strips, your ceiling price is $120 per 1,000 feet.

(27) *Pecan.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,700	$120	$72	$110	$66	$95	$57	$50	$30	$34	$20
5/4	4,800	130	78	120	72	105	63	55	33	34	20
6/4	4,900	135	81	125	75	110	66	60	36	34	20
8/4	5,100	155	93	145	87	130	78	65	39	34	20
10/4	5,200	165	99	155	93	140	84	70	42	-------	-------
12/4	5,300	180	108	170	102	155	93	75	45	-------	-------

(28) *Poplar—plain.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		Saps and Selects		No. 1 Common		No. 2A Common		No. 2B Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	$135	$101	$125	$94	$104	$78	$64	$48	$48	$36	-------	-------
3/4	2,700	153	115	144	108	117	88	72	54	54	41	-------	-------
4/4	3,400	170	128	160	120	130	98	80	60	60	45	$40	$30
5/4	3,500	175	131	165	124	135	101	84	63	61	46	40	30
6/4	3,600	185	139	175	131	140	105	87	65	61	46	40	30
8/4	3,800	205	154	195	146	150	113	90	68	61	46	40	30
10/4	3,900	220	165	210	158	155	116	90	68	61	46	40	30
12/4	4,000	230	173	220	165	160	120	90	68	61	46	40	30

For Bung Poplar 4/4" FAS, Selects, and No. 1 Common grades, your ceiling prices are computed by adding $25 per 1,000 feet to the ceiling prices listed above for grades of FAS, Saps and Selects, and No. 1 Common, respectively.

(29) *Poplar—quartered.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		Saps and Selects		No. 1 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	$180	$135	$170	$128	$140	$105
5/4	3,500	190	143	180	135	145	109
6/4	3,600	195	146	185	139	150	113
8/4	3,800	210	158	200	150	155	116

(30) *Sycamore—plain.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
1/2	1,800	$90	$54	$80	$48	$75	$45	$45	$27	-------	-------
5/8	2,200	110	66	100	60	90	54	55	33	$27	$16
3/4	2,700	112	67	102	61	92	55	57	34	29	17
4/4	3,400	115	69	105	63	95	57	60	36	34	20
5/4	3,500	120	72	110	66	97	58	60	36	34	20
6/4	3,600	125	75	115	69	105	63	60	36	34	20
8/4	3,800	143	86	133	80	116	70	64	38	34	20

(31) *Sycamore—quartered.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,300	$120	$72	$110	$66	$100	$60	$55	$33
3/4	2,800	127	76	117	70	110	66	57	34
4/4	3,500	135	81	125	75	120	72	60	36
5/4	3,600	140	84	130	78	125	75	60	36
6/4	3,700	145	87	135	81	130	78	60	36
8/4	3,900	150	90	140	84	135	81	60	36

(32) *Tupelo—plain.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	$108	$65	$98	$59	$92	$55	$48	$29	-------	-------
3/4	2,700	122	73	112	67	103	62	54	32	-------	-------
4/4	3,400	140	84	130	78	120	72	58	35	$34	$20
5/4	3,500	150	90	140	84	130	78	60	36	34	20
6/4	3,600	155	93	145	87	135	81	60	36	34	20
8/4	3,800	160	96	150	90	140	84	60	36	34	20

For 4/4", 5/4", and 6/4" plain Tupelo panel and wide No. 1 Common, your ceiling prices are computed by adding $75 per 1,000 feet to the applicable ceiling prices listed above for the No. 1 Common grade.
For 4/4", 5/4", and 6/4" plain Tupelo box boards 9" to 12" wide, your ceiling prices are computed by adding $35 per 1,000 feet to the applicable ceiling prices listed above for the FAS grade.
For 4/4", 5/4", and 6/4" plain Tupelo box boards 13" to 17" wide, your ceiling prices are computed by adding $45 per 1,000 feet to the applicable ceiling prices listed above for the FAS grade.

(33) *Tupelo—quartered.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	$145	$87	$135	$81	$125	$75	$70	$42
5/4	3,500	160	96	150	90	140	84	75	45
6/4	3,600	165	99	155	93	145	87	75	45
8/4	2,800	185	111	175	105	160	96	75	45
10/4	3,900	205	123	195	117	180	108	75	45
12/4	4,000	220	132	210	126	195	117	75	45

(34) *Willow.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
3/4	2,400	$125	$75	$115	$69	$105	$63	$55	$33		
4/4	3,000	140	84	130	78	120	72	63	38	$40	$24
5/4	3,000	142	85	132	79	122	73	65	39	40	24
6/4	3,100	145	87	135	81	125	75	67	40	40	24
8/4	3,200	150	90	140	84	127	76	70	42	40	24

(b) *Additions for shipments of straight or mixed cars of hardwood lumber of the higher grades.* (1) When Hickory is sold as, and shipped in, straight or mixed cars of FAS, FAS 1 Face, No. 1 Common, or No. 1 Common and Better, you may add not more than $10.00 per thousand feet to the applicable ceiling (or lower) prices listed in paragraph (a) of this section for Hickory of grades FAS, FAS 1 Face, and/or No. 1 Common.

(2) When plain or quartered Poplar is sold as, and shipped in, straight or mixed cars of FAS, Saps and Selects, or Saps and Selects and Better, you may add not more than $15.00 per thousand feet to the applicable ceiling (or lower) prices listed in paragraph (a) for plain or quartered Poplar of grades FAS and/or Saps and Selects.

(3) When hardwood lumber of any of the species listed in paragraph (a) other than Hickory and plain or quartered Poplar is sold as, and shipped in, straight or mixed cars of FAS, FAS 1 Face, or both, you may add not more than $15.00 per thousand feet to the applicable ceiling (or lower) prices listed in the tables of paragraph (a) for grades FAS and/or FAS 1 Face. This addition does not apply to Cypress.

NOTE: The additions of this paragraph may not be made to box boards, panel and wide No. 1 Common, step plank, sill stock, and vehicle stock.

(c) *Yellow Cypress*—(100) *Yellow Cypress.*

Thickness (inch)	Established air-dried weight (pounds per M feet)	FAS		Selects		No. 1 Shop		No. 1 Common		No. 2 Common		Box & No. 3 Common		Pecky	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,300	$195	$117	$175	$105	$105	$63	$105	$63	$80	$48	$55	$33	$68	$41
5/4	3,400	200	120	180	108	135	81	135	81	85	51	60	36	73	44
6/4	3,400	205	123	185	111	140	84	140	84	85	51	60	36	73	44
8/4	3,500	220	132	195	117	145	87	145	87	90	54	65	39	78	47
10/4	3,800	230	138	200	120	150	90	150	90	100	60	75	45	88	53
12/4	3,800	235	141	205	123	155	93	155	93	105	63	80	48	93	56
16/4	3,800	250	150	210	126	160	96	160	96	110	66	------	------	------	------

SEC. 3.2 *Special widths and lengths.* Your ceiling price f. o. b. point-of-origin for any special width and/or length of lumber covered by this regulation, when not specifically stated elsewhere in this regulation, is determined by taking the f. o. b. mill ceiling price of the standard item for which a dollars and cents ceiling price is set forth in this regulation and adding thereto the highest amount or amounts which you added for the special width and/or length to the price for the standard item in your sales or contracts to sell (other than a retail-type sale as defined in section 4.2) during the period January 25, 1951, through February 24, 1951.

SEC. 3.3 *Dunnage.* Dunnage ceiling prices, which include all charges for delivery to ports, are as follows:

Port of delivery	Ceiling delivered prices per 1,000 feet	Port of delivery	Ceiling delivered prices per 1,000 feet
Corpus Christi, Tex	39.00	Norfolk, Va	$42.00
Houston, Tex	39.00	Portsmouth, Va	42.00
Galveston, Tex	39.00	Charleston, S. C	42.00
Beaumont, Tex	39.00	Savannah, Ga	42.00
Port Arthur, Tex	39.00	Jacksonville, Fla	42.00
Lake Charles, La	39.00	Baltimore, Md	52.00
Morgan City, La	39.00	Philadelphia, Pa	53.00
New Orleans, La	39.00	Newark, N. J	54.00
Gulfport, Miss	39.00	New York N. Y	54.00
Mobile, Ala	39.00	Brooklyn, N. Y	54.00
Pensacola, Fla	39.00	Boston, Mass	55.00
Tampa, Fla	39.00		

SEC. 3.4 *Rough tie siding.* Ceiling prices f. o. b. mill for rough tie siding sold on grade are $5.00 per thousand feet lower than the ceiling prices for the same grade and species of standard lumber in regular widths and lengths as shown in the price tables in section 3.1.

SEC. 3.5 *Construction boards.* The ceiling prices f. o. b. point-of-origin for construction boards, random lengths, rough, in the grades and sizes shown, are as follows:

Grade	1" x 4"		1" x 6"		1" x 8"		1" x 10"		1" x 12"	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
No. 1	$65	$39	$75	$45	$80	$48	$80	$48	$85	$51
No. 2	55	33	65	39	70	42	70	42	75	45
No. 3	50	30	55	33	60	36	60	36	65	39

SEC. 3.6 *Residue sales.* The ceiling price for residue ungraded lumber is $30.00 per thousand feet f. o. b. point-of-origin. The term "residue ungraded lumber" is the below-grade lumber commonly called "culls" or "scoots."

SEC. 3.7 *Ungraded hardwood and yellow Cypress lumber.* When lumber covered by this regulation is sold ungraded as log run, mill run, No. 1 Common and Better, or any other combination of grades, the ceiling price for the entire shipment shall be the ceiling price for the lowest priced species and grade included in the shipment. If any of the lumber so sold is shipped green, the ceiling price of all lumber in the shipment shall be the ceiling price for green lumber of the lowest priced species and grade included in the shipment.

SEC. 3.8 *Kiln-dried, resawn, and surfaced lumber.* If you sell lumber subject to this regulation which is kiln-dried, resawn, and/or surfaced in accordance with the purchaser's specification, your ceiling price f. o. b. point-of-origin for such lumber is determined by taking the f. o. b. mill ceiling prices for air-dried rough lumber as set forth in this regulation, and adding thereto the highest amount, or amounts, which you added for such kiln-drying, resawing and/or surfacing to your prices for air-dried rough lumber in your sales or contracts to sell (other than a retail-type sale as defined in section 4.2) during the period January 25, 1951, through February 24, 1951. The provisions of this paragraph are to apply until such time as specific additions for kiln-drying, resawing

and/or surfacing are made uniformly applicable to manufacturers covered by this regulation.

SEC. 3.9 *How to calculate weights for shipping kiln-dried, surfaced, and resawn lumber.* This section provides a procedure for determining the weights of kiln-dried, surfaced, and resawn lumber. These weights are authorized for use in determining transportation charges in the calculation of ceiling delivered prices as provided in section 6.2.

(a) *Kiln-dried lumber.* The established shipping weight for kiln-dried lumber is 10 percent less than the applicable air-dried weight shown in the tables of section 3.1, rounded to the nearest 50 pounds. For example, the kiln-dried shipping weight for rough 4/4" plain Red Oak is 3,950 pounds (4,400 less 10 percent (440)=3,960, which is rounded to 3,950).

(b) To determine shipping weight for surfaced lumber, consult the table in this paragraph. Find the percentage shown for the nominal thickness under the appropriate heading describing the surfacing done; and apply this percentage to the rough weight of the item as shown in section 3.1, or as determined under this section.

Example 1. To calculate the weight for random width 4/4" plain Red Oak lumber surfaced two sides to 13/16": In Schedule (23), the air-dried weight of the rough lumber is shown as 4,400 pounds. In the table given below, Column (1) shows the 4/4" nominal thickness, Column (2) the 13/16" finished thickness, and from Column (3), applicable to surfaced two sides, the percentage figure of 78 is obtained. The surfaced weight is therefore 78 percent of 4,400 or 3,432 pounds, which is then rounded to 3,450 pounds.

Example 2. To calculate the weight of 4/4" plain Red Oak lumber 8" stock width surfaced four sides to 13/16" x 7½": The procedure is the same as in Example 1, except that instead of using the 78 percent shown in Column (3), you use the 73 percent figure shown in Column (7) for 8" lumber surfaced four sides to 7½" wide. (Columns 4 through 9 are applicable to both finished thicknesses and finished widths). The surfaced weight is 73 percent of 4,400 or 3,212 pounds, which is rounded to 3,200 pounds.

[Percentages for determining shipping weights of surfaced lumber]

Surfaced 1 or 2 sides (thickness)			Surfaced 4 sides (widths)—percentage of rough weight for lumber surfaced 4 sides to specified widths shown and to thicknesses shown in column 2					
Nominal rough, inch	Finished thickness	Percent of rough lumber weight	2" to 1⅝"	4" to 3⅝"	6" to 5⅝"	8" to 7½"	10" to 9½"	12" to 11½"
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
3/8	3/16	44	36	40	42	42	44	43
1/2	5/16	57	46	52	54	54	54	55
5/8	7/16	65	53	59	61	61	62	62
3/4	9/16	71	57	64	66	66	67	68
4/4	13/16	90	73	81	84	84	85	86
	⅞	84	68	76	78	78	79	80
	13/16	78	63	70	73	73	74	74
	25/32	75	61	68	70	70	71	72
	¾	72	58	65	67	67	68	69
5/4	1 3/16	92	74	83	86	86	87	88
	1⅛	87	70	79	81	81	82	83
	1 1/16	82	67	74	77	77	78	79
6/4	1 7/16	93	76	84	87	87	88	89
	1⅜	89	72	80	83	83	84	85
	1 5/16	85	69	77	80	80	80	81
8/4	1⅞	92	74	83	86	86	87	88
	1¾	86	69	77	80	80	81	82
	1 5/8	79	65	72	74	74	75	76
10/4	2¼	88	72	80	83	83	84	85
	2⅛	83	68	76	78	78	79	80
12/4	2¾	90	73	82	85	85	86	87
	2⅝	86	70	78	81	81	82	83
16/4	3¾	93	75	84	87	87	88	90
	3⅝	90	73	81	84	84	85	86

(c) *Resawn lumber.* The weight for rough lumber resawn is the weight of the rough air-dried lumber as shown in the tables of section 3.1 less 5 percent for each saw kerf. The weight for lumber surfaced and then resawn is the weight of the surfaced lumber (as calculated in accordance with paragraph (b) of this section) less 5 percent of the rough lumber weight for each saw kerf.

SEC. 3.10 *Bending oak and other listed grades.* Your ceiling price f. o. b. point of origin for any item of lumber covered by this regulation within any of the grades or combination of grades listed below, when not specifically stated elsewhere in this regulation, is the highest f. o. b. price at which you sold or contracted to sell such item (other than a retail-type sale as defined in section 4.2) during the period January 25, 1951 through February 24, 1951:

Bending oak.
Bridge plank and crossing plank.
Common dimension.
Freight car stock.
Milpak.
Mine car lumber.
Select car stock.
Select dimension.
Sound square edge.
Timbers.

SEC. 3.11 *Ceiling prices for special specifications*—(a) *Application.* If you cannot ascertain your ceiling price for lumber covered by this regulation under any other provision of this regulation, as, for example, should you wish to sell lumber with special workings, grades, sizes, services, or other extras not specifically mentioned in this regulation, you must apply by registered mail, return receipt requested, to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for the establishment of a ceiling price. You may file on OPS Public Form No. 132, which is obtainable from any Regional or District Office of the Office of Price Stabilization. Your application must set forth the following:

(1) As complete a description as possible of the item to be priced.

(2) A statement explaining why you are unable to determine your price under other provisions of this regulation.

(3) Your proposed ceiling price, which you must determine upon the first of the following bases that you are able to use:

(i) The ceiling price for the most closely comparable item for which a dollars and cents ceiling price is established by this regulation, adjusted by the addition or subtraction of the differential between the highest price at which the item that is the subject of your application was sold (other than in a retail-type sale as defined in section 4.2) on the date nearest to the effective date of this regulation and the highest price at which the most closely comparable item was sold (other than in a retail-type sale as defined in section 4.2) on the date nearest thereto.

(ii) The last price at which you sold the item (other than in a retail-type sale as defined in section 4.2) that is the subject of your application before the effective date of this regulation.

(iii) The ceiling price of your most closely competitive seller for the item that is the subject of your application. ("Your most closely competitive seller" is the seller of lumber subject to this regulation, selling the item to be priced, with whom you are in most direct competition on sales of most items.)

(iv) A price which you believe is in line with the level of ceiling prices established by this regulation. You must state why you believe your proposed ceiling price is in line with the level of ceiling prices established by this regulation.

In determining your proposed ceiling prices, you must first use the basis indicated in subdivision (i); if you cannot price under subdivision (i), then use subdivision (ii); if you cannot use subdivision (ii), then use subdivision (iii); or if you cannot use subdivision (iii), then use subdivision (iv).

If you use subdivision (ii), (iii), or (iv), you must state in your application why you could not use the basis provided in the preceding subdivision or subdivisions. You must also state how your proposed ceiling price conforms to the basis employed and furnish supporting details.

(b) *Quotation of proposed ceiling prices.* You may quote a proposed ceiling price determined under the provisions of paragraph (a), and you may sell at that proposed ceiling price, provided that you file an application for approval of that ceiling special price within five days after receiving an order, and provided further that you agree to refund, and later refund, to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a dif-

ferent ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 30 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to nonretroactive disapproval or adjustment at a later date.

(3) No application will be approved under this section unless it is found that the proposed ceiling prices are in line with the level of ceiling prices otherwise established by this regulation.

(d) *Effect on other transactions.* A special ceiling price approved pursuant to application made under this section shall be your ceiling price for all similar future sales unless a specific ceiling price for the item shall subsequently be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director of Price Stabilization.

ARTICLE IV—COMMISSION-TYPE SALES AND RETAIL-TYPE DIRECT-MILL SALES

SEC. 4.1 *Commission-type sales*—(a) *Addition allowed.* When a sale of your lumber is brought about by the efforts of a lumber commission salesman, your ceiling price is the otherwise applicable ceiling price on the lumber sold plus 4 percent of the f. o. b. ceiling price. However, the amount which you may charge the buyer, pursuant to this section, over and above the otherwise applicable ceiling price, may not exceed the actual commission which you pay to the lumber commission salesman.

(b) *Lumber commission salesman.* The term "lumber commission salesman" means a person who customarily sells lumber in carload quantities for two or more manufacturers, who does not take title to the lumber, assumes no credit risk, receives his compensation from the manufacturer in the form of commissions based on the amount of lumber sold, and operates independently of both buyers and sellers.

SEC. 4.2 *Retail-type sales*—(a) *Increased ceiling prices.* On retail-type sales: your ceiling prices for either air-dried or green rough lumber are 15 percent higher than the f. o. b. mill ceiling prices (including zone differentials) for the applicable species, grades, and thicknesses of air-dried rough lumber established in this regulation under the provisions of Articles II and III; and your ceiling prices for lumber that is kiln-dried, resawn, and/or surfaced are 15 percent above the applicable f. o. b. point-of-origin ceiling prices (including zone differentials) established in section 3.8 of this regulation. On a retail-type sale under this section: you may not add a charge for commissions paid to a lumber commission salesman as authorized in section 4.1; nor may you add any of the charges authorized in section 5.1; you may, however, add an appropriate delivery charge, computed in the manner authorized in section 6.2, provided that you deliver the lumber by truck.

(b) *Definition and limitations.* As used in this section, a retail-type sale is a sale by a mill of not more than 10,000 feet to a purchaser who takes delivery at the mill, or who accepts delivery made by truck at a point not more than 50 miles from the mill. It must be a sale of lumber to a contractor or to a consumer for use in construction, remodeling, repair, or maintenance; it is not a sale for use in manufacturing or for resale in substantially the same form.

ARTICLE V—CEILING PRICE ADDITIONS

SEC. 5.1 *Ceiling price additions.* (a) You may add not more than the amounts indicated below to the ceiling (or lower) prices as set forth in this regulation, for the following special services:

(1) Anti-stain treatment: $1.00 per thousand feet.

(2) Stenciling or grade-marking on the face of each piece in a manner which will permit identification and segregation: $1.00 per thousand feet. (This addition cannot be made for stenciling a trademark.)

(3) Bundling for export: $3.00 per thousand feet.

(4) Packaging in sling loads or otherwise whereby the load is divided into individual parcels to facilitate mechanical unloading and reloading: $3.00 per thousand feet (covering all materials and labor).

NOTE: If lumber is both bundled for export and packaged in sling loads or otherwise, only one charge of $3.00 per thousand feet may be made.

(5) Marking on each piece the surface measure and/or the width and length sizes: $1.00 per thousand feet.

(6) Inspection and issuance of an inspection certificate by the National Hardwood Lumber Association: an amount which does not exceed the inspection fees and expenses charged the seller by the Association.

(7) Staking, wiring, and separating lumber in open top cars: $25.00 per car (covering all materials and labor).

(8) Erecting on open top cars bulkheads made in conformity with the specifications of the Mechanical Division of the Association of American Railroads: $10.00 per bulkhead (covering all materials and labor).

(b) Except for anti-stain treatment, the additions provided in paragraph (a) of this section may be made only when the special services are specifically requested by the buyer.

ARTICLE VI—OTHER CEILING PRICE PROVISIONS

SEC. 6.1 *Grade terms and grading*—(a) *Terms.* All grade terms used in this regulation have the meanings set forth in the "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association.

(b) *Grading.* Lumber bought and sold under this regulation must be graded in accordance with the "Rules for the Measurement and Inspection of Hardwood Lumber, Cpyress, Veneers and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association.

SEC. 6.2 *Delivered ceiling prices.* You are permitted to sell lumber covered by this regulation on a delivered price basis. The ceiling delivered prices are the ceiling prices f. o. b. mill plus an addition for delivery to the purchaser, computed as follows (the transportation addition must be rounded to the nearest half dollar):

(a) *Common or contract carrier.* When shipment is made by common or contract carrier, the transportation addition is computed by multiplying the appropriate established weight by the applicable freight rate in effect at the time of shipment.

(b) *Private trucking.* When shipment is by truck owned or controlled by the seller: you may add $2.00 per thousand feet; or an addition computed in the manner set forth in paragraph (a) of this section, using applicable carload rates; or an amount equal to the applicable common carrier motor freight charges.

(c) *Trucking to railhead.* For trucking to railhead, you may add as much as the actual trucking costs per thousand feet incurred.

(d) *Truck delivery after rail haul.* For truck delivery following a rail haul, you may add as much as the actual trucking costs per thousand feet incurred.

SEC. 6.3 *Mixed cars.* Whenever a purchaser (or purchasers, in the case of a pool car) orders a mixed carload consisting of two or more items of any species and thickness, and each such item is loaded separately in the quantities specified in the order, the following additions per thousand feet may be made to the f. o. b. mill prices of each item in the shipment:

Quantity of each item ordered:	*Additions per M feet*
4,000 to 5,000 feet	$2.00
3,000 to 3,999 feet	3.00
2,000 to 2,999 feet	4.00
1,000 to 1,999 feet	5.00
999 feet and less	6.00

SEC. 6.4 *Green lumber.* (a) Ceiling prices for green lumber are established separately in the tables. In every case in which lumber is shipped weighing 15 percent or more above the applicable air-dried weights shown in this regulation, it must be priced as green lumber, except that green special sawn timbers and tough and cabinet Ash lumber may be sold at the air-dried lumber ceiling prices.

(b) You may obtain authorization from the Director of Price Stabilization, at his discretion, to apply not more than the ceiling prices for dry lumber to your sales of green lumber when the purchaser certifies to you that the nature of his operations requires the lumber to be in green condition. Application for such authorization must be by letter sent to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., and should contain a statement as to the kind of lumber required and the reason for the purchaser's requiring green lumber, and also a copy of his certification to you.

Approval must be obtained from the Director of Price Stabilization before you may sell under the provisions of this paragraph green lumber at prices higher than the ceiling prices otherwise provided in this regulation.

(c) When a buyer requires special items of No. 1 Common or No. 1 Common and Better of a species and thickness not ordinarily cut and stocked by mills, and the buyer is unable to buy dry lumber, he may apply by letter to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for authorization of special ceiling prices for his purchase of such special items of lumber. An application should be submitted for every order placed under the provisions of this section, and should state the proposed seller's name and address, a description of the item or items required, and the reason for the necessity of accepting green lumber. Approval, if granted, will be rendered both to the buyer and the named seller. The approval will allow sale of such special items, cut on special order, and shipped in green or partially dry condition, at not more than 90 percent of the ceiling price for air-dried lumber of the same grade and thickness in the species of Basswood, Poplar, Magnolia, Hackberry, and Soft Maple, and at not more than 87½ percent of the ceiling price for air-dried lumber of the same grade and thickness in all other species.

Approval must be obtained from the Director of Price Stabilization before orders are placed or sales are made under this paragraph.

ARTICLE VII—MISCELLANEOUS PROVISIONS

SEC. 7.1 *Modification of proposed ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices reported or proposed under sections 3.11 and 6.4 of this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 7.2 *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 7.3 *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 7.4 *Records*—(a) *Existing records.* On and after the effective date of this regulation, for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, you shall keep for inspection by the Director of Price Stabilization all your existing records relating to prices which you charged for the items, and for the basic, comparison, or standard items and differentials, referred to in sections 3.2, 3.8, 3.10, and 3.11. which you sold or contracted to sell during the period January 25, 1951 through February 24, 1951, and all records pertaining to such items, and the basic, comparison, or standard items and differentials, that you were required to keep under the provisions of section 16 (a) of the General Ceiling Price Regulation.

(b) *Current records.* Every person who sells and every person who in the regular course of trade or business buys lumber covered by this regulation, totaling $500 or more in any one month, shall make and keep for inspection by the Director of Price Stabilization for a period of two years, accurate records of each sale or purchase made in each month. The records must show the following:

(1) Date of purchase or sale;

(2) Name and address of buyer and seller;

(3) The price or prices of the covered items, including discounts paid or received, and all other direct or indirect considerations given or received, and rebates made or taken;

(4) A description of the item of lumber sold, with the quantity thereof;

(5) Origin and destination of shipment;

(6) Means of transportation used.

The retention by a purchaser of an invoice furnished by a seller, which includes the factual information required to be made a matter of record by this section, shall be considered as compliance with the provisions of this section.

(c) Other records. If you apply for approval of a proposed ceiling price for special specifications under section 3.11 of this regulation, you shall preserve or make and you shall keep for inspection by the Director of Price Stabilization for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, accurate records from which you obtained the data you submit in connection with your application for such ceiling price.

SEC. 7.5 *Invoices*—(a) *F. o. b. sales.* On all sales of lumber covered by this regulation, you must submit an invoice to the buyer which shows the quantity and the f. o. b. price, and which includes a description of the lumber involved. Any working, specification, extra, or service for which a charge is made must be set forth in the invoice, but the invoice need not show separately the charge for such items.

(b) *Delivered sales.* For sales on a delivered basis, involving a rail or truck shipment, your invoice must show:

(1) The destination of the shipment;

(2) The applicable rail or truck rate.

SEC. 7.6 *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of the proper OPS District Office. Any action taken by you in reliance upon, and in conformity with, a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 7.7 *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement actions, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of this ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 7.8 *Evasions.* Any means or devices which result in obtaining directly or indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information in records which this regulation requires to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 7.9 *Definitions.* (a) As used in this regulation, the terms below have the following meanings:

(1) *Director of Price Stabilization.* This term extends to any official (including officials of regional or district offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

(2) *Feet.* This term means board feet for all lumber 4/4" and thicker, and means surface feet for all lumber thinner than 4/4".

(3) *Kiln-dried lumber.* This term refers to green or air-dried lumber that is dried in a kiln to a specified moisture content.

(4) *Lumber commission salesman.* This term is defined in section 4.1.

(5) *Manufacturer, sawmill, planing mill, and concentration yard.* These terms are defined in section 1.4. Note particularly that the term "mill" as used throughout the regulation includes sawmills, planing mills, and concentration yards.

(6) *Most closely competitive seller.* This term is defined in section 3.11 (a) (3) (iii).

(7) *Person.* This term includes any individual, partnership, corporation, association, or any other organized group of persons; their legal successors or representatives; and the United States or any other Government or their political subdivisions or agencies.

(8) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(9) *Residue ungraded lumber.* This term is defined in section 3.6.

(10) *Retail-type sale.* This term is defined in section 4.2.

(11) *Sell.* This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(12) *Southern hardwood and yellow cypress lumber.* These terms are defined in section 1.3 (b) and (c).

(13) *Southern Hardwood Region.* This term is defined in section 1.3 (d).

(14) *Special grading terms.* The special grading terms used in this regulation are defined in section 6.1.

(15) *Special sawn timbers.* The term "special sawn timbers" as used in section 6.4 of this regulation refers to any timbers which are ordered by the customer to be cut to his exact specifications.

(16) *Surfaced lumber.* "Surfaced lumber", also known as "worked" or "dressed" lumber, is lumber planed to a smooth finish, generally surfaced to a specified thickness. The process of producing surfaced lumber is known as "surfacing", "dressing", or "planing".

(17) *You.* The pronoun "you" indicates any manufacturer who sells lumber subject to this regulation.

Effective date. This regulation is effective March 29, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 24, 1952.

[F. R. Doc. 52-3487; Filed, Mar. 24, 1952; 11:59 a. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 18, Revision 1]

GCPR, SR 18—CEILING PRICES FOR SALES BY GRAIN MILLERS OR PROCESSORS OF CERTAIN FOOD COMMODITIES, FEEDS AND FEED INGREDIENTS PROCESSED FROM LISTED GRAINS

CLARIFICATION OF CLASSES OF PURCHASERS AND RELATION TO SR 7 TO THE GCPR

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 18, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment does two things. First, it makes it clear that ceiling prices must be established under the supplementary regulation for each class of purchasers and that the supplementary regulation does not provide merely for one ceiling price applicable equally to all sales of a commodity without regard to customary distinctions in prices to various classes of purchasers. Second, it clarifies the relationship between this supplementary regulation and Supplementary Regulation 7 to the General Ceiling Price Regulation.

As in the case of ceiling prices established on the basis of actual deliveries under section 3 of the GCPR, it was intended that a seller establish separate SR 18 ceiling prices for each class of purchaser. This amendment makes the intention clear. It does so without substantially changing the basic pricing directions set forth in section 3 (a) of the regulation. The section, as amended, provides that the seller's ceiling price for a class is his highest written forward delivery contract price, during the base period, to a member of the class of purchasers. If he cannot establish a ceiling price in this manner for a particular class of purchasers, the seller takes the ceiling price for another class of purchasers, as established on the basis of written forward delivery contracts during the base period, and adjusts this ceiling price by the most recent price differentials which he had in effect during the base period between this class and for the particular class for which a price is to be determined. The result gives the ceiling price for the particular class. Finally, the section provides that if the seller cannot otherwise determine his ceiling price for a class of purchasers, he borrows the highest base period forward delivery contract price, as evidenced by a contract in writing, which his most closely competitive seller charged to a purchaser of the same class.

This amendment also changes section 2 (c) of the regulation to provide that provisions of SR 7 as to product coverage which are inconsistent with SR 18, Revision 1 are superseded by SR 18, Revision 1. Among other things, the change makes it clear that the brewers' and distillers' feed by-products described in SR 18, Revision 1 are covered by that regulation and not by SR 7, even though such feeds may contain two or more ingredients.

In view of the nature of this amendment and the need for prompt change in the supplementary regulation, special circumstances made consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 18, Revision 1 to the General Ceiling Price Regulation is amended in the following respects:

1. Section 2 (c) (2) is amended to read as follows:

(2) The provisions as to product coverage of Supplementary Regulation 7 to the General Ceiling Price Regulation which are inconsistent with this supplementary regulation are superseded by the provisions of this supplementary regulation.

2. Section 3 (a) is amended to read as follows:

(a) *General provisions.* If you mill or process unprocessed grain into a product covered by section 2 of this regulation:

(1) Your ceiling price to a class of purchasers for that product is the highest price at which you contracted in writing during the General Ceiling Price Regulation base period to sell the product for delivery within 120 days after the date of the contract to a purchaser of that class; or

(2) If you cannot determine your ceiling price in this manner for a particular class of purchasers you: (i) Take the ceiling price for another class of purchasers, as established under subparagraph (1) of this paragraph; and then (ii) adjust this ceiling price by the most recent price differentials you had in effect during the General Ceiling Price Regulation base period for the particular class of purchasers. The result is your ceiling price for the particular class of purchasers. The price differential you use must be evidenced by some written record, such as price lists, instructions to salesmen, or other business records. If your price differentials for the particular class, as indicated by your price lists or business records, are dollars-and-cents differentials, you must use dollars-and-cents differentials in calculating your ceiling price for the class. If the differentials are percentage differentials you must use percentage differentials in your calculations.

(3) Finally, if you cannot otherwise determine your ceiling price for a particular class of purchasers, your ceiling price is the highest price at which, during the base period, your most closely competitive seller contracted in writing to sell the product for delivery within 120 days after the date of contract to a purchaser of the same class.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Supplementary Regulation 18, Revision 1 to the General Ceiling Price Regulation shall become effective on March 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 24, 1952.

[F. R. Doc. 52-3488; Filed, Mar. 24, 1952; 11:59 a. m.]

[General Overriding Regulation 21, Amdt. 1]

GOR 21—CEILING PRICE ADJUSTMENTS UNDER SECTION 402 (d) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

AUTHORIZATION TO CALCULATE ADJUSTMENTS IN ACCORDANCE WITH SR 17 TO CPR 22

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774,

81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161, as amended (15 F. R. 6105; 16 F. R. 11257), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Amendment 1 to General Overriding Regulation 21 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides that where a manufacturer sells a complete item, which is subject to SR 17 to CPR 22, and replacement parts for that item, which are subject to this regulation, the manufacturer may be authorized to calculate his adjustment for the replacement parts under SR 17 to CPR 22.

This amendment will simplify the calculation of the adjustment permitted by section 402 (d) (4) of the Defense Production Act of 1950, as amended, by permitting that adjustment to be made in accordance with the provisions of one regulation, to the fullest extent practicable. Specific authorization is required before the provisions of SR 17 to CPR 22 may be used for commodities covered by this regulation, because the provisions of that regulation are not well adapted for use in calculating the adjustment for many of the commodities covered by this regulation.

Because of the wide coverage of this amendment and its technical nature, it was impracticable to consult formally with industry or trade association representatives. However, a number of individual views expressed informally to this Agency, requested action in the nature of this amendment.

AMENDATORY PROVISIONS

General Overriding Regulation 21 is amended by adding a new section 15a to read as follows:

SEC. 15a. *Determination of adjustment under SR 17 to CPR 22.* If you manufacture replacement parts for a commodity for which you have determined an adjustment in accordance with the provisions of SR 17 to CPR 22, the Director of Price Stabilization may authorize you to determine your adjustment for those replacement parts in accordance with the provisions of SR 17 to CPR 22. Such authorization may modify the provisions of SR 17 to CPR 22, insofar as they are to be used by you, where such a modification is found necessary or desirable to the proper determination of your ceiling price. If you wish to apply for such an authorization your application should be sent by registered mail to the Office of Price Stabilization, Washington 25, D. C. If you make such an application, identify it as filed under this regulation and this section; submit the information required by paragraphs (a), (b) and (h) of section 6; and describe in general terms the commodities for which you wish to determine your ceiling prices under SR 17 to CPR 22. You may not determine your ceiling prices for the commodities covered by the application in accordance with SR 17 to CPR 22 until you are notified in writing by the Director of Price Stabilization that you may do so. Before granting or denying your request the Director of Price Stabilization may request additional information from you.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to General Overriding Regulation 21 shall become effective March 29, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 24, 1952.

[F. R. Doc. 52-3489; Filed, Mar. 24, 1952; 11:59 a. m.]

[General Overriding Regulation 23, Amdt. 1]

GOR 23—TERRITORIAL EXEMPTIONS

DEFINING THE TERM "TERRITORIES AND POSSESSIONS"

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to General Overriding Regulation 23 is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 23 was issued in order to provide that no regulation of the Office of Price Stabilization issued prior to December 24, 1951 applied to any of the territories and possessions of the United States, except Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.

Subsequent to December 24, 1951, additional regulations have been issued which, through inadvertence, contained the phrase "territories and possessions" in the sections denoting geographical applicability, although it was intended that the regulations apply only to the five territories listed above.

This amendment provides that the term "territories and possessions" when used in any regulation which has been issued or which will be issued in the future by the Office of Price Stabilization, refers only to Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.

Because of the nature of this action, it has not been practicable to consult with the industries or trades involved.

AMENDATORY PROVISIONS

1. Section 1.2 of General Overriding Regulation 23 is amended to read as follows:

SEC. 1.2. *Exemptions of territories and possessions.* (a) Notwithstanding the provisions of any ceiling price regulation issued prior to December 24, 1951, no such regulation shall apply in any of the territories and possessions of the United States except Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.

(b) The term "territories and possessions" as used in any ceiling price regulation shall be construed to mean only the territories and possessions of the United States named in paragraph (a) above.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to General Overriding Regulation 23 is effective March 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 24, 1952.

[F. R. Doc. 52-3490; Filed, Mar. 24, 1952; 11:59 a. m.]

[Ceiling Price Regulation 7, Amdt. 17]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SPECIAL PRICING METHODS FOR CONSIGNORS AND THEIR CONSIGNMENT OUTLETS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 17 to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 7, which complements an amendment to Supplementary Regulation 1 to Ceiling Price Regulation 7, is designed to accommodate the structure of the regulation to certain types of consignment sellers. These amendments, in certain instances, will allow the Director through individual letter order to provide a pricing procedure adapting the regulations more closely to the varying methods of operation of consignors and their outlets.

The need for these amendments was indicated by several situations in which the consignor, although without knowledge of the prices at which his consignee outlets sold articles on the list date because he did not stipulate that his articles were to be sold at uniform prices, was obliged nevertheless, under the regulation to file a large number of different pricing charts for these outlets and was responsible for correct pricing in those outlets.

In the formulation of these amendments there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is hereby amended in the following respects:

1. Add a new subparagraph (4) to section 3 (b) as follows:

(4) A selling outlet which has received, from a seller from whom it purchases articles on consignment, a copy of an order issued by OPS pursuant to section 5 (b) of Supplementary Regulation 1, by the terms of which that outlet is constituted a separate seller, is a separate seller to the extent provided in that order.

2. Footnote 2 to section 11 is amended to read as follows:

[2] Your OPS office is the District Office having jurisdiction over the area in which your store is located. If, however, you are a mail order establishment or the type of chain which under this regulation is a single seller, your OPS office is the Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C. If you are a consignor, an order issued pursuant to section 5 (b) of Supplementary Regulation 1 to Ceiling Price Regulation 7 may provide that for specific purposes your OPS office is the Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C.

3. Section 41 is amended to read as follows:

SEC. 41. *Pricing methods for certain chain stores, mail order establishments, consignors and consignee-outlets.* Provision is made in Supplementary Regulation 1 to Ceiling Price Regulation 7 for special pricing methods for certain chain stores, mail order establishments, consignors, and consignee-outlets (selling outlets which receive articles from such consignors on consignment).

4. In section 59 following the definition for "Buy and sell in substantially the same form," insert the following:

"Consignor" means a person subject to this regulation who sells articles to ultimate consumers through outlets the ownership of which is not in the same legal entity as his own and who retains title to such articles until the articles are sold to ultimate consumers. The words "consignment," "sale on consignment," "purchase on consignment," "consignment outlet" and "consignee" shall be construed accordingly.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 17 shall become effective on the 29th day of March, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 24, 1952.

[F. R. Doc. 52-3482; Filed, Mar. 24, 1952; 11:58 a. m.]

[Ceiling Price Regulation 7, Amdt. 9 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES, MAIL ORDER ESTABLISHMENTS, DEPARTMENTALIZED ESTABLISHMENTS, CONSIGNORS AND CONSIGNEE-OUTLETS

SPECIAL PRICING METHODS FOR CONSIGNORS AND THEIR CONSIGNMENT OUTLETS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 9 to Supplementary Regulation 1 of Ceiling Price Regulation 7 (16 F. R. 1895) is hereby issued.

STATEMENT OF CONSIDERATIONS

The reasons underlying issuance of this amendment to Supplementary Regulation 1 to Ceiling Price Regulation 7 are contained in the statement of considerations to Amendment 17 to Ceiling Price Regulation 7 issued concomitantly herewith.

AMENDATORY PROVISIONS

Supplementary Regulation 1 to Ceiling Price Regulation 7 is hereby amended in the following respects:

1. The title to Supplementary Regulation 1 to Ceiling Price Regulation 7 is amended to read as set forth above.

2. Section 1 is amended to read as follows:

SEC. 1. *Coverage.* Provisions are made in this Supplementary Regulation 1 to Ceiling Price Regulation 7 for modified methods of chart preparations and pricing under Ceiling Price Regulation 7, for certain chain stores, mail order establishments, departmentalized establishments, consignors and consignee-outlets. The modified methods here provided are required as a means of adjusting the Regulation to the peculiar business structure of these sellers.

3. The title to section 5 is amended to read as follows:

SEC. 5. *Chains, mail order establishments, and consignors and consignee-outlets requiring modification of provisions relating to chart preparation and pricing.*

4. In section 5 (a) insert the phrase "or any consignor (as defined in section 59 of Ceiling Price Regulation 7)" after the parenthetical phrase "(as defined in section 59 of Ceiling Price Regulation 7)."

5. In section 5 (a) insert the words "or consignor" before the phrase "as he deems necessary."

6. In section 5 (b) insert the phrase "or for any consignor and consignee-outlets" after the phrase "for any mail order establishment."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 9 shall become effective on the 29th day of March, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 24, 1952.

[F. R. Doc. 52-3483; Filed, Mar. 24, 1952; 11:58 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 14]

CPR 34—SERVICES

SR 14—MARINE TERMINAL COMPANIES OPERATING UNDER JOINT AGREEMENTS PURSUANT TO THE PROVISIONS OF SECTION 15 OF THE SHIPPING ACT OF 1916, AS AMENDED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 14 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATION

Except for certain stevedoring and carloading services which have been specifically exempted from price control, all marine terminal services are subject to price control by the Office of Price Stabilization under the provisions of Ceiling Price Regulation 34, effective May 16, 1951. Marine terminal companies handle all types and classes of commodities in providing their terminal services and publish tariffs which specify the rates and charges currently assessed for each type of commodity handled or service afforded. Changing conditions in the industry require either a reduction or an increase in the rates and charges assessed for the various services provided and usually there are a number of tariff changes made each year. Under the present provisions of Ceiling Price Regulation 34, a marine terminal company desiring an increase in any of its ceiling rates or charges is required to apply to the Office of Price Stabilization for adjustment thereof and obtain approval therefor before charging the increased rate or charge. Inasmuch as the very nature of the business requires rates and charges to be adjusted as conditions change, each individual marine terminal company is now required to file a large number of individual applications seeking approval of the various adjustments it desires to make. This results in a substantial burden being placed upon the respective marine terminal companies as well as upon the staff of the Office of Price Stabilization which is required to process each application for adjustment. Unless Ceiling Price Regulation 34 is modified or supplemented so as to provide for the fixing or adjusting of uniform ceiling rates on a group basis, marine terminal companies operating in the manner discussed below which desire to establish ceiling rates covering new services or to increase any one of the many rates and charges assessed by them on a uniform basis would be required to apply individually for the relief they seek. Furthermore, the uniform rate structure presently maintained by marine terminal companies in various areas, with the approval of the Federal Maritime Board, will be disrupted.

The wharfage, dock and other terminal services afforded by marine terminal companies in connection with common carriers by water are subject to certain controls by the Federal Maritime Board. Under the provisions of section 15 of the Shipping Act of 1916, as amended, marine terminal companies may enter into agreements with one another providing for the fixing of rates and for exclusive, preferential or cooperative working arrangements, provided such agreements are filed with and approved by the Federal Maritime Board. Signatories to such agreements are prohibited from participating in any discriminatory practices and are required to establish and enforce just and reasonable regulations and practices related to or connected with the receiving, handling, storing, or delivery of property. Under section 15 of the Shipping Act, the Federal Maritime Board has the power to disapprove, cancel, or modify any joint agreement

entered into by marine terminal companies which it finds to be unjustly discriminatory or unfair among signatories thereto or to operate to the detriment of the commerce of the United States. It also has the power to prevent discrimination between shippers in any respect, including rate discrimination.

Marine terminal companies in various areas have entered into agreements of the type specified above and have obtained from the Federal Maritime Board the necessary approval thereof. Under each of these agreements the participating marine terminal companies have formed associations which act on behalf of the participating members of such associations. These associations, as a matter of practice, have either authorized an agent to publish tariffs on behalf of all their respective members, or the various members of the respective associations have concurred in the rates and charges published by one of the terminal companies which is a member of the particular association. Under either of such practices, the necessity for each member of an association to make a separate filing with the Federal Maritime Board of its rates and charges is eliminated, the filing for all members being accomplished by the publishing agent being authorized to act for all. As a consequence, uniform rates and charges are collected by all members of the association.

The authority of the Federal Maritime Board with respect to terminal services is to prevent unreasonable and discriminatory practices. Thus with respect to marine terminal facilities the Federal Maritime Board does not regulate the rates themselves except insofar as they may involve unreasonable or discriminatory practices.

In view of the impracticability of establishing or adjusting ceiling rates for the signatories to section 15 agreements on an individual basis, it is deemed to be in the best interest of the stabilization program to provide for the establishing or adjusting of uniform ceiling rates on a group basis, provided the proper safeguards are maintained to insure that the general purposes of the Defense Production Act of 1950, as amended, are properly carried out. Accordingly, this supplementary regulation provides that signatories to joint agreements filed with the Federal Maritime Board under the provisions of section 15 of the Shipping Act of 1916, as amended, may file as a group with the Office of Price Stabilization, simultaneously with the filing required by the Federal Maritime Board, each proposal involving the establishment of a ceiling rate for new services or the adjustment of existing ceiling rates. In connection with such filings, this regulation provides that the Director of Price Stabilization shall, within 20 days from the date of filing, either approve or disapprove the rates proposed. If he fails to act within the 20-day period, the rates proposed shall become the new ceiling rates for the signatories to the joint agreements filed under the provisions of section 15 of the Shipping Act of 1916, as amended. This supplementary regulation further provides that, if the Director of Price Stabilization notifies the Federal Maritime Board, and the applicants, within the 20-day period specified above, that additional time for the disposition of the applications is required, the proposed ceiling rates may become effective only to the extent that they are finally approved by the Office of Price Stabilization.

In the formulation of this supplementary regulation, there has been consultation with the Federal Maritime Board and with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and will effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Relationship to Ceiling Price Regulation 34.
3. Establishment of ceiling rates and charges.
4. Adjustment of ceiling rates and charges.
5. Effectiveness of new and adjusted ceiling rates.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation provides a means for establishing or adjusting on a group basis, uniform ceiling rates and charges for marine terminal companies operating under joint written agreements filed with the Federal Maritime Board pursuant to the provisions of section 15 of the Shipping Act of 1916, as amended.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34 applicable to marine terminal companies, except as changed by the provisions of this supplementary regulation, shall remain in full force and effect.

SEC. 3. *Establishment of ceiling rates and charges.* Whenever marine terminal companies subject to this regulation desire to establish uniform ceiling rates or charges for services for which no ceiling rates have been established, an application setting forth the proposed rates and charges must be filed with the Transportation, Public Utilities and Fuels Division, Office of Price Stabilization, Washington 25, D. C., simultaneously with the filing of such rates and charges required by the Federal Maritime Board pursuant to the provisions of section 15 of the Shipping Act of 1916, as amended. A joint application may be filed by the marine terminal companies, either directly or through an authorized agent. Each filing shall be accompanied by a description of the service most comparable to the one for which a rate is requested, the ceiling rates for the most comparable service, the reasons for selection of such service, an explanation of the differences, if any, between the rates for the most comparable service and the proposed ceiling rates. Each such filing shall be sent by registered mail, return receipt requested. The date on the return receipt will indicate the effective date of filing.

SEC. 4. *Adjustment of ceiling rates and charges.* Marine terminal companies subject to this regulation may seek uniform adjustments in their rates appearing in tariffs on file with the Federal Maritime Board by filing the proposed adjusted rates and charges with the Transportation, Public Utilities and Fuels Division, Office of Price Stabilization, Washington 25, D. C., simultaneously with the filing required by the Federal Maritime Board pursuant to the provisions of section 15 of the Shipping Act of 1916, as amended.

(a) *General rate increases.* If an adjustment in the general level of ceiling rates is sought, the criteria for adjustment contained in section 20 of Ceiling Price Regulation 34 shall govern the disposition of the application. Each applicant company must file, by registered mail, in duplicate, OPS Public Form Pub. 43, Revised, with the Transportation, Public Utilities and Fuels Division, Office of Price Stabilization, Washington 25, D. C., and identify the group with which it is associated in an agreement pursuant to section 15 of the Shipping Act of 1916, as amended.

(b) *Adjustment of specific rates.* If an adjustment in specific rates and charges is sought, a statement specifying the ceiling rates proposed to be changed, the proposed ceiling rates and the justification for the proposed change in rates must be filed with the Transportation, Public Utilities and Fuels Division, Office of Price Stabilization, Washington 25, D. C. Insofar as possible, the justification should indicate the volume of business represented by the service for which the rate adjustment is requested, its relationship to the business as a whole, any peculiarities of the service which necessitate an adjustment and any changes in costs associated with the particular service.

An application under this section may be filed by a marine terminal company on behalf of all signatories to a section 15 agreement or by an agent authorized to act for all such signatories. An application for a general rate increase under paragraph (a) shall include a statement that each signatory company has filed OPS Public Form Pub. 43, Revised, in duplicate with the Office of Price Stabilization, Washington 25, D. C.

Each application shall be sent by registered mail, return receipt requested. The date on the return receipt will indicate the effective date of filing. Additional information may be required by OPS, and such additional information likewise must be sent by registered mail, return receipt requested.

SEC. 5. *Effectiveness of new and adjusted ceiling rates.* (a) Twenty days after the filing of an application under section 3 or section 4 of this supplementary regulation, or twenty days after the receipt of additional information, if such information is requested, the proposed rates or charges shall become lawful ceiling rates unless the Office of Price Stabilization disapproves the pro-

posed rates or charges in whole or in part. *Provided, however,* That the Office of Price Stabilization prior to the expiration of the appropriate 20-day period specified above, may notify, in writing, the Federal Maritime Board and the applicants that additional time for disposition of the applications is required. In the event of such notification the proposed rates and charges shall not become effective unless, until, and only to the extent that they are approved by the Office of Price Stabilization.

Effective date. This Supplementary Regulation 14 to Ceiling Price Regulation 34 is effective March 29, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 24, 1952.

[F. R. Doc. 52-3484: Filed, Mar. 24, 1952; 11:58 a. m.]

[Ceiling Price Regulation 57, Collation 1]

CPR 57—CEILING PRICES FOR ANTI-FREEZE

COLL. 1—INCLUDING AMENDMENTS 1–3

Ceiling Price Regulation 57 is republished to incorporate the texts of Amendments 1 through 3, inclusive. Ceiling Price Regulation 57 was issued July 30, 1951 (16 F. R. 7553). Statements of Consideration for Ceiling Price Regulation 57, and for Amendments 1–3, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

Sec.

1. Sales covered by this regulation.
2. Relation to other regulations.
3. Retail ceiling prices for standard types S, SC and P anti-freeze.
4. Ceiling prices for sales of standard types S, SC and P anti-freeze to retail dealers.
5. Ceiling prices for sales of standard types S, SC and P anti-freeze to persons other than retail dealers or individual consumers.
6. Ceiling prices for substandard types S, SC and P anti-freeze.
7. Customary price differentials.
8. Sellers who cannot price under other sections.
9. No increased charges for containers.
10. Records which you must keep.
11. Receipts to purchasers.
12. Information required to be placed on anti-freeze containers.
13. Marking and posting by retailers of anti-freeze.
14. Separate statement of taxes required.
15. Prohibitions.
16. Evasion.
17. Charges lower than ceiling prices.
18. Petitions for amendment.
19. Adjustable pricing.
20. Penalties.
21. Definitions.

AUTHORITY: Sections 1 to 21 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 21 contained in Ceiling Price Regulation 57, July 30, 1951 (16 F. R. 7553), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 57, August 6, 1951, 16 F. R. 7553; Amendment 1, September 4, 1951, 16 F. R. 8830; Amendment 2, September 6, 1951, 16 F. R. 9078; Amendment 3, October 8, 1951, 16 F. R. 10121.

SECTION 1. *Sales covered by this regulation.* This regulation establishes ceiling prices for all sales of anti-freeze in the 48 states of the United States and in the District of Columbia, except sales of anti-freeze which has been imported. Until the issuance of a ceiling price regulation covering exports, this regulation also covers export sales of anti-freeze and sales for export.

SEC. 2. *Relation to other regulations.* This regulation supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 22 with respect to all sales of anti-freeze covered by this regulation. Ceiling Price Regulation 31 is applicable to sales of imported anti-freeze. When a ceiling price regulation covering exports is issued, it will apply to export sales and sales for export.

SEC. 3. *Retail ceiling prices for standard types S, SC and P anti-freeze*—(a) *Ceiling prices.* The ceiling prices for sales at retail of standard types S, SC and P anti-freeze, except those sales covered by paragraph (b) of this section, are:

CEILING PRICE

Quantity	Type S	Type SC	Type P
(1) 1 gallon or more, per gallon	$1.50	$1.40	$3.75
(2) Less than 1 gallon, per quart	.40	.35	1.00

Customary price differentials must be allowed in accordance with section 7 of this regulation. If, for example, you allowed a special discount to fleet owners, you must allow the same discount now.

These retail ceiling prices include draining the automobile cooling system and refilling with a mixture of water and anti-freeze if you customarily did so without charge during the period October 1, 1950, to March 31, 1951, and if the buyer requests that it be done. If you did not sell anti-freeze during that period, you must install the anti-freeze in the cooling systems without charge if sellers like you did so during that period.

(b) *Private brands.* If you sell standard type S, SC or P anti-freeze at retail under your own brand name, your ceiling prices for sales at retail are determined as follows:

[Above paragraph amended by Amdt. 3]

(1) Find the highest price at which you sold your private brand standard Type S, SC, or Type P anti-freeze during the period October 1, 1950, to December 1, 1950.

(2) Determine the difference in dollar and cents between that price and the price for the same type and quantity of an anti-freeze listed in the following schedule:

SCHEDULE

Quantity	Type S	Type SC	Type P
(1) 1 gallon or more, per gallon	$1.25	$1.15	$3.50
(2) Less than 1 gallon, per quart	.25	.30	.95

(3) Subtract that difference from the retail ceiling prices set forth in paragraph (a) of this section for anti-freeze of the same type and quantity. If the resulting price is a figure which is not a multiple of five, you may adjust that price to the next highest five-cent figure. The resulting price is your ceiling price but in no event shall the price be higher than the ceiling price established by paragraph (a) for a like sale.

(4) If you are now selling anti-freeze in container sizes different from those which you sold during the base period apply for a ceiling price under section 8

[Subparagraph (4) added by Amdt. 3]

SEC. 4. *Ceiling prices for sales of standard types S, SC and P anti-freeze to retail dealers.* The ceiling prices for sales of standard types S, SC and P anti-freeze to retail dealers are:

Container size	Ceiling price per gallon		
	Type S	Type SC	Type P
(1) 50–55 gallon drums	$0.90	$0.83	$2.4
(2) 1 gallon can, case lots and 5-gallon cans	.98	.91	2.5
(3) 1 quart can, case lots	1.05	.98	2.6

These prices include delivery to purchasers where you customarily provide free delivery to purchasers of the same class during the period April 1, 1950 to December 1, 1950. Where only part of delivery costs was borne by you during such period, you are required to bear part of the costs of delivery on terms at least as favorable as those in effect to purchasers of the same class during such period. If you did not sell anti-freeze during the period April 1, 1950 to December 1, 1950, you must bear transportation costs on the same terms that sellers like you bore during that period in sales to the same or similar classes of purchasers. Customary price differentials, in effect during the period April 1, 1950 to December 1, 1950 shall apply as required by section 7.

SEC. 5. *Ceiling prices for sales of standard types S, SC and P anti-freeze to persons other than retail dealers or individual consumers*—(a) *Standard types S, SC and P anti-freeze.* The ceiling prices for your sales of standard types S, SC and P anti-freeze to any purchaser other than one of the classes in section 3 or 4 are the ceiling prices set forth in section 4 less the same percentage discount which you allowed the same class of purchaser on sales in similar quantities during the period April 1, 1950 to December 1, 1950. Where your price was determined without reference to percentage discounts, your ceiling price is determined as follows:

(1) Find the highest price at which 10 percent or more of your standard type S, SC or P anti-freeze was sold during the period April 1, 1950 to December 1, 1950 to purchasers of the same class for which you are computing a ceiling price.

(2) Determine the highest price at which 10 percent or more of your standard anti-freeze of the same type was sold to retail dealers during the period April 1, 1950 to December 1, 1950.

(3) Divide the price found in (1) by the price found in (2).

(4) Apply the resulting ratio to the ceiling price set forth in section 4 for anti-freeze of the same type. The result is your ceiling price for that class of purchaser.

[Paragraph (b) deleted by Amdt. 3]

SEC. 6. *Ceiling prices for substandard types S, SC and P anti-freeze.* If you sell substandard anti-freeze as defined in section 21 your ceiling price for sales of types S, SC and P substandard anti-freeze is determined as follows:

(a) *Sales to retail dealers or individual consumers.* (1) Find the ceiling price for standard anti-freeze as determined in Sections 3 or 4 (whichever is applicable to the type of sale for which you are pricing) of the same quantity and type as the substandard antifreeze which you are pricing.

(2) Multiply the amount found in (1) by 0.75.

(3) Divide the amount found in (2) by the number of gallons of your substandard anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to ten degrees below zero (−10°) Fahrenheit. The result is the ceiling price of your substandard anti-freeze to the class of purchaser, and for the quantity you are pricing.

(b) *Sales to persons other than retail dealers or individual consumers*—(1) *Substandard Types S, SC and P.* The ceiling prices for your sales of substandard types S, SC and P anti-freeze to any purchaser other than one of the classes named in paragraph (a) of this section are the ceiling prices to retail dealers determined under paragraph (a) of this section less the same percentage discount which you allowed the same class of purchaser on sales in similar quantities during the period April 1, 1950, to December 1, 1950. Where your price was determined without reference to percentage discounts, your ceiling price is determined as follows:

(i) Find the highest price at which 10 percent or more of your substandard type S, SC or P anti-freeze was sold during the period April 1, 1950 to December 1, 1950 to purchasers of the same class for which you are computing a ceiling price.

(ii) Determine the highest price at which 10 percent or more of your substandard anti-freeze of the same type was sold to retail dealers during the period April 1, 1950 to December 1, 1950.

(iii) Divide the price found in (i) by the price found in (ii).

(iv) Apply the resulting ratio to the ceiling prices to retail dealers determined under paragraph (a) of this section for anti-freeze of the same type. The result is your ceiling price to that class of purchaser.

[Subparagraph (2) deleted by Amdt. 3]

SEC. 7. *Customary price differentials.* For each class of purchasers you must maintain delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, price differentials for sales in containers other than those listed herein, guarantees, servicing terms and other terms and conditions of sale, at least as favorable as those which you had in effect during the period April 1, 1950 to December 1, 1950.

SEC. 8. *Sellers who cannot price under other sections*—(a) *Application for ceiling price required.* If you are unable to compute your ceiling prices for anti-freeze under any of the foregoing provisions of this regulation, you must apply in writing to the Office of Price Stabilization, Rubber, Chemicals and Drugs Division, Washington 25, D. C., for the establishment of ceiling prices before offering your anti-freeze for sale. The Director will establish ceiling prices under this section which are in line with the ceiling prices otherwise established by this regulation.

(b) *Information required in your application.* Your application shall contain the following information:

(1) An explanation of why you are unable to determine your ceiling price under any other provision of this regulation.

(2) A description of your anti-freeze.

(3) The nature of your business, as for example, whether you are a manufacturer, wholesaler or retail dealer.

(4) The geographical area in which you propose to distribute the anti-freeze.

(5) The types of resellers through which you propose to distribute the anti-freeze.

(6) The ceiling prices which you believe should be established for sales at the different levels of distribution through which your anti-freeze will be sold. Include an explanation of the reasons why you believe that those ceiling prices are in line with the ceiling prices established by this regulation. If ceiling prices were in effect for your anti-freeze prior to the date of this regulation, set forth those ceiling prices.

(c) *Additional information required of manufacturers of anti-freeze of types other than S, SC, N or P.* If you are a manufacturer of anti-freeze of a type other than types S, SC, N or P, your application must also contain the following additional information:

(1) The quantitative formula of the anti-freeze; ceiling or actual purchase price, whichever is lower, of each material in such formula, per unit of material; corresponding material cost for each material per gallon of anti-freeze; name and address of the supplier of each material whose ceiling price or actual selling price was used.

(2) Detailed breakdown of costs, other than material costs per gallon of anti-freeze, showing:

(i) Package costs, excluding direct labor cost for packaging, for each size and type of container.

(ii) Direct labor costs for packaging for each size and type of container.

(iii) Direct labor costs for preparing the anti-freeze.

(iv) Statement of proposed terms of delivery and estimated freight absorption.

(3) Statement as to the number of gallons of the anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit, to zero degrees Fahrenheit, and by one degree Fahrenheit; specific gravity, boiling point and freezing point of the anti-freeze; boiling points and percentage compositions (by weight) of any constant boiling point mixtures which the anti-freeze forms with water; complete protection table, if available; and description and results of any tests that have been made as to the cooling properties, corrosive effects, and other properties of the anti-freeze.

(d) *Requirement of marking and posting.* Any authorization of ceiling prices under this section may contain such requirements as to the marking and posting of retail prices and other information as the Director of Price Stabilization may determine to be necessary to effectuate the purpose of this regulation.

(e) *Sales prohibited before prices established by OPS; exception.* You may not sell any anti-freeze required to be priced under this section until you have had ceiling prices established by the Director of Price Stabilization. If, however, ceiling prices had been established for your anti-freeze under another regulation before the effective date of this regulation, you may, after your application is filed, sell at those ceiling prices while your application under this section is pending before the Director of Price Stabilization.

[Section 8 amended by Amdt. 3]

SEC. 9. *No increased charges for containers.* The ceiling prices established by this regulation shall not be increased by any charges for containers. You may, however, require the return of containers, but in such case the ceiling prices which may be charged are the ceiling prices specifically set forth in this regulation less $0.03 per gallon. The same deduction shall be made in those cases where the buyer furnishes drums. Transportation costs with respect to the return or furnishing of containers shall, in all cases, be borne by the seller. When you make sales upon a container-returnable basis, you may require a reasonable deposit for the return of such containers, but the deposit must be refunded to the buyer upon the return of the containers in good condition within a reasonable time.

SEC. 10. *Records which you must keep*—(a) *Base period records.* (1) Within 30 days from the effective date of this regulation manufacturers and resellers other than retail dealers must prepare a statement showing their customary price differentials, as described in section 7 of this regulation, which were in effect during the period April 1, 1950 to December 1, 1950.

(2) This statement and all supporting records therefor must be preserved and

kept available for examination by the Director of Price Stabilization for the life of the Defense Production Act of 1950, as amended, and for two years thereafter.

(b) *Current records.* You must keep for a period of not less than two years the following records:

(1) If you are a manufacturer, records of every sale made by you on and after the effective date, showing the date of each sale, the name and address of the buyer, the quantity and type of anti-freeze sold, and the price contracted for or received;

(2) If you are a reseller other than a retail dealer, records of sales showing the same type of information as required of the manufacturer in subparagraph (1) of this paragraph, as well as records of all of your purchases of anti-freeze, showing the date of purchase, name and address of your supplier, quantity and type of anti-freeze bought, and the price paid.

(3) If you are a retail dealer, records of all of your purchases, showing the date of purchase, name and address of your supplier, quantity and type of anti-freeze bought, and the price paid.

SEC. 11. *Receipts to purchasers.* If you have customarily given your purchaser a sales slip or similar evidence of purchase during the period April 1, 1950 to December 31, 1950, you must continue to do so. If it has not been your custom to do so previously, you must nevertheless give your purchaser a receipt or similar evidence of purchase if he asks for one. The receipt must show your name and address, the amount and type of anti-freeze sold, the date sold, and the price received for the anti-freeze.

SEC. 12. *Information required to be placed on anti-freeze containers.* (a) On and after October 1, 1951, you may not package anti-freeze in containers unless the following information is marked on the containers or on labels securely affixed thereto:

(1) The type of anti-freeze contained therein.

(2) The strength of the anti-freeze contained therein.

[Above paragraph amended by Amdts. 1 and 2]

Such strength may be so designated as follows: "Three quarts of this anti-freeze when added to one gallon of water will reduce the freezing point of the mixture to 10 degrees below zero Fahrenheit." Or, as an alternative, it may be designated by a complete anti-freeze protection table from which the above information may be obtained. However, where any anti-freeze is packaged which when added to water in the proportion of ¾ of a gallon or less of such anti-freeze to one gallon of water reduces the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit or lower the terms "standard" or "standard strength," may be used instead of the above statement or protection table.

(3) The applicable retail ceiling price as established by this regulation for the anti-freeze contained therein. Such price shall be designated as follows: "OPS Retail Ceiling Price $_____" The blank in the quoted phrase shall be filled in with the applicable retail ceiling price as established by this regulation.

(b) The type of anti-freeze and the applicable retail ceiling price established by this regulation must be printed in letters at least two inches high on containers of more than 5 gallons. On containers of 5 gallons or less, the letters must be at least as large as the largest letters of any other printed matter thereon other than the trade-mark or trade name.

[Paragraph (b) amended by Amdt. 1]

(c) The marking specified in paragraph (a) (3) of this section may be omitted where anti-freeze is sold directly to the United States, or to any agency thereof, or to any State or political subdivision thereto or to a commercial or industrial user.

SEC. 13. *Marking and posting by retailers of anti-freeze.* (a) If you sell anti-freeze at retail, you shall post the ceiling price of each type and brand of anti-freeze sold, in a manner plainly visible to and understandable by the purchasing public. The ceiling price may be posted on the shelf, bin, or rack upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale, and shall be marked "OPS Ceiling Price $_____."

(b) If you sell anti-freeze at retail from containers of more than 5 gallons which do not have properly marked thereon the information required by section 12, you shall mark such information in the form and manner prescribed in that section on such containers in a place thereon where it may be readily seen by the purchaser.

SEC. 14. *Separate statement of taxes required.* You may not collect the amounts of any excise sales tax or other similar tax paid by you as such, in addition to the ceiling price of anti-freeze as set by this regulation, unless it has been your practice to state and collect such taxes separately from your selling price of anti-freeze. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amounts of the tax.

SEC. 15. *Prohibitions.* (a) After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell any anti-freeze at a price higher than the ceiling price established by or under this regulation, and you shall not buy in the course of trade or business any anti-freeze at a price higher than the ceiling price established by or under this regulation.

(b) You shall not agree, offer, solicit or attempt to do any of the foregoing.

SEC. 16. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade understandings.

SEC. 17. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 18. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Price Procedural Regulation 1.

SEC. 19. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or from offering to sell anti-freeze at:

(a) The ceiling price in effect at the time of delivery, or

(b) A fixed price, or the ceiling price at the time of delivery, whichever is lower.

You may not, however, unless authorized by the Director of Price Stabilization, deliver or agree to deliver anti-freeze at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 20. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950 as amended.

SEC. 21. *Definitions.* When used in this regulation the term: (1) "Person" includes any individual, corporation, partnership, association or any other organized group of persons or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

(2) "Anti-freeze" means any product sold for use, without further processing, as a depressant of the freezing point of coolant water in internal combustion engines and designated as anti-freeze.

(3) "Standard anti-freeze" means any anti-freeze which when added to water in the proportion of ¾ of a gallon or less of such anti-freeze to one gallon of water, reduces the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit or lower and which produces no more corrosion of the engine cooling system than would occur with water only.

(4) "Substandard anti-freeze" is an anti-freeze which does not meet as a minimum the requirements of a standard anti-freeze as defined in subparagraph (3) of this paragraph.

(5) "Type P anti-freeze" is an anti-freeze commonly regarded as "non-volatile" or "permanent" type anti-freeze containing as its principal freezing point depressant ethylene glycol, propylene glycol or similar compound.

(6) "Type S anti-freeze" is an anti-freeze commonly regarded as a "volatile" or "non-permanent" anti-freeze containing as its principal freezing point depressant one or a combination of the following: Synthetic or natural methanol, synthetic ethanol, synthetic isopropanol and similar synthetic alcohols except an anti-freeze defined as type S anti-freeze.

[Subparagraph (6) amended by Amdt. 3]

(7) "Type SC anti-freeze" is an anti-freeze commonly regarded as a "volatile" or "non-permanent" anti-freeze containing as its principal freezing point depressant synthetic or natural methanol and containing more than 3 percent water by volume.

[Subparagraph (7) amended by Amdt. 3]

(8) "Manufacturer" means any person who produces anti-freeze as defined in subparagraph (2) of this paragraph.

(9) "Sale at retail or retail sale" means a sale to an ultimate consumer.

(10) "Retail dealer" means a seller, other than a manufacturer, who in the regular course of business makes sales to the ultimate consumer.

(11) "Purchaser of the same class" means a purchaser of the same kind (for example, distributor, jobber, fleet owner, retail dealer, individual consumer) buying under the same or similar conditions of sale.

(12) "You" means any person subject to this regulation.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.
By: Joseph L. Dwyer,
Recording Secretary.

[F. R. Doc. 52-3486; Filed, Mar. 24, 1952; 11:58 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-80, Schedule A as Amended March 24, 1952]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

SCHEDULE A—NICKEL-BEARING STAINLESS STEEL, HIGH NICKEL ALLOY, AND NICKEL SILVER

This schedule, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of NPA Order M-80, on which this amended schedule is based, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This amended schedule is issued under NPA Order M-80 and is made a part of that order. Schedule 1 of NPA Order M-80 subjects nickel to allocation and prohibits the use of nickel in nickel-plating in the manufacture and assembly of certain products.

Schedule A to NPA Order M-80, dated September 17, 1951, is affected by these amendments as follows:

Paragraph (a) of section 1 is amended; the former section 2 is redesignated as paragraph (a) of section 2, and amended; a new paragraph designated as paragraph (b) is added to section 2; a new paragraph designated as paragraph (d) is added to section 3; former paragraph (d) of section 3 is redesignated as paragraph (e); former paragraph (e) of section 3 is redesignated as paragraph (f) of section 3, and is amended; section 4 is amended; and headings to lists are amended.

Sec.
1. Definitions.
2. Products prohibited.
3. Exceptions.
4. Records.
5. Communications.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *Definitions.* As used in this schedule:

(a) "Nickel-bearing stainless steel" means stainless steel as defined in section 2 (d) (2) of NPA Order M-80, wrought, cast, or sintered containing 1 percent or more of nickel. (Although clad steels, including nickel-bearing stainless clad, for the purposes of other NPA regulations and orders, are included within the definition of alloy steel, for the particular purposes of this schedule the term nickel-bearing stainless steel shall be deemed to include nickel-bearing stainless-clad steel.)

(b) "High nickel alloy" means ferrous and nonferrous alloys, wrought or cast, containing more than 22 percent nickel.

(c) "Nickel silver" means nonferrous alloys, wrought or cast, containing 8 percent or more nickel.

SEC. 2. *Products prohibited.* (a) No person shall use any nickel-bearing stainless steel, high nickel alloy, or any component parts made therefrom in the production, manufacture, or assembly of any product (except products specifically excepted therein) contained in the list at the end of this schedule under the subheadings A–I, II; B–I, II. Commencing September 15, 1951, no person shall use any nickel-bearing stainless steel, or any component parts made therefrom, in the production, manufacture, or assembly of any product contained in that list under the subheading C–I. No person shall use any nickel silver, or any component parts made therefrom, in the production, manufacture, or assembly of any product other than those products contained in that list under subheading A–III (as of April 1, 1952, list under subheading A–III will be superseded by list under subheading D–III as set forth in paragraph (b) of this section). No person shall use nickel-bearing stainless steel, high nickel alloy, or nickel silver for decorative or ornamental purposes.

(b) Commencing April 1, 1952, no person shall use any nickel-bearing stainless steel or high nickel alloy, or any component parts made therefrom, in the production, manufacture, or assembly of any product (except products specifically excepted therein) contained in the list at the end of this schedule under the subheading D–I and D–II. As of April 1, 1952, the list at the end of this schedule under subheading A–III shall be canceled and deleted, and no person shall use any nickel silver, or any component parts made therefrom, in the production, manufacture, or assembly of any product other than those products contained in the list at the end of this schedule under subheading D–III.

SEC. 3. *Exceptions.* (a) The prohibitions contained in section 2 of this schedule with respect to products included in subheadings A–I and A–II of the list at the end of this schedule shall not apply to the use of nickel-bearing stainless steel, high nickel alloy, or nickel silver, or component parts made therefrom, to the extent that any such materials were contained in a person's inventory on March 1, 1951, or had been ordered by that person and such order had been accepted by the producer for February 1951 production and received by that person in his inventory prior to June 1, 1951. This exception is applicable only to the extent that such materials are wholly unsuitable for use in the production, manufacture, or assembly by such person of any product not included in subheadings A–I and A–II of that list.

(b) The prohibitions contained in section 2 of this schedule with respect to products included in subheadings B–I and B–II of the list shall not apply to the use of nickel-bearing stainless steel, high nickel alloy, or nickel silver, or component parts made therefrom, to the extent that any such materials were contained in a person's inventory on April 15, 1951, or had been ordered by that person and such order had been accepted by the producer for March 1951 production and received by that person in his inventory prior to July 1, 1951. This exception is applicable only to the extent that such materials are wholly unsuitable for use in the production, manufacture, or assembly by such person of any product not prohibited.

(c) The prohibitions contained in section 2 of this schedule with respect to products included in subheading C–I of the list shall not apply to the use of nickel-bearing stainless steel, or any component parts made therefrom, if any such materials were contained in such person's inventory on September 15, 1951, or are on order and have been accepted by the producer for July 1951 production and are received in such person's inventory prior to November 15, 1951. This exception is applicable only to the extent that such materials are wholly unsuitable for use in the production, manufacture, or assembly by such person of any product not included in subheading C–I.

(d) The prohibitions contained in section 2 of this schedule with respect to products included in subheadings D–I and D–II of the list, and those products prohibited by deletion from the permitted list by amendment of March 24, 1952, shall not apply to the use of nickel-bearing stainless steel, high nickel alloy, or nickel silver, or any component parts made therefrom, if any such materials were contained in such person's inventory on April 1, 1952, or are on order and have been accepted by the producer for January 1952 production and are received in such person's inventory prior to June 1, 1952. This exception is applicable only to the extent that such materials are wholly unsuitable for use

in the production, manufacture, or assembly by such person of any product not included in subheadings D–I and D–II of that list, or any product permitted in subheading D–III of that list.

(e) Any unassembled component parts, produced prior to the issuance of, or in conformity with, this schedule, of products subject to the provisions of section 2 may be sold any time, and the purchaser thereof may assemble such component parts into products subject to the prohibitions of section 2 of this schedule at any time, provided such component parts are wholly unsuitable for use in the production, manufacture, or assembly of any product not prohibited.

(f) Notwithstanding that a product may be contained in the list under the subheadings A–I, B–I, C–I, and D–I, the prohibition contained in section 2 of this schedule shall not apply if any such product is manufactured exclusively for use on board vessels and aircraft operated by the Armed Forces of the United States, including the United States Coast Guard.

SEC. 4. *Records.* Every person who relies on the provisions of paragraphs (a), (b), (c), or (d) of section 3 of this schedule shall prepare a detailed record showing: (a) The quantities of nickel-bearing stainless steel, high nickel alloy, and nickel silver, or component parts made therefrom, which were in his inventory on the first day of each month commencing with December 1950, and ending September 15, 1951, and on April 1, 1952, which were wholly unsuitable for use by him in the production, manufacture, or assembly of any product not prohibited by the list at the end of this schedule, and (b) the quantities of such materials wholly unsuitable for such use by him which were delivered to him on or after March 1, April 15, September 15, 1951, or April 1, 1952; the names and addresses of the suppliers thereof; and the dates of the orders and acceptances covering such materials, together with applicable mill schedules. Such records shall be retained for at least 3 years and shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

SEC. 5. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–80, Schedule A.

This schedule, as amended, shall take effect on March 24, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE A—LIST OF PRODUCTS

A

I—NICKEL-BEARING STAINLESS STEEL (INCLUDING NICKEL-BEARING STAINLESS-CLAD STEEL)—PRODUCTS PROHIBITED

Agriculture farm equipment:
- Barn cleaners.
- Ensilage cutters.
- Feeding troughs.
- Fertilizer spreading equipment.
- Grain bins and cribs.
- Implements, hand tools, etc.
- Silos.
- Spreaders.

Automotive:
- Bumpers, clad.
- Clad panels for buses.
- Grilles.
- Hardware.
- Horn rings.
- Hubcaps.
- Mufflers (except on heavy duty equipment).
- Steering wheel spoke wire.
- Trim.
- Wheel rings and wheel covers.

Construction:
- Curtain walls.
- Decorative trim.
- Doors.
- Down spouts.
- Elevator and escalator kick plates and panels.
- Flashings.
- Gutters.
- Moldings.
- Roofing.
- Screens (except in extra active or manufacturing industries where no other substitute is available).
- Sheathing.
- Spandrels.
- Storefronts.
- Window frames.

Electrical machinery and equipment:
- Pole line hardware.
- Pole line guy wires.
- Radio towers.
- Transmission tower baskets.

General:
- Automatic vending machines (except for food vending machines where public health specifications make such use mandatory).
- Bar equipment.
- Beer barrels.
- Coal mine and coal hoppers (except in coal preparation plants).
- Diesel grilles.
- Jewelry (except watch cases and except functional springs).
- Pens and pencils including caps and barrels (except fountain pen nibs, separate fountain pen inner caps, and other functional parts).
- Radio antennae (except military).
- Railings.
- Soda fountain (except parts as permitted under part B of this list—"Refrigeration").
- Water softener tanks.

Household appliances, electric, gas, and other fuel (except where used for functional parts where the properties supplied by stainless steel are essential and no satisfactory substitute is practicable):
- Home and farm freezers, sheathing.
- Range tops.
- Refrigerator shelves and trim.
- Toasters.

Other household appliances and utensils (except cooking ware):
- Ash trays.
- Cabinets.
- Cake and pie dishes.
- Cake servers.
- Canisters.
- Cooling racks.
- Counter tops.
- Drainboards.
- Egg beaters.
- Flatware.
- Garbage cans.
- Hardware.
- Ironing boards.
- Irons.
- Ladles.
- Mixing bowls.
- Mixing spoons.
- Picnic coolers.
- Potato mashers.
- Refrigerator dishes.
- Sinks.
- Spatulas.
- Table tops.
- Utility cans.
- Washing machine tubs.

Railroad:
- Trim and decorative parts in passenger cars.

Shipbuilding:
- Pleasure craft galleys.
- Pleasure craft decorative trim.
- Pleasure craft rigging.
- Pleasure craft stack and ventilating shafts.

Miscellaneous:
- Band instrument valves.
- Binders (index books).
- Button parts.
- Cheese slicers.
- Cocktail shakers and accessories.
- Cup holders.
- Dairy equipment (except functional uses).
- Deodorizers.
- Diaper pins (except where launderability and noncorrosiveness are essential).
- Dog leashes.
- Fly screens.
- Furniture.
- Garden accessories.
- Hardware parts, including builders' finishing hardware.
- Humidifiers.
- Lightning rods.
- Mirror clips.
- Musical instrument strings.
- Organ springs.
- Paint brush ferrules and rivets.
- Permanent wave equipment.
- Phonograph needles.
- Pot cleaners.
- Refuse cans.
- Rulers.
- Shovels (except food and chemical).
- Teabag staples.
- Tooth brushes.
- Water reservoirs (gum tape machine).
- Weather stripping.

II—HIGH NICKEL ALLOY—PRODUCTS PROHIBITED

Building materials:
- All sheet metal building applications, including but not limited to:
  - Air ducts.
  - Downspouts.
  - Elevator cabs.
  - Flashings.
  - Garbage grinder parts.
  - Gutters.
  - Leaders.
  - Louvers.
  - Roofing.
  - Siding.
  - Sinks.
  - Sink bowls.
- All sheet metal building applications, including but not limited to—Continued
  - Skylight framing.
  - Brick anchors.
  - Hanger wire for suspended ceiling construction.
  - Ornamental and decorative applications.
  - Tie-wire for suspended ceiling construction.

Dry-cleaning (except for corrosion or abrasion resistance where no satisfactory substitute is practicable):
- Condenser tubing.
- Irons.
- Lint traps.
- Pads for dry-cleaning presses and tailors presses.
- Piping valves, and fittings.
- Solvent pressure filters, including filter cloth.
- Spotting boards.
- Sump tanks.
- Truck tubs.
- Utensils.
- Water separators.

Food servicing and kitchen equipment:
All food service applications, including but not limited to:
Bar equipment.
Beverage tubing.
Cafeteria counters.
Dishwashing machines.
Electric food-warming cups.
Home and farm freezers.
Mobile food trucks.
Scullery and dishwashing sinks.
Soap dispensers.
Steam tables.
Work tables.
Hospital equipment:
Counter tops.
Furniture.
Instrument cabinets.
Instrument tables.
Kick and push plates.
Linen cabinets.
Medicine cabinets.
Operating tables.
Paneling and wainscoting, decorative.
Work tables.
Household appliances:
Element name plates.
Element pans on electric ranges.
Oven linings.
Radiant broilers on gas ranges.
Range crumb trays.
Range tops.
Range vents.
Refrigerator light shields.
Refrigerator shelf parts.
Steam iron casings.
Washing machine tubs.
Jewelry:
Ash trays.
Badges.
Cigarette lighters.
Collar buttons.
Comb trim.
Costume jewelry.
Cuff buttons.
Emblems.
Finger nail files.
Jewelry.
Key chains.
Knives (except blades).
Necklaces.
Novelties.
Pill containers.
Perfume flacons.
Watch bracelets.
Watch cases.
Watch chains.
Watch crowns.
Watch movement holders.
Watch strap pinions.
Laundry equipment:
Laundry chutes.
Net racks.
Plant truck tubs.
Rug pole pins.
Soap storage tanks.
Sorting tables.
Special washers for blankets and silks.
Ironers, rug cleaning machines, trim on flatwork.
Utensils.
Ventilating hoods and fans.
Water storage tanks.
Motor vehicles:
Battery cables.
Hubcaps.
Exhaust gaskets (except for military vehicles).
Exhaust manifolds.
Radio antennae.
Windshield wiper blades.
Refrigeration and air-conditioning machinery and equipment (commercial and industrial) (except the mechanical refrigeration cycle), including but not limited to:
Bottled beverage coolers.
Ice cream cabinets.
Refrigerated food display cases.
Soda fountains.
Water coolers.
Miscellaneous:
Barbecue grilles.
Bits and spurs.
Ferrules.
Outdoor stoves.
Pen and pencil parts.
Portable refrigerators.
Sporting goods, all applications.

III—NICKEL SILVER—PRODUCTS PERMITTED (SUPERSEDED BY LIST D-III EFFECTIVE APRIL 1, 1952)

Clock movements.
Communications equipment, functional parts.
Cutlery, including pocket knives (for rivets and lining assemblies), not over 10 percent nickel.
Dairy equipment.
Drafting instruments.
Electrical equipment, functional parts.
Engineering instruments.
Eyelets and rivets.
Flatware, not over 10 percent nickel.
Flute and piccolo bodies.
Fountain pen separate inner caps.
Hinge rods and tubing, posts and rings and keys, pad cups and arm castings—for woodwind instruments.
Hollow ware for hotel, restaurant, institution, or ecclesiastical use, not over 10 percent nickel.
Hospital equipment.
Keys, not over 10 percent nickel.
Meters and regulators for fluids or gas, where substitute materials are not suitable.
Optical goods, including camera shutters.
Orthopedic appliances.
Pins, catches, joints, and posts.
Pistons for all valve instruments.
Religious medallions and chains, not over 10 percent nickel.
Slide fasteners.
Springs, where required for functional purposes.
Tonsorial tools.
Trombone inside slides.
Valves for chemicals, where substitute materials are not suitable.
Watch cases, not over 10 percent nickel.
Watch movements.

B

I—NICKEL-BEARING STAINLESS STEEL (INCLUDING NICKEL-BEARING STAINLESS-CLAD STEEL) PRODUCTS PROHIBITED

Automotive:
Bumpers.
Panels for buses.
Household appliances, electric, gas, and other fuel (except where used for functional parts where the properties supplied by stainless steel are essential, and no satisfactory substitute is practicable), including but not limited to:
Cooking stoves and ranges.
Electric housewares including:
Heating and cooking appliances.
Motor-driven appliances.
Personal appliances.
Fans.
Floor waxers and polishers.
Home and farm freezers.
Lamps, portable electric.
Laundry equipment, including:
Clothes driers.
Ironing machines.
Washing machines.
Refrigerators.
Sewing machines.
Vacuum cleaners.
Other household appliances and utensils:
Food-serving trays, including compartment mess trays.
Ice refrigerators.
Salt shakers.
Refrigeration and air-conditioning machinery and equipment (commercial and industrial) (except the mechanical refrigeration cycle), including but not limited to:
Air-conditioning systems, self-contained or remote.
Bottled beverage coolers.
Carbonated water and carbonated beverage dispensing systems including connecting and interconnecting lines (except for carbonators, carbonated water cooling units, fittings and operational parts for carbonated water or combination syrup, and water flow control valves where no substitute material is practicable).
Dough retarders.
Florists' refrigerators.
Fountainettes.
Frozen food cabinets.
Ice cube makers.
Malt beverage dispensing systems.
Mortuary refrigerators.
Noncarbonated beverage dispensing systems (except for parts where public health specifications make such use mandatory).
Reach-in refrigerators.
Refrigeration systems, self-contained or remote.
Sandwich units.
Walk-in refrigerators.
Miscellaneous:
Boats.
Buttons and button parts (except where launderability, noncorrosiveness, and strength are essential, as in uniforms for police, firemen, and guards, and similar uniforms, and in work clothing and safety clothing).
Cleaning and scouring sponges.
Collars, leashes, harnesses, and tags for pets.

II—HIGH NICKEL ALLOY—PRODUCTS PROHIBITED

Food servicing and kitchen equipment:
Food-serving trays, including compartment mess trays.
Salt shakers.
Household appliances:
Home and farm freezers.
Irons (except heating elements and controls).
Jewelry:
Knives.
Motor vehicles:
Windshield wipers.
Refrigeration and air-conditioning machinery and equipment (commercial and industrial) (except the mechanical refrigeration cycle), including but not limited to:
Air-conditioning systems, self-contained or remote.
Carbonated beverage dispensing systems.
Dough retarders.
Florists' refrigerators.
Fountainettes.
Frozen food cabinets.
Ice cube makers.
Malt beverage dispensing systems.
Mortuary refrigerators.
Noncarbonated beverage dispensing systems.
Reach-in refrigerators.
Refrigeration systems, self-contained or remote.
Sandwich units.
Walk-in refrigerators.
Shipbuilding:
Pleasure craft galleys.
Pleasure craft decorative trim.
Pleasure craft propeller shafts.
Pleasure craft rigging.
Pleasure craft stack and ventilating shafts.
Miscellaneous:
Boats.
Buttons and button parts (except where launderability, noncorrosiveness, and strength are essential, as in uniforms for police, firemen, and guards, and similar uniforms, and in work clothing and safety clothing).
Cleaning and scouring sponges.
Diaper pins (except where launderability and noncorrosiveness are essential).
Fountain pens, ball point pens, and mechanical pencils.

C

I—NICKEL-BEARING STAINLESS STEEL (INCLUDING NICKEL-BEARING STAINLESS-CLAD STEEL)—PRODUCTS PROHIBITED

Automotive:
- Truck and trailer bodies or tanks (except those parts in actual contact with food or other products where noncorrosive and noncontaminating properties are essential and no satisfactory substitute is practicable).
- Windshield wiper assemblies, including blades (except rubber holding element for curved-glass windshield blades).

Food servicing and kitchen equipment:
- Commercial cooking, food preparing, serving, and conveying equipment (except food containers for conveyor equipment and steam tables, steam-jacketed kettles, and those parts of coffee urns in actual contact with the coffee).
- Cooking stoves and ranges (except electric heating element assemblies).
- Scullery and dishwashing sinks.

General:
- Cabinets, including hospital, medical, and dental.
- Chart carriers, desks, racks, and holders.
- Drafting instruments.
- Drinking fountain fixtures.
- Refrigerator evaporators.
- Refrigerator shelves and trim.
- Water pitchers and drinking cups.
- Window frames, including channels or guides.

Hospital equipment:
- Wheel stretchers.

Household appliances and utensils:
- Noncommercial cooking utensils and other allied equipment.

Refrigeration equipment (except where used for functional parts where the properties supplied by stainless steel are essential and no satisfactory substitute is practicable):
- Biological refrigerators.

Railroad:
- Railroad passenger cars.

Miscellaneous:
- Counter tops.
- Erasing shields.
- Ice-shaver blades.
- Kick and push plates.

D

I—NICKEL-BEARING STAINLESS STEEL (INCLUDING NICKEL-BEARING STAINLESS-CLAD STEEL)—PRODUCTS PROHIBITED

All building materials, including but not limited to:
- Nails.
- Hanger rods and wire for suspended ceiling construction.
- Louvers.
- Handrails.
- Radiator enclosures.
- Stair treads.

Dial charts, reading faces, and cases of weighing scales.
All other instrument dials and cases.
All hospital furniture, including but not limited to:
- Examining tables.
- Operating tables.
- Utility tables.
- Work tables.
- Counters.
- Autopsy tables.
- Instrument stands.
- Waste receptacles.
- Drying racks.
- Hydrotherapy tanks.

Temple cores in plastic frames of corrective spectacles and sunglasses.
Dishwashing machines, domestic.
All commercial laundry equipment except:
- Washer shells and cylinders.
- Dryer extractor baskets.
- Starch cooker wells.
- Sinks, except commercial photographic.

Name plates.
Badges.
Identification tags, except for Armed Services personnel.
Signs.
Cigarette lighters.
Ice cream and confection molds.
Buckets and pails, except under extremely corrosive conditions.
All parts for windshield wiper assemblies.
Waste baskets.
Cookie sheets.
Cooking range pads.
Barbecue grilles and accessories.
Dairy equipment, except for those parts intentionally in contact with food products.
Strapping and banding wire or strip (except armature banding wire).
Hose clamps, except aircraft.
Toys.
Transportation seats and stanchions.
Lighting equipment.
Morticians' equipment.
Sporting goods.
Safety pins.

II—HIGH NICKEL ALLOY—PRODUCTS PROHIBITED

Electric appliance heating element sheathing, except for over 1500° F. operating temperature of outside metal surface.
Sterilizers, except for inner shell, back head, end ring, and door.
All commercial laundry equipment.
Hot water heater tanks and coils, except where extremely corrosive water conditions result in service life of less than 3 years when other materials are used.

III—NICKEL SILVER—PRODUCTS PERMITTED

Clock movements.
Communications equipment, functional parts.
Corrective spectacles, except for plastic temple cores.
Cutlery, including pocket knives (for rivets and lining assemblies), not over 10 percent nickel.
Dairy equipment.
Drafting instruments.
Electrical equipment, functional parts.
Engineering instruments.
Eyelets and rivets.
Flatware, not over 10 percent nickel.
Flute and piccolo bodies.
Fountain pen separate inner caps and pressure bars.
Fret wires for musical instruments.
Hinge rods and tubing, posts and rings and keys for musical instruments; pad cups and arm castings—for woodwind instruments.
Hollow ware for hotel, restaurant, institutional, or ecclesiastical use, not over 10 percent nickel.
Hospital equipment.
Meters and regulators for fluids or gas, where substitute materials are not suitable.
Optical goods, including camera shutters.
Orthopedic appliances.
Oxyacetylene torch gas carrying tubes, not over 10 percent nickel.
Pins, catches, joints, and posts for jewelry.
Pistons for all valve instruments.
Religious medallions and chains, not over 10 percent nickel.
Slide fasteners.
Springs, where required for functional purposes.
Sunglasses, hinges only.
Trombone inside slides.
Valves for chemicals, where substitute materials are not suitable.
Watch cases, not over 10 percent nickel.
Watch movements.

[F. R. Doc. 52-3481; Filed, Mar. 24, 1952; 11:26 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 34 to Schedule A]

[Rent Regulation 2, Amdt. 32 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NORTH CAROLINA AND PENNSYLVANIA

Effective March 25, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 20th day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 221 (e), is amended to describe the counties in the defense-rental area as follows:

Davidson County, except the Town of Denton, Lexington Township, and all unincorporated localities; and in Rowan County, Salisbury Township, the Cities of Salisbury and Spencer, and the Town of East Spencer.

This decontrols all unincorporated localities heretofore under federal rent control in Davidson County, North Carolina, a portion of the Salisbury, North Carolina, Defense-Rental Area.

2. Schedule A, Item 262 (a), is amended to describe the counties in the defense-rental area as follows:

Indiana County, except the Boroughs of Blairsville and Indiana.

This decontrols the Borough of Blairsville in Indiana County, Pennsylvania, a portion of the Indiana County, Pennsylvania, Defense-Rental Area.

3. Schedule A, Item 267, is amended to describe the counties in the defense-rental area as follows:

Allegheny County, except the Boroughs of Bethel, Churchill, Elizabeth, Rosslyn Farms and Wilkinsburg, and the Townships of Crescent, Mount Lebanon, Ohio and Penn; Armstrong County; Beaver County, except the Township of Brighton; Lawrence County, except the Borough of New Wilmington; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Green County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin, and West Finley.

That part of Beaver County North and East of the Ohio River, except the Townships of Economy, Harmony and Brighton, and the Boroughs of Ambridge, Baden, and Conway.

In Beaver County, Brighton Township.

This decontrols the Borough of Wilkinsburg in Allegheny County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

All decontrols effected by these amendments are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-3347; Filed, Mar. 24, 1952; 8:49 a. m.]

[Rent Regulation 3, Amdt. 50 to Schedule A]

RR 3—HOTELS

SCHEDULE A—DEFENSE-RENTAL AREAS

ALABAMA

Effective March 25, 1952, Rent Regulation 3 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 20th day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Schedule A, Item 1, is amended to read as follows:

(1) [Revoked and decontrolled.]

This decontrols the entire Anniston, Alabama, Defense-Rental Area, on the initiative of the Director of Rent Stabilization in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-3348; Filed, Mar. 24, 1952; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

SEVERN RIVER AT ANNAPOLIS, MD.; EXPERIMENTAL TEST AREA, U. S. NAVAL ENGINEERING EXPERIMENT STATION

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.116 is prescribed establishing and governing the use of a naval restricted area in Severn River at Annapolis, Maryland, effective on or after its publication in the FEDERAL REGISTER due to the urgent necessity of providing an area for experimental test purposes at the earliest possible date, as follows:

§ 207.116 *Severn River at Annapolis, Md.; experimental test area, U. S. Naval Engineering Experiment Station*—(a) *The restricted area.* The water of Severn River shoreward of a line beginning at the southeasternmost corner of the U. S. Naval Engineering Experiment Station sea wall and running thence southwesterly perpendicular to the main Severn River channel, approximately 560 feet, thence northwesterly parallel to and 50 feet shoreward of the edge of the channel, 1,035 feet, and thence northeasterly perpendicular to the channel, approximately 600 feet, to the shore. Spar buoys will mark the corners of the area adjacent to the channel.

(b) *The regulations.* (1) No vessel other than specifically authorized military and naval vessels shall enter or remain in the area during its use for experimental purposes. At all other times vessels may use the area without restriction.

(2) The area will be in use intermittently, and this use will be signified by the presence of white-painted boats or floats, which will be lighted at night.

(3) Upon observing the boats or floats referred to in subparagraph (2) of this paragraph, or upon being warned, vessels shall immediately vacate the area and remain outside the area during the period of use.

(4) The regulations in this section shall be enforced by the Commandant, Severn River Naval Command, and such agencies as he may designate.

[Regs. Mar. 5, 1952, ENGWO] (Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-3346; Filed, Mar. 24, 1952; 8:48 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

PREVAILING MINIMUM WAGE FOR THE SMALL ARMS AMMUNITION, EXPLOSIVES AND RELATED PRODUCTS INDUSTRY

In the matter of an amendment to the determination of prevailing minimum wage for small arms ammunition, explosives, and related products industry; determination of the secretary.

This matter is before the Department pursuant to the act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. 35), entitled "An Act to Provide Conditions for the Purchase of Supplies and the Making of Contracts by the United States, and for Other Purposes," otherwise known as the Walsh-Healey Public Contracts Act. The currently effective wage determination (15 F. R. 382) was based upon information indicating that substantially all employees in the small arms ammunition, explosives and related products industry are engaged in commerce or in the production of goods for commerce, as defined in the Fair Labor Standards Act, as amended, and thus come under the minimum wage provisions of that act which require payment of a wage rate of not less than 75 cents per hour on and after January 25, 1950. The survey of selected small arms ammunition, explosives and related products manufacturing establishments made as of March 1950, by the Institute of Makers of Explosives and the Sporting Arms and Ammunition Manufacturers Institute, and tabulated by the Bureau of Labor Statistics, indicates that the 75 cent rate now in effect may not reflect the prevailing minimum wage in the industry. This proceeding was, therefore, initiated for the purpose of consideration of an amendment to the current determination which will reflect the minimum wages now prevailing.

General. Notice of a hearing in this matter was published in the FEDERAL REGISTER (15 F. R. 7026). Copies of the notice and a press release announcing the hearing were mailed to trade associations, unions, and to individual companies in the industry. In addition, the press release was distributed to newspapers and trade publications.

This notice and release advised interested persons of the time and place at which they could appear and offer testimony: (1) as to what are the prevailing minimum wages in the small arms ammunition, explosives and related products industries; (2) as to whether there should be included in any amended determination for these industries provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the propriety of the present definition of these industries.

The small arms ammunition, explosives and related products industries are defined in the current determination as those industries which manufacture or furnish any of the following products:

(1) Ammunition and parts thereof for small arms, and such related products as saluting primers and aircraft engine starters;

(2) Blasting and detonating caps;

(3) Explosives, including dynamite, permissible explosives (those approved by the United States Bureau of Mines for use in mines where dust and gas explosions are likely to occur), nitro-glycerine, black-blasting powder, pellet and fuse powder, and smokeless gun powder.

The hearing was held on November 28, 1950, pursuant to the notice. Representatives of employees and employers appeared at the hearing to present evidence and testimony, and the record was kept open for a specified period beyond the close of the hearing for receipt of additional data and briefs.

Among others present at the hearing were representatives of the following: The International Association of Machinists, AFL (hereinafter termed the IAM); United Mine Workers of America, District 50 (hereinafter termed the UMW); the International Chemical Workers Union, AFL (hereinafter termed the ICW) the United Automobile, Aircraft, and Agricultural Implement Workers of America, CIO (hereinafter termed the UAW); the Institute of Makers of Explosives, the Sporting Arms and Ammunition Manufacturers Institute; Aerial Products, Incorporated; Equitable Powder Company; Illinois Powder Manufacturing Company; the King Powder Company; Hercules Powder Company; Atlas Powder Company; E. I. Dupont de Nemour and Company; Austin Powder Company; and Olin Industries, Incorporated, with its Western Cartridge Company Division and its Winchester Repeating Arms Division. In addition to the evidence and testimony presented at the hearing in support of their recommendations, the Institutes, the Illinois Powder Manufacturing Company, Austin Powder Company, Olin Industries, Inc. and King Powder Company submitted briefs for the record after the close of the hearing. The IAM reiterated the recommendations made in its brief filed at the hearing in letters dated February 9, 1951, and April 5, 1951, the latter being in rebuttal of the Industry briefs.

Definition. The definition contained in the notice of hearing is the same as that contained in the current determination and has been in effect since 1939. The only substantial objection to this definition involved cartridge-type air-

craft engine starters which are presently covered by the determination. Testimony adduced at the hearing indicated that the principal producer of such starters does not make other items within the scope of the determination. From the record it is also clear that there have been no Government purchases of these starters for several years; and, moreover, it appears unlikely that there will be any Government purchases of these starters in the future. Labor representatives urged continued inclusion of these starters in the definition to assure some coverage of these items. Industry representatives, on the other hand, urged their exclusion because such starters are not manufactured in this industry.

It appears conclusively that such airplane engine starters are no longer properly a part of the small arms ammunition, explosives, and related products industry and they have, accordingly, been deleted from the definition, which remains otherwise unchanged in view of the testimony of all interested parties at two panel conferences and the hearing that no other change in the wording is needed.

The record shows that the Departmental interpretation setting an upper limitation for small arms ammunition should be changed from 50 caliber to 60 caliber. This recommended interpretation is in conformity with actual practice in this industry and is, therefore, adopted.

The division of the industry into three branches is in substantial conformity with the original determination and amendments thereof and was unquestioned at either the panel conferences or the hearing. The definitions for each branch continue unchanged except for deletion of aircraft engine starters from the small arms ammunition branch.

Minimum wage. The basic data on minimum wages in the small arms ammunition, explosives and related products industry were collected by the Institutes and tabulated by the Bureau of Labor Statistics. Some question was raised at the hearing concerning the paucity of publicly available wage information for the small arms ammunition and blasting and detonating cap branches and because complete data could not be presented reflecting wage increases since the survey.

With respect to the former, the record shows that there are only four small arms ammunition plants and five blasting and detonating cap establishments. It is clear that a more detailed exposition of data would disclose information of a confidential nature from individual firms in these two branches. With regard to the other criticisms, the record shows that considerable evidence of wage increases subsequent to the survey was received at the hearing and in the post-hearing briefs.

The BLS tabulations are based on data from 47 of the 49 establishments in the industry. These data were tabulated, with respect to each of the three individual branches, (1) for the United States as a whole (Table 1) showing the percentage distribution of all plant workers by average straight-time hourly earnings, and (2) for the explosives branch separately showing the distribution of plants in the United States by minimum hourly rates actually being paid (Table 2), and the distribution of plants by lowest job rates (Table 3).

Although the tabulated data pertaining to the four establishments in the small arms ammunition branch and the five in the blasting and detonating cap branch are somewhat less comprehensive than those usually available for wage determinations, nevertheless it provides an adequate basis for a prevailing minimum wage determination for these branches.

Prevailing minimum wage in the small arms ammunition branch. Olin Industries, Incorporated, filed a post hearing brief proposing that a minimum rate not to exceed 85 cents be set for this branch of the industry. This 85-cent recommendation was based largely on a 10-cent suggested margin over the 75-cent Fair Labor Standards Act minimum wage. The other two establishments in this branch were not represented at the hearing and did not file briefs. The IAM urged that $1.09 be determined as the minimum wage and the UAW proposed the slightly lower rate of $1.075. It is clear from the data in BLS Table 1 (Exhibit D) that the prevailing minimum wage rate for this branch is in excess of the 85-cent wage urged by Olin Industries, but somewhat lower than the rates urged by the unions.

BLS Table 1 (Exhibit D) shows that the average straight-time hourly rates of 6.7 percent of the workers fell within the 95–99 cent interval and that this represents the first significant concentration. No interval below 95 cents contained more than 0.8 percent of the workers included in the survey and the combined total of all intervals below this point contained only 2.0 percent of the workers. Thus, approximately only 66 out of a total of 3,293 employees covered by the survey earned less than 95 cents.

Testimony at the hearing by a representative of the Western Cartridge and Winchester Arms Divisions of Olin Industries was to the effect that few employees engaged in small arms ammunition production actually received less than $1.00 an hour. The public record discloses no data on specific plant minimum wages other than the data relating to minima established by the Western Cartridge Division of Olin Industries. The other three companies in this branch of the industry declined to publicly release any data with regard to their established plant minimum wages. Testimony at the hearing indicated that approximately one-half of the 3,293 employees covered by the survey for this branch were employed by Western Cartridge.

The large concentration of workers (6.7 percent) in the 95–99 cent wage interval undoubtedly reflects, in some degree, the fact that the largest plant in this branch of the industry had its established minima within this wage interval, 95 cents for certain female workers and 97 cents for certain male workers. It was testified, however, that these were probationary rates only, and that the lowest established job rates in this establishment outside of the probationary period was 99 cents. When this is considered together with the fact that the survey showed 12.2 percent of all the workers in the next highest wage interval ($1.00–$1.04), it appears proper to conclude that the prevailing minimum wage in this branch fell at the upper point of the 95 to 99 cent wage bracket. I have therefore concluded from the evidence in the record that 99 cents an hour was, at the time of the survey, the prevailing minimum wage in this branch. This rate must be adjusted, however, to reflect the established fact that workers in this branch have received wage increases since the survey. From testimony of employer and employee representatives at the hearing it appears that 6 cents an hour is an accurate measure of these increases.

The record, therefore, supports a determination that $1.05 an hour is the currently prevailing minimum wage for the small arms ammunition branch of the industry.

Prevailing minimum wage; explosives branch. The Institute of Makers of Explosives submitted a post-hearing brief on behalf of 12 explosives establishments, arguing that the determination should be based on the minimum wage rates of the lower paying companies, but not recommending any specific rate. A minimum rate of 97.5 cents was recommended by the Austin Powder Company, and the King Powder Plant proposed a $1.00 wage. The Illinois Powder Company made no specific minimum rate recommendation, but urged that in the issuance of any determination special consideration be given to the lower wages paid by the smaller plants in the explosives branch.

The UMW advocated determination of a $1.15 minimum rate as the average minimum rate of its 17 union agreements, which included increases as of October, 1950. The ICW proposed $1.31, while the IAM urged that a minimum rate of $1.30 be determined to prevail in this branch of the industry.

The data tabulated by the BLS, reflecting wages in the industry as of March 1950, indicate that the prevailing minimum wage in the explosives branch was $1.20 at that time. An analysis of these data reveals that the $1.20–$1.24 interval is the most significant concentration of wage rates for workers in this Branch. Table 1 shows that this interval contains 4.7 percent of the workers, whereas a total of 8.3 percent of the workers is found in the eight wage brackets below $1.20, and that it is a larger concentration than any preceding interval. Of even greater significance is the fact disclosed by Table 2 that 22 out of 38 plants, employing 73 percent of the workers, reported no workers being paid less than $1.20. Table 2 also shows that more plants paid $1.20 as the lowest rate than any other figure and that more workers were actually employed at this rate than at any other plant minimum. At the request of the Administrator of the Public Contracts Division the data on which Table 3 (Exhibit F) was based have been retabulated by the BLS, and this tabulation has been filed of record as Exhibit I. This retabulation shows that

of the 38 plants reporting in the branch, 21 (having 68 percent of all workers in the branch) reported the lowest wage rate for common laborers as $1.20 or more.

The record does not support any upward adjustment to reflect post-survey wage raises. The data available in the record and the BLS monthly reports on Current Wage Developments show only 13 of the 40 plants in this branch as giving wage increases since March 1950. These data fail to indicate the net effect of such increases as have occurred.

The evidence, therefore, indicates that the prevailing minimum wage of the explosives branch is $1.20 as of the hearing date.

Prevailing minimum wage; blasting and detonating caps branch. The three minimum wage proposals for the blasting and detonating caps branch were all made by the labor unions. The UMW argued for determination of the rate of $1.15 it had recommended for the explosives branch, the IAM recommended $1.13, and the ICW recommended $1.11.

BLS tabulations for this branch were supplemented by individual plant data. On the basis of all available data, $1.05–$1.09 (containing 23.7 percent of the workers) appears to be the most significant wage interval. Three of the five plants in the branch paid no workers less than $1.06 and employed 86.9 percent of the workers in the branch. Two plants having 63.3 percent of the workers paid a minimum of $1.07 to common laborers. In evaluating the importance of this wage, however, consideration must be given the fact that one of the plants had not included female workers within the common labor classification. A substantial number of these female workers earned exactly $1.06 an hour, which rate clearly appears to be the prevailing rate throughout the blasting and detonating caps branch.

Information from the BLS monthly reports on Current Wage Developments and a review of wage agreements on file in the BLS Division of Industrial Relations shows that three of the 5 plans have granted increases of 6 cents or more since the survey. A blasting caps plant operated by Olin Industries gave a wage increase of 5 percent or a minimum of 6 cents an hour to all employees a month before the hearing. Available evidence shows that the prevailing minimum rate as of March 1950 should be adjusted to reflect a 6-cent wage increase in this branch. Accordingly, $1.12 is determined to be the prevailing minimum wage as of the date of the hearing.

Subminimum wages. In the small arms ammunition branch, one Olin Industries plant, the Western Cartridge Division, was reported to have a probationary wage rate of 95 cents an hour for the lowest rated employees and to employ apprentices. The BLS representative at the hearing testified that all the other plants in the branch except one also had probationary rates with varying probationary periods. Data as to differentials between rates for probationary workers and experienced workers, however, were not furnished except for Western Cartridge Division. With regard to apprentices, one of the unions recommended a floor of 75 cents an hour for the small arms ammunition branch.

With respect to the explosives branch, the ICW and the UMW declared that 5 cents was a common differential for probationary workers in the branch, and this testimony was uncontroverted. Testimony showed that the lengths of the probationary periods, however, varied for this branch.

All 5 plants in the blasting caps branch reported the use of probationary employees. Three of these plants, employing 86.9 percent of the workers, had probationary rates of $1.00 or more an hour as of March 1950. The record indicates that the majority of the blasting caps plants have given general wage increases which should also be reflected in the determined probationary rate, as is likewise true with respect to the small arms ammunition branch.

The available evidence supports the authorization of a probationary wage rate not lower than $1.01 for the small arms ammunition branch and of probationary rates not lower than $1.15 an hour for the explosives branch and not lower than $1.06 an hour for the blasting and detonating caps branch. Although the evidence shows no uniformity of practice as to the length of the probationary periods, evidence in the record indicates that 320 hours is a reasonable tolerance for such probationary workers in all three branches of the industry.

The record indicates that there should be an apprentice tolerance in all branches of the industry permitting employment of such workers in conformity with the standards of the Federal Committee on Apprenticeship. The record also supports the authorization of apprentice rates not lower than 75 cents an hour for the small arms ammunition and the blasting and detonating caps branches and not lower than $1.00 an hour for apprentices in the explosives branch.

The regulations (41 CFR 201.1102) permit employment of handicapped workers at subminimum rates on contract work under the act and this authorization was not an issue in the proceeding. It seems advisable to include in the determination, however, specific authorization for such employment.

Amendment of determination. After consideration of the entire record of this proceeding, the prevailing minimum wage determination for the small arms ammunition, explosives and related products industries is hereby amended to read as follows:

§ 202.34 *Small arms ammunition, explosives and related products industry—* (a) *Definition.* (1) The small arms ammunition branch of the small arms ammunition, explosives and related products industry is defined as that industry which manufactures or furnishes ammunition and parts thereof for small arms, and such related products as saluting primers.

(2) The explosives branch of the small arms ammunition, explosives and related products industry is defined as that industry which manufactures or furnishes explosives, including dynamite, permissible explosives (those approved by the United States Bureau of Mines for use in mines where dust and gas explosions are likely to occur), nitro-glycerine, black blasting powder, pellet and fuse powder, and smokeless gun powder.

(3) The blasting and detonating caps branch of the small arms ammunition, explosives and related products industry is defined as that industry which manufactures or furnishes blasting and detonating caps.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of products of the small arms ammunition branch of the small arms ammunition, explosives, and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.05 an hour arrived at either on a time or piece-rate basis.

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the explosives branch of the small arms ammunition, explosives, and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.20 an hour arrived at either on a time or piece-rate basis.

(3) The minimum wage for persons employed in the manufacture or furnishing of products of the blasting and detonating caps branch of the small arms ammunition, explosives, and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.12 an hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* (1) Beginners (probationary workers) as defined in this paragraph may be employed at hourly wage rates not lower than the following: $1.01 in the small arms ammunition branch, $1.15 in the explosives branch, and $1.06 in the blasting and detonating caps branch, arrived at either on a time or piece-rate basis. A beginner or probationary worker for the purpose of this section is a person who has less than 320 hours' experience in the plant in which he is employed.

(2) Apprentices may be employed in the small arms ammunition branch and the blasting and detonating caps branch at wages below the above-established minimum wages for these two branches if their employment conforms with the standards of the Federal Committee on Apprenticeship; except that no apprentice in either Branch may be employed at a rate lower than 75 cents an hour. Apprentices may be employed in the Explosives Branch at wages below $1.20 an hour if their employment conforms with the standards of the Federal Committee on Apprenticeship; except that no apprentice may be employed at a rate lower than $1.00 an hour.

(3) (i) Handicapped workers may be employed at wages below the minimum rates upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525), under section 14 of the Fair Labor Standards Act, as amended.

(ii) The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two Acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations commenced on or after April 20, 1952.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38. Interprets or applies sec. 1, 49 Stat. 2036; 41 U. S. C. 35)

Signed at Washington, D. C., this 13th day of March 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-3344; Filed, Mar. 24, 1952; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Order

[Public Land Order 813]

CALIFORNIA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH AN ORDNANCE DEPOT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army in connection with an ordnance depot:

MOUNT DIABLO MERIDIAN

T. 28 N., R. 17 E.,
Sec. 17, NW¼.

The area described contains 160 acres.

This order shall take precedence over but not otherwise affect the order of April 8, 1935, of the Secretary of the Interior establishing California Grazing District No. 2, so far as such order affects the above-described land.

It is intended that the land described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 18, 1952.

[F. R. Doc. 52-3322; Filed, Mar. 24, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

PREVAILING MINIMUM WAGE FOR WOOLEN AND WORSTED INDUSTRY

NOTICE OF HEARING ON PROPOSED AMENDMENT

The Secretary of Labor, in a minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036; 41 U. S. C. secs. 35–45) and made effective May 14, 1949 (14 F. R. 1793), determined the minimum wage for persons employed in the woolen and worsted industry in the performance of contracts with agencies of the United States Government subject to the act to be not less than $1.05 an hour. This determination also authorized employment of learners or beginners at rates not less than 90 cents an hour for a learning period not longer than 320 hours. This determination is currently in effect as editorially revised and published in the FEDERAL REGISTER on July 20, 1950 (15 F. R. 4634).

The Textile Workers Union of Amer- , CIO, has submitted the following petition to the Administrator:

NOVEMBER 16, 1951.

We do herewith petition for the establishment of a minimum wage of $1.265 for the woolen and worsted industry under the Public Contracts Act and the incorporation in such determination as the prevailing practice a wage escalator provision for 1 cent quarterly adjustment for each 1.18 rise in the Consumers' Price Index (Old Series) beginning with February 15, 1951, and the following other provisions: six paid holidays; shift premiums of 4 cents for the second shift and 7 cents for the third shift; and the payment of vacation benefits of forty hours' pay for employees with one year's service; 60 hours' pay for one to three years' service; and 80 hours' pay for five years' service or more. We are attaching herewith a typical provision regulating the preceding items in the woolen and worsted industry.

We urge the same definition of this industry as the one which the Secretary of Labor adopted in the Determination of the Prevailing Minimum Wage for this industry on April 14, 1949.

The United Textile Workers Union, AFL, has submitted the following petition to the Administrator:

FEBRUARY 29, 1952.

We herewith petition for the establishment of a minimum wage of $1.30 in the woolen and worsted industry under the Public Contracts Act, and the incorporation in such determination of a wage escalator clause providing for a 1 cent quarterly adjustment on each 1.18 rise in the Consumers' Price Index (old series) beginning with February 15, 1951. We would also establish six paid holidays with shift premiums now existing in our union contracts, including payment of vacation benefits and a health and welfare program.

We would continue the same definition of the industry as presently prevailing.

The Unions have submitted lists of employers in the industry who now pay minimum wages of $1.265 or more an hour, and have urged retention of the currently effective industry definition (15 F. R. 4634; 41 CFR 202.47) as follows:

Definition. For the purpose of this determination the term "woolen and worsted industry" means:

(1) The manufacturing or processing of all yarns (other than carpet yarns) spun entirely from wool or animal fiber (other than silk); and all processes preparatory thereto;

(2) The manufacturing, dyeing or other finishing of fabrics and blankets (other than carpets, rugs and pile fabrics) woven from yarns spun entirely of wool or animal fiber (other than silk);

(3) The manufacturing, dyeing, or other finishing of fulled suitings, coatings, topcoatings, and overcoatings knit from yarns spun entirely of wool or animal fiber (other than silk);

(4) The picking of rags and clips made entirely from wool or animal fiber (other than silk) and the garnetting of wool or animal fiber (other than silk) from rags, clips, or mill waste; and other processes related thereto;

(5) The manufacturing of batting, wadding, or filling made entirely of wool or animal fiber (other than silk);

(6) The manufacturing or processing of all yarns (other than carpet yarns), spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute, or any synthetic fiber; except the manufacturing or processing on systems other than the woolen system of yarns containing not more than 45 percent by weight of wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber;

(7) The manufacturing, dyeing, or other finishing of the products enumerated in clauses (2), (3), (4), and (5) from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except products containing not more than 25 percent by weight of wool or animal fiber (other than silk) with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

Now, therefore, notice is hereby given that a public hearing will be held on Thursday, May 15, 1952, at 10:00 a. m.,

in Conference Room A of the Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument (1) as to what are the prevailing minimum wages in the woolen and worsted industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the propriety of the present definition of this Industry. The employment and wage data submitted by the Unions and any such data submitted prior to the hearing by others will be made available to interested parties upon request.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing. Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Persons who wish to appear should be prepared to testify with respect to the adequacy and accuracy of the wage data submitted by the petitioners, and also to present specific factual information in support or in derogation of the adequacy and accuracy of such data.

The following information is particularly invited with respect to the subject matter of the testimony or statements of each witness: (1) The number of workers covered in the presentation; (2) the number and location of establishments; (3) the number of looms and spindles operated in each establishment; (4) minimum wages paid at the end of a probationary or learner period, the number of workers receiving such wages, and the occupations in which these employees are found; (5) the entrance rate for learners, beginners or probationary workers, the length of such learning or probationary period, and the number of workers paid such entrance rates; and (6) the product or products.

To the extent possible, data should be submitted in such a manner as to permit evaluation thereof on a plant by plant basis.

In the discretion of the Presiding Officer, a period of not to exceed 30 days from the close of the hearing may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received an original and four copies of each such statement should be filed.

Signed at Washington, D. C., this 19th day of March 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-3343; Filed, Mar. 24, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[55040]

MICHIGAN

NOTICE OF FILING OF PLAT OF SURVEY

MARCH 19, 1952.

Notice is given that the plat of original survey of the following described lands, accepted March 1, 1951, will be officially filed in the Bureau of Land Management effective at 10:00 a. m. on the 35th day after the date of this notice:

MICHIGAN MERIDIAN, MICHIGAN

T. 43 N., R. 3 E.,
Sec. 5, lot 3 (Twin Island in Munuskong Bay).

The island contains 1.96 acres.

Available information indicates that the land is sandy loam soil with rock boulders; that the upland has an elevation of from 2 to 4 feet above the water and supports a fair growth of mixed timber ranging up to 14 inches in diameter.

No application for this land may be allowed under any public land law unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one-day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Regional Administrator, Region VI, Bureau of Land Management, Washington 25, D. C.

H. S. PRICE,
Regional Administrator, Region VI.

[F. R. Doc. 52-3324; Filed, Mar. 24, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DESIGNATION OF DISASTER AREAS HAVING NEED FOR AGRICULTURAL CREDIT

Pursuant to the authority contained in Public Law 38, 81st Congress, approved

April 6, 1949, the designation dated February 21, 1951 (16 F. R. 8146) for areas in Texas is amended, and the following designations of disaster areas having a need for agricultural credit were made:

ARKANSAS

The following counties were designated, on December 5, 1951, as disaster areas due to adverse weather conditions. After June 30, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Arkansas.
Bradley.
Calhoun.
Chicot.
Clay.
Cleveland.
Columbia.
Craighead.
Crittenden.
Cross.
Desha.
Drew.
Greene.
Jackson.
Jefferson.
Lawrence.
Lee.
Lincoln.
Lonoke.
Mississippi.
Monroe.
Nevada.
Ouachita.
Phillips.
Poinsett.
Pulaski.
Randolph.
Saint Francis
Union.

Ashley County was designated, on January 30, 1952, as a disaster area due to adverse weather conditions. After June 30, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

COLORADO

Larimer County was designated, on August 21, 1951, as a disaster area due to flood conditions.

GEORGIA

The following counties were designated, on January 14, 1952, as disaster areas due to adverse weather conditions. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Baker.
Calhoun.
Clay.
Early.
Miller.
Quitman.
Randolph.
Stewart.
Terrell.
Webster.

The following counties were designated, on January 25, 1952, as disaster areas due to adverse weather conditions. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Dougherty.
Lee.
Marion.
Sumter.

IDAHO

Jefferson County was designated, on August 21, 1951, as a disaster area due to a severe hailstorm and rodent damage. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

INDIANA

The following counties were designated, on September 10, 1951, as disaster areas due to severe drought. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Dearborn.
Jefferson.
Ohio.
Ripley.
Switzerland.

IOWA

Polk County was designated, on September 25, 1951, as a disaster area due to excessive rainfall and floods.

KENTUCKY

The following counties were designated, on August 24, 1951, as disaster areas due to severe drought. After December 31, 1952, disaster loans will not be made except to borrowers who previously have received such assistance.

Anderson.
Boone.
Bracken.
Campbell.
Carroll.
Franklin.
Gallatin.
Grant.
Harrison.
Henry.
Jefferson.
Kenton.
Mercer.
Oldham.
Owen.
Pendleton.
Robertson.
Scott.
Shelby.
Spencer.
Trimble.

Nelson County was designated, on September 6, 1951, as a disaster area due to severe drought. After December 31, 1952, disaster loans will not be made except to borrowers who previously have received such assistance.

LOUISIANA

The following parishes were designated, on January 4, 1952, as disaster areas due to adverse weather conditions. After June 30, 1953, disaster loans will not be made except to borrowers who previously have received such assistance.

Ascension.
Assumption.
Avoyelles.
Iberia.
Iberville.
Lafayette.
LaFourche.
Pointe Coupee.
Rapides.
St. Charles
St. James.
St. John.
St. Martin.
St. Mary.
Terrebonne.
Vermilion.
West Baton Rouge.

The following parishes were designated, on February 14, 1952, as disaster areas due to drought. After December 31, 1952, disaster loans will not be made except to borrowers who previously have received such assistance.

Bienville.
Bossier.
Caddo.
Claiborne.
De Soto.
Jackson.
Lincoln.
Red River.
Sabine.
Union.
Webster.
Winn.

MINNESOTA

The following counties were designated, on February 14, 1952, as disaster areas due to adverse weather conditions. After December 31, 1952, disaster loans will not be made except to borrowers who previously have received such assistance.

Beltrami.
Lake of the Woods.
Marshall.
Pennington.
Polk.
Red Lake.
Roseau.

MISSISSIPPI

The following counties were designated, on November 29, 1951, as disaster areas due to adverse weather conditions. After June 30, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Bolivar.
Humphreys.
Sharkey.
Sunflower.
Washington.

The following counties were designated, on December 29, 1951, as disaster areas due to adverse weather conditions. After June 30, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Leflore.
Quitman.
Tallahatchie.

MISSOURI

The following counties were designated, on September 7, 1951, as disaster areas due to excessive rainfall and floods:

Cedar.
Crawford.
Hickory.
Phelps.

NEBRASKA

The following counties were designated, on November 7, 1951, as disaster areas due to excessive rainfall and severe flood conditions.

Adams.
Butler.
Cass.
Chase.
Clay.
Colfax.
Dodge.
Dundy.
Fillmore.
Franklin.
Frontier.
Furnas.
Gage.
Gosper.
Harlan.
Hayes.
Hitchcock.
Jefferson.
Johnson.
Kearney.
Lancaster.
Nemeha.
Nuckolls.
Otoe.
Pawnee.
Phelps.
Red Willow.
Richardson.
Saline.
Saunders.
Seward.
Thayer.
Webster.
York.

OHIO

The following counties were designated, on September 4, 1951, as disaster areas due to severe drought. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Adams.
Athens.
Brown.
Butler.
Clermont.
Clinton.
Fairfield.
Fayette.
Gallia.
Greene.
Hamilton.
Highland.
Hocking.
Jackson.
Lawrence.
Meigs.
Monroe.
Montgomery.
Morgan.
Muskingum.
Noble.
Perry.
Pickaway.
Pike.
Preble.
Ross.
Scioto.
Vinton.
Warren.
Washington.

The following counties were designated, on September 12, 1951, as disaster areas due to severe drought. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Auglaize.
Belmont.
Champaign.
Clark.
Darke.
Delaware.
Franklin.
Guernsey.
Licking.
Logan.
Madison.
Mercer.
Miami.
Shelby.
Union.

OKLAHOMA

The following counties were designated, on January 21, 1952, as disaster areas due to adverse weather conditions and insect infestation. After December 31, 1952, disaster loans will not be made

except to borrowers who previously received such assistance.

Bryan.	Love.
Carter.	Marshall.
Choctaw.	McCurtain.

OREGON

The County of Wasco was designated, on August 24, 1951, as a disaster area due to a severe freeze. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

TEXAS

The following counties were designated as disaster areas, on August 24, 1951, due to adverse weather conditions and insect infestation. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Armstrong.	Hutchinson.
Bailey.	Lamb.
Briscoe.	Lipscomb.
Carson.	Moore.
Castro.	Ochiltree.
Dallam.	Oldham.
Deaf Smith.	Parmer.
Gray.	Potter.
Hale.	Randall.
Hansford.	Roberts.
Hartley.	Sherman.
Hemphill.	Swisher.

The following counties were designated, on August 31, 1951, as disaster areas due to severe drought. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Brown.	Menard.
Coleman.	Mills.
Comanche.	Runnels.
Concho.	San Saba.
McCulloch.	

The following counties were designated, on October 11, 1951, as disaster areas due to severe drought. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Brazos.	Limestone.
Erath.	Schleicher.
Henderson.	Tom Green.
Hill.	

The following counties were designated, on October 25, 1951, as disaster areas due to adverse weather conditions and insect infestation. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Borden.	Glasscock.
Callahan.	Hall.
Childress.	Howard.
Collingsworth.	Kent.
Dawson.	Lynn.
Dickens.	Martin.
Donley.	Mitchell.
Eastland.	Nolan.
Edwards.	Scurry.
Fisher.	Taylor.
Garza.	

The following counties were designated, on November 9, 1951, as disaster areas due to adverse weather conditions. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Coke.	Hunt.
Collin.	Kaufman.
Delta.	Lamar.
Denton.	Red River.
Falls.	Robertson.
Fannin.	Rockwall.
Grayson.	

The following counties were designated, on December 13, 1951, as disaster areas due to adverse weather conditions. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Bandera.	Palo Pinto.
Hood.	Parker.
Johnson.	Somervell.
Navarro.	

The following counties were designated, on January 14, 1952, as disaster areas due to adverse weather conditions. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Anderson.	Cherokee.	Van Zandt.

The following counties were designated, on February 14, 1952, as disaster areas due to adverse weather conditions. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Chambers.	Jefferson.
Gaines.	Lampasas.

Bosque County was designated, on February 19, 1952, as a disaster area due to severe drought damage. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

The period for making disaster loans to new applicants in the counties of Cameron, Hidalgo, and Willacy, designated as disaster areas on February 21, 1951 (16 F. R. 8146), is extended to December 31, 1952.

WASHINGTON

Yakima County was designated as a disaster area on January 23, 1952, due to a severe freeze. After December 31, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

WYOMING

The following counties were designated on November 28, 1951, as disaster areas due to a severe freeze. After June 30, 1952, disaster loans will not be made except to borrowers who previously received such assistance.

Big Horn.	Park.

Done at Washington, D. C., this 19th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3335; Filed, Mar. 24, 1952; 8:47 a. m.]

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

NEBRASKA

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Nebraska, in alphabetical order, add the county "Webster."

In Schedule B, under Nebraska, delete the county "Webster."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 21st day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3418; Filed, Mar. 24, 1952; 9:01 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1630, G-1631, G-1651, G-1718]

EL PASO NATURAL GAS CO. ET AL.

ORDER FIXING DATE OF HEARING

In the matters of El Paso Natural Gas Company, Docket Nos. G-1630 and G-1631; Pacific Gas and Electric Company, Docket No. G-1651; Southern California Gas Company and Southern Counties Gas Company of California, Docket No. G-1718; Nevada Natural Gas Pipe Line Co., Docket No. G-1888.

By order issued October 30, 1951, the Commission consolidated for hearing the applications of El Paso Natural Gas Company, Pacific Gas and Electric Company, Southern California Gas Company, and Southern Counties Gas Company of California in the respective dockets designated above and ordered hearing thereon to commence on March 4, 1952, contingent upon the Applicants filing with the Commission not later than January 7, 1952, information in conformity with the Commission's rules and regulations so as to permit an examination of the data by the Commission's staff prior to hearing.

Subsequently on January 28, 1952, El Paso Natural Gas Company filed amendments to its applications in Docket Nos. G-1630 and G-1631. An amendment to its application, Docket No. G-1651, was filed by Pacific Gas and Electric Company on February 4, 1952.

Thereafter on February 4, 1952, Nevada Natural Gas Company filed its application in Docket No. G-1888, and on February 6, 1952, a petition requesting the consolidation of its application in Docket No. G-1888 with the applications of El Paso Natural Gas Company in Docket Nos. G-1630 and G-1631.

On February 21, 1952, the Commission issued its order consolidating the proceeding in Docket No. G-1888 with the proceedings in Docket Nos. G-1630, G-1631, G-1651, and G-1718, and postponed the hearing in the consolidated proceedings then set to commence March 4, 1952, to a date to be fixed by further order of the Commission. The grounds for such indefinite postponement were that the Applicants had not submitted additional data required by the Commission's rules and regulations.

On February 29, 1952, El Paso Natural Gas Company filed a motion for hearing on or before March 31, 1952, in the con-

solidated proceedings. Such motion was denied by the Commission by order issued March 19, 1952, for the reasons that only a part, but not all, of the information required by the Commission's rules and regulations had been submitted by the Applicants, and orderly conduct of hearings in these consolidated proceedings requires that all such information be submitted and examined prior to hearing.

It now appears that Applicants have submitted the information required by the Commission's rules and regulations.

The Commission orders:

(A) The hearing in the consolidated proceedings, Docket Nos. G–1630, G–1631, G–1651, G–1718, and G–1838, be held commencing on April 30, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 19, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–3327; Filed, Mar. 24, 1952; 8:45 a. m.]

[Docket No. G–1895]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 18, 1952.

On February 19, 1952, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at El Paso, Texas, filed an application as supplemented on March 10, 1952, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings provided that no request to be heard, protest or petition is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 7, 1952 (17 F. R. 2025).

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on March 31, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 19, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–3325; Filed, Mar. 24, 1952; 8:45 a. m.]

[Docket No. G–1896]

JERSEY CENTRAL POWER & LIGHT CO.

NOTICE OF APPLICATION

MARCH 19, 1952.

Take notice that Jersey Central Power & Light Company (Applicant), a New Jersey corporation with its principal place of business in Asbury Park, New Jersey, filed on February 25, 1952, an application pursuant to section 7 (b) of the Natural Gas Act for an order permitting and approving the abandonment by sale to County Gas Company (County Gas), a New Jersey corporation, of the following-described natural-gas facilities subject to the jurisdiction of the Federal Power Commission:

(1) *Southern Division.* (a) 28.75 miles of 8-inch I. D. gas transmission pipeline extending from a point of connection with transmission pipeline facilities of the South Jersey Gas Company at Estellville, Atlantic County, New Jersey, to a point of connection with the existing pipeline facilities of Applicant at points near Sea Isle City, and Cape May Court House.

(b) Transmission facilities extending from a point near Ocean City, New Jersey, southwardly to a point near Townsend Inlet, thence transmission facilities connecting Avalon, Peermont, Stone Harbor, Cape May Court House, Burleigh, Wildwood, Wildwood Crest, Cape May City, and others.

(2) *Coast Division.* (a) Approximately 39 miles of 10-inch pipeline extending from a point of connection with natural gas transmission facilities of Texas Eastern Transmission Corporation at a point south of Bound Brook, New Jersey, thence southeasterly to the gas manufacturing plant of Applicant in Long Branch, New Jersey.

(b) Transmission pipelines extending from Long Branch, New Jersey, comprising Applicant's Coast System, utilized in transportation of gas to points of local distribution.

(3) *Northern Division.* (a) 1.6 miles of 6⅝-inch natural-gas transmission pipeline (authorized to be constructed—Docket No. G–1702) extending in a northwesterly direction from a point of connection with the transmission pipeline of Algonquin Gas Transmission Company in Parsippany-Tray Hills Township, Morris County, New Jersey, to a point of connection with existing facilities of Applicant situated in Denville Township, Morris County, New Jersey.

(b) Transmission pipeline facilities connecting fourteen communities located in Morris County, New Jersey.

Applicant proposes the sale of all of its gas properties, facilities, franchises, privileges and rights to County Gas in connection with the Securities and Exchange Commission order dated December 28, 1951, directing General Public Utilities Corporation, parent company of Applicant, to dispose of its interest in "The gas properties (including production, transmission, and distribution facilities) of Jersey Central Power and Light Company."

The application recites that an agreement of sale between Applicant and County Gas was executed under date of December 3, 1951, providing among other things for a base sale price of $13,757,385.73, subject to adjustment according to terms of sale contract.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 9th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–3339; Filed, Mar. 24, 1952; 8:47 a. m.]

[Docket No. G–1897]

COUNTY GAS CO.

NOTICE OF APPLICATION

MARCH 19, 1952.

Take notice that County Gas Company (Applicant), a New Jersey corporation with its principal place of business in Atlantic Highlands, New Jersey, filed on February 26, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing (1) the acquisition and operation of the natural-gas facilities of Jersey Central Power & Light Company (Jersey Central), and (2) the construction and operation of a metering station at East Brunswick Township, Middlesex County, New Jersey. Applicant seeks authorization to acquire and operate the following described natural-gas facilities of Jersey Central:

(1) *Southern Division.* (a) 28.75 miles of 8-inch I. D. gas transmission pipeline extending from a point of connection with transmission pipeline facilities of the South Jersey Gas Company at Estellville, Atlantic County, New Jersey, to a point of connection with the existing pipeline facilities of Jersey Cen-

tral at points near Sea Isle City, and Cape May Court House.

(b) Transmission facilities extending from Egg Harbor Inlet, New Jersey, southwardly to Townsend Inlet, also transmission facilities connecting Avalon, Peermont, Stone Harbor, Cape May Court House, Burleigh, Wildwood, Wildwood Crest, Cape May City, and others.

(2) *Coast Division.* (a) Approximately 39.4 miles of 10¾-inch O. D. pipeline extending from a point of connection with natural-gas transmission facilities of Texas Eastern Transmission Corporation at a point south of Bound Brook, New Jersey, thence southeasterly to the gas manufacturing plant of Jersey Central in Long Branch, New Jersey.

(b) Transmission pipelines extending from Long Branch, New Jersey comprising Jersey Central's Coast System utilized in transportation of gas to points of local distribution.

(3) *Northern Division.* (a) 1.6 miles of 6⅝-inch natural-gas transmission pipeline (authorized to be constructed at Docket No. G–1702), extending in a northwesterly direction from a point of connection with the transmission pipeline of Algonquin Gas Transmission Company in Parsippany-Troy Hills Township, Morris County, New Jersey, to a point of connection with existing facilities of Jersey Central situated in Denville Township, Morris County, New Jersey.

(b) Transmission pipeline facilities connecting fourteen communities in Morris County, New Jersey, served by Jersey Central.

Applicant proposes to acquire and operate all the gas properties carried on the books of Jersey Central as gas plant, which have been operated as the Coast, Southern, and Northern Divisions of the latter company; and for all of which a purchase contract has been executed under date of December 3, 1951.

The application recites the gas facilities are to be acquired at a base cost of $13,757,385.73; that inclusive of a bond redemption entailing $1,651,311.00 and certain other costs, the cash requirement for purchase will be $19,369,000.00, which is proposed to be financed from the sale of First Mortgage bonds—$12,000,000; Serial Notes—$1,890,000; Preferred Stock—$2,000,000; and Common Stock—$2,979,000. Total initial capitalization of Applicant, including surplus, will be $21,044,862.

The application further recites acquisition will enable Applicant to operate its present properties in an integrated manner with those to be acquired from Jersey Central, effecting improved service and economies of operation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3340; Filed, Mar. 24, 1952; 8:47 a. m.]

[Docket Nos. IT–5696, IT–5697, IT–5698]

ALUMINUM CO. OF AMERICA ET AL.

ORDER FIXING DATE FOR FURTHER HEARING

MARCH 18, 1952.

In the matters of Aluminum Company of America, Docket No. IT–5696; Knoxville Power Company, IT–5697; Carolina Aluminum Company, IT–5698.

On November 27, 1951, the Commission entered an order reopening the record in the above matters to permit Respondents and Staff Counsel an opportunity to present additional evidence with respect to the issue of whether the operation of Respondents' Santeetlah, Cheoah, and Calderwood project affect the interests of interstate or foreign commerce.

The aforesaid order makes specific reference to the desire of the Commission to consider the downstream effects, if any, in the navigable capacity of the Little Tennessee River caused by Respondents' three projects referred to above. However, such specific reference is not to be construed as meaning that the Commission does not also desire to consider the other questions discussed and considered by the Examiner in his report dated June 8, 1952.

The record with respect to the questions involved in these proceedings, other than those questions concerning section 26 (a) of the TVA Act, was closed in 1941. Consequently, in the interest of providing an opportunity for a more current record, additional evidence may be submitted at the further hearing fixed herein with respect to those matters covered by the 1942 report of the Examiner, except those questions involved in the recent further hearing concerning section 26 (a) of the TVA Act.

The Commission orders: A further public hearing be held commencing on June 9, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the above questions and issues involved in these proceedings.

Date of issuance: March 19, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3326; Filed, Mar. 24, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 65–A]

NASHVILLE, CHATTANOOGA, AND ST. LOUIS RAILWAY

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 65, and good cause appearing therefor: *It is ordered,* That:

(a) King's I. C. C. Order No. 65 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective 2:00 p. m., March 18, 1952.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., March 18, 1952.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 52–3341; Filed, Mar. 24, 1952; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA No. 44]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MARCH 21, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

New Brunswick-Perth Amboy, New Jersey, area. (The area consists of the townships of Piscataway, Raritan, Woodbridge, East Brunswick and North Brunswick; the Boroughs of Dunellen, South Plainfield, Middlesex, Metuchen, Highland Park, Carteret, South River, Milltown, and Sayreville; the Cities of Perth Amboy, New Brunswick, and South Amboy, all in Middlesex County, New Jersey.)

Bangor, Maine, area. (The area consists of the cities of Bangor and Brewer, the Town of Orono including the unincorporated community of Orono; also the Town of Veazie, all in Penobscot County, Maine.)

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52–3410; Filed, Mar. 21, 1952; 12:31 p. m.]

[CDHA No. 44]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MARCH 21, 1952.

Upon a review of the construction of new defense plants and installations, and

the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Savannah River, Georgia-South Carolina, Area. (The area consists of Aiken, Allendale and Barnwell Counties in South Carolina; Richmond County, Columbia County, and McDuffie County, and District 81-Wrens (including Wrens Town) in Jefferson County, in Georgia.)

This supersedes certification under Docket No. 1 dated November 19, 1951.

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-3411; Filed, Mar. 21, 1952; 12:31 p. m.]

[CDHA No. 44]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MARCH 21, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Midland, Pennsylvania, Area. (The area consists of (1) that part of Beaver County North and East of the Ohio River, except the following: the Townships of Economy and Harmony, the Boroughs of Ambridge, Baden and Conway and that portion of the Borough of Ellwood City which lies within Beaver County; and (2) the Townships of Potter and Center and the Borough of Monaca, Beaver County; all in Pennsylvania.)

This supersedes certification under Docket No. 269 dated December 26, 1951.

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-3412; Filed, Mar. 21, 1952; 12:31 p. m.]

[RC-37; No. 1]

SAVANNAH RIVER, GEORGIA-SOUTH CAROLINA AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

MARCH 21, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Savannah River, Georgia-South Carolina, Area. (The area consists of Aiken, Allendale and Barnwell Counties in South Carolina; Richmond County, Columbia County, and McDuffie County, and District 81-Wrens (including Wrens Town) in Jefferson County, in Georgia.)

This supersedes certification under Docket No. 1 which appeared in FEDERAL REGISTER dated September 25, 1951.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[F. R. Doc. 52-3413; Filed, Mar. 21, 1952; 12:31 p. m.]

[RC-37; No. 269]

MIDLAND, PENNSYLVANIA, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

MARCH 21, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Midland, Pennsylvania, Area. (The area consists of (1) that part of Beaver County North and East of the Ohio River, except the following: the Townships of Economy and Harmony, the Boroughs of Ambridge, Baden and Conway and that portion of the Borough of Ellwood City which lies within Beaver County; and (2) the townships of Potter and Center and the Borough of Monaca, Beaver County; all in Pennsylvania.)

This supersedes certification under Docket No. 269 dated December 29, 1951.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[F. R. Doc. 52-3414; Filed, Mar. 21, 1952; 12:31 p. m.]

[Defense Manpower Policy No. 4, Notification 21]

PLACEMENT OF PROCUREMENT IN THE TERRE HAUTE, INDIANA AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Terre Haute area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Terre Haute area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings will be held shortly on the entire textile, apparel, and shoe industries, following which consideration will be given to certifying these industries under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 25, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE TERRE HAUTE, INDIANA, AREA UNDER THE DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Terre Haute area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in Terre Haute area, and by the Department of Defense, the National Production Authority and the Department of Labor relative to facilities in the Terre Haute area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. The Terre Haute area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Terre Haute area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for negotiation of available Government contracts at reasonable prices in the Terre Haute area to the extent that the facilities referred to in paragraph 2 make possible, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Terre Haute area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Terre Haute area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in Order to effectuate Defense Manpower Policy No. 4 for the Terre Haute area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Terre Haute area, should not be included in the application of Defense Manpower Policy No. 4 in the Terre Haute area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Terre Haute area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-3460; Filed, Mar. 24, 1952; 9:01 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2797]

GULF POWER CO.

ORDER GRANTING PERMISSION TO ISSUE AND SELL SHORT-TERM BANK LOAN NOTES

MARCH 19, 1952.

Gulf Power Company ("Gulf Power"), a public utility subsidiary of The Southern Company, a registered holding company, having filed a declaration, with amendments thereto, pursuant to sections 6 (a) and 7 of the act with respect to the following proposed transactions:

Gulf Power proposes promptly after the issuance of the Commission's order herein to issue and sell $3,000,000 of short-term bank loan notes. The notes will mature not later than nine months from the date of issuance and will bear interest at the rate of 3 percent per annum. The filing states that the proceeds of the notes will be used for construction purposes and that Gulf Power intends to retire the notes, prior to their maturity, out of the proceeds from the contemplated sale of an estimated $7,000,000 principal amount of bonds and 92,000 shares of common stock.

It is represented that no other Federal or State commission has jurisdiction over the proposed transactions, and that the fees and expenses to be incurred in connection therewith will be approximately $500, including counsel fees of $250. The declarant requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the declaration, as amended, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-3329; Filed, Mar. 24, 1952; 8:46 a. m.]

[File No. 70-2799]

SOUTHWESTERN GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER CONCERNING ISSUANCE AND SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

MARCH 19, 1952.

Southwestern Gas and Electric Company ("Southwestern"), a subsidiary of Central and South West Corporation, a registered holding company, having filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the issuance and sale by Southwestern, pursuant to the competitive bidding requirement of Rule U-50, of $6,000,000 principal amount of First Mortgage Bonds, Series E, due March 1, 1982; and

The Commission having, by order dated March 10, 1952, permitted said declaration to become effective subject to the condition, among others, that the proposed sale of bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and

Southwestern having on March 19, 1952, filed a further amendment to said declaration in which it is stated that it has offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidding group headed by—	Annual interest rate (percent)	Price to company (percent of principal) [1]	Annual cost to Southwestern (percent)
Halsey, Stuart & Co., Inc.	3⅜	100.23	3.3628
Salomon Bros. & Hutzler	3⅜	100.2119	3.3637
Equitable Securities Corp.	3⅜	100.03	3.3734
Lehman Bros.	3⅜	100.0059	3.3747
Blyth & Co., Inc.	3½	102.28	3.3785
Kuhn, Loeb & Co.	3½	102.279	3.37855
Merrill Lynch, Pierce, Fenner & Beane; Union Securities Corp. (joint account)	3½	102.221	3.3816
Harriman, Ripley & Co., Inc.	3½	101.91	3.398
The First Boston Corp.	3½	101.79	3.4043

[1] Exclusive of accrued interest from Mar. 1, 1952.

The amendment further stating that Southwestern has accepted the bid of Halsey, Stuart & Co., Inc. for the bonds as set forth above and that the bonds will be offered for sale to the public at a price of 100.75 percent of principal amount thereof, resulting in an underwriters' spread of 0.52 percent of principal amount; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the bonds, redemption prices of the bonds and the interest rate thereon, and the underwriters' spread with respect thereto;

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said bonds be and the same hereby is released, and that the said declaration, as further amended, be and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-3330; Filed, Mar. 24, 1952; 8:46 a. m.]

[File No. 70-2805]

MIDDLE SOUTH UTILITIES, INC.

SUPPLEMENTAL ORDER CONCERNING RESULTS OF COMPETITIVE BIDDING ON COMMON STOCK AND FEES AND EXPENSES

MARCH 19, 1952.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, having filed a declaration and amendments thereto pursuant to the Public

Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof, and Rule U-50 of the rules and regulations promulgated thereunder, with respect to the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of 600,000 shares of common stock, without nominal or par value, to underwriters or investment bankers who shall agree promptly to make public offering thereof; and

The Commission by order dated March 11, 1952, having permitted said declaration, as then amended, to become effective subject to the condition that the proposed issuance and sale of common stock should not be consummated until the results of competitive bidding pursuant to Rule U-50 should be made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed, and subject to a reservation of jurisdiction with respect to the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions; and

Middle South having filed a further amendment to its declaration setting forth that in response to its public invitations for proposals to purchase the said stock the following bids were received:

Underwriters	Price to company (per share)
Blyth & Co., Inc.	$21.48
Kidder, Peabody & Co.; Merrill Lynch, Pierce, Fenner & Beane	21.439
Lehman Bros.	21.335
The First Boston Corp.	21.239
Union Securities Corp.; Equitable Securities Corp.	21.106

Said amendment further setting forth that Middle South has accepted the bid of the underwriting group headed by Blyth & Co., Inc., as set forth above, and that said shares of common stock are to be reoffered to the public at a price of $21.95 per share, resulting in underwriter's compensation of $0.47 per share, and an aggregate underwriting spread of $282,000; and

The record having also been completed with respect to fees and expenses in connection with the proposed transactions which fees and expenses are estimated in the aggregate amount of $77,000 including legal fees in the amount of $7,000 for Cahill, Gordon, Zachry & Reindel, counsel for the company, and said amendment also setting forth the fee of Beekman & Bogue, counsel for the underwriters, in the amount of $6,000, which fee is to be paid by the successful purchasers; and

The Commission having examined said amendment and having considered the record herein, the Commission finding that the fees proposed to be paid are not unreasonable, and the Commission observing no basis for adverse findings or the imposition of terms and conditions with respect to the matters set forth in said amendment:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as the result of competitive bidding under Rule U-50, and with respect to fees and expenses in connection with the issuance and sale of the said common stock be, and the same hereby is, released and that said declaration, as amended be, and the same hereby is permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3331; Filed, Mar. 24, 1952; 8:46 a. m.]

[File No. 812-764 and 812-768]

LEHMAN CORP. AND MONTEREY OIL CO.

NOTICE OF APPLICATIONS

MARCH 19, 1952.

Notice is hereby given that The Lehman Corporation (Applicant), One William Street, New York 4, New York, a registered investment company, has filed applications pursuant to sections 17 (b) and 10 (f) of the Investment Company Act of 1940 for an order of the Commission: (1) exempting from the provisions of sections 17 (a) (1), 17 (a) (2) and 10 (f) of said act the proposed transfer by Applicant to Monterey Oil Company (Monterey) of certain shares of Monterey preferred stock in exchange for shares of common stock of Beckman Instruments, Inc. (Beckman) in the transaction hereinafter outlined; and, (2) exempting from the provisions of section 17 (a) (2) of said act the purchase from Applicant by Monterey, from time to time of shares of Monterey preferred stock owned by Applicant at a purchase price of $101 per share.

Background of the proposed transactions. In late 1950 a limited number of investors, including Applicant and Lehman Brothers, its investment adviser, purchased at par all of the authorized capital stock of Edison Oil Company (now Monterey) which consisted of 70,000 shares of $100 par value 4 percent preferred stock and 70,000 shares of $1 par value common stock. Monetey acquired, with the proceeds from the sale of its stock and a bank loan, 47,921 shares of the voting stock of Jergins Oil Company (Jergins). The shares of Jergins owned by Monterey now represent approximately 70 percent of the outstanding voting stock of that company and the remaining 30 percent of such stock is owned by Wilmington Associates, Inc. (Wilmington), a corporation of which certain Monterey stockholders, not including the Applicant, had also invested. Jergins is in process of liquidation and Monterey and Wilmington have applied certain proceeds of liquidation received by them to purchase and retire at 101 percent of par 30 percent of their original outstanding preferred shares. Applicant now owns 7,000 shares of preferred and 9,680 shares of common stock of Monterey. Lehman Brothers owns 6,300 shares of preferred stock and 10,564 shares of common stock of Monterey, and, in addition, it also owns 700 shares of preferred stock and 2,418 shares of common stock of Wilmington.

Jergins has distributed certain of its assets in kind, including 10,131 shares (31.4 percent) of the outstanding common stock of Beckman and 6,375 shares (63.75 percent) of the outstanding capital stock of Helipot Corporation (Helipot). Beckman and Helipot both manufacture electronic-optical type detection meters. Beckman is splitting its common stock on a thirty-for-one basis and thereafter will offer to exchange 37,175 shares of its new common stock for all of the outstanding capital stock of Helipot. The exchange basis is 3.7175 shares of new common stock of Beckman for each share of capital stock of Helipot. It is expected that the exchange will be completed by March 1, 1952, and that Helipot thereafter will be a wholly-owned subsidiary of Beckman. As a result of the above transactions Monterey will own 229,351 shares of common stock of Beckman. Wilmington, the other Jergins stockholder, will own 98,278 shares of such common stock. Both Monterey and Wilmington intend to dispose of their stockholdings in Beckman in order to effect a reduction in their respective outstanding preferred stocks.

Beckman has filed a registration statement under the Securities Act of 1933 covering 390,305 shares of its common stock, of which 75,000 shares represent authorized and unissued shares to be sold to underwriters by the company and the balance of such shares are to be sold by selling stockholders, including Monterey and Wilmington.

The transactions for which exemptions are requested. Monterey has reserved 114,675 shares of its holdings of Beckman common stock to offer to the holders of its outstanding preferred stock in exchange for such stock. Each preferred stockholder will be entitled to receive his pro rata portion of such block of stock in exchange for preferred stock. For the purposes of the exchange the Monterey preferred stock is to be priced at par ($100) and the Beckman common stock is to be priced at the price per share (after underwriting discount but before expenses) to be received by Beckman for the stock it will sell to underwriters. Any fraction of a share of Monterey preferred stock received in exchange wil be paid for in cash. The balance of the common stock of Beckman owned by Monterey including any shares not taken down or exchange by the holders of Monterey preferred stock, will be sold to underwriters at the same price to be paid by the underwriters for the common stock purchased from Beckman. Applicant has been advised that the proceeds to Monterey from the sale of its Beckman common stock will be used to purchase and retire at $101 per share additional shares of its preferred stock with the ultimate purpose of purchasing and retiring all of its preferred stock now outstanding. Wilmington intends to dispose of its holdings of Beckman common stock in the same manner and to use the proceeds from the sale of such stock to purchase and retire certain shares of its preferred stock.

Lehman Brothers is to be a principal underwriter of the Beckman common stock offered to the public and it will act as the representative of the several underwriters in connection with such offering. Applicant states that it desires

to the full extent permitted by the exchange offer of Monterey, to exchange certain of the shares of preferred stock of Monterey owned by it for shares of common stock of Beckman, which it will hold for investment, and in addition to tender for purchase by Monterey any additional shares of Monterey preferred stock as Monterey may from time to time offer to purchase at the price of $101 per share. Any offer by Monterey to purchase shares of its preferred stock will be available on the same terms to all of the holders of its preferred stock.

Since Lehman Brothers is a principal underwriter for the issue of the Beckman common stock being underwritten, applicant may not during the existence of the underwriting syndicate purchase Beckman common stock unless the Commission issues an order of exemption pursuant to the provisions of section 10 (f). Monterey is prohibited under the provisions of section 17 (a) (1) from selling the Beckman common stock to Applicant and under the provisions of section 17 (a) (2) it is prohibited from purchasing from Applicant shares of its preferred stock owned by the latter unless the Commission grants the application pursuant to the provisions of section 17 (b) of the act. Applicant states that: (1) the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any party concerned; (2) the proposed transactions are consistent with the policies recited in its registration statement and reports filed under the act; and (3) the proposed transactions are consistent with the general purposes of the act.

Interested persons are referred to the applications which are on file in the Washington, D. C., office of the Commission for a more detailed statement of matters of fact and law therein asserted.

Notice is further given that an order granting the applications, in whole or in part, may be issued by the Commission at any time on or after March 31, 1952, unless prior thereto a hearing upon the applications is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than March 28, 1952, at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional facts bearing upon these applications or the desirability of a hearing thereon, or request in writing that the Commission order a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the applications which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-3328; Filed, Mar. 24, 1952; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 12]

DRIED FIGS

NOTICE OF INVESTIGATION

Upon application filed March 17, 1952, by the California Fig Institute, the United States Tariff Commission, on this 19th day of March 1952, instituted an investigation under the authority of section 7 of the Trade Agreements Extension Act of 1951 (Pub. Law 50, 82d Cong.), and section 332 of the Tariff Act of 1930, to determine whether the product described below is, as a result, in whole or in part, of the duty or other customs treatment reflecting the concessions granted on such product in the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of product*
Par. 740	Dried figs.

The application filed with the Commission requests an investigation with respect to dried figs under the provisions of sections 8 and 7 of the Trade Agreements Extension Act of 1951. Section 8 (a) of that act provides in effect that in any case where the Secretary of Agriculture determines and reports to the President and to the Tariff Commission with regard to an agricultural commodity that due to the perishability of the commodity a condition exists requiring emergency treatment, the Tariff Commission shall make an immediate investigation under the provisions of section 22 of the Agricultural Adjustment Act, as amended, or section 7 of the Trade Agreements Extension Act of 1951 and make recommendations to the President for such relief as may be appropriate. Under section 8 (a) the report and findings of the Commission and the decision of the President must be made not more than 25 calendar days after the case is submitted to the Commission by the Secretary of Agriculture. No report from the Secretary of Agriculture with respect to the subject matter of this investigation has been received by the Commission as of this date. Should a report of the Secretary of Agriculture conforming to the requirements of section 8 (a) be submitted to the President and to the Tariff Commission, appropriate public notice will be given; otherwise the investigation will proceed without regard to section 8 (a).

Inspection of application: The application filed with the Commission by the California Fig Institute is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission located in Room 437 of the Custom House.

I certify that the above investigation was instituted by the Tariff Commission on the 19th day of March 1952.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 52-3332; Filed, Mar. 24, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redelegation of Authority 34]

DIRECTORS OF DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 8 OF SR 1 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. I, pursuant to Delegation of Authority No. 54 (17 F. R. 1831) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of March 14, 1952.

JOSEPH M. MCDONOUGH,
Director, Regional Office No. I.

MARCH 20, 1952.

[F. R. Doc. 52-3375; Filed, Mar. 20, 1952; 4:15 p. m.]

[Region VIII, Redelegation of Authority 28]

DIRECTORS OF DISTRICT OFFICES, REGION VIII

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 11, Revision 1, dated March 11, 1952 (17 F. R. 2145), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Eighth Region:

(a) To request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under section 9 (a), 12 (f) or 17 (b), or with respect to certificates filed under section 12 (e), of Distribution Regulation 1, Revision 1.

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under section 15, 16, or 19 of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

(c) To grant, deny, request further information or take such other action as the National Office may direct with respect to applications made by Class 2

or Class 2A slaughterers under section 9, 13 or 14 of Distribution Regulation 1, Revision 1.

(d) To grant, deny, request further information or take other appropriate action with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

(e) To grant relief, pursuant to section 19 of Distribution Regulation 1, Revision 1, in the form of registration as a Class 2 slaughterer, to a person who, prior to December 16, 1951, filed an application under section 4 of the old Distribution Regulation 1, issued February 9, 1951, and who meets the criteria for registration specified in that section.

(f) To take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b) and 20 (d) of Distribution Regulation 1, Revision 1.

This redelegation of authority shall take effect as of March 17, 1952.

LOUIS G. DE NAYER,
Acting Regional Director, Region VIII.

MARCH 20, 1952.

[F. R. Doc. 52-3376; Filed, Mar. 20, 1952; 4:15 p. m.]

[Region X, Redelegation of Authority 26]

DIRECTORS OF DISTRICT OFFICES, REGION X

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 8 OF SR 1 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 54 (17 F. R. 1831), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect on March 21, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

MARCH 20, 1952.

[F. R. Doc. 52-3377; Filed, Mar. 20, 1952; 4:15 p. m.]

[Delegation of Authority 58]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO PROCESS APPLICATIONS FOR CEILING PRICES IN CONFORMITY WITH THE COMMODITY CREDIT CORPORATION PRICE SUPPORT PROGRAM UNDER GOR 26

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 812; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Delegation of Authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to process applications for ceiling prices submitted by applicants whose main places of business are located within the region pursuant to section 3 (b) (3) of GOR 26, and to approve or disapprove the proposed ceiling prices, establish different ceiling prices, or request further information concerning the applications.

2. The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on March 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3448; Filed, Mar. 21, 1952; 4:47 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 13, Amdt. 2]

FORD MOTOR CO.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES; CLARIFICATION

Statement of considerations. Inquiries received from dealers in Ford, Mercury and Lincoln automobiles indicate that there is some misunderstanding as to whether all 1952 cars received by them at prices established by the manufacturer in accordance with the OPS Order granting the Ford Motor Company an adjustment in their prices pursuant to Supplementary Regulation 1 to Ceiling Price Regulation 1, Revision 1, may be sold by these dealers at the basic prices established in this Special Order. This amendment clarifies the intention of the Director that dealers in Ford, Mercury and Lincoln automobiles be permitted to sell all 1952 cars at prices which reflect their existing markup as required by section 402 (k) of the Defense Production Act of 1950, as amended, commonly referred to as the Herlong amendment. Those 1952 cars received by a dealer at the lower prices in effect prior to the issuance of the order granting the manufacturer the increase, must be sold at the prices in effect prior to the issuance of this Special Order.

Amendatory provisions. For the reasons set forth in the statement of considerations and pursuant to section 2 of CPR 83, this amendment to Special Order No. 13 is hereby issued.

(1) The first sentence of paragraph numbered 1 is amended to read as follows:

1. The basic prices, as defined in Ceiling Price Regulation 83, section 2, which retail and wholesale sellers will use in determining the ceiling prices of 1952 model automobiles manufactured by the Ford Motor Company and which were delivered to such sellers at prices reflecting the adjustment provided for in Letter Order 2, dated January 25, 1952, for the several body styles in each line or series are as follows:

(2) The first sentence of paragraph numbered 2 is amended to read as follows:

2. The charges for factory installed extra, special or optional equipment which wholesalers and retail sellers will use in determining the ceiling prices of 1952 model automobiles manufactured by the Ford Motor Company and which were delivered at prices reflecting the adjustment provided for in Letter Order 2, dated January 25, 1952, are as follows:

Effective date. This amendment to Special Order 13 shall become effective March 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3446; Filed, Mar. 21, 1952; 4:46 p. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 60

Washington, Wednesday, March 26, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2966

ARMED FORCES DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the armed forces of the United States serve this Nation with unselfish devotion not only in time of war, but also in time of peace; and

WHEREAS our fighting forces, welded into a unified team that symbolizes our strength as a united people, have been waging the battle of freedom in Korea and are guarding the vital interests of peace in other lands across the sea; and

WHEREAS it is fitting that we devote one day each year to paying special tribute to these defenders of our liberty:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim Saturday, May 17, 1952, as Armed Forces Day; and I direct the Secretary of Defense and the Secretaries of the Army, the Navy, and the Air Force to arrange for the military observance of that day and to cooperate with civil authorities in suitable commemorative ceremonies.

I also invite the Governors of the States, Territories, and possessions of the United States to arrange for celebrations designed to honor the members of the armed forces on the designated day; and I request all of our citizens to display the flag of the United States on that day as a token of our gratitude to the men and women of the military services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 19th day of March in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

F. R. Doc. 52-3501; Filed, Mar. 24, 1952; 4:45 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[FCA Order 542]

PART 70—LOAN INTEREST RATES AND SECURITY

INCREASE IN INTEREST RATE; ST. PAUL BANK FOR COOPERATIVES

Effective April 1, 1952, the rate of interest which may be charged by the St. Paul Bank for Cooperatives, as specified in § 70.5 of Chapter I, Title 6, Code of Federal Regulations[1] is hereby changed to 2¾ per centum per annum.

(Sec. 41, 48 Stat. 264, sec. 14, 49 Stat. 317, sec. 36, 50 Stat. 717, secs. 34, 38, 48 Stat. 262, 264, sec. 13, 49 Stat. 317, sec. 35, 50 Stat. 717, sec. 8, 46 Stat. 14, sec. 54, 48 Stat. 266, sec. 11, 49 Stat. 316, sec. 5, 50 Stat. 704; 12 U. S. C. 1134c, 1134j, 1141f. E. O. 6084, Mar. 27, 1933)

[SEAL] I. W. DUGGAN,
Governor.

MARCH 21, 1952.

[F. R. Doc. 52-3463; Filed, Mar. 25, 1952; 8:51 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Obligations

PART 638—NAVAL STORES

SUBPART—1952 GUM NAVAL STORES PRICE SUPPORT LOAN PROGRAM

Statement with respect to the Gum Naval Stores Price Support Loan Program for the calendar year 1952, formulated by the Commodity Credit Corporation and the Production and Marketing Administration (hereinafter referred to as "CCC" and "PMA").

Sec.
638.301 Administration.
638.302 Eligible producer.
638.303 Eligible naval stores.

[1] 17 F. R. 1493.

(Continued on p. 2589)

CONTENTS

THE PRESIDENT

Proclamation — Page
Armed Forces Day, 1952 2587

EXECUTIVE AGENCIES

Agriculture Department
See Animal Industry Bureau; Commodity Credit Corporation; Farm Credit Administration; Production and Marketing Administration.

Animal Industry Bureau
Proposed rule making:
Interstate transportation of animals and poultry 2626
Meat inspection regulations 2624
Rules and regulations:
Goats; recognition of breeds and books of record of purebred animals 2591

Canal Zone
Rules and regulations:
Public lands, military and naval reservations; Curundu Military Reservation 2622
Revising boundary 2622

Civil Aeronautics Administration
Rules and regulations:
Minimum en route instrument altitudes; alterations 2591

Civil Aeronautics Board
Notices:
Island Air Ferries, Inc., renewal case; hearing 2632
Proposed rule making:
Air traffic rules 2629

Commerce Department
See Civil Aeronautics Administration; International Trade, Office of; National Production Authority; National Shipping Authority.

Commodity Credit Corporation
Rules and regulations:
Naval stores; 1952 gum naval stores price support loan program 2587

Customs Bureau
Notices:
Petroleum oil foots; prospective tariff classification 2630

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CONTENTS—Continued

Defense Production Administration Page

Notices:
Request to participate in the formation and activities of an Army Ordnance Integration Committee on mortar shell.. 2632

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board.

Farm Credit Administration
Rules and regulations:
Loan interest rates and security; increase in interest rate, St. Paul Bank for Cooperatives ---------- 2587

Federal Power Commission
Notices:
Hearings, etc.:
City Gas Co. of Phillipsburg et al---------- 2633

CONTENTS—Continued

Federal Power Commission—Continued Page

Notices—Continued
Hearings, etc.—Continued
Colorado Interstate Gas Co.. 2633
Columbia-Southern Chemical Corp---------- 2633
Mississippi Gas Co---------- 2633
Mississippi Power and Light Co. and Mississippi Valley Gas Co---------- 2633
Pacific Power & Light Co---- 2632
Scranton Electric Co-------- 2632
Transcontinental Gas Pipe Line Corp---------- 2633

Federal Security Agency
See Food and Drug Administration.

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
Hoffman & Dengrove, Inc., and Leon Levy---------- 2594
Western University, Inc., and Glennie Corinthia W. Gay.. 2595

Food and Drug Administration
Rules and regulations:
Certification of batches of antibiotic and antibiotic-containing drugs; miscellaneous amendments---------- 2600
Definitions and standards of identity:
Fruit butters---------- 2596
Fruit butters, fruit jellies, fruit preserves and related products---------- 2596
Tea standards; enforcement of Tea Production Act--------- 2601

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Housing and Home Finance Agency
See Public Housing Administration.

Indian Affairs Bureau
Rules and regulations:
Leasing of Osage Reservation lands for oil and gas mining.. 2602

Interior Department
See Indian Affairs Bureau; Land Management, Bureau of.

International Trade, Office of
Rules and regulations:
Licensing policies and related special provisions---------- 2591
Priority ratings and supply assistance assigned by OIT.. 2591
Provisions for individual and other validated licenses------ 2591

Interstate Commerce Commission
Notices:
Applications for relief:
Automobile parts from Cincinnati, Ohio, to Detroit, Mich ---------- 2634
Coal from Illinois to Fort Wayne, Ind ---------- 2634
Fertilizer and fertilizer materials from and to southern territory---------- 2633

CONTENTS—Continued

Interstate Commerce Commission—Continued Page

Notices—Continued
Applications for relief—Con.
Pipe, iron or steel, from Middle West and East to Southwest ---------- 2634
Sawdust from Memphis, Tenn., to St. Louis, Mo---- 2634
Proposed rule making:
Destruction of records with regard to cars or protective service furnished against heat or cold---------- 2630

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
California; restoration order.. 2630

Maritime Administration
See National Shipping Authority.

National Production Authority
Rules and regulations:
Strapping; revocation (M–59).. 2615

National Shipping Authority
Rules and regulations:
General Agents' compensation; miscellaneous amendments (NSA 47) (AGE–4)---------- 2615

Post Office Department
Rules and regulations:
Classification and rates of postage; parcels addressed to certain A. P. O.'s---------- 2623
Postal service, international:
Denmark, Iceland, Norway (including Spitzbergen), Sweden and Colombia------ 2623
Greece ---------- 2624

Price Stabilization, Office of
Notices:
Ceiling prices at retail:
A. N. Khouri & Bro--------- 2645
Amelia Earhart Luggage----- 2640
Amity Leather Products Co.. 2642
Annis Spotswear, Inc-------- 2640
B. V. D. Co., Inc---------- 2641
Decorative Cabinet Corp---- 2645
Dorby Co---------- 2644
F. C. Huyck & Sons (Kenwood Mills) ---------- 2642
Lee-Rowan Co---------- 2641
M. I. Naken Co---------- 2646
Munsingwear, Inc---------- 2643
Nan Buntly, Inc---------- 2641
Platt Luggage, Inc---------- 2645
Prince Gardner Co---------- 2641
Rollins Hosiery Mills, Inc---- 2646
Southern Spring Bed Co----- 2642
Trimount Clothing Co., Inc.. 2640
Wadsworth Watch Case Co., Inc ---------- 2642
Waltham Watch Co--------- 2645
Ceiling prices at retail and wholesale:
Forstner Chain Corp-------- 2644
Reo Motors, Inc---------- 2646
Sessions Clock Co---------- 2644
Westclox Division of General Time Corp ---------- 2643
Crude petroleum ceiling prices adjusted on an in-line basis; Texas:
Arneckeville Field, De Witt County---------- 2647

Price Stabilization, Office of—Continued Page
Notices—Continued
Crude petroleum ceiling prices adjusted on an in-line basis; Texas—Continued
Ham Gossett Field, Kaufman County 2648
Sam Houston Field, Walker County 2648
Rules and regulations:
Allocation records; exemption of "baby lambs" from grading and gradcmarking requirements during April 1952 (DR 2) 2607
Area milk price adjustments; New York metropolitan milk marketing area, N. Y., miscellaneous amendments (GCPR, SR 63, AMPR 1) 2614
Ceiling prices:
Certain sales at retail and wholesale (GCPR, SR 29, Coll. 1) 2611
Lamb, yearling and mutton products sold at wholesale; sales of baby lamb carcasses during April 1952 (CPR 92) 2606
Pacific Northwest logs (CPR 97, Coll. 1) 2607
Sales of used passenger automobiles; financing charges (CPR 94, Int. 1) 2606

Production and Marketing Administration
Proposed rule making:
Milk handling in Philadelphia, Pa., marketing area 2627

Public Housing Administration
Notices:
Assistant Commissioner or Deputy Assistant Commissioner for Development; Central Office organization and final delegations of authority 2633

Rent Stabilization, Office of
Rules and regulations:
Miscellaneous amendments:
Hotels 2620
Housing 2616
Rooms in rooming houses and other establishments 2618

Salary Stabilization Board
Rules and regulations:
Profit sharing and other bonuses (Int. 3) 2614

Securities and Exchange Commission
Notices:
Hearings, etc.:
Alabama Power Co 2639
Columbia Gas System, Inc 2638
Interstate Power Co 2635
Narragansett Electric Co 2635
New England Electric System and Connecticut River Power Co 2636
Niagara Mohawk Power Corp 2640
Northern Natural Gas Co. and Peoples Natural Gas Co 2638
Public Service Co. of New Hampshire 2636
South Jersey Gas Co 2637
Suburban Gas and Electric Co 2637
United Gas Corp 2638
Worcester County Electric Co 2637

CONTENTS—Continued

Treasury Department Page
See also Customs Bureau.
Rules and regulations:
Federal process agents of surety companies; miscellaneous amendments 2605

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries 2631

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter I (Proclamations):
2966 2587
Chapter II (Executive orders):
6713 (see CZO 26) 2622

Title 6
Chapter I:
Part 70 2587
Chapter IV:
Part 638 2587

Title 7
Chapter IX:
Part 961 (proposed) 2627

Title 9
Chapter I:
Part 7 (proposed) 2624
Part 8 (proposed) 2624
Part 9 (proposed) 2624
Part 14 (proposed) 2624
Part 16 (proposed) 2624
Part 17 (proposed) 2624
Part 18 (proposed) 2624
Part 19 (proposed) 2624
Part 24 (proposed) 2624
Part 71 (proposed) 2626
Part 78 (proposed) 2626
Part 151 2591

Title 14
Chapter I:
Part 60 (proposed) 2629
Chapter II:
Part 610 2591

Title 15
Chapter III:
Part 372 2591
Part 373 2591
Part 398 2591

Title 16
Chapter I:
Part 3 (2 documents) 2594, 2595

Title 21
Chapter I:
Part 29 2597
Part 146 2600
Part 170 2601

Title 25
Chapter I:
Part 180 2602

Title 31
Chapter II:
Part 224 2605

Title 32A
Chapter III (OPS):
CPR 92 2606
CPR 94, Int. 1 2606
CPR 97 2607

CODIFICATION GUIDE—Con.

Title 32A—Continued Page
Chapter III (OPS)—Continued
GCPR, SR 29 2611
GCPR, SR 63, AMPR 1 2614
DR 2 2607
Chapter IV:
Subchapter A (SSB):
Int. 3 2614
Chapter VI (NPA):
M-59 2615
Chapter XVIII (NSA):
AGE-4 2615
Chapter XXI (ORS):
RR 1 2616
RR 2 2618
RR 3 2620

Title 35
Chapter I:
Part 21 2622
Appendix (Canal Zone orders):
26 2622

Title 39
Chapter I:
Part 34 2623
Part 127 (2 documents) 2623, 2624

Title 49
Chapter I:
Part 110 (proposed) 2630

Sec.
638.304 Eligible turpentine.
638.305 Eligible rosin.
638.306 Eligible oleoresin.
638.307 Eligible metal drums.
638.308 Availability of loans.
638.309 Rate of loan to producers.
638.310 Storage provisions.
638.311 Maturity.
638.312 Redemption.
638.313 Rights of CCC upon maturity.
638.314 Disposition of proceeds upon liquidation.
638.315 Personal liability.

AUTHORITY: §§ 638.301 to 638.315, issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 301, 63 Stat. 1053; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447.

§ 638.301 *Administration.* The Naval Stores Division, Tobacco Branch, PMA, will supervise the administration of the program. CCC will make a loan to the American Turpentine Farmers Association Cooperative, Valdosta, Georgia (hereinafter referred to as the "Association"), under a Loan Agreement which will enable the Association in turn to make loans to eligible producers on eligible naval stores, to supervise the maintenance of the collateral in storage, to perform related field administration functions, to arrange for redemptions, and to collaborate in the liquidation of unredeemed collateral. The PMA Commodity Office, New Orleans, Louisiana, will perform accounting and auditing functions.

§ 638.302 *Eligible producer.* A producer will be eligible for loan if he (a) is a member of the Association under membership requirements approved by CCC (no producer who is otherwise eligible may be excluded from membership in the Association), (b) is a cooperator in the 1952 Naval Stores Conservation Program of the United States Department of Agriculture or otherwise follows good conservation practices, as

determined by such Department, (c) has made satisfactory arrangements to pay any indebtedness to the United States Department of Agriculture or any agency thereof, as evidenced by the registers of indebtedness maintained by the County Committees of the PMA, United States Department of Agriculture, and (d) has executed, and has not breached his obligations under, the Producer's Marketing Agreement (ATFA Form 1–1952), or any other similar agreement.

§ 638.303 *Eligible naval stores.* "Eligible naval stores" are eligible turpentine, eligible rosin and the turpentine and rosin content in eligible oleoresin.

§ 638.304 *Eligible turpentine.* "Eligible turpentine" is gum turpentine which (a) was produced from eligible oleoresin, (b) is free and clear from all liens and encumbrances, (c) has not been theretofore pledged for a loan and in which the beneficial interest is and always has been in the producer, (d) is "water-white" in color, (e) is free from excess resin acids, as evidenced by a total acid number of not more than 0.50, and (f) conforms as to specific gravity to Federal Specifications TT–T–801, to wit: A maximum of 0.875 and a minimum of 0.860 taken at 60 degrees over 60 degrees Fahrenheit.

§ 638.305 *Eligible rosin.* "Eligible rosin" is gum rosin which (a) was produced from eligible oleoresin, (b) grades "G" or better, (c) is free and clear from all liens and encumbrances, (d) has not been theretofore pledged for a loan and in which the beneficial interest is and always has been in the producer, (e) is packed to the net weight approved by CCC, in eligible metal drums, (f) is transparent, (g) is free from visible foreign materials and contains no extraneous matter resulting from chemical or other treatment of the rosin, or of the oleoresin or the trees from which it came, and (h) conforms as to softening point to not less than Federal Specifications LLL–R–626, to wit: 158 degrees Fahrenheit (American Society for Testing Materials Method No. E 28–42T). Rosin must be Federally inspected and weighed or the weights checked prior to tender for loan.

§ 638.306 *Eligible oleoresin.* "Eligible oleoresin" is oleoresin (a) which was produced in 1952 in the United States by an eligible producer, (b) which is free and clear from all liens and encumbrances, (c) the turpentine or rosin content in which has not been theretofore pledged for a loan and the beneficial interest in which is and always has been in the producer, and (d) which will yield turpentine of the prescribed quality, and rosin of the prescribed grades and quality. When a producer's eligible oleoresin was commingled with oleoresin produced by other producers in the processing operation, the turpentine and rosin tendered for loan by the producer as representing the processed equivalent of his eligible oleoresin will be deemed to be, if otherwise eligible, eligible turpentine and eligible rosin produced by such producer.

§ 638.307 *Eligible metal drums.* "Eligible metal drums" are drums conforming to the specifications for metal drums approved by CCC and on file in the office of the Association.

§ 638.308 *Availability of loans.* (a) Under the Loan Agreement, CCC will make a loan to the Association for the purpose of enabling the Association to make loans available, or to make loans, to eligible producers of eligible naval stores produced in 1952. The loan to the Association will be in an amount equal to (1) the amount of the loans made by the Association to producers, (2) the administrative and operating expenses, approved by CCC, incurred by the Association in connection with making loans available and the making of loans, and the handling and preservation of pledged naval stores, (3) the storage charges after naval stores are pledged, and (4) an indemnification charge to cover the assumption by CCC of the risk of loss on rosin and rosin content in oleoresin (the storage rate for turpentine includes insurance).

(b) Each producer desiring to obtain loans will execute a Producer's Marketing Agreement with the Association. Each loan will be secured by a pledge by the producer to the Association of eligible turpentine, eligible rosin, or unprocessed turpentine or rosin content in eligible oleoresin, and the Association, in turn, will pledge the same to CCC as security for the loan made by CCC to the Association. Loans on rosin will be made only on full drums thereof, and loans on the rosin content in oleoresin, only upon the equivalent of full drums thereof. No loans will be made later than December 31, 1952.

(c) Eligible naval stores will be deemed tendered for loan by the producer to the Association only when such naval stores have been (1) processed (except where unprocessed turpentine or rosin content in oleoresin is offered for loan), (2) placed in storage in the custody of an approved warehouseman who has executed a Warehouse Agreement (ATFA Form 2–1952), and (3) offered for loan on a Producer's Offer (ATFA Form 3A–1952). If there are any liens or encumbrances on the naval stores offered for loan, proper waivers are required on a Lienholder's Waiver and Agreement (ATFA Form 3–1952).

§ 638.309 *Rate of loan to producers.* The Association will make loans to producers based on the rate of $129.72 per naval stores production unit, comprised of fifty (50) gallons of turpentine and fourteen hundred (1400) pounds of rosin; this rate will remain fixed throughout the loan period. Initially, the production unit rate of $129.72 will be allocated to the individual commodities to provide a loan rate for turpentine of fifty cents (50¢) per gallon of 7.2 pounds in bulk, and a loan rate for rosin of grades X to G, inclusive, of $7.48 per hundred pounds net packed in eligible metal drums. CCC reserves the right to revise such allocation of loan values between turpentine and rosin during the loan period, within the fixed production unit loan rate. The amount which the Association will lend to any producer will be determined by applying the applicable loan rates in effect for turpentine and rosin on the date of the applicable Producer's Offer to the quantities thereof tendered for loan.

§ 638.310 *Storage provisions.* The producer will be required to place naval stores offered for loan in storage in the custody of an approved warehouseman who has executed a Warehouse Agreement with the Association. This agreement will be assigned by the Association to CCC. All processing charges, including the cost of eligible metal drums for rosin, and all storage and other warehouse charges to the date of tender for loan will be borne by the producer. Storage charges accruing after the naval stores are pledged are payable to CCC, and comprise part of the loan by CCC to the Association.

§ 638.311 *Maturity.* The loan made by CCC to the Association and the loans made by the Association to producers will be due and payable upon demand, or on April 1, 1953, whichever is earlier.

§ 638.312 *Redemption.* (a) Subject to terms and conditions of the Producer's Marketing Agreement, the producer may redeem pledged naval stores, prior to maturity of the loan, upon application to the Association and payment of the redemption price. The producer's right to redeem may be exercised for him and in his behalf by the Association and the producer's exercise of the right of redemption is subject to the prior exercise thereof by the Association. Subject to the terms and conditions of the Loan Agreement, the Association may redeem naval stores pledged by the Association to CCC, upon application to CCC therefor prior to the maturity of the loan and payment of the redemption price.

(b) The redemption price will be the weighted average amount loaned by Commodity to the Association on pledged turpentine or rosin or the content thereof in oleoresin, including applicable expenses and charges, plus interest at the rate of three and one-half percent (3½ percent) per annum.

§ 638.313 *Rights of CCC upon maturity.* CCC will have the right at any time after maturity of the loan to sell, assign, transfer and deliver the pledged naval stores, or documents evidencing title thereto, at such time, in such manner, and upon such terms and conditions as CCC may determine.

§ 638.314 *Disposition of proceeds upon liquidation.* CCC will apply the net proceeds from the disposition of pledged naval stores (a) towards satisfaction of accrued interest, (b) towards satisfaction of the principal amount loaned, and (c) towards the satisfaction of any other indebtedness of the Association to CCC. In the event that any sum remains after application of these amounts, such sum will be returned to the Association by CCC for disposition by the Association to its producer-member participants, or for and in behalf of its producer-members, on an equitable basis as determined by the Association with the approval of CCC.

§ 638.315 *Personal liability.* The loans will be non-recourse, except that

any fraudulent representation by the producer or the Association in the loan documents, or in obtaining a loan, will render him or it subject to criminal prosecution under applicable law, and personally liable for the amount by which the proceeds received upon the disposition of the pledged naval stores are less than the amount of indebtedness incurred by the Association with respect thereto.

Issued this 21st day of March 1952.

[SEAL] ELMER F. KRUSE,
Vice-President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-3462; Filed, Mar. 25, 1952; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 379, Amdt. 17]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

GOATS

On January 29, 1952, a notice of rule making was published in the FEDERAL REGISTER (17 F. R. 867) regarding the proposed withdrawal of recognition by the Secretary of Agriculture of the Anglo-Nubian Section of the book of record entitled "British Goat Society Herd Book," sponsored by the British Goat Society, Diss, Norfolk, England, of which Miss M. F. Rigg is Secretary.

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Sup. IV, sec. 1201, par. 1606), hereby withdraws recognition of the Anglo-Nubian Section of the said book of record, and hereby amends the subdivision of § 151.10 (a) of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR, 1950 Supp., 151.10 (a)), entitled "Goats," by deleting the words "Anglo-Nubian" from the designation of the book of record and from the list of breeds in the said subdivision. As so amended, the subdivision reads as follows:

GOATS

Name of breed	Book of record	By whom published
Saanen and Toggenburg.	British Goat Society Herd Book (Saanen and Toggenburg sections).	British Goat Society, Miss M. F. Rigg, secretary, Diss, Norfolk, England.

(Par. 1606, 46 Stat. 673, as amended; 19 U. S. C. 1201, Par. 1606)

The foregoing amendment shall become effective on the 28th day of April 1952.

Done at Washington, D. C., this 21st day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3415; Filed, Mar. 25, 1952; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 6]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The minimum en route instrument altitude alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows:

1. Section 610.637 *Blue Civil Airway No. 37* is amended to read in part:

From—	To—	Min. alt.
Medicine Bow (INT), Wyo.	Casper, Wyo. (LFR)--	[1] 11,000

[1] 9,000'—minimum crossing altitude at Casper (LFR), south-bound.

2. Section 610.663 *Blue Civil Airway No. 63* is amended to eliminate:

From—	To—	Min. alt.
Pomona (INT), Kans.-	Topeka, Kans. (Var)--	2,400

3. Section 610.676 *Blue Civil Airway No. 76* is amended to read in part:

From—	To—	Min. alt.
Casper Wyo. (LFR)---	Sinclair, Wyo. (LFR).	[1] 11,000

[1] 9,000'—minimum crossing altitude at Casper (LFR), southwest-bound.

4. Section 610.680 *Blue Civil Airway No. 80* is added to read:

From—	To—	Min. alt.
Garden City, Kans. (LFR).	Goodland, Kans. (RBN).	5,000

5. Section 610.19 *Green Civil Airway No. 9* is amended to read in part:

From—	To—	Min. alt.
Honolulu, T. H. (LFR).	North Maui (INT), T. H.	6,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective March 25, 1952.

[SEAL] F. B. LEE,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 52-3492; Filed, Mar. 25, 1952; 9:12 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 99 [1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 372.3 *How to file an application for export license* is amended in the following particulars:

Note 7: *Clearance by teletype* following paragraph (c) *Information required* is amended by adding at the end thereof the following sentence:

In such cases, the license is not sent to the licensee, but to the collector of customs with whom the clearance has been authorized by OIT.

This part of the amendment shall become effective as of March 13, 1952.

Paragraph (d) *Data supplementing the license application* is amended to read as follows:

(d) *Data supplementing the license application* [2]—(1) *Scope.* The provisions of this paragraph apply to all proposed shipments for which validated export licenses are required where the country of ultimate destination is a country in Group R, unless the license application covering the proposed shipment shows that one or more of the following conditions are present:

(i) The application for license to export the proposed shipment is covered by an import certificate submitted in accordance with § 373.34 of this subchapter.

(ii) The total value of the shipment, as shown on the license application, is less than $500 and the shipment is not covered by a multiple transaction statement submitted in accordance with subparagraph (3) of this paragraph.

[1] This amendment was published in Current Export Bulletin No. 662, dated March 13, 1952. The amendments to Note 7, following § 372.3 (c), to § 372.4, and § 373.30 of this subchapter are published in the reprint pages of the Comprehensive Export Schedule, dated March 13, 1952.

[2] Effective July 1, 1952, but this procedure may be followed by exporters immediately if they so wish. Otherwise, prior to July 1, 1952, provisions of this paragraph in effect prior to this amendment are applicable.

(iii) Shipment will be made under a project license issued or to be issued as set forth in Part 374 of this sub-chapter.

(iv) The ultimate consignee named in the license application is a foreign government or foreign government agency, and the foreign purchaser (if different from the ultimate consignee) is also a foreign government or a foreign government agency.

(v) Shipment will be made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, Department of State, to a member agency in the foreign country.

NOTE: These facts and representations set forth in subparagraph (2) of this paragraph need not be made by the ultimate consignee where the license applicant is the same person as the ultimate consignee in the country of ultimate destination provided the applicant furnishes on his license application all the applicable information required in sub-paragraph (2) of this paragraph. This condition is not present where the applicant and consignee are separate entities, such as parent and subsidiary, or affiliated or associated firms.

(2) *Statement from ultimate consignee.* The applicant must attach to each license application to export any commodity to a Group R destination a true copy of a statement or order manually signed by a responsible official of the ultimate consignee named in his application, certifying the following facts with respect to each commodity. Such statements may be submitted on Form IT–842,[3] or in the form of a letter, wire or cable. Statements from the ultimate consignee by wire or cable may be accepted even though not signed manually.

(i) The ultimate destination of the commodity or commodities described in the application (items 9 and 10 of Form IT–842).

(ii) The end-use of such commodity or commodities, which must be a detailed description of the specific use to which the commodity or commodities will be put in the country of ultimate destination. If the ultimate consignee intends to distribute or resell, such statement must either contain assurance that distribution and resale will be made only in the country named as ultimate destination or must name all of the other countries in which resale or distribution will be made. The ultimate consignee must also describe the types of customers to whom the resale or distribution will be made and the specific end-use to be made of the commodity by such customers. If the ultimate consignee or his customers will use the commodity to produce other end products, these must be named and the country or countries in which such end products will be distributed must also be named, if these facts are known (items 7 and 10 of Form IT–842).

(iii) A description of the export transaction sufficient to identify it as the same transaction described in the application (items 1, 2, 3, 4, and 5 of Form IT–842).

(iv) That the ultimate consignee will promptly send a supplemental statement to the United States exporter of any change of facts or intentions set forth in his statement which occurs after the statement has been prepared and forwarded; and that with respect to any shipment which he proposes to dispose of contrary to the representations made in the statement, he will notify the U. S. exporter and will secure approval of the Office of International Trade through the U. S. exporter prior to such disposition (item 12 of Form IT–842).

(v) An undertaking that the commodity or commodities covered by the statement, and any final products thereof, will not be sold or distributed by the person making the statement, or by his customers in any country or countries not named in the statement (items 9 and 10 of Form IT–842).

NOTE: United States exporters may wish to advise their foreign importers (ultimate consignees and purchasers) to submit these statements in as many copies as the exporter requires for all license applications to be submitted in connection with the importer's order.

(3) *Multiple transaction statement from ultimate consignee.* As an alternative to subparagraph (2) of this paragraph, which provides that each application for license shall be accompanied by a separate statement specifically covering the proposed exportation described in each application, the following procedure is authorized:

Exporters who have a continuing and regular relationship with an ultimate consignee (including but not limited to applicants having foreign branches or subsidiaries or distributors under franchise with the applicant) involving recurring orders for the same kind of commodities to the same destinations and for the same end uses, may submit to the Office of International Trade the original or a copy of a statement on Form IT–843[3] manually signed by a responsible official of the ultimate consignee covering all proposed exportations of such commodities for any part or all of the year beginning July 1, 1952, and ending June 30, 1953. If this procedure is used, the exporter shall also submit two copies[4] of the statement, plus an additional copy for each OIT processing code to which the statement applies. When submitting such statements, the exporter must attach a list of the processing codes to which the statement applies.

All applications for licenses submitted on the basis of a multiple transaction statement under this procedure must contain the following:

"This application is supported by the statement dated_____ from the named consignee to this applicant.

The statement must be signed by the ultimate consignee, and must contain the following representations and certify as to the following facts:

(i) That the statement shall be considered a part of every application for license filed by the named applicant for export of the commodity or commodities described in the statement (item 4 of Form IT-843).

(ii) That the ultimate consignee will promptly send a supplemental statement to the United States exporter of any change of facts or intentions set forth in the statement which occurs after the statement has been prepared and forwarded; and that, with respect to any shipment which he proposes to dispose of contrary to the representations made in the statement he will notify the U. S. exporter and will secure approval of the Office of International Trade through the U. S. exporter prior to such disposition (item 13 of Form IT–843).

(iii) The nature of the ultimate consignee's business, including whether he is the user, seller, etc., of the commodities described in the application (item 6 of Form IT–843).

(iv) The nature of the consignee's business relationship with the applicant, and how long the relationship has existed (item 7 of Form IT-843).

(v) The nature and scope or extent of the ultimate consignee's operations by country and type of customer, including the method of distribution and redistribution, if any, of the commodities covered by the statement or products thereof (items 9, 10, and 11 of Form IT–843).

(vi) The specific commodities regularly ordered by the ultimate consignee and the respective end-uses thereof. The end-use information shall be set forth in as much detail as is known to the consignee in the course of his trade (items 5 and 8 of Form IT–843).

(vii) If the ultimate consignee regularly sells or distributes a commodity or commodities described in the statement to a particular customer or type of customer, the ultimate consignee shall also describe the kind of products to be produced from the commodity or commodities, and to the extent known, the countries in which such products are produced and distributed (item 11 of Form IT–843).

(viii) The country or countries where the commodity or commodities covered by the statement, and any final products thereof, will be sold or distributed by the person making the statement, or by his customers (items 10 and 11 of Form IT–843).

(4) *Statement from foreign purchaser.* If a purchaser named in any such application is a different person from the named ultimate consignee, the purchaser must either sign the statement from the ultimate consignee or the applicant must also attach to the application the additional statement or order (or wire or cable) executed by such purchaser covering the same subject matter as that required to be furnished by the ultimate consignee.

EXPLANATORY STATEMENT AND INTERPRETATIONS

1. Q. What is the multiple transactions procedure?

[3] Filed as part of the original amendment. Forms IT–842 and IT–843 may be obtained at all Department of Commerce Field Offices and from the Office of International Trade, Department of Commerce, Washington 25, D. C. Foreign importers may obtain copies of Forms IT–842 and IT–843 from their United States exporters or from any United States Diplomatic and Consular Office abroad.

[4] The U. S. exporter may submit the original statement in lieu of one true copy, if desired. Each copy submitted but not manually signed by the consignee or purchaser must be certified to be a true copy of the original, as provided in § 372.9.

A. Many exporters have a continuing and regular relationship with certain of their foreign consignees involving recurring orders for the same kinds of commodities to the same ultimate destinations and for the same end-uses. Such cases include, but are not limited to, firms having foreign branches or subsidiaries or franchised distributors. With respect to such transactions, it is recognized that the requirement of individual "ultimate-consignee" statements with each application may be unnecessarily repetitious and possibly burdensome. To meet this problem the multiple transactions procedure has been established by which the Office of International Trade will accept a single statement from the ultimate consignee covering the information required by the regulation.

Under the multiple transactions procedure, the single statement will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until the date shown on the statement as its expiration date. However, if the statement does not contain any date for expiration, or if the date is December 31, 1951, or March 31, 1952, the statement will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until June 30, 1952. If there is any future change in the matters set forth in the statement, the consignee must promptly send the applicant a supplemental statement reflecting such change. The statement must be signed by a responsible official of the ultimate consignee who may be located either in the United States or abroad.

Under the multiple transaction procedure, the statement (Form IT–843) will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until the date shown on the statement as its expiration date. However, if the statement does not contain any date for expiration, the statement will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until June 30, 1953.

2. Q. What is the purpose of the Ultimate Consignee Statement Regulation?

A. Applicants have always been required to submit on their applications information regarding the ultimate destination and end-use of the commodities to be exported. It had been OIT practice to rely largely upon the applicant's own representations in this regard, supplemented, in proper cases, by direct inquiries here and abroad to verify such representations. Many applicants have regularly been obtaining information of this character from their customers to provide assurance to themselves for the representations which they have been required to make in their applications. Moreover, such information has been readily made available to OIT by applicants and foreign consignees in specific instances.

The regulation is intended simply to regularize these practices and, more specifically, to make more certain that foreign consignees are fully aware of their responsibility not only for the representations made to OIT but also for the proper disposition of the licensed commodities in the foreign country. In addition, it should facilitate the processing of applications and curtail the expensive and time-consuming supplementary inquiries now often necessary.

3. Q. To what cases does this requirement apply?

A. The statement is required only in connection with applications for validated licenses to ship commodities to Group R destinations (except project licenses, for which such information is already required).

4. Q. From whom is the statement required?

A. The statement must be furnished by the firm or individual that will be named as ultimate consignee on the application and also from the firm or individual that will be named as purchaser on the application, if not the same as the named ultimate consignee.

5. Q. Is any particular form of statement required by OIT?

A. Statements submitted under the multiple procedure must be on Form IT–843. Individual statements may be submitted on Form IT–842, or in the form of a letter, wire, cable, or other statement provided that all the required information is supplied. No form of notarial or other government certification is necessary.

6. Q. Must all the specified items of information be covered in the statement?

A. Yes, to the extent they are pertinent. This is an information-seeking requirement and, therefore, is satisfied by the furnishing of all applicable information. Of course, if applicable information is unknown, that fact should also be disclosed.

7. Q. What is the liability of the ultimate consignee or purchaser for misrepresentations, failure to disclose facts or for disposition of commodities contrary to representations made in the required statement?

A. Depending upon the particular circumstances, such ultimate consignee or purchaser may be subject to administrative action by OIT, looking to suspension or revocation of licensing privileges and denial of other participation in U. S. exports.

8. Q. Will submission of the required information in a statement from the consignee assure the approval of a particular license application?

A. Favorable action is, of course, not assured by the submission of the end-use and destination statement from the consignee. While information regarding end-use and destination are essential, other criteria and policies will have to be considered in connection with the issuance of licenses.

9. Q. When the ultimate consignee is a foreign government does this regulation apply?

A. Where the ultimate consignee named in the application is a government or government agency, no statement by such consignee as to end-use and destination will be required. However, if a purchaser other than the foreign government or government agency is named on the application in such a transaction, a statement from the purchaser will be required.

10. Q. When exportations are financed by U. S. or International agencies, such as MSA, Export-Import Bank, International Bank, MDAP, etc., will the statement of end-use and destination be required?

A. Yes, because government financing generally is not made with reference to specific transactions.

11. Q. If the foreign party placing the order with the U. S. applicant is a reselier, from whom is the consignee statement required?

A. (a) When the foreign consignee, who placed the order with the U. S. supplier, is a reseller of goods to whom the U. S. supplier ships directly, the reseiler is properly designated as the "ultimate consignee," and a statement from him is required designating the end-use as "resale," plus the other pertinent facts required by the regulation.

(b) If the U. S. exporter ships directly to the customer of the foreign reselicr, the reseller must be designated as the purchaser, and the customer of the reseller as ultimate consignee. An end-usc and destination statement will be required from each of these parties. For example:

If a foreign distributor of automobiles, orders and receives delivery of a shipment from his U. S. supplier, such a distributor shall be designated as the ultimate consignee and a statement of end-use and destination from him is required. However, if the foreign distributor places the order with his U. S. supplier with instructions to ship directly to his customer, then the foreign distributor's customer must be designated as ultimate consignee. A statement from each of these parties is required.

In the case of highly strategic commodities and other commodities licensed principally on the basis of end-use, the OIT, after receipt of the application, may require additional information (in accordance with the provisions of § 372.10) regarding the use to be made of the commodity by the actual user or consumer, when such additional information is deemed necessary to a proper consideration of the application. This may also include a requirement for a written statement from the actual end-user.

12. Q. Who can sign the ultimate consignee statement?

A. A responsible official of the ultimate consignee who can bind the person or firm to its commitments. This official may be located in the United States or in a foreign country.

(5) *Applications filed without statements.* Applications not supplemented by statements (where required) from the ultimate consignee or purchaser will be returned without action to the applicants. However, an applicant who can show to the satisfaction of the Department of Commerce that he has made diligent efforts to obtain such statement and has been unable to get it, may so advise the Department of Commerce in a letter attached to his application, giving the stated reasons of the ultimate consignee or purchaser for failing or refusing to give the applicant such statement.

(6) *Statement; commodities added to Positive List.* When a commodity becomes subject to the requirements of this section by reason of having been added to the Positive List, export license applications for such commodity to Group R countries need not conform to these requirements for a period of 30 days from the time such commodities are added to the Positive List. In lieu of the end-use and ultimate consignee statement during such 30-day period, applications shall be accompanied by any evidence available to the exporter which will support the applicant's representations concerning the ultimate consignee and end-use. Such evidence may consist of copies of the letter of credit, the order for the commodities, correspondence between the exporter and the consignee, or other documents from such consignee.

NOTE: 1. *Purchase order.* The statement from the ultimate consignee and purchaser may cover more than one purchase order and one purchase order may involve several commodities; however, the statement shall relate only to purchase orders placed by a single ultimate consignee and a single purchaser with a single United States exporter.

2. *Submission of statements covering several applications.* Where the statement covers commodities for which more than one export license application must be submitted, a true copy of the statement shall be attached to each application to which it is equally applicable. Any application to which a true copy of the statement is attached shall contain a reference (OIT case number, if known, or applicant's reference number) to all other applications submitted at any time against the same statement.

3. *True copies and translation requirements.* "True copies" are photostatic or other copies of an original document which are certified by the applicant to be a true copy, either on the face of the photostatic

or other copy or on an attachment which identifies the statement. All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation. Exporters may provide their foreign customers with Forms IT–842 and IT–843 translated into the foreign language of the customers. Copies of Forms IT–842 and IT–843 in foreign languages will not be provided by the Office of International Trade. (See § 372.9.)

4. *Applicant's responsibility for full disclosure.* In submitting statements from the ultimate consignee and foreign purchaser, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations of the ultimate consignee or foreign purchaser. In accordance with the provisions of § 381.1 of this chapter, the applicant also shall bring to the attention of the Department of Commerce any change in the facts which were set forth in the first or any such supplementary statements from the ultimate consignee or purchaser and which change was brought to his notice by the ultimate consignee or purchaser subsequent to the date the statement was made.

5. *Distribution or resale.* If it is stated in a consignee's statement or on an export license application that the commodity or commodities to be exported are intended for distribution or resale in a country or countries other than the named country of ultimate destination, the validated license will specifically name the country or countries to which distribution or resale is authorized.

This part of the amendment shall become effective as of July 1, 1952.

2. Section 372.4 *License applications for in-transit shipments* is amended by changing the last portion of the section: "* * * and bear the notation "In-Transit Shipment" on the top of the application form." to read as follows: "* * * and bear the notation "In-Transit Shipment" in the commodity description column of the application form."

This part of the amendment shall become effective as of March 13, 1952.

3. Section 373.30 *Special provisions for coal and coke*, paragraph (e) *Time schedule for submission of applications* is amended to read as follows:

(e) *Time schedule for submission of applications.* License applications (including Forms IT–375 and IT–824, for project licenses) covering the above-described coal and coke shall be submitted on or before the 20th of the month preceding the month of export.

This part of the amendment shall become effective as of March 13, 1952.

4. Section 373.31 *Special provisions for synthetic rubber (GR–S) is amended to read as follows:*

§ 373.31 *Special provisions for synthetic rubber (GR–S)*—(a) *Licensing criteria.* In general, applications for licenses to export Government-produced synthetic rubber (GR–S), Schedule B No. 200901, will be considered for approval only when the end-use set forth on the application, Form IT–419, meets one of the following criteria:

(1) There is a special technical need for synthetic rubber which can not adequately be met by natural rubber;

(2) The consumer abroad is an established user of synthetic rubber and conversion to natural rubber would result in a significant disruption to his operations;

(3) The export of the particular shipment of synthetic rubber (GR–S) will promote the security interests of the United States.

(b) *Time for submission of applications.* Applications for licenses to export synthetic rubber (GR–S), Schedule B No. 200901, shall be submitted in accordance with the time schedules set forth in § 373.51 (Supplement 1; Time Schedules).

NOTE: The Reconstruction Finance Corporation will sell the Government-produced synthetic rubber (GR–S) to exporters for quantities covered by either validated licenses or quantities within the GLV dollar value.

Purchase requests should be sent to the Sales Section, Synthetic Rubber Division, RFC, Washington 25, D. C., certifying that the shipment is for export.

This part of the amendment shall become effective as of March 13, 1952.

5. Part 373 *Licensing policies and related special provisions* is amended by adding thereto a new § 373.38 to read as follows:

§ 373.38 *Special provisions for copper under the Controlled Materials Plan*—(a) *Licensing policy.* Applications for licenses to export copper under the Controlled Materials Plan will be considered for approval only where the end-use is essential to:

(1) The direct military production of the United States or a friendly foreign nation.

(2) The production abroad of strategic materials for shipment to the United States or to a friendly foreign nation.

(3) The maintenance and development of direct defense supporting industry, including facilities required to accomplish either of the two objectives mentioned in subparagraphs (1) or (2) of this paragraph.

(4) The maintenance and development of the basic economy, civilian activities, and public services of the United States or of a friendly foreign nation, including essential facilities for transportation, communication, electric power, public welfare, and industrial production (such as steel mills, food processing manufacturers, textile mills, and sugar mills).

(b) *Statement of essentiality.* Applications for licenses to export copper under the Controlled Materials Plan must state specifically the detailed end-use for which the commodity will be utilized by the ultimate consignee. Any supplementary evidence available to the exporter concerning the essentiality of the end-use for which the copper is intended should accompany the application.

(c) *Applications returned without action or disapproved.* Applications for licenses to export copper for any end-use other than those set forth in paragraph (a) of this section will be returned without action and should not be resubmitted until a revised licensing policy is officially announced by the Office of International Trade. Applications for licenses which are eligible for approval under the current licensing policy may, nevertheless, be returned without action or disapproved if export quotas are inadequate.

This part of the amendment shall become effective as of March 13, 1952.

6. Section 373.51 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding thereto the following entry and related submission date for the Second Quarter 1952:

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Second quarter 1952	Third quarter 1952
	Rubber (natural, allied gums, and synthetics) and manufactures		
200901	Synthetic rubber (GR-S)	Prior to March 31, 1952.	

This part of the amendment shall become effective as of March 13, 1952.

7. Section 398.4 *Special supply assistance for essential export requirements*, paragraph (e) *Steel drums for shipments of petroleum products* is hereby deleted.

(Sec. 3, 63 Stat. 7, Pub. Law 33, 82d Cong., 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This part of the amendment shall become effective as of March 13, 1952.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–3433; Filed, Mar. 25, 1952; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5684]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HOFFMAN & DENGROVE, INC., AND LEON LEVY

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the in-

troduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce of bolts of piece goods or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, misbranding such bolts of piece goods or other products by failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter; and, (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 722, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Hoffman & Dengrove, Inc., et al., Docket 5684, January 10, 1952]

In the Matter of Hoffman & Dengrove, Inc., a Corporation, and Leon Levy, an Individual

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said acts, the Federal Trade Commission, on July 20, 1949, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of those acts. After the filing of respondents' answers, testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly reported and filed in the office of the Commission. Respondent Leon Levy, on motion duly granted by the hearing examiner, then withdrew his original answer and filed a substitute answer in lieu thereof admitting all material allegations of fact set forth in said complaint and waiving all intervening procedure and hearings as to said facts. Thereafter, on January 12, 1951, a substitute hearing examiner, duly designated by the Commission, filed his initial decision herein (the original hearing examiner having retired and, therefore, being unavailable).

Within the time permitted by the Commission's rules of practice, counsel for respondent Hoffman & Dengrove, Inc., filed with the Commission an appeal from said initial decision. Thereafter this proceeding regularly came on for final hearing by the Commission upon the record herein, including the briefs in support of and in opposition to the appeal and oral argument of counsel, and the Commission issued its order denying said appeal.

The Commission is of the opinion, however, that the hearing examiner's initial decision is deficient in certain respects, including (1) that the order therein is incorrectly limited to products containing or represented as containing "wool" and does not relate to products containing "reprocessed wool" or "reused wool," and (2) that the order therein does not contain any requirement that the stamp, tag, label, or other means of identification affixed to a wool product contain the name or registration number of the manufacturer or a subsequent seller of such product, as provided in the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder. Therefore, the Commission, being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts, conclusion drawn therefrom and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent Hoffman & Dengrove, Inc., a corporation, and its officers, and respondent Leon Levy, an individual, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid acts, of bolts of piece goods or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such bolts of piece goods or other products by failing to affix securely to or place on such products a stamp, tag label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 10, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-3440; Filed, Mar. 25, 1952; 8:50 a. m.]

[Docket 5914]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WESTERN UNIVERSITY, INC., AND GLENNIE CORINTHIA W. GAY

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections—Individual or private business as educational, religious or research institution;* § 3.20 *Comparative data or merits;* § 3.170 *Qualities or properties of product or service.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1930 *"Degrees," and "diplomas".* Subpart—*Using misleading name—Vendor:* § 3.2410 *Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale or distribution of courses of study and instruction in commerce, (1) issuing degrees or diplomas where the sole or primary basis for such action is the payment by the recipient of a monetary consideration; (2) representing, by offering to grant or confer or through granting or conferring upon purchasers of respondents' course of home study and instruction through correspondence any so-called academic degrees, or by any other means, that corporate respondent is an accredited and standard institution of higher learning, or that its course of

instruction when pursued by correspondence is comparable to those used in recognized, standard and accredited resident institutions of higher learning; or (3) using the word "university" or any abbreviation or simulation thereof, to designate, describe or refer to respondents' school; or otherwise representing, directly or by implication, that the business conducted by respondents is a university or an educational institution of higher learning; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Western University, Inc., et al., Docket 5914, January 3, 1952]

In the Matter of Western University, Inc., a Corporation, and Glennie Corinthia W. Gay, Individually and as President of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission and respondents' answer in which they admitted all of the material allegations of fact in the complaint and waived all intervening procedure and further hearing as to such facts.

Thereafter the proceeding regularly came on for final consideration by said hearing examiner, theretofore duly designated by the Commission, upon the complaint and answer, and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on January 3, 1952.

The said order to cease and desist is as follows:

It is ordered, That respondent Western University, Inc., a corporation, and its officers, and respondent Glennie Corinthia W. Gay, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Issuing degrees or diplomas where the sole or primary basis for such action is the payment by the recipient of a monetary consideration.

2. Representing, by offering to grant or confer or through granting or conferring upon purchasers of respondents' course of home study and instruction through correspondence any so-called academic degrees, or by any other means, that corporate respondent is an accredited and standard institution of higher learning, or that its course of instruction when pursued by correspondence is comparable to those used in recognized, standard and accredited resident institutions of higher learning.

3. Using the word "university" or any abbreviation or simulation thereof, to designate, describe or refer to respondents' school; or otherwise representing, directly or by implication, that the business conducted by respondent is a university or an educational institution of higher learning.

WILLIAM L. PACK,
Hearing Examiner.

NOVEMBER 13, 1951.

By "Decision of the Commission and order to file report of compliance", Docket 5914, January 3, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: January 3, 1952.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-3441; Filed, Mar. 25, 1952; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-10 (a)]

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 30—FRUIT BUTTERS; DEFINITIONS AND STANDARDS OF IDENTITY

FINAL ORDER

In the matter of amending the definitions and standards of identity for fruit preserves, fruit jellies, and fruit butters:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055: 21 U. S. C. 341, 371) and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on November 28, 1950 (15 F. R. 8121), and upon consideration of the exceptions filed by Sugar Information, Inc., which are denied, the following order is made:

Findings of fact.[1] 1. In 1940, regulations establishing definitions and standards of identity were promulgated for three categories of fruit spreads (5 F. R. 3554). These are preserves, jams (21 CFR 29.0), fruit jelly (21 CFR 29.5), and fruit butter (21 CFR 30.0). In that part of each of these definitions and standards of identity applicable to the saccharine ingredients it is provided that corn sirup may be used in combination with other designated saccharine ingredients, provided the weight of the solids of the corn sirup is not less than one-tenth of the weight of the solids of the combination of saccharine ingredients. For preserves or jams and for fruit jellies it is further provided that the weight of the solids of the corn sirup is not more than one-half the weight of the solids of the combination. The definition and standard of identity for fruit butter, in addition to providing for the use of corn sirup in combination with other saccharine ingredients, provides that corn sirup may be used as the sole saccharine ingredient. Each of the definitions and standards of identity requires that whenever corn sirup is used it shall be named on the label, and if corn sirup is used in combination with other saccharine ingredients they also shall be named on the label. (Ex. 3)

2. Prior to the promulgation in 194 of the definitions and standards of identity described in finding 1, there was considerable trade in spreads made with a relatively low proportion of fruit ingredient and a high proportion of corn sirup. These spreads were often called "compound" or "imitation," and were generally regarded as cheap, low-quality products. Jobbers, wholesalers, retailers and some consumers of preserves, jellies and fruit butters came to associate the presence of corn sirup with such products, giving rise to the belief, now shown to be erroneous, that the presence of corn sirup in any proportion was evidence of inferiority. The label declaration of corn sirup was used by salesmen of competing brands containing no corn sirup to obtain a sales advantage. This was done by associating the corn-sirup containing product with inferior merchandise. So preserves, jellies, and fruit butters containing small amounts of corn sirup and labeled as required by the definitions and standards of identity for these foods were confused with products containing a large enough quantity of corn sirup to change their properties substantially. (R. 25-28, 34-35, 37-43, 58-59, 61-63, 66, 68-69, 72, 76, 80-89, 108, 121-122, 127, 145-147, 149-154)

3. Experience of preserve, jelly, and fruit butter manufacturers since the adoption of definitions and standards of identity for these foods has shown that where the proportion of corn sirup (based on its solids content) is not greater than 25 percent by weight of the total saccharine ingredients the sweetness of the preserve, jelly, or fruit butter is not affected, to the extent of being ordinarily discernible, although experienced tasters may, under special conditions of tasting detect a slight difference in some types of fruit spreads when a somewhat lower proportion of corn sirup is present. (R. 30-36, 41, 60-61, 70-71, 73, 77-79, 90-94, 105-106, 110, 122-126, 134, 147-149, 169-192; Ex. 9)

4. From the facts stated in findings 2, and 3 it is reasonable to conclude that the requirements dealing with corn sirup in the definitions and standards of identity for fruit preserves, jams, fruit jellies, and fruit butter should be changed to make corn sirup an optional ingredient in such foods when the proporti

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

of corn sirup (based on its solids content) does not exceed 25 percent of the weight of the combined saccharine ingredients and that a label declaration of corn sirup, when used in such amounts, may confuse the consumer. (R. 38, 71, 73, 85, 99)

5. The definitions and standards of identity for preserves, jams, fruit jellies, and fruit butters do not define the term "corn sirup." The evidence in this record shows that the corn sirup used in the experimental and commercial production of fruit spreads in compliance with the standards was the clarified, concentrated aqueous solution obtained by incomplete hydrolysis of cornstarch and the solids of the corn sirup contained not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. A more general term for sirup made by partial hydrolysis of edible starch is "glucose sirup." Glucose sirup which, except for the source of the edible starch used, conforms to the foregoing definition of corn sirup is suitable for use in fruit spreads. Corn sirup which has been dried, and which is sometimes called corn sirup solids, is likewise suitable for use in fruit spreads. Each of the definitions and standards of identity should recognize the use of glucose sirup and dried corn sirup, subject to the same conditions and requirements prescribed for the use of corn sirup. (R. 17, 19, 47, 54–55, 65)

6. The definition and standard of identity for preserves or jams provides that in certain combinations of saccharine ingredients "corn sugar or dextrose" may be used. There are corresponding provisions in the definitions and standards of identity for fruit jellies and fruit butter. Dextrose is made from starch; corn sugar is made from cornstarch. Thus the term "dextrose" encompasses corn sugar. In the fruit-spread trade, terminology has so changed that the designation "dextrose" is now used for the product which formerly was sometimes called "corn sugar." It is reasonable to simplify each of the definitions and standards of identity by deleting the words "corn sugar," wherever used, and with this change there will be no further need for the definitions and standards to include special definitions for corn sugar. (R. 5, 21, 40; Ex. 4–7)

Conclusion. It is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for fruit butters, fruit jellies, and fruit preserves and jams.

Therefore, it is ordered, That Parts 29 and 30 be amended by deleting therefrom the definitions and standards of identity for fruit butters, fruit jellies, and preserves and jams and substituting therefor new definitions and standards of identity as set forth below.

1. Part 30, Fruit Butters; Definitions and Standards of Identity, is deleted, and 30.0 is transferred to Part 29 and renumbered § 29.1.

2. The title of Part 29 is changed to read: "Part 29, Fruit Butters, Fruit Jellies, Fruit Preserves, and Related Products; Definitions and Standards of Identity."

3. Sections 29.0 and 29.5 are renumbered as §§ 29.3 and 29.2, respectively.

4. Part 29, as amended, reads as follows:

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

29.1 Fruit butter; identity; label statement of optional ingredients.
29.2 Fruit jelly; identity; label statement of optional ingredients.
29.3 Preserves, jams; identity; label statement of optional ingredients.

AUTHORITY: §§ 29.1 to 29.3 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341.

§ 29.1 *Fruit butter; identity; label statement of optional ingredients.* (a) The fruit butters for which definitions and standards of identity are prescribed by this section are the smooth, semisolid foods each of which is made from a mixture composed of not less than five parts by weight (as determined by the method prescribed in paragraph (b) (1) of this section) of one or any combination of two, three, four, or five of the optional fruit ingredients specified in paragraph (c) of this section to each two parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section, except that the use of such saccharine ingredient is not required when optional ingredient (5) is used. Such mixture may be seasoned with one or more of the following optional ingredients:

(1) Spice.

(2) Flavoring (other than artificial flavoring).

(3) Salt.

(4) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these.

Such mixture may also contain the optional ingredient:

(5) Fruit juice or diluted fruit juice or concentrated fruit juice, in a quantity not less than one-half the weight of the optional fruit ingredient.

Such mixture is concentrated by heat to such point that the soluble-solids content of the finished fruit butter is not less than 43 percent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 322, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—First Action," except that no correction is made for water-insoluble solids.

(b) (1) Any requirement of this section with respect to the weight of any optional fruit ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method:

Determine the percent of soluble solids in the optional fruit ingredient by the method prescribed for determining soluble solids in paragraph (a) of this section; multiply the percent so found by the weight of such ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or any other added solids; and multiply the remainder by the factor for such ingredient prescribed in paragraph (c) of this section. The result is the weight of the optional fruit ingredient.

(2) For the purposes of this section, the weight of fruit juice or diluted fruit juice or concentrated fruit juice (optional ingredient (a) (5)) from a fruit specified in paragraph (c) of this section is the weight of such juice, as determined by the method prescribed in paragraph (b) (1) of this section, except that the percent of soluble solids is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 495, under "Solids by Means of Refractometer—Official"; the weight of diluted or concentrated juice from any other fruit is the original weight of the juice before it was diluted or concentrated.

(c) Each of the optional fruit ingredients referred to in paragraph (a) of this section is prepared by cooking one of the following fresh, frozen, canned, and/or dried (evaporated) mature fruits, with or without added water, and screening out skins, seeds, pits, and cores:

Name of fruit:	*Factor referred to in paragraph (b) (1) of this section*
Apple	7.5
Apricot	7.0
Grape	7.0
Peach	8.5
Pear	6.5
Plum (other than prune)	7.0
Prune	7.0
Quince	7.5

In any combination of two, three, four, or five fruit ingredients, the weight of each is not less than one-fifth of the weight of the combination.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Brown sugar.

(4) Invert brown sugar sirup.

(5) Honey.

(6) Any combination of two or more of optional saccharine ingredients (1), (2), (3), and (4).

(7) Any combination of dextrose and optional saccharine ingredient (1), (2), (3), (4), or (6).

(8) Any combination composed of corn sirup, dried corn sirup, glucose sirup, or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), (4), (6), or (7), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, and glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(9) Any combination of honey and optional saccharine ingredient (1), (2), (3), (4), (6), or (7), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination, and the weight of honey solids is not less

than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "invert brown sugar sirup" means a sirup made by inverting or partly inverting brown sugar.

(5) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(6) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each fruit butter for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the fruit butter is made from a single fruit ingredient, the name is "Butter," preceded by the name whereby such fruit is designated in paragraph (c) of this section.

(2) In case the fruit butter is made from a combination of two, three, four, or five fruit ingredients, the name is "Butter," preceded by the words "Mixed Fruit" or by the names whereby such fruits are designated in paragraph (c) of this section, in the order of predominance, if any, of the weight of such fruit ingredients in the combination.

(g) (1) When optional ingredient (a) (1) of this section is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (2) of this section is used, the label shall bear the statement "flavoring added" or "with added flavoring." The word "flavoring" in such statements may be preceded by the common name of the kind of flavoring used.

(3) When optional ingredient (a) (5) of this section is used, the label shall bear the words "prepared with _____ juice," the blank to be filled in with the name of the fruit from which the juice is obtained; but if apple juice is used, the word "cider" may be used in lieu of "apple juice."

(4) When optional saccharine ingredient (d) (5) of this section is used, the label shall bear the statement "prepared with honey."

(5) When optional saccharine ingredient (d) (9) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weights of such components in the combination. Such name shall be preceded by the words "prepared with."

(6) When the optional fruit ingredient is prepared in whole or in part from dried fruit, the label shall bear the words "prepared from" or "prepared in part from," as the case may be, followed by the word "evaporated" or "dried," followed by the name whereby such fruit is designated in paragraph (c) of this section. When two or more such optional fruit ingredients are used, such names, each preceded by the word "evaporated" or "dried," shall appear in the order of predominance, if any, of the weight of such ingredients in the combination.

(7) When a combination of two, three, four, or five optional fruit ingredients is used, and the fruit butter is designated on its label by the name "Mixed Fruit Butter," the label shall bear the names whereby the fruits from which such ingredients are prepared are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such ingredients in the combination.

(8) The label statements required by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "cinnamon oil and cloves added." The label statements required by two or more of subparagraphs (3), (4), (5), (6), and (7) of this paragraph may be combined, as for example, "prepared with cider, apples, dried prunes, and honey."

(h) Wherever the name specified in paragraph (f) of this section appears on the label of the fruit butter so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such fruit butter may so intervene.

§ 29.2 *Fruit jelly; identity; label statement of optional ingredients.* (a) The jellies for which definitions and standards of identity are prescribed by this section are the jelled foods each of which is made from a mixture composed of not less than 45 parts by weight (as determined by the method prescribed in paragraph (b) of this section) of one or any combination of two, three, four, or five of the fruit juice ingredients specified in paragraph (c) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit juice ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid, or any combination of these, in a quantity reasonably necessary as a preservative.

(6) Mint flavoring and harmless artificial green coloring, in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple, crabapple, pineapple, or two or all of such fruits.

Such mixture is concentrated by heat to such point that the soluble-solids content of the finished jelly is not less than 65 percent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 495, under "Solids by Means of Refractometer—Official."

(b) Any requirement of this section with respect to the weight of any fruit juice ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method: Determine the percent of soluble solids in such fruit juice ingredient by the method for soluble solids referred to in paragraph (a) of this section; multiply the percent so found by the weight of such fruit juice ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or other added solids; and multiply the remainder by the factor for such fruit juice ingredient prescribed in paragraph (c) of this section. The result is the weight of the fruit juice ingredient.

(c) Each of the fruit juice ingredients referred to in paragraph (a) of this section is the filtered or strained liquid extracted with or without the application of heat and with or without the addition of water, from one of the following mature, properly prepared fruits which are fresh, frozen and/or canned:

	Factor referred to in paragraph (b) of this section
Name of fruit:	
Apple	7.
Apricot	7.
Blackberry (other than dewberry)	10.
Black raspberry	9.
Cherry	7.
Crabapple	6.
Cranberry	9.
Damson, damson plum	7.
Dewberry (other than boysenberry, loganberry, and youngberry)	10.
Fig	5.
Gooseberry	12.
Grape	7.
Grapefruit	11.
Greengage, greengage plum	7.
Guava	13.
Loganberry	9
Orange	8
Peach	8
Pineapple	7
Plum (other than damson, greengage, and prune)	7
Pomegranate	5
Quince	7
Raspberry, red raspberry	9
Red currant, currant (other than black currant)	9
Strawberry	12
Youngberry	10

In any combination of two, three, four, or five of such fruit juice ingredients the weight of each is not less than one-fifth of the weight of the combination. Each such fruit juice ingredient in any such combination is an optional ingredient.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of dextrose and optional saccharine ingredient (1), (2), or (3).

(5) Any combination composed of corn sirup, dried corn sirup, glucose sirup, or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), or (4), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, and glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each jelly for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the jelly is made with a single fruit juice ingredient, the name is "Jelly," preceded or followed by the name or synonym whereby the fruit from which such fruit juice ingredient was extracted is designated in paragraph (c) of this section.

(2) In case the jelly is made with a combination of two, three, four, or five fruit juice ingredients, the name is "Jelly," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby the fruits from which the fruit juice ingredients were extracted are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "sodium benzoate" or "benzoic acid" or "sodium benzoate and benzoic acid," as the case may be, followed by the words "added as preservative."

(3) When optional ingredient (a) (6) is used, the label shall bear the statement "flavoring and artificial coloring added" or "with added flavoring and artificial coloring." The word "flavoring" in such statement may be preceded by the word "mint."

(4) When optional saccharine ingredient (d) (7) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weight of such components in the combination. Such names shall be preceded by the words "prepared with."

(5) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "prepared with honey."

(6) When a combination of two, three, four, or five fruit juice ingredients is used, and the jelly is designated on its label by the word "Jelly," preceded or followed by the words "Mixed Fruit," the label shall bear the names or synonyms whereby such fruits are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.

(h) Wherever the name specified in paragraph (f) of this section appears on the label of the jelly so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such jelly may so intervene.

§ 29.3 *Preserves, jams; identity; label statement of optional ingredients.* (a) The preserves or jams for which definitions and standards of identity are prescribed by this section are the viscous or semisolid foods each of which is made from a mixture composed of not less than 45 parts by weight (see paragraph (c) of this section) of one of the fruit ingredients specified in paragraph (b) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combinaton of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid or any combination of these, in a quantity reasonably necessary as a preservative.

Such mixture, with or without added water, is concentrated by heat to such point that the soluble-solids content of the finished preserve is not less than 68 percent if the fruit ingredient is specified in Group I of paragraph (b) of this section, and not less than 65 percent if the fruit ingredient is specified in Group II of paragraph (b) of this section. The soluble-solids content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 322, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—First Action," except that no correction is made for water-insoluble solids.

(b) The fruit ingredients referred to in paragraph (a) of this section are the following mature, properly prepared fruits which are fresh, frozen and/or canned:

GROUP I

Blackberry (other than dewberry).
Black raspberry.
Blueberry.
Boysenberry.
Cherry.
Crabapple.
Dewberry (other than boysenberry, loganberry, and youngberry).
Elderberry.
Grape.
Grapefruit.
Huckleberry.
Loganberry.
Orange.
Pineapple.
Raspberry, red raspberry.
Rhubarb.
Strawberry.
Tangerine.
Tomato.
Yellow tomato.
Youngberry.

Any combination of two, three, four, or five of such fruits in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

GROUP II

Apricot.
Cranberry.
Damson, damson plum.
Fig.
Gooseberry.
Greengage, greengage plum.
Guava.
Nectarine.
Peach.
Pear.

Plum (other than greengage plum and damson plum).
Quince.
Red currant, currant (other than black currant).

Any combination of two, three, four, or five of such fruits, or one or more of such fruits with one or more of the individual fruits specified in Group I, in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

Any combination of apple and one, two, three, or four of the individual fruits specified in this group or Group I in which the weight of each is not less than one-fifth, and the weight of apple is not more than one-half, of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

In any combination of two, three, four, or five fruits, each such fruit is an optional ingredient. For the purposes of this section, the word "fruit" includes the vegetables specified in this paragraph.

(c) Any requirement of this section with respect to the weight of any fruit, combination of fruits, or fruit ingredient means:

(1) The weight of fruit exclusive of the weight of any sugar, water, or other substance added for any processing or packing or canning, or otherwise added to such fruit;

(2) In the case of fruit prepared by the removal, in whole or in part, of pits, seeds, skins, cores, or other parts, the weight of such fruit, exclusive of the weight of all such substances removed therefrom; and

(3) In the cases of apricots, cherries, grapes, nectarines, peaches, and all varieties of plums, whether or not pits and seeds are removed therefrom, the weight of such fruit, exclusive of the weight of such pits and seeds.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar..

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of dextrose and optional saccharine ingredient (1), (2), or (3).

(5) Any combination composed of corn sirup, dried corn sirup, glucose sirup, or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), or (4), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, and glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each preserve or jam for which a definition and standard of identity is prescribed by this section is as follows:

(1) If the fruit ingredient is a single fruit, the name is "Preserve" or "Jam," preceded or followed by the name or synonym whereby such fruit is designated in paragraph (b) of this section.

(2) If the fruit ingredient is a combination of two, three, four, or five fruits, the name is "Preserve" or "Jam," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "sodium benzoate" or "benzoic acid," or "sodium benzoate and benzoic acid," as the case may be, followed by the words "added as preservative."

(3) When optional saccharine ingredient (d) (7) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weights of such components in the combination. Such names shall be preceded by the words "prepared with."

(4) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "prepared with honey."

(5) When the fruit ingredient is a combination of two, three, four, or five fruits and the preserve is designated on its label by the name "Preserve" or "Jam," preceded or followed by the words "Mixed Fruit," the label shall bear the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(h) Wherever the name specified in paragraph (f) of this section appears on the label of the preserve so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such preserve may so intervene.

Effective date. This order shall become effective on the ninetieth day following the date of publication in the FEDERAL REGISTER.

Dated: March 20, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-3434; Filed, Mar. 25, 1952; 8:51 a. m.]

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1950 Supp., 146; 16 F. R. 714, 2471, 3647, 5699, 7008, 8821, 10157, 10847, 11910; 17 F. R. 150) are amended as indicated below.

1a. In § 146.27 *Penicillin tablets,* paragraph (a) *Standards of identity etc.,* the first sentence is amended by changing the words "with or without two or more suitable sulfonamides" to read "with or without one or more suitable sulfonamides".

b. In § 146.27, paragraph (b) *Packaging,* the last sentence is amended by changing the words "with or without two or more suitable sulfonamides" to read "with or without one or more suitable sulfonamides".

c. Section 146.27 (c) (1) (vi) is amended to read as follows:

(c) *Labeling* * * *

(1) * * *

(vi) The statement "Expiration date _____," the blank being filled in, if crystalline penicillin, procaine penicillin, or crystalline penicillin O is used, with the date which is 36 months, or if crystalline penicillin, procaine penicillin, or crystalline penicillin O is not used, with the date which is 12 months after the month during which the batch was certified.

2. Section 146.40 (c) (1) (iii) is amended to read as follows:

(iii) The statement "Expiration date _____," the blank being filled in,

if crystalline penicillin or procaine penicillin is used without the addition of an excipient of polyethylene glycol, with the date which is 36 months; or if crystalline penicillin or procaine penicillin is used with the addition of an excipient of polyethylene glycol, with the date which is 18 months, or if crystalline penicillin or procaine penicillin is not used; with the date which is 12 months after the month during which the batch was certified;

3a. In § 146.44 *Procaine penicillin* * * *, paragraph (a) *Standards of identity etc.*, the first sentence is amended by changing the words "procaine hydrochloride U. S. P." to read "procaine hydrochloride that complies with all the standards prescribed by the U. S. P., except for the color of the crystals,".

b. In § 146.44, subparagraph (3) of paragraph (c) *Labeling* is amended by changing the figure "24" to read "36".

4. Section 146.47 (c) (1) (iii) is amended to read as follows:

(iii) The statement "Expiration date ----------," the blank being filled in, if it is a dry mixture of the drug, with the date which is 36 months, or if it is the aqueous suspension of the drug. with the date which is 12 months after the month during which the batch was certified;

5a. In § 146.51 *Buffered penicillin powder,* paragraph (a) *Standards of identity etc,* is amended by changing the words "with or without two or more suitable sulfonamides," to read "with or without one or more suitable sulfonamides,".

b. In § 146.51, paragraph (b) *Packaging,* the last sentence is amended by changing the figure "600,000" to read "500,000" and by changing the words "with or without two or more suitable sulfonamides." to read "with or without one or more suitable sulfonamides."

6. Part 146 is amended by adding the following new section:

§ 146.73 *Antibiotics for bull semen.* Penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, or bacitracin intended for use solely as a preservative for bull semen, and conspicuously so labeled, shall be exempt from the requirements of sections 502 (l) and 507 of the act.

7. In § 146.104 *Streptomycin tablets* * * *, the second and third sentences of paragraph (a) *Standards of identity etc.*, are amended to read as follows: "If it is intended solely for veterinary use and is conspicuously so labeled, it may contain one or more suitable sulfonamides. The potency of each tablet is not less than 50 milligrams."

8. Section 146.109 (c) (1) (vi) is amended to read as follows:

(vi) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

9a. In § 146.402 *Bacitracin ointment,* paragraph (a) *Standards of identity etc.,* the second sentence is amended to read: "It may contain a suitable local anesthetic, one or more suitable sulfonamides, and, if it is intended solely for veterinary use and is conspicuously so labeled, one or more suitable antifungal agents."

b. Section 146.402 (c) (1) (iii) and (3) are amended to read as follows:

(c) *Labeling.* * * *

(1) * * *

(iii) If the batch contains, in addition to bacitracin, one or more other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient per gram of the batch.

* * * * *

(3) On the label and labeling, if it contains, in addition to bacitracin, one or more other active ingredients specified in paragraph (a) of this section, after the name "bacitracin ointment," wherever it appears, the words "with ----------" in juxtaposition with such name, the blank being filled in with the common or usual name of each such other ingredient used.

This order, which provides for the use of one or more suitable sulfonamides in lieu of two or more in the manufacture of penicillin tablets; for the use of an expiration date for penicillin tablets prepared from crystalline penicillin, procaine penicillin, or crystalline penicillin O, which is 36 months after the month in which the batch was certified; for the use of an expiration date for penicillin bougies prepared from crystalline penicillin or procaine penicillin and do not contain an excipient of polyethylene glycol, which is 36 months after the month in which the batch was certified; for a minor change in the standards prescribed for procaine hydrochloride used in the manufacture of procaine penicillin; for the use of an expiration date for procaine penicillin which is 36 months after the month during which the batch was certified; for the use of an expiration date for the dry mixture of procaine penicillin for aqueous injection which is 36 months after the month during which the batch was certified; for the use of one or more suitable sulfonamides in lieu of two or more in the manufacture of buffered penicillin powder; for a change in the packaging requirements of buffered penicillin to fix the minimum quantity of the drug that may be contained in one container to 500,000 units in lieu of the current requirement of 600,000 units; for exemption from certification of penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol and bacitracin if intended and labeled solely as a preservative for bull semen; for a change in the potency requirement of streptomycin tablets and dihydrostreptomycin tablets from 100 milligrams to 50 milligrams; for the use of an expiration date for streptomycin-bacitracin-polymyxin gauze pads which is 24 months after the month in which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored that length of time such drug as prepared by him complies with the standards provided for this product; and for the optional use of one or more suitable antifungal agents in the manufacture of bacitracin ointment intended solely for veterinary use and conspicuously so labeled, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the changes set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

Dated: March 20, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-3436; Filed, Mar. 25, 1952; 8:51 a. m.]

PART 170—ENFORCEMENT OF THE TEA IMPORTATION ACT

TEA STANDARDS

Pursuant to the authority of sections 2, 3, and 10 of the Tea Importation Act (29 Stat. 605, as amended by 35 Stat. 163, 41 Stat. 712, 54 Stat. 1237; 21 U. S. C. 41), the regulations for the enforcement of this act (21 CFR 170.1 et seq., 1950 Supp., 170.19, amended 16 F. R. 1934) are amended as indicated below:

The following standards prepared and submitted by the Board of Tea Experts are fixed and established as standards under the Tea Importation Act for the year beginning May 1, 1952, and ending April 30, 1953, and § 170.19 (b) is amended to read as follows:

§ 170.19 *Tea standards.* * * *

(b) The following standards prepared and submitted by the Board of Tea Experts are hereby fixed and established as standards under the Tea Importation Act for the year beginning May 1, 1952, and ending April 30, 1953:

(1) Formosa Oolong.
(2) India.
(3) Formosa Black (to be used for Formosa Black, Japan Black, and Congou).
(4) Japan Green.
(5) Gunpowder.
(6) Scented Canton.
(7) Canton Oolong.

These standards apply to tea shipped from abroad on or after May 1, 1952. Tea shipped prior to May 1, 1952, will be governed by the standards which be-

came effective May 1, 1951 (16 F. R. 1934).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of experts in teas drawn from the Food and Drug Administration and the tea trade, so as to be representative of the tea trade as a whole.

(Sec. 10, 29 Stat. 607, as amended; 21 U. S. C. 50. Interprets or applies sec. 1, 29 Stat. 604, as amended; 21 U. S. C. 41)

Dated: March 20, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-3435; Filed, Mar. 25, 1952; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 180—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

MISCELLANEOUS AMENDMENTS

The regulations in this part are amended, as follows:

1. Sections 180.1 to 180.4 are amended to read as follows:

§ 180.1 *Definitions.* The following words or terms when used in the lease and regulations in this part shall have the meaning shown in this section:

(a) *Superintendent.* The Superintendent of the Osage Agency, Pawhuska, Oklahoma, in charge of the Osage Agency and Reservation, or any other person who may be in charge of such agency and reservation, and it shall be his duty to enforce compliance with the regulations in this part.

(b) *Inspector.* Any person appointed as Inspector of oil and gas wells, or who may be designated by the Secretary of the Interior or the Commissioner of Indian Affairs to supervise oil or gas operations on Osage lands under the direction of the Superintendent.

(c) *Oil lessee.* Any person, firm, or corporation to whom an oil mining lease is made under the regulations in this part.

(d) *Gas lessee.* Any person, firm, or corporation to whom a gas lease is made under the regulations in this part.

§ 180.2 *Royalty payments*—(a) *Royalty on oil produced by primary or gas injection methods.* The lessee shall pay or cause to be paid to the Superintendent, for the lessor as a royalty, the sum of 16⅔ percent of the gross proceeds from sales after deducting the oil used for fuel in operating the lease, unless the Osage Tribal Council, with the approval of the Commissioner of Indian Affairs, shall elect to take the royalty in oil; payment to be made at time of sale or removal of the oil, except where payments are made on division orders; and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal: *Provided,* That when the quantity of oil taken from all the producing wells on any quarter-section according to the public survey, or fractional quarter-section if the land covered by the lease does not include the full quarter-section, during any calendar month, is sufficient to average one hundred or more barrels per well per day, the royalty on such oil shall be 20 percent.

(b) *Royalty on oil produced by the water flood process.* When the estimated reserves of oil recoverable by primary and/or gas injection methods from a specified sand or sands have been depleted or partially depleted, the lessee and the Tribal Council may agree upon a new royalty rate to be approved by the Superintendent, the sum to be not less than 12½ percent of the gross proceeds from sales of oil produced by the water flood process after deducting the oil used for fuel in operating the lease, unless the Osage Tribal Council, with the approval of the Commissioner of Indian Affairs, shall elect to take the royalty in oil; payment to be made at time of sale or removal of the oil, except where payments are made on division orders, and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal.

(c) *Royalty in kind.* Should the lessor, with the approval of the Commissioner of Indian Affairs, elect to take the royalty in oil, the lessee shall furnish free storage for the royalty oil for not exceeding 30 days.

§ 180.3 *Government reserves right to purchase oil.* Any of the executive departments of the United States Government shall have the option to purchase at the highest posted market price on the day of sale all or any part of the oil produced under any lease. The Commissioner of Indian Affairs may impose restrictions as to time or times for drilling of wells and as to the production from any well or wells when in his judgment or the judgment of his representative, such action may be necessary or proper for the protection of the natural resources of the leased land and the interests of the Osage Tribe of Indians, and in taking action, the Commissioner may take into consideration, among other things, Federal laws, State laws, or regulations by competent Federal or State authorities or lawful agreements among operators regulating either drilling or production, or both.

§ 180.4 *Drilling obligations.* (a) Lessees shall drill at least one well to the Mississippi line, unless oil or gas is found in commercial quantities at a lesser depth, on the land embraced in their leases, within 12 months from date of approval of leases, or the leases may be held for the full 5-year fixed term without drilling, upon payment of rentals to the Superintendent for the lessor at the rate of $1 per acre per annum, or a proportionate part thereof for each 3 months' period a lease is held and a well is not drilled, such rental beginning twelve months from date of approval of lease: *Provided,* That the time within which a well shall be drilled or rental paid in lieu of drilling shall not begin to run on any restricted homestead selection until the consent of the Superintendent to drilling on such homestead shall have been given: *Provided,* That the Superintendent in his discretion may direct the drilling of any undrilled lease, if in his opinion the interests of the Osage Tribe warrant. Should the lessee elect to surrender his lease before the end of any such yearly period without drilling a well thereon, he shall pay the rental of $1 per acre for the fractional part of the year the land is held and a well is not drilled, and failure of the lessee to pay such rental within 25 days from the expiration of any yearly period during which such well is not drilled shall be cause for cancellation of the lease by the Superintendent, but such cancellation shall not release the lessee and his sureties from the obligation to pay such rental: *Provided, further,* That whenever the Commissioner of Indian Affairs shall consider the marketing facilities inadequate to take care of the production he may direct the suspension of drilling operations on any lease.

(b) Prior to the expiration of a term of a lease, the Osage Tribal Council may, with the approval of the Superintendent, and a finding by him that such action is in the best interest of the Osage Tribe, grant an extension of the term of the lease for a period of not to exceed six months for the purpose of enabling the lessee to drill a well to the Mississippi Line unless oil or gas is found in paying quantities at a lesser depth.

2. Section 180.15 is amended to read as follows:

§ 180.15 *Gas for operating purposes.* The gas lessee shall furnish the oil lessee sufficient gas for drilling and operating purposes at a rate to be agreed upon, or on failure to agree the rate shall be fixed by arbitration: *Provided,* That the oil lessee shall make necessary connections between the well and the meter whenever possible.

3. Section 180.17 is amended to read as follows:

§ 180.17 *Form of payment.* All amounts due and payable under a lease shall be paid to the Superintendent by check or bank draft on a solvent bank.

4. Sections 180.19 and 180.20 are amended to read as follows:

§ 180.19 *Penalty for violation of lease terms.* Violation of any of the terms or conditions of any lease or of the regulations in this part shall subject the lease to cancellation by the Superintendent, or the lessee to a fine of not exceeding $500 per day for each and every day the terms of the lease or of the regulations are violated, or the orders of the Superintendent in reference thereto are not complied with, or to both such fine and cancellation in the discretion of the Superintendent: *Provided,* That prior to cancellation of a lease or the imposition of a fine as provided for in this section, the lessee shall be entitled to notice and hearing with respect to the terms of the lease or of the regulations violated, which hearing shall be held by the Superintendent.

§ 180.20 *Bonds.* (a) Lessees shall furnish with each oil lease and each gas lease, to be filed at the time the lease is presented, a bond upon Form D, with a surety company duly authorized to execute bonds. Such bonds shall be in the sum of $1,000 for each quarter-section or fractional quarter-section unit covered by the lease: *Provided, however,* That the lessee may file one bond, Form G, covering all leases to which he or they are or may become parties instead of a separate bond in each case, such bond to be in the penal sum of $15,000.

(b) The right is specifically reserved to increase the amount of any such bond in any particular case when the Superintendent deems it proper to do so.

(c) Form H should be used in the preparation of a bond covering a lease acquired through assignment where the assignee does not have a collective bond, or the surety does not execute its consent to remain bound under the original bond given to secure the faithful performance of the terms and conditions of the lease.

5. Sections 180.23 and 180.24 are amended to read as follows:

§ 180.23 *Contracts for the sale of gas for industrial purposes.* (a) All contracts for the sale of gas for industrial purposes and sworn statements showing the terms, conditions, and schedules of prices contained in contracts with domestic consumers shall be filed with the Superintendent, and shall be subject to the approval of the Commissioner of Indian Affairs whenever, in his opinion, the interests of the Osage Tribe or the public require such action.

(b) In the sale and disposition of gas, preference shall at all times be given to domestic consumers, unless provided otherwise in the lease, and all contracts for the industrial use of gas shall contain a clause to the effect that when it is shown to the satisfaction of the Commissioner that such gas is needed for domestic consumers within an area fixed by the Commissioner, such contract shall terminate upon the expiration of 30 days' notice from the Commission, and that the Commissioner shall have authority immediately to suspend the furnishing of gas to industrial consumers when he is of the opinion that such gas is needed for domestic consumers. All gas furnished to industrial and domestic consumers shall be metered and sold at meter rates: *Provided,* That gas furnished to an oil lessee may be sold as provided in the gas lessee's contract.

(c) All contracts with domestic consumers shall be subject to the inspection of the Superintendent.

§ 180.24 *Royalty on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas, drip gasoline, or other natural condensate.* (a) A royalty of 16⅔ percent of the gross proceeds of sales shall be paid on the value of one-third (or the lessee's portion if greater than one-third) of all casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from the gas produced from the leasehold. The value of the remainder is an allowance for the cost of manufacture, and no royalty thereon is required. The royalty shall be computed on the sale price received by the manufacturers of such products, or such higher price the lessee may receive the same to be reported under oath and remitted to the Superintendent not later than the 25th of the succeeding month for all such products sold during the previous month. If the manufacturer of any product extracted from casing-head gas produced from an Osage leasehold should sell his product at an arbitrary price below that obtained by other manufacturers selling such product in the open market during a particular month, the Superintendent shall notify said manufacturer of such discrepancy and require settlement for royalty upon the average price obtained by manufacturers selling such product in the open market during the same period. The place of sale of liquid hydrocarbons extracted from gas shall be at the plant where manufactured or when loaded into tank cars at or near the plant. Should any manufacturer sell such product by delivery to pipelines at distant points he may be allowed the average loss by waste, evaporation or otherwise sustained by other manufacturers in the Osage, of such product from the plant to tank cars as shown by sworn statements which shall be furnished when required by the Superintendent.

(b) The royalty on all drip gasoline, or other natural condensate recovered from gas produced from the leased lands without resort to manufacturing process shall be 16⅔ percent of the gross proceeds from sales, except that such substance, if processed in a casing-head gasoline plant shall be treated for royalty purposes as though it were gasoline.

6. Section 180.30 is amended to read as follows:

§ 180.30 *Measuring casing-head gas.* All casing-head gas shall be metered and computed on a basis of 10 ounces above atmospheric pressure, the location and type of meters to be approved by the Superintendent or Inspector. All meters and charts shall be open to inspection at any time by the Inspectors of the Bureau of Indian Affairs, or such other employee as the Superintendent may designate for such purpose.

7. Sections 180.39 to 180.42 are amended to read as follows:

§ 180.39 *Sales of oil leases and gas leases: leases to be sold at public auction.* (a) Written application for tracts to be offered for lease may be filed with the Superintendent.

(b) The Superintendent, with the consent of the Osage Tribal Council, may at such times and in such manner as shall be deemed appropriate, publish and distribute notices that oil leases and/or gas leases on specific tracts of unleased tribal lands, each of which shall be in a compact body, will be offered at public auction to the highest responsible bidder: *Provided,* That not less than 25,000 acres of the unleased portion of the Osage mineral reserve shall be offered for lease during any one year. Successful bidders must deposit with the Superintendent on day of sale, a check, or bank draft on a solvent bank in the amount equal to 25 percent of the bonus as a guaranty of good faith. The Superintendent may require any bidder to submit satisfactory evidence of good faith, that he has the cash in hand or at his command, and to furnish whenever called upon by the Superintendent during the progress of the sale, authenticated statement of a solvent bank to the effect the bidder has the means to purchase the lease. The balance of the bonus, together with a $5.00 filing fee for each lease, shall be paid, and the lease in completed form with necessary accompanying papers shall be filed with the Superintendent within 20 days after the lease is forwarded, by the Superintendent, to the lessee for execution, unless such period has been extended by the Superintendent for good and sufficient reason. If the successful bidder fails to complete the lease or to pay the full consideration within 20 days or an authorized extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, the amount deposited as a guaranty of good faith shall be forfeited for the use and benefit of the lessor. Any and all bids shall be subject to acceptance by the Osage Tribal Council. The Superintendent may disapprove a lease made on an accepted bid, upon evidence satisfactory to him of collusion, fraud or other irregularity in connection with the sale of the lease.

(c) No lease, assignment thereof, or interest therein will be approved to any employee or employees of the Government, and no such employee shall be permitted to acquire any interest in leases covering Osage Tribal lands, by ownership of stock in corporations having leases or in any other manner.

§ 180.40 *Corporations and corporate showing.* (a) Upon being notified of the acceptance of its bid, a corporation shall file a certified copy of articles of incorporation, and evidence showing compliance with local corporation laws if a foreign corporation: *Provided,* That if any such papers have already been filed a statement to that effect may be submitted.

(b) A corporation must also file with its first lease, and at such other times as the Superintendent may direct, a list in duplicate of all officers, directors, and of such stockholders, as may be required with their post-office addresses, and showing the number of shares of capital stock held by each and whether held for themselves or in trust, together with a sworn statement of its proper officer, showing:

(1) The total number of shares of the capital stock actually issued, the number of shares actually sold and specifically the amount of cash paid into the treasury on the stock sold, or, if paid in property, state kind, quantity, and value of same paid.

(2) Of the stock sold, how much per share remains unpaid and subject to assessment.

(3) How much cash the company has in its treasury and elsewhere, and from what sources it was received.

(4) What property, exclusive of cash, is owned by the company and its value.

(5) What the total indebtedness of the company is and specifically the nature of its obligations.

(c) Leases made by corporations shall be accompanied by an affidavit (Form E) showing the authority of its officers to execute leases, bonds and other papers.

§ 180.41 *How to acquire permission to begin operations on homestead allotments.* (a) Lessees may conduct operations within or upon homestead selections with the written consent of the Superintendent and not otherwise.

(b) If the allottee is unwilling to permit operations on his homestead, the Superintendent will direct the Inspector to make an examination of the premises with the allottee and the lessee, or his representative, and should the Inspector be of the opinion that the interests of the Osage Tribe require that the particular tract be developed he will endeavor to have the parties agree upon the terms under which operations on the homestead may be conducted.

(c) In the event the allottee and the lessee cannot, with the assistance of the Inspector, agree on the matter, the allottee shall be permitted to go before the Osage Tribal Council, and the Council, after hearing the allottee, the lessee, and the Inspector, shall make such recommendation as it deems proper. Guardians, legal or natural, may represent their Indian wards, and where no one is authorized or where no person is deemed by the Superintendent to be a proper party to speak for a minor or person of unsound mind or of feeble understanding, the Principal Chief of the Osage Tribe shall represent him.

(d) Where the allottee does not appear before the Council, either in person or by representative, when notified by the Superintendent, or the Council fails to act in the matter within 10 days after being referred to it, the Superintendent may authorize the lessee to proceed with operations in conformity with the provisions of his lease and the regulations in this part. If the Council by appropriate resolution should recommend that a lessee be not permitted to conduct drilling operations on a homestead selection, the Superintendent shall submit the question to the Area Director.

§ 180.42 *Rental period after consent of Superintendent to begin operations on homesteads.* Rental in lieu of development shall not begin to run on any homestead selection until one year after the consent of the Superintendent or Area Director to operations on such homestead shall have been given.

38. Sections 180.46 and 180.47 are amended to read as follows:

§ 180.46 *Approval of lease instruments*—(a) *Oil and gas leases.* The Superintendent may approve the schedule of bids accepted by the Osage Tribal Council following a sale of oil leases and gas leases conducted in conformity with the provisions of § 180.39. The Superintendent may also approve oil leases and gas leases made by the Osage Tribal Council in conformity with the regulations in this part, bonds and other instruments required for leases or assignments thereof, and the acceptance of the voluntary surrender of leases.

(b) *Unitization of oil leases.* As a consideration for their further development by the water flood process, two or more oil leases may be unitized and merged in a single blanket lease with the approval of the Superintendent. The instrument of unitization (blanket lease) shall include all the requirements and provisions of sections numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, and 20 of Osage oil lease Form B, *Provided:* That the preamble of Form B and the provisions of section numbered 2 in respect to royalty rates; section numbered 3 in respect to payment of rental; section numbered 4 in respect to payment of well site and tank location fees; and section numbered 14 in respect to the surrender of the lease, may be modified and/or supplemented by the parties, with the approval of the Superintendent, to the extent deemed appropriate for the equitable and efficient conduct of unitized operations, and not otherwise in conflict with the regulations in this part. Lessee(s) shall, before commencing water flood operations, and on or before December 31st of each year thereafter, submit to the Superintendent an acceptable plan of development and operation for the unit area for the ensuing year.

(c) *Assignments.* Approved leases or any interest therein may be assigned with the approval of the Superintendent, and not otherwise. Assignments, when so approved, shall be subject to the terms and conditions of the original leases, and the regulations under which such leases were approved. The assignee shall furnish with his assignment a satisfactory bond as provided in § 180.20 (c). Any attempt to assign an approved lease or any interest therein without the consent and approval of the Superintendent shall be absolutely void and shall subject the original lease to cancellation in the discretion of the Superintendent.

§ 180.47 *Filing of assignments and drilling contracts.* (a) Assignments of any lease or any interest therein by drilling contract or otherwise shall be filed with the Superintendent within 30 days from the date of such assignment by the assignor, except in instances where the necessary papers cannot be executed within such time, in which event, however, formal notice shall be filed within the 30 days stipulated and where necessary the Superintendent may grant 15 days additional.

(b) In case of contracts made by oil lessees for drilling wells, which contracts provide that in consideration of drilling a well on the leased premises a subsequent assignment of an interest in such lease will be made subject to the approval of the Department, the Superintendent is hereby authorized to approve such drilling contracts with a stipulation that such approval does not in any way bind the Department to approve formal assignments that may thereafter be submitted and that such approval merely authorizes the drilling contractor to enter into possession of the lease for the purpose of development work.

9. Section 180.49 is amended to read as follows:

§ 180.49 *Commencement of operation.* No operations shall be permitted upon any tract of land until a lease covering such tract shall have been approved by the Superintendent or such operations specifically authorized by him.

10. Section 180.59 is amended to read as follows:

§ 180.59 *Duties of Inspectors.* It shall be the duty of the Inspector—

(a) To visit from time to time leased lands where oil and gas mining operations are being conducted, and to inspect and supervise such operations with a view to preventing waste of oil and gas, damage to oil, gas, or water bearing formations, or injury to property or life, in accordance with the provisions of the regulations in this part.

(b) To make reports to the Superintendent as to the general conditions of the leases, property, and the manner in which operations are being conducted and his orders complied with.

(c) To consult and advise with the Superintendent as to the conditions of the leased lands, and to submit information and recommendations from time to time for safeguarding and protecting the property of the lessor and securing compliance with the provisions of the regulations in this part.

(d) To give such orders or notices as may be necessary to secure compliance with the regulations and to issue all necessary instructions or orders to lessees to stop or modify such methods or practices as he may consider contrary to the provisions of such regulations.

(e) To modify or prohibit the use or continuance of any operation or method which, in his opinion, is causing or is likely to cause any surface or underground waste of oil or gas, or injury to any oil, gas, water, coal, or other mineral formation, or which is dangerous to life or property, or in violation of the provisions of the regulations in this part.

(f) To prescribe, subject to the approval of the Superintendent, the manner and form in which all records or reports called for by the regulations in this part shall be made by the lessee.

(g) To prohibit the drilling of any well into any producing sand when in his opinion and with the approval of the Superintendent the marketing facilities are inadequate, or insufficient provision has been made for controlling the flow of oil or gas reasonably to be expected therefrom until such time as suitable provision can be made.

(h) To prescribe or approve the methods of drilling wells through coal measures or other mineral deposits.

(i) To determine when and under what conditions a producing well may be drilled deeper, and under what conditions a producing well, or sand, may be abandoned.

(j) To require that tests shall be made to detect waste of oil or gas or the presence of water in a well and to prescribe or approve the methods of conducting such tests.

(k) To require that any condition existing subsequent to the completion of

a well which is causing, or is likely to cause, damage to an oil, gas, or water bearing formation, or to coal measures or other mineral deposits, or which is dangerous to life or property, be corrected as he may prescribe or approve.

(l) To approve the type or size of separators used to separate the oil, gas, or water coming from a well.

11. Section 180.64 is amended to read as follows:

§ 180.64 *Plats showing location of wells.* Lessee shall furnish as required, a plat, in manner and form as prescribed by the Superintendent, showing all wells, active or abandoned, on the leased lands, and other related information. Blank plats will be furnished upon application.

12. Section 180.67 is amended to read as follows:

§ 180.67 *Notice prior to removal of casing.* Lessee shall obtain permission from the Superintendent before removing any casing from any well.

13. Section 180.84 is amended to read as follows:

§ 180.84 *Plugging to be approved by Inspector.* (a) The manner in which mud-laden fluid, cement or plugs shall be introduced into any well being plugged and the type of plugs so used shall be subject to the approval of the Inspector, and the lessee shall within 10 days file with the Superintendent a complete report of the plugging of such well.

(b) In the event the lessee or operator shall fail to plug properly any dry or abandoned well in accordance with the regulations in this part the Superintendent may, after 5 days' notice to the parties in interest, plug such well at the expense of the lessee or his surety.

14. Section 180.89 is amended to read as follows:

§ 180.89 *Use of timber from leased lands.* Lessee will not be permitted to use any timber from Osage lands except under written agreement with the owner.

15. Section 180.91 is amended to read as follows:

§ 180.91 *Amount of penalties.* Fines may be imposed by the Superintendent without right of appeal for violations of certain sections of the regulations in this part, as follows:

Fines for noncompliance with terms of lease or regulations.

(a) For failure to file preliminary report required by § 180.62, $5 a day for the first violation and $10 a day for each violation thereafter.

(b) For failure to file a completion report, as required by §180.63, $5 a day for the first violation and $10 a day for each violation thereafter.

(c) For failure to mark rigs or wells, as required by § 180.65, $50 for each well.

(d) For failure to construct slush pits, as required by § 180.68, $10 for each day after drilling is commenced on any well.

(e) For failure to comply with § 180.71, regarding gate valve and other approved controlling devices, $100.

(f) For failure to comply with § 180.77, in regard to using gas in place of steam to operate engines or pumps, $10 per day for the first violation and $20 a day for each violation thereafter.

(g) For failure to comply with § 180.78, which prohibits the burning of gas in flambeau lights, $50 per day.

(h) For failure to notify Superintendent and secure authority before redrilling, deepening, plugging or abandoning any well, $200, as required by §§ 180.80 and 180.90.

(i) For failure to construct sumpholes, or burning holes, to properly care for and dispose of B. S. and salt water as provided in § 180.85, $10 a day for the first violation, and in event of the failure properly to construct or repair sumpholes, or burning holes, within 5 days after notification by Superintendent or his authorized representative, $25 to $50 a day.

(j) For failure to file plugging reports as required by § 180.84 and for failure to file reports, and remit royalties required by § 180.45, $5 a day for the first violation and $10 a day for each violation thereafter.

All moneys received from fines collected under this section shall be deposited as provided in § 180.93.

16. Section 180.93 is amended to read as follows:

§ 180.93 *Forms.* (a) Leases, and other papers must be upon forms prescribed by the Secretary of the Interior, and the Superintendent will furnish prospective leasees with such forms for preparation of original leases without charge, but shall make a charge of 50 cents per set for forms used in preparing assignments.

Form A—Gas mining lease.
Form B—Oil mining lease.
Form D—Bond.
Form E—Authority of officers to execute papers.
Form F—Assignment.
Form G—Collective bond.
Form H—Assignment bond.

(b) All sums received from sale of forms and fines shall be placed in a special fund, and may be expended under the direction of the Commissioner of Indian Affairs for the expenses necessary to carry out the regulations in this part.

17. Section 180.95 is added to read as follows:

§ 180.95 *Hearings and appeals.* (a) Any person, firm or corporation aggrieved by any decision or order issued by or under authority of the Superintendent pursuant to the regulations in this part, may file with the Superintendent at anytime an application for modification or revocation of such decision or order. The Superintendent shall give notice of the time and place and conduct a hearing upon the application within ten days after its receipt by him. If the applicant is not satisfied with the decision of the Superintendent, an appeal may be taken as hereinafter set forth except as provided in paragraph (b) of this section.

(b) An appeal to the Commissioner of Indian Affairs may be taken from any decision or order issued by or under authority of the Superintendent except decisions or orders issued under authority of §§ 180.54, 180.59, and 180.91, by filing such appeal with the Superintendent within 30 days after service of the decision or order. The appeal shall incorporate or be accompanied by such written showing and argument on the facts and law as the appellant may deem adequate to justify reversal or modification of the order. All statements of facts must be made under oath. The Superintendent shall transmit the appeal and accompanying papers with a full report and recommendations, through official channels, to the Commissioner of Indian Affairs.

(c) An appeal from any decision of the Commissioner of Indian Affairs may be taken to the Secretary of the Interior within 30 days after service of the Commissioner's decision. The appeal shall be accompanied by such written showing and argument on the facts and law as appellant may deem adequate to justify reversal or modification of the decision. Any statement of facts not submitted to the Commissioner must be made under oath.

(d) Compliance with any decision or order issued by or under authority of the Superintendent shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the Commissioner of Indian Affairs, and then only on a determination that such suspension will not be detrimental to the lessor or upon submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

(Sec. 3, 34 Stat 543. Interpret or apply secs. 1, 2, 45 Stat. 1478, 1479)

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 20, 1952.

[F. R. Doc. 52-3383; Filed, Mar. 25, 1952; 8:53 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 224—FEDERAL PROCESS AGENTS OF SURETY COMPANIES

MISCELLANEOUS AMENDMENTS

MARCH 20, 1952.

Part 224, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing formerly as Department Circular Letter 4, November 15, 1930, and now as Department Circular No. 901, March 20, 1952) is hereby amended in the following respects:

1. By revising § 224.2 to read as follows:

§ 224.2 *Appointment of process agents*—(a) *Generally.* Companies should especially note that the law prohibits the doing of business under the provisions of this act beyond the State under whose laws it was incorporated and in which its principal office is lo-

cated until an agent is appointed to accept Federal process on behalf of the company. An agent for the service of Federal process should be appointed: (1) In the district where the principal resides; (2) in the district where the obligation is to be undertaken and performed; and (3) also in the District of Columbia where the bond is returnable and filed. The appointment of process agents pursuant to a local State statute is not compliance with the Federal law. Although one and the same agent may serve under both the State and Federal appointments, he must, nevertheless, be especially designated to accept Federal process. It should also be noted that the agent so designated must reside within the jurisdiction of the court for the judicial district wherein such suretyship is to be undertaken, and must be a citizen of the State, Territory, or District of Columbia in which such court is held. Consequently an agent residing in the northern district of New York could not at the same time serve as the company's Federal process agent for the southern district of that State.

(b) *Agent required in District of Columbia.* Every company must, immediately upon receipt of its initial authority from the Secretary of the Treasury, appoint a suitable person resident in the District of Columbia on whom may be served all lawful process issued by the Federal Courts in said district. This appointment is required whether or not the company contemplates the writing of bonds in favor of the United States to be undertaken within the District of Columbia.

(c) *Agent not required in State of incorporation where principal office is located.* The law does not require the appointment of Federal process agents for the State under whose laws the company is incorporated, and in which its principal office is located.

2. By revising § 224.3 to read as follows:

§ 224.3 *Powers of attorney appointing process agents; with whom filed.* The clerk of the United States district court at the main office in each judicial district must be furnished with a sufficient number of authenticated copies of the power of attorney appointing an agent for the service of process to enable him to file a copy in his office, and at each other place where a divisional office of the court is located within the judicial district for which the process agent has been appointed. Such copies may be authenticated at the home office of the company by its officers duly authorized, and sworn to before an officer legally authorized to administer oaths. Where the charter or bylaws of the corporation do not confer authority on its executive officers to give such powers of attorney, the authenticated copy filed with the clerk of the court must be accompanied by a certified copy of the resolution duly adopted by its board of directors or other governing body showing that the officer making the appointment had authority to do so.

3. By revising § 224.8 to read as follows:

§ 224.8 *United States district courts; location of divisional offices.* A list of the divisional offices of the court in each judicial district for which copies of powers of attorney should be furnished the clerk of the court at the main office for filing may be obtained from the Administrative Office of the United States Courts, Supreme Court Building, Washington 13, D. C.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 61 Stat. 646; 6 U. S. C. Sup. 7)

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3445; Filed, Mar. 25, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 92, Amdt. 3]

CPR 92—CEILING PRICES OF LAMB, YEARLING, AND MUTTON PRODUCTS SOLD AT WHOLESALE

SALES OF BABY LAMB CARCASSES DURING APRIL 1952

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended (16 F. R. 11620), and Economic Stabilization Agency General Order 5, Revision (16 F. R. 11875), this Amendment 3 to Ceiling Price Regulation 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides dollars and cents ceiling prices for the sale of baby lamb carcasses during the month of April 1952. These ceiling prices have been established in response to requests from industry and are contained in a new section 15 (b). Traditionally, it has been the practice of certain religious and national groups to feast on lamb during the Easter season. Baby lambs are preferred for this purpose and have been customarily supplied by the trade to this class of consumers. By establishing dollar and cent ceiling prices for these baby lamb carcasses, this amendment enables sellers to continue to supply these customers as in previous years. Since the lambs are small and immature, it is not practicable to grade-mark them and consequently the applicable grading provisions of Distribution Regulation 2 for this type of lamb are suspended for the month of April 1952, by an amendment to that regulation, issued concurrently.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended. In the judgment of the Director of Price Stabilization they also comply with all the applicable standards of the Defense Production Act of 1950, as amended. In formulating this amendment, the Director has consulted with representatives of industry, including trade association representatives, to the extent practicable under the circumstances, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling price Regulation 92 is amended in the following respects:

1. Section 15 is amended by adding a new section 15 (b) to read as follows:

(b) *Sales of baby lamb carcasses.* (1) During the month of April 1952, you may sell, deliver, purchase or receive, baby lamb carcasses, with the head on, if the dressed weight (pelt-off) of the carcass does not exceed 30 pounds, (or 35 pounds, pelt on).

(2) Your ceiling prices for such baby lamb carcasses are as follows:

	Per hundredweight
Pelt off, head on, pluck out	$100.00
Pelt off, head on, pluck in	98.00
Pelt on, head on, pluck out	90.00
Pelt on, head on, pluck in	88.00

(3) None of the additions provided in Article IV of this regulation may be added to the prices listed above.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 25, 1952.

[F. R. Doc. 52-3512; Filed, Mar. 25, 1952; 11:00 a. m.]

[Ceiling Price Regulation 94, Interpretation 1]

CPR 94—SALES OF USED PASSENGER AUTOMOBILES

INT. 1—FINANCING CHARGES (SECTIONS 2 AND 10)

Inquiries received by the OPS indicate some uncertainty as to whether sellers may make financing charges in addition to the ceiling prices for used automobiles set forth in section 2 and Appendix A of CPR 94.

The ceiling prices established by section 2 and by Appendix A thereunder are for cash. Upon request of the purchaser the sales may be made on terms other than cash provided that such terms do not result in a price for the car itself higher than the ceiling prescribed by the aforesaid provisions. This does not mean that a charge in addition to the cash ceiling price may not be made for financing the purchase of a used car. Finance charges, in themselves, are recognized to be a customary additional factor in time sales of used automobiles and are not prohibited by the regulation, as indicated by section 3 (b) (6), which specifies that invoices must show the charges for financing, as an item separate from the price of the car.

Financing, of course, must not be the basis of evading the requirements of the regulation. Section 10 deals with evasions and among those practices specifically prohibited are requiring the pur-

chaser as a condition of sale to make payments over a period of time, or to finance the purchase through any particular lending agency. Evasions may embrace many forms and those instances set forth in section 10 are merely illustrative.

Another example of an evasive practice would be a case in which a car was sold ostensibly at the ceiling price and, in addition, there was an unduly high financing charge, made by the seller of the car or a lending agency in concert with him. If the financing charge was higher than that which normally would be made after all relevant factors had been taken into consideration, the seller would be deemed to be charging more for the car, by the device of an inflated financing charge, than the ceiling, and this would be a violation of CPR 94, sections 2 and 10. Similarly, even though the ostensible price of the car was below ceiling, if the financing charge was so high that the total of the stated price for the car and such financing charge exceeded the ceiling price of the car plus the normal financing charge, a violation of the above sections of the regulation likewise would result.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Chief Counsel,
Office of Price Stabilization.

MARCH 25, 1952.

[F. R. Doc. 52-3511; Filed, Mar. 25, 1952; 10:59 a. m.]

[Distribution Regulation 2, Amdt. 5]

DR 2—ALLOCATION RECORDS

EXEMPTION OF "BABY LAMBS" FROM GRADING AND GRADEMARKING REQUIREMENTS DURING APRIL 1952

Preamble. It has traditionally been the practice of certain religious groups and nationalities to feast on certain types of lamb during their Easter Season. In recognition of this custom and in response to requests from industry CPR 92 has been amended to establish dollar and cents ceiling prices for these lambs, commonly called "baby lambs". Since the lambs are small and immature, it is not practicable to grade and grademark them. Consequently the grading provisions of DR 2 are suspended with respect to this type of lamb for the month of April 1952.

AMENDATORY PROVISIONS

Distribution Regulation 2 is amended in the following respects:

Section 5 (a) is amended to add at the end thereof, subparagraph 4 which reads as follows:

(4) The grading and grademarking requirements of this section shall not be applicable during the month of April 1952, to the selling, offering for sale, shipping, delivering, breaking, buying, or receiving of baby lamb carcasses, the dressed weight of which does not exceed thirty pounds (pelt off), or 35 pounds (pelt on).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall be effective April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 25, 1952.

[F. R. Doc. 52-3513; Filed, Mar. 25, 1952; 11:00 a. m.]

[Ceiling Price Regulation 97, Collation 1]

CPR 97—PACIFIC NORTHWEST LOGS

COLL. 1—INCLUDING AMENDMENTS 1–4

Ceiling Price Regulation 97 is republished to incorporate the texts of Amendments 1 through 4, inclusive. Ceiling Price Regulation 97 was issued November 19, 1951 (16 F. R. 11716). Statements of Consideration for Ceiling Price Regulation 97, and for Amendments 1–4, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

COVERAGE

Sec.

1. What this regulation does.
2. What regulations are superseded.
3. What logs are covered.
4. Delivery districts.
5. Geographical applicability.

CEILING PRICES, DELIVERY, GRADING AND SCALING, EXPORT SALES

10. Ceiling prices.
11. Additions for long lengths on Nos. 1 and 2 sawmill logs.
12. Deductions for short lengths.
13. Cull logs.
14. General explanation of log delivery in connection with established ceiling prices.
15. Delivery in the Puget Sound, Willapa Bay-Grays Harbor, and Columbia River districts.
16. Delivery in the Lane-Douglas and Oregon-California districts.
17. Grading and scaling fees.
18. Grading and scaling.
19. Accredited graders and scalers.
20. Export sales.

MISCELLANEOUS PROVISIONS

25. Special pricing.
26. Modification of proposed ceiling prices by Director of Price Stabilization.
27. Petitions for amendment.
28. Adjustable pricing.
29. Records.
30. Interpretations.
31. Prohibitions.
32. Evasions.
33. Definitions.

AUTHORITY: Sections 1 to 33 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 33 contained in Ceiling Price Regulation 97, November 19, 1951 (16 F. R. 11716), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 97, November 24, 1951, 16 F. R. 11716; Amendment 1, November 28, 1951, 16 F. R. 12013; Amendment 2, January 21, 1952, 17 F. R. 656; Amendment 3, February 8, 1952, 17 F. R. 1271; Amendment 4, March 14, 1952, 17 F. R. 2247.

SECTION 1. *What this regulation does.* This regulation establishes dollars-and-cents ceiling prices for sales and purchases of designated species of Pacific Northwest logs that are delivered in specified areas of Washington, Oregon, and California, or are exported to a foreign country.

SEC. 2. *What regulations are superseded.* This regulation supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 61, insofar as they pertain to the transactions covered by this regulation.

SEC. 3. *What logs are covered.* This regulation covers Douglas Fir, Red Fir, White Fir, Noble Fir, Western Hemlock, Western Red Cedar, Sitka Spruce, White Pine, and Alder logs produced in Washington, Oregon, and California.

SEC. 4. *Delivery districts.* (a) This regulation is controlling when you deliver logs described in section 3 of this regulation within specified areas of the United States, or where you export the logs to a foreign country. Export sales are treated in section 20 of this regulation. The delivery areas in the United States are situated in the western portions of Oregon and Washington and in the extreme northwest portion of California and have been subdivided into five geographical districts. The districts are explained in paragraph (b) of this section.

(b) *Explanation of districts.* The delivery districts referred to in this regulation have the following meanings:

(1) Puget Sound district means the part of Washington west of the crest of the Cascade Mountains, except Grays Harbor, Pacific, Wahkiakum, Cowlitz, Clark, and Skamania Counties.

(2) Willapa Bay-Grays Harbor district means the counties of Grays Harbor and Pacific in Washington.

(3) Columbia River district consists of Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat Counties in Washington; and Benton, Clackamas, Clatsop, Columbia, Hood River, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Wasco, Washington, and Yamhill Counties in Oregon.

(4) Lane-Douglas district consists of the portion of Lane County, Oregon, east of the crest of the Coast Range Mountains, and the portion of Douglas County, Oregon, east of the crest of the Coast Range Mountains having as a southern boundary a line running due east from Rice Hill, Oregon, to the western boundary of Lane County, Oregon, and running due west from Rice Hill, Oregon, to the crest of the Coast Range Mountains.

(5) Oregon-California district consists of the portions of Lane and Douglas Counties, Oregon, which are not included in the Lane-Douglas district; Coos, Curry, Josephine, and Jackson Counties in Oregon; Del Norte, Humboldt, and Mendocino Counties in California; and the portion of Siskiyou and Trinity Counties in California which are west of the crest of the Coast Range Mountains.

SEC. 5. *Geographical applicability.* When logs covered by this regulation are delivered in one of the districts specified in Section 4, this regulation applies even if the actual sale of the logs is made elsewhere in the United States, or in the territories or possessions thereof, or in a foreign country.

CEILING PRICES, DELIVERY, GRADING AND SCALING, EXPORT SALES

SEC. 10. *Ceiling prices.* The ceiling prices per 1,000 feet, Spaulding or Revised Scribner Decimal C Log Scale, for logs covered by this regulation when delivered in the indicated districts, are as follows:

Type of log	Districts				
	Puget Sound District	Columbia River District	Willapa Bay-Grays Harbor District	Lane-Douglas District	Oregon-California District
Douglas Fir:					
Peeler No. 1	$110.00	$110.00	$110.00	$100.00	$90.00
Peeler No. 2	100.00	100.00	100.00	85.00	75.00
Peeler No. 3	85.00	80.00	80.00	75.00	65.00
Sawmill No. 1	65.00	65.00	65.00	52.50	50.00
Sawmill No. 2	60.00	52.50	52.50	42.50	40.00
Sawmill No. 3	50.00	42.50	42.50	37.50	35.00
Camp Run—saw logs					42.00
Douglas Fir Second Growth and Red Fir:					
Sawmill No. 2	52.50	50.00	50.00		
Sawmill No. 3	42.50	40.00	40.00		
Western Hemlock:					
Peelable	60.00	57.50	57.50	55.00	55.00
Sawmill No. 1	55.00	52.50	52.50	47.50	45.00
Sawmill No. 2	42.50	42.50	42.50	37.50	35.00
Sawmill No. 3	40.00	40.00	40.00	32.50	30.00
Camp Run—saw logs					37.00
White Fir:					
Peelable	60.00	57.50	57.50	55.00	55.00
Sawmill No. 1	55.00	52.50	52.50	47.50	45.00
Sawmill No. 2	42.50	42.50	42.50	37.50	35.00
Sawmill No. 3	40.00	40.00	40.00	32.50	30.00
Camp Run—saw logs					37.00
Noble Fir:					
Peelable	75.00	65.00			
Sawmill No. 1	60.00	60.00	52.50		
Sawmill No. 2	50.00	42.50	42.50		
Sawmill No. 3	45.00	40.00	40.00		
Red Cedar:					
No. 1	115.00	100.00	90.00		
No. 2	60.00	60.00	60.00		
Shingle	40.00	40.00	45.00		
Common			30.00		
Sitka Spruce:					
Select	85.00	85.00	85.00		
Sawmill No. 1	60.00	60.00	60.00		
Sawmill No. 2	45.00	45.00	45.00		
Sawmill No. 3	42.50	42.50	42.50		
White Pine:					
Peelable	90.00	70.00			
Sawmill No. 1	70.00	60.00			
Sawmill No. 2	55.00	50.00			
Sawmill No. 3	50.00	40.00			
Alder	45.00	45.00	45.00		
Wood logs	20.00	20.00	20.00	20.00	

SEC. 11. *Additions for long lengths on sawmill logs.* For long lengths of all species of sawmill logs except Western Red Cedar, the ceiling prices set forth in section 10 are increased as follows:

	Per 1,000 feet log scale
42 to 50 feet	$1.00
52 to 60 feet	2.00
62 to 70 feet	3.00
62 to 80 feet	4.00

SEC. 12. *Deductions for short lengths—*(a) *Peeler logs.* When a peeler log is less than 16 feet in length (peeler log block), but satisfies standard peeler log grade requirements other than length, the ceiling prices set forth in Section 10 of this regulation are reduced by $5.00 per 1,000 feet log scale.

(b) *Sawmill logs.* When a sawmill log is less than 12 feet in length, but satisfies standard sawmill log grade requirements other than length, the ceiling prices set forth in section 10 are reduced by $2.00 per 1,000 feet log scale.

SEC. 13. *Cull logs.* Notwithstanding any other provision of this regulation, the ceiling price for a log graded "cull" shall be $1.00 per 1,000 feet log scale.

SEC. 14. *General explanation of log delivery in connection with established ceiling prices.* The ceiling prices established by this regulation are delivered prices. Under the regulation you are permitted to deliver logs to a buyer at a number of places, but in order to charge an established ceiling price you must deliver your logs at a designated locality, and, depending upon the locality that is chosen, you may be required to perform a related service. Three localities are designated for the Lane-Douglas and Oregon-California districts; one locality is designated for the Puget Sound, Willapa Bay-Grays Harbor, and Columbia River districts. Section 15 shows the designated locality of delivery and a related service for the latter three districts; it also prescribes reductions in established ceiling prices which apply when you do not deliver your logs at the designated locality or when you do not perform the related service. Section 16 shows the three designated localities and a related service for the Lane-Douglas and Oregon-California districts, and in like manner prescribes a number of reductions in established ceiling prices.

SEC. 15. *Delivery in the Pudget Sound, Willapa Bay-Grays Harbor, and Columbia River districts—*(a) *Designated locality and related services.* In order to charge a ceiling price established by this regulation when you deliver your logs in the Puget Sound, Willapa Bay-Grays Harbor, or Columbia River districts, you must deliver your logs in towable waters as defined in section 33, and you must boom and raft the logs.

(b) *Reductions for delivery at non-designated locality and non-performance of services.* (1) If you do not deliver your logs in towable waters as prescribed in paragraph (a) of this section, the established ceiling prices are reduced by an amount equal to the sum of (i) the cost of transporting the logs from the place of actual delivery to the nearest towable waters, and (ii) the cost of booming and rafting the logs. In computing the transportation cost, you must apply appropriate commercial trucking or common carrier railroad rates; and in computing the booming and rafting cost, you must apply appropriate commercial rates for such services.

(2) If, when you deliver your logs in towable waters as prescribed in paragraph (a) of this section, you do not boom or raft the logs, the established ceiling prices are reduced by an amount equal to the cost of the service, or services, you do not perform, computed by applying the appropriate commercial rates that are in effect at the time of delivery.

SEC. 16. *Delivery in the Lane-Douglas and Oregon-California Districts—*(a) *Designated localities and related service.* In order to charge a ceiling price established by this regulation when you deliver your logs in the Lane-Douglas or Oregon-California districts, you must deliver your logs at one of the following designated localities and, where indicated, you must also perform the related services that are shown:

(1) In towable waters as defined in section 33, in which case you must boom and raft the logs.

(2) At a common carrier railroad shipping point agreed upon by you and the buyer.

(3) At the buyer's mill.

(b) *Reductions for delivery at non-designated localities and non-performance of services.* The ceiling prices established by this regulation are reduced as shown below when you elect to deliver your logs at a locality which is not designated in paragraph (a) of this section, or when you do not perform the related services:

(1) If you do not deliver your logs at a designated locality, the established ceiling prices are reduced by an amount equal to the cost of (i) transporting your logs from the place of actual delivery to the nearest towable waters, or to the nearest railroad shipping point, or to the buyer's mill, whichever is closest to the actual place of delivery, and (ii) the cost of booming and rafting your logs, if the transportation cost is computed to the nearest towable waters. In computing transportation costs under this subparagraph, you must apply appropriate commercial trucking or common carrier railroad rates in effect at the time of delivery; and in computing booming and rafting costs, you must apply the appropriate commercial rates for such services that are in effect at the time of delivery.

(2) If, when you deliver logs in towable waters, you do not boom and raft the logs, the established ceiling prices are reduced by an amount equal to the cost of the service, or services, you do not perform, computed by applying the appropriate commercial rates that are in effect at the time of delivery.

SEC. 17. *Grading and scaling fees.* If you charge a ceiling price for your logs, you must pay at least one-half of the fees involved in grading and scaling the logs; and in that case the buyer must pay the balance of the fees. You may not, however, add to a selling price which is less than a ceiling price any amount for the cost of grading and scaling which makes your selling price higher than the ceiling price plus one-half of the grading and scaling fees.

SEC. 18. *Grading and scaling*—(a) *Rules.* You may sell your logs at a ceiling price only when they have been graded and scaled in accordance with the rules of one of the following listed log scaling and grading bureaus, and only when they are covered by a scale and grade certificate or statement of the kind described in paragraph (c) of this section.

(1) If you deliver the logs in the Puget Sound district, the logs must be graded and scaled in accordance with the rules, in effect when this regulation is issued, of the Puget Sound Log Scaling and Grading Bureau, Seattle, Washington.

(2) If you deliver the logs in the Willapa Bay-Grays Harbor district, the logs must be graded and scaled in accordance with the rules, in effect when this regulation is issued, of the Grays Harbor Log Scaling and Grading Bureau, Aberdeen, Washington.

(3) If you deliver the logs in the Columbia River district, or in the Lane-Douglas district, the logs must be graded and scaled in accordance with the rules, in effect when this regulation is issued, of the Columbia River Log Scaling and Grading Bureau, Portland, Oregon.

(4) If you deliver the logs in the Oregon-California district, the logs must be scaled in accordance with the rules, in effect when this regulation is issued, of either the Columbia River Log Scaling and Grading Bureau, or the Northern California Log Scaling and Grading Bureau, Eureka, California.

(b) *Grading and scaling records.* The grader and scaler who grades or scales logs subject to this regulation must sign and retain for a period of two years the original copy of the scaling and grading record of the logs graded or scaled. This record must include all the information customarily included on grading and scaling records of logs graded and scaled under the rules of whichever of the grading and scaling bureaus described in paragraph (a) of this section may be pertinent.

(c) *Certificates and statements.* You must attach a copy of a scale and grade certificate or statement to each invoice pertaining to a sale of logs subject to this regulation. The certificate or statement must be in the form customarily used in the district in which the logs are delivered, and must indicate the grade and scale of the logs in accordance with the rules of whichever of the scaling and grading bureaus described in paragraph (a) of this section may be pertinent. The original of such certificate or statement must be signed by the person who graded or scaled the logs, or, in the case of a bureau accredited by the Appendix described in section 19 of this regulation, by an officer of such accredited bureau. If the statement or certificate is signed by an officer of an accredited bureau, it must contain the following language: "The logs described herein have been graded and scaled on [insert date] by [insert name of grader and scaler], a grader and scaler employee accredited by the Director of Price Stabilization."

SEC. 19. *Accredited graders and scalers.* (a) The Director of Price Stabilization will append to this regulation a list of accredited graders and scalers who have been found by the Director of Price Stabilization to be qualified to grade and scale logs subject to this regulation. When logs are graded or scaled by an accredited grader and scaler, neither you nor a purchaser from you will be held responsible for inaccurate grades or scales if it appears that you, or the purchaser, have acted in good faith in relying upon the grades or scales presented. When, however, logs are graded or scaled by a grader and scaler who has not been accredited, and a rescale or check scale shows more than 5 percent variation in value from the original grade or scale, both you and a purchaser from you will be liable for the incorrect grading or scaling and will be subject to the penalties provided for violation of this regulation. When logs are graded or scaled by an accredited bureau, the grading or scaling will not be deemed to have been performed by an accredited grader or scaler unless the individual who performed the grading or scaling is himself listed as an accredited employee of the named bureau.

(b) The Regional Director, Office of Price Stabilization, Seattle, Washington, is hereby authorized to amend the appendix referred to in paragraph (a) of this section by adding or deleting therefrom the names of accredited graders and scalers.

(1) Any person may apply to the Regional Director, Office of Price Stabilization, Seattle, Washington, for listing as an accredited grader and scaler. An application must set forth the applicant's qualifications, such as his grading and scaling experience, his familiarity with grading and scaling rules and practices, and his familiarity with specie characteristics and lumber products. It must also contain a statement setting forth that the applicant, if accredited, will act independently of all log buyers and sellers, and not as an employee or agent of any buyer and seller. Upon receiving an application, the named Regional Director will request either the Puget Sound Log Scaling and Grading Bureau, the Grays Harbor Log Scaling and Grading Bureau, the Columbia River Log Scaling and Grading Bureau, or the Northern California Log Scaling and Grading Bureau to examine into the applicant's qualifications for listing as an accredited grader and scaler, and to submit to him its findings with respect to the applicant's experience and qualifications. If, on the basis of such an investigation, and whatever other information is brought to his attention, the named Regional Director is of the opinion that the applicant has the necessary qualifications to perform a reasonably satisfactory job of log grading and scaling under this regulation, he shall cause the applicant's name to be added to the list of accredited graders and scalers.

(2) When a rescale or check scale of logs which have been graded or scaled by an accredited grader and scaler shows a variation greater than 5 percent in value between the original scale and rescale or check scale, the Regional Director, Office of Price Stabilization, Seattle, Washington, may cause an investigation to be made to determine whether the grader and scaler involved is performing his duties in a satisfactory manner. As part of such investigation the grader and scaler shall be afforded reasonable opportunity to be heard and to justify his original scale. If, on the basis of such investigation, the named Regional Director is of the opinion that the grader and scaler has not been performing his duties in a reasonably satisfactory manner, the named Regional Director shall cause the name of the grader and scaler to be removed from the list of accredited graders and scalers.

SEC. 20. *Export sales*—(a) *Ceiling prices.* If you make an export sale of logs that are covered by this regulation and are produced in one of the delivery districts set forth in section 4, your ceiling price is the applicable price in section 10 for that district in which the logs are produced (as modified by the application of sections 11 and 12), plus costs of exportation actually incurred by you in connection with the export sale. For example, for logs produced in the Puget Sound district, the ceiling price is the applicable price pertaining to logs delivered in the Puget Sound district that is shown in section 10 (as modified by the application of sections 11 and 12), plus costs of exportation actually incurred by you in connection with the export sale. You will note that no mark-up or commission is permitted when you make an export sale.

(b) *Grading and scaling.* The provisions of sections 17, 18, and 19 of this regulation are applicable to export sales of logs, subject, however, to the qualification that exported logs shall be graded in accordance with the rules of whichever of the scaling and grading bureaus that may apply to the district in which the logs are produced. For example, if you export logs produced in the Puget Sound district, the logs must be scaled and graded in accordance with the rules, in effect when this regulation is issued, of the Puget Sound Log Scaling and Grading Bureau. Logs produced in the Oregon-California district must be scaled and graded in accordance with the rules of either the Columbia River Log Scaling and Grading Bureau, or the Northern California Log Scaling and Grading Bureau.

MISCELLANEOUS PROVISIONS

SEC. 25. *Special pricing.* If you cannot ascertain a ceiling price for a log subject to this regulation under any other provision of this regulation, as, for example, should you wish to sell a sawmill log more than 80 feet in length, or should you wish to charge for an extra service not specifically mentioned in this regulation, you may file an application with the Director of Price Stabilization, Washington, D. C., for approval of a special ceiling price. Your application must be made by registered letter and must set forth all the relevant facts, including the following:

(a) The species, grade, specifications, and quantity of the logs involved;

(b) A description of the extra service involved;

(c) Your proposed ceiling price;

(d) The differential between your proposed ceiling price and the most nearly comparable item priced in this regulation; or, if that differential cannot be ascertained, a statement of the reasons therefor;

(e) The proposed use to which the buyer will put the logs for which you are proposing a special ceiling price.

When an application has been filed under this section, you may quote the price proposed in your application, and you may deliver the logs in question at that price. The buyer of the logs may make payment therefor on the basis of the price proposed in your application, subject, however, to later adjustment in accordance with whatever action the Director of Price Stabilization may take on your application. If the Director of Price Stabilization does not disapprove or adjust your proposed price or request additional information about it within 15 days after he has received an application filed under this section, your proposed price shall be deemed to have been approved. Should the Director of Price Stabilization request additional information about a proposed price, the proposed price shall not be deemed to have been approved until 15 days have elapsed after the day on which the Director receives the information he has requested.

A special price approved pursuant to application made under this section shall be the ceiling price for all like future transactions between the same seller and buyer, unless a specific ceiling price for similar logs shall be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director of Price Stabilization.

SEC. 26. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise ceiling prices reported or proposed under section 26 of this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 27. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 28. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 29. *Records.* After the effective date of this regulation, every person who sells and every person who buys in the regular course of business logs subject to this regulation shall make and keep for inspection by the Director of Price Stabilization, for a period of two years, complete and accurate records or invoices of each sale or purchase made in any month in which the seller sold, or the buyer bought, more than 100,000 feet log scale of logs subject to this regulation. The records must include copies of the pertinent scaling certificates or statements, and must show the dates of sales, or purchases, the names and addresses of the sellers and purchasers, a complete description of the logs sold or bought, the place of their delivery by the seller, and the prices charged or paid; and, in the case of export sales, the records or invoices must show costs of exportation actually incurred by the seller or the buyer, as the case may be. The retention by a purchaser of an invoice furnished by a seller, which includes the factual information required to be made a matter of record by this section, shall be considered as compliance with the provisions of this section.

SEC. 30. *Interpretations.* If you have any doubt as to the meaning of this regulation, you should write to the Director of Price Stabilization for an interpretation. Any action taken by you in reliance upon, and in conformity with a written official interpretation, will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1.

SEC. 31. *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports as required by sections 18, 20, and 29 of this regulation. If you violate any provision of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 32. *Evasions.* (a) Any means or device which results in obtaining directly or indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

(b) The following are specifically, but not exclusively, among the means and devices prohibited by paragraph (a) of this section and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made in this industry under the general evasion provisions:

(1) An attempt to influence, or influencing, by any means, the judgment of a person grading or scaling logs subject to this regulation.

(2) The practice of a seller or buyer standing, or otherwise being present, on logs while they are being graded or scaled.

(3) Changing credit and discount practices which existed during the 30-day period immediately preceding the effective date of this regulation. Thus, you may not decrease credit periods or charge larger amounts for extending credit; and for cash payments you must allow the same percentage discounts, on the same terms, as you allowed during the period described in the preceding sentence.

SEC. 33. *Definitions.* (a) This regulation and the terms which appear in it shall be construed in the following manner unless otherwise clearly required by the context:

(1) *Columbia River district.* This term is explained in section 4.

(2) *Costs of exportation.* This term includes costs other than sales commissions actually incurred in or in connection with the export sale of logs, over and above those incurred and included in the applicable domestic ceiling price if the commodity were sold for domestic consumption.

(3) *Delivered.* Logs shall be deemed to be delivered when they are received by the buyer or his agent, or by a carrier, including a carrier owned or controlled by the seller, for shipment to the buyer.

(4) *Director of Price Stabilization.* This term extends to any official (including officials of Regional or local offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

(5) *Established ceiling prices.* This term refers to the ceiling prices for logs established by, or pursuant to, this regulation, without reference to the reductions explained and set forth in sections 14, 15, and 16 of this regulation.

(6) *Exports sale.* This term means the sale of logs to a person located outside the continental United States or a territory or possession of the United States, and which are shipped to the buyer outside the continental United States or a territory or possession of the United States, regardless of where the invoicing is done.

(7) *Lane-Douglas district.* This term is explained in section 4.

(8) *Log scale.* This term refers to ne volume of a log computed according) the Spaulding or Revised Scribner ecimal C scale.

(9) *Oregon-California district.* This rm is explained in section 4.

(10) *Person.* This term includes any ıdividual, corporation, partnership, as- ociation, or any other organized group persons, or the legal successor or rep- sentative of the foregoing, and the nited States and any other Government their political subdivisions or agencies.

(11) *Puget Sound district.* This term explained in section 4.

(12) *Records.* This term includes ooks of account, sales lists, sales slips, ders, vouchers, contracts, receipts, in- ices, bills of lading, and other papers id documents.

(13) *Sell.* This term includes sell, pply, dispose, barter, trade, exchange, ase, transfer, deliver, and contracts id offers to do any of the foregoing. ne term "buy" and "purchase" shall construed accordingly.

(14) *Towable waters.* This term refers any waters along the coast of Cali- rnia, Oregon and Washington, which e suitable during the entire year for wing logs subject to this regulation. also refers to the Skagit River, Puget und, Willapa Bay, Grays Harbor, the lumbia River, and the Willamette ver. The Willamette River shall be nsidered as a towable water from its outh to Corvallis, Oregon; the Skagit ver shall be considered as a towable ter from its mouth to Lyman's Ferry, ashington; and the Columbia River all be considered as a towable water om its mouth to The Dalles, Oregon, d Lyle, Washington.

(15) *You.* The pronoun "you" indi- tes any person who sells logs subject this regulation.

(16) *Willapa Bay-Grays Harbor dis- ct.* This term is explained in sec- n 4.

NOTE: The reporting and record-keeping quirements of this regulation have been proved by the Bureau of the Budget in cordance with the Federal Reports Act of 2.

ELLIS ARNALL,
Director of Price Stabilization.

By JOSEPH L. DWYER,
Recording Secretary.

APPENDIX A—ACCREDITED GRADERS AND SCALERS

The following graders and scalers have en found qualified to grade and scale logs bject to this regulation, and are listed as redited graders and scalers:

a) *Log scaling and grading bureaus.*

Columbia River Log Scaling and Grading reau.

Grays Harbor Log Scaling and Grading reau.

Northern California Log Scaling and Grad- Bureau.

Puget Sound Log Scaling and Grading reau.

Southern Oregon Log Scaling and Grading reau.

Tillamook (County) Log Scaling and ading Bureau.

Yamhill Log Scaling and Grading Bureau.

[Paragraph (a) amended by Amdt. 4]

b) *Employees of log scaling and grading reaus.*

(1) Columbia River Log Scaling and Grading Bureau employees:

Baty, Richard M.	Muir, Gordon
Boone, Clarence V.	Nelson, Charles
Bowles, Maynard	Nordall, Harry
Caswell, Horace	Olson, Gordon
Circle, Raymond	Patchell, Frank
Cluster, Claud	Pedersen, Fred
Copple, Wilburn L.	Peters, David
Currigan, Harry Bernard	Peters, William
Davis, Chester D.	Perin, Warren W.
Dupuis, Henry A.	Pike, Howard E.
Ebbutt, Gail	Pearson, Clinton
Edwards, Wesley	Ramsey, Jack
Ekerson, George	Reitsma, Arthur
Ellicott, Ross	Rickey, Ray
Eyer, Carman J.	Schurman, Charles
Frank, Charles A.	Simpson, Chester
Graham, Hugh C.	Smith, Edgar L.
Hales, John F.	Smith, Ruben A.
Hayman, Merton F.	Smith, Walter
Herold, Charles G.	Smithson, Emory L.
Hoover, Otey J.	Sorensen, Robert H.
Hockema, Tom D.	Spencer, Edward
Johnson, Mark A.	Spencer, Gerald F.
Kinnee, James	Stull, Leon
Larson, Walter	Taylor, Lloyd R.
Leahy, Daniel N.	Thornton, Dale
Lind, Philip J.	Trattner, Harold
Lindgren, William	Toal, Curtis
Lindsley, Hal	Tripp, William E.
Lyon, Stanton	Turner, Lester
McEvoy, Roy J.	Vanbeek, Donald
McKendrick, Roy	VanCamp, Milton
McLarty, Hubert J.	Wheeler, Louis
MacLean, Robert	Widmer, Kenneth
Manthe, John E.	Williams, Henry A.
Menear, Otis	Williams, Noel
Moreland, Lawrence	Wright, William
Morrow, Thomas	Whitehouse, Harlow C.

[Subparagraph (1) amended by Amdts. 2 and 4]

(2) Grays Harbor Log Scaling and Grading Bureau employees:

Byles, Chester N.	Hansen, Henry J.
Connolly, Desmond J.	Hebert, Harry J.
Cote, Stanley E.	Johnson, Carl T.
Cote, Edward I.	Matthews, Malcolm T.
Crosby, Warren E.	Rose, Charles H.
Erickson, Elmer A.	Sheridan, Clyde B.
Evanson, Edward S.	Smith, Mack L.
Fulton, Joseph W.	Stark, Harrington H.
Hayes, Roy A.	Swedblom, Egner A.

[Subparagraph (2) amended by Amdt. 2]

(3) Northern California Log Scaling and Grading Bureau employees:

Bellonl, Allessio	O'Rourke, Arthur E.
Benson, Albert O.	Parrott, George
Cairns, Richard	Pearsall, Darrell
Emery, Quincy P., Jr.	Pittenger, Howard
Marlin, Frank	Ridgeway, H. W.
Miller, Fred	Thomas, Kenneth

[Subparagraph (3) amended by Amdt. 4]

(4) Puget Sound Log Scaling and Grading Bureau employees:

Backlund, Arvid	Fithian, Ed.
Baker, Everett	Forseth, Kenneth S.
Barrett, Gordon S.	Forseth, Theo
Bell, Robert	Fredson, Mark
Berry, Francis C.	Fredson, Paul
Binkie, Chester R.	Gallagher, M. A.
Bjornsen, Chas. U.	Gedelman, W. L.
Breck, Bracy	Griffin, Glenn
Bremner, A.	Griffin, W. T.
Byers, Ladd B.	Halliday, Jack
Calkins, Dean L.	Hayes, Arthur
Calkins, Rollie L.	Hayes, Roy A.
Campbell, Evan	Hayes, Robert J.
Cookingham, Merritt G.	Hayes, Robert M.
	Herold, Arthur
Cotterell, Clarence H.	Hill, Magnus A.
Demers, Bert J.	Hofto, Richard
Demers, James V.	Johnson, Elmer
Ditto, R. J.	Knapp, Earl L.
Donovan, Jack	Kretz, Vincent
Ferguson, Arthur	Langner, Sam D.
LaRocque, Rene	Redmann, Wm.
Leyde, Orville H.	Schaudies, Leland
Macintosh, Horace A.	Schurke, Loren
Niemeyer, R. Earl	Van Wingerden, R.
Plaskett, Jack	Vollgny, George
Phillips, Cecil	Wolfe, W. L.
Ramage, Sam E.	

[Subparagraph (4) amended by Amdt. 2]

(5) Southern Oregon Log Scaling and Grading Bureau employees:

Berline, Edgar G.	Mann, Jakie
Blakely, V. L.	Moody, Allen E.
Cacy, Harold B.	Moore, Elmer H.
Craig, K. E.	Nosler, Dan L.
Erlebach, Anton	Rich, J. P.
Hubbard, Herman H.	Stark, Donald H.
Hufford, Marion D.	Stora, Fred M., Sr.
Kinsel, Leonard H.	Thomas, Leland E.
Kirkpatrick, H. W.	Vincent, Richard D.
Lees, Clyde W.	Weikum, Carl

(6) Tillamook (County) Log Scaling and Grading Bureau employees:

Duerfeldt, Bill	Phillips, Wm. S.
Gavette, Thomas G.	Stasek, Don
Hodson, Frederick	

[Subparagraph (6) amended by Amdt. 2]

(7) Yamhill Log Scaling and Grading Bureau employees:

Hartman, R. B., McMinnville, Oreg.
Hartman, Richard F., McMinnville, Oreg.

[Subparagraph (7) added by Amdt. 4]

(c) *Individual log scalers and graders:*

Archer, Eldridge A., Coos Bay, Oreg.
Archer, William R., Coos Bay, Oreg.
Baxter, Laurance, Springfield, Oreg.
Bell, Lynn, Bellingham, Wash.
Cain, Leonard E., Coos Bay, Oreg.
Culkin, Peter, Salem, Oreg.
Farrier, J. Merle, Eugene, Oreg.
Fransen, Fred, Tacoma, Wash.
Garland, James E., Corvallis, Oreg.
Handler, Joseph F., Jr., Portland, Oreg.
Kidd, Ray, Port Angeles, Wash.
Nelson, Charles E., Eugene, Oreg.
Rhoads, C. E., Eugene, Oreg.
Schneider, A. V., Portland, Oreg.
Small, J. M., Olympia, Wash.
Taylor, Jack, South Bend, Wash.
Taylor, Lloyd, South Bend, Wash.

[Paragraph (c) amended by Amdts. 2, 3, and 4]

[Appendix A added by Amdt. 1]

[F. R. Doc. 52-3509; Filed, Mar. 25, 1952; 10:59 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 29, Collation 1]

GCPR, SR 29—CEILING PRICES FOR CERTAIN SALES AT RETAIL AND WHOLESALE

COLL. 1—INCLUDING AMENDMENTS 1–8

Supplementary Regulation 29 to the General Ceiling Price Regulation is republished to incorporate the texts of Amendments 1 through 8, inclusive. General Ceiling Price Regulation, Supplementary Regulation 29 was issued May 28, 1951 (16 F. R. 5011). Statements of Consideration for Supplementary Regulation 29 to the General Ceiling Price Regulation, and for Amendments 1–8, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Sales at wholesale or at retail to which this regulation applies; exceptions.
3. Increases in wholesale and retail ceiling prices to eliminate the replacement squeeze.
4. Changes in wholesale and retail ceiling prices to reflect suppliers' price changes permitted by certain manufacturers' regulations or certain excise tax changes.
5. Increases and decreases in retailers' ceiling prices to reflect wholesalers' ceiling price changes under this regulation.
6. Wholesalers' ceiling prices for certain branded commodities.
7. Records.
8. Applicability.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 8 contained in Supplementary Regulation 29 to the General Ceiling Price Regulation, May 28, 1951 (16 F. R. 5011), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: GCPR SR 29, May 28, 1951, 16 F. R. 5011; Amendment 1, June 4, 1951, 16 F. R. 5319; Amendment 2, September 12, 1951, 16 F. R. 9196; Amendment 3, October 27, 1951, 16 F. R. 10814; Amendment 4, November 3, 1951, 16 F. R. 10984; Amendment 5, November 1, 1951, 16 F. R. 11179; Amendment 6, January 16, 1952, 17 F. R. 398; Amendment 7, January 28, 1952, 17 F. R. 722; Amendment 8, March 22, 1952, 17 F. R. 2307.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies General Ceiling Price Regulation wholesale and retail ceiling prices for sales of commodities other than those listed in section 2 of this regulation in order to eliminate the replacement squeeze and to reflect suppliers' ceiling price changes under Ceiling Price Regulation 22 (Manufacturers' General Ceiling Price Regulation) and the following regulations: Ceiling Price Regulation 30 (Machinery and Related Manufactured Goods); Ceiling Price Regulation 37 (Primary Cotton Textile Manufacturers); Ceiling Price Regulation 18, Revision 1 (Manufacturers' Prices for Wool Yarns and Fabrics); Ceiling Price Regulation 41 (Shoe Manufacturers); Ceiling Price Regulation 45, Revision 1 (Apparel Manufacturers); Ceiling Price Regulation 72 (Mixed Fertilizer and Fertilizer Materials sold in Puerto Rico by Mixers and Packagers); Supplementary Regulation 50 to the General Ceiling Price Regulation (Sodium Silicofluoride); General Overriding Regulation 10 (Adjustments of Ceiling Prices for Manufacturers); the following adjustment regulations under section 402 (d) (4) of the Defense Production Act of 1950, as amended: General Overriding Regulation 20, General Overriding Regulation 21, Supplementary Regulation 2, Revision 1 to Ceiling Price Regulation 22, Supplementary Regulation 17 to Ceiling Price Regulation 22, and Supplementary Regulation 18 to Ceiling Price Regulation 22; Ceiling Price Regulation 112 (Wholesale Paper Merchants); and Ceiling Price Regulation 121 (Printing, Printed Products, Allied Products and Certain Paper Products).

Additions to this list of regulations will be made from time to time.

[Section 1 amended by Amdts. 3, 4, 5, 7 and 8]

SEC. 2. *Sales at wholesale or at retail to which this regulation applies; exceptions.* This regulation applies only to commodities for which ceiling prices for sales at wholesale or at retail are established by the General Ceiling Price Regulation. However, ceiling prices for sales at wholesale or at retail may not be established under this regulation for:

(a) Any agricultural commodities listed in section 11 (a) of the General Ceiling Price Regulation and any food products processed from one or more of them;

(b) Fresh meats, processed pork, and semi-sterile canned meats;

(c) Soft drinks;

(d) Malt beverages; wines; or distilled spirits;

(e) Cigars.

SEC. 3. *Increases in wholesalers' and retailers' ceiling prices to eliminate the replacement squeeze.* If you are a wholesaler or retailer whose ceiling prices are determined under the General Ceiling Price Regulation, you may increase your ceiling price so as to eliminate a "replacement squeeze" as here defined. The term "replacement squeeze" describes the situation in which your supplier's ceiling price, determined under section 3 of the General Ceiling Price Regulation for sale of a commodity to you, is a higher cost to you that your "base period cost." "Base period cost" is the net invoice cost shown on the last invoice which you received from that supplier prior to the time when you first put in effect as a selling price the price at which you yourself were frozen by section 3 of the General Ceiling Price Regulation as originally issued, or as amended by Amendments 2 and 5. If you purchase the same commodity from two or more suppliers of the same class, your "base period cost" shall be determined from the last invoice you received for that commodity before the price to which you were frozen was established, regardless of which of your suppliers sold that shipment to you.

(a) *How you recalculate your ceiling price.* To eliminate the replacement squeeze, you many recalculate your ceiling price by applying to your "present net invoice cost" of the commodity the percentage markup which your former ceiling price yielded over your "base period cost" (as defined above in this section). In determining "present net invoice cost" of the commodity to which you are permitted to apply the percentage markup, you must use the last invoice received from that supplier prior to May 28, 1951; if you have received no invoice since the one which shows your base period cost, then you must use the first invoice you received on or after May 28, 1951. The invoice used in determining present net invoice cost must represent a typical purchase with respect to terms and quantity.

(b) *Number of recalculations.* This section does not provide continuing relief but rather is intended to permit only one recalculation of your ceiling price to offset increases in your supplier's prices. If you purchase the same commodity from two or more suppliers of the same class after recalculating the ceiling price for the sale of this commodity under this section you will have a different ceiling price for the same commodity when purchased from different suppliers whenever their prices to you differ.

Example 1. A wholesaler purchased a bicycle on October 1, 1950 at $6.60 2/10 EOM (Net invoice cost $6.47); he established a selling price of $8.75. This became his ceiling price since he continued to sell at this price throughout the base period (December 19, 1950–January 26, 1951). On January 7, 1951, his supplier increased his selling price to $7.40 which became the supplier's ceiling price. The wholesaler received no shipment at the higher price until March 20, 1951. Under this section the wholesaler may recalculate his ceiling price to eliminate this replacement squeeze. He takes the net invoice cost from the last invoice he received before establishing the price which became his frozen price ($6.47) and finds the percentage markup as follows: subtract $6.47 from $8.75 and divide the result by $6.47 ($8.75−$6.47=$2.28÷$6.47=35.2%) and finds that his base period percentage markup on cost was 35.2%. He then applies that markup to the net invoice cost on the last invoice he received before May 28 ($7.40 2/10 EOM) $7.25 net and finds that his new ceiling price for the bicycle is $9.80 (7.25×0.352=$2.55+$7.25=$9.80).

Example 2. A wholesaler customarily bought unbleached muslin from several mills. In November 1950, he purchased muslin from Mill A at 24⅛¢ net per yard at which time his selling price was 29¢ net per yard. On December 13, 1950, he purchased a lot of unbleached muslin from Mill B at 24⅜¢ net per yard and established a selling price of 30¢ net per yard. On January 11, 1951, he purchased another lot of the muslin from Mill C at 24⅝¢ net per yard, but did not change his selling price. The 30¢ price became the wholesaler's frozen ceiling price. On February 28, 1951, the wholesaler purchased a lot of muslin from Mill A at 25⅛¢ net per yard; and on April 13, 1951, purchased from Mill B at 25⅜¢ net per yard. The wholesaler recalculates his ceiling price under this section as follows: He finds the percentage markup by reference to the last invoice received from any supplier before establishing the price which became his "frozen" price (i. e. the invoice from Mill B for 24⅜¢ net per yard), and determines his percentage markup with reference to his frozen price (30−24⅜=5⅝÷24⅜=23.1%) and applies the percentage markup on cost 23.1%, to the net invoice cost on the last invoice received from each supplier prior to May 28, 1951. He finds that he has received invoices from Mill A on February 28, and from Mill B on April 13, and that as to these suppliers he will have two ceiling prices: for sales of muslin purchased from Mill A his ceiling price will be 30⅞¢ per yard (25⅛×.231=5⅘+25⅛=30⅞¢); for sales of muslin purchased from Mill B his ceiling price will be 31¼¢ per yard (25⅜×.231=5⁹⁄₁₀+25⅜=31¼¢).

[Example 2 amended by Amdt. 1.]

(c) *Use of recalculated ceiling prices under other sections.* The markup you have used in recalculating a ceiling price under this section may be used in the following manner:

(1) The markup you have used in recalculating a ceiling price under this section may be used as the markup for a comparison commodity when applying section 5 of the General Ceiling Price

tegulation, if the commodity repriced nder this section is used as the "com-arison commodity."

Example 3. Assume that the wholesaler n Example 1 is now using the bicycle for hich he recalculated his ceiling price under is section as a comparison commodity for ricing a wagon under section 5 of the Gen-al Ceiling Price Regulation. He finds his lling price for the wagon by applying the ercentage used in recalculating his price r the bicycle under this section to the net voice cost of the wagon; i. e., by applying 5.2% to the net invoice cost of the wagon.

(2) The markup you have used in re-lculating a ceiling price under this sec-on may be used as your "permitted per-ntage markup" in applying the provi-ons of section 4 or 5 of this supple-entary regulation.

SEC. 4. *Changes in wholesale and retail iling prices to reflect supplier's price anges permitted by certain manufac-rers' regulations or certain excise tax anges.* If you are a wholesaler or re-iler buying from a manufacturer who as changed his price for a commodity rsuant to Ceiling Price Regulation 22 Manufacturers' General Ceiling Price egulation) or other similar manu-cturers' regulations enumerated in ction 1 of this regulation or by rea-n of such changes in manufactur-s' excise taxes as are referred to in ction 1, you determine your ceiling ice under this section.

bove Paragraph amended by Amdt. 5]

(a) *Increases.* If your supplier has creased his price pursuant to an action ted in section 1, you may recalculate ur ceiling price for sale of that com-odity when purchased from that sup-ier after the increase is put into effect.

aragraph (a) amended by Amdt. 5.]

(b) *Decreases.* If your supplier has de-eased his price for a commodity and or any part of that decrease was made rsuant to an act listed in section 1, u must recalculate your ceiling price r sale of that commodity purchased m that supplier after the decrease is t into effect. Where the price to you decreased, you must assume that the crease was made pursuant to an action ted in section 1, unless you are in-med in writing by your supplier that part of the decrease is required by action listed in section 1.

aragraph (b) amended by Amdt. 5.]

(c) *How to recalculate your ceiling ice under this section.* You recalcu-e your ceiling price by applying to the w net invoice cost of the commodity ur "permitted percentage markup." ermitted percentage markup" means her the percentage markup your ceil-; price yields over the most recent net voice cost of the commodity or the per-ntage markup determined under sec-n 3 of this supplementary regulation, that section is applicable. (If you rchase the same commodity from two more suppliers of the same class, your mitted percentage markup shall be ermined from the last invoice you re-ved for that commodity before the ce to which you were frozen was es-blished, regardless of which of your suppliers sold that shipment to you. But the permitted percentage markup must be applied, for each supplier, to your most recent net invoice cost of the commodity when purchased from him.)

Example 4. A wholesaler has been buying dominoes from a manufacturer at $7.00 per dozen 2/10 EOM and has been selling them at $8.25 per dozen which is his frozen ceiling price. On June 8, he received an invoice for dominoes from the manufacturer showing $6.50 per dozen 2/10 EOM. The wholesaler must assume that the decrease was made pursuant to a manufacturers' regulation listed in section 1, unless he is informed in writing that no part of the decrease is required by such a regulation. If the article is one which the wholesaler had repriced under section 3 of this regulation because of a replacement squeeze, he can find his new ceiling price by applying to the net invoice cost ($6.37) the percentage markup which he used in making that recalculation. If the article is one for which the wholesaler had no replacement squeeze, he finds the permitted percentage markup as follows: he subtracts the net invoice cost on his most recent invoice, $6.86, ($7.00 2/10 EOM) from his frozen ceiling price $8.25 and divides the result by the net invoice cost ($8.25−$6.86=$1.39÷$6.86=20.3%) and finds that his percentage markup on cost is 20.3%. He then finds his new ceiling price for the dominoes by multiplying the new net invoice cost $6.37 by the permitted percentage markup and by adding the result to $6.37 ($6.37×.203=$1.29+$6.37=$7.66). The new ceiling price for the dominoes is $7.66.

(d) *Use of recalculated prices under other sections.* If a commodity priced under this section is used as a comparison commodity in pricing under section 5 of the General Ceiling Price Regulation, you must apply the markup used in redetermining the ceiling price under this section instead of determining a markup as described in section 5 of the General Ceiling Price Regulation.

SEC. 5. *Increases and decreases in retailers' ceiling prices to reflect wholesalers' ceiling price changes under this regulation.* If you are a retailer who buys from a wholesaler, or if you are any other reseller who buys from a wholesaler or distributor and if your supplier has changed his price to you pursuant to the provisions of this Supplementary Regulation 29, you recalculate your ceiling price under this section.

[Above Paragraph amended by Amdt. 6.]

(a) *Increases.* If your supplier has increased his price, you may recalculate your ceiling price for sale of that commodity purchased from that supplier after the increase is put into effect.

(b) *Decreases.* If your supplier has decreased his price and all or any part of that decrease was made pursuant to this Supplementary Regulation 29, you must recalculate your ceiling price for sale of that commodity purchased from that supplier after the decrease is put into effect. Where the price to you is decreased, you must assume that the decrease was made pursuant to this regulation unless you are informed in writing by your supplier that no part of the decrease is required by this supplementary regulation.

(c) *How to recalculate your ceiling price under this section.* You recalculate your ceiling price by applying to the new net invoice cost of the commodity your "permitted percentage markup." "Permitted percentage markup" means either the percentage markup your ceiling price yields over the most recent net invoice cost of the commodity or the percentage markup determined under section 3 of this supplementary regulation, if that section is applicable. (If you purchase the same commodity from two or more suppliers of the same class, your permitted percentage markup shall be determined from the last invoice you received for that commodity before the price to which you were frozen was established, regardless of which of your suppliers sold that shipment to you. But the permitted percentage markup must be applied, for each supplier, to your most recent net invoice cost of the commodity when purchased from him.)

Example 5. A retailer who purchased a bicycle from a wholesaler at $8.75 2/10 EOM, net $8.57½ sold that bicycle at $12.98 during the base period which became his "frozen price." When the wholesaler recalculates his ceiling price under this supplementary regulation to $9.80 (see Example 1) the retailer then pays $9.80 2/10 EOM or $9.60 net for the bicycle. The retailer may then apply the "permitted markup" ($12.98−$8.57½=$4.40½÷$8.57½=51.3%) 51.3% to the new cost of $9.60 ($9.60×.513=$4.92+$9.60=$14.52) and finds that $14.52 is his new ceiling price.

(d) *Use of recalculated prices under other sections.* If a commodity priced under this section is used as a comparison commodity in applying section 5 of the General Ceiling Price Regulation, the percentage markup used in determining a price under this section must be used instead of determining a percentage markup as described in section 5 of the General Ceiling Price Regulation.

SEC. 6. *Wholesalers' ceiling prices for certain branded commodities.* If you are a wholesaler of a commodity which is sold under a supplier's brand name, your ceiling price will be your supplier's suggested selling price for wholesalers if your supplier has obtained Office of Price Stabilization approval for those prices. Suppliers desiring to have uniform wholesale ceiling prices established for branded items which they sell may apply to the Office of Price Stabilization, Washington 25, D. C., for approval.

(a) *Contents of application.* The application must state the supplier's business name and address and must include:

(1) A showing that for a period prior to January 26, 1951, the branded commodities sold by him to wholesalers were customarily sold by the wholesalers at the prices suggested by him;

(2) The brand name and the requested wholesale ceiling price; each price list which the supplier proposes to issue for wholesalers, identified by a separate numerical or alphabetical designation in addition to the company name;

(3) The ceiling price for sales to the wholesalers for each of the items and an indication of the section and regulation under which these prices were determined;

(4) A showing that the requested wholesale ceiling prices provide margins at wholesale which in general are no

greater than the margins which the wholesalers received on the branded items prior to June 24, 1950. This showing must include the suggested wholesale prices for a period prior to June 24, 1950, together with the supplier's selling prices to wholesalers at that time and the wholesale margins thus provided.

(b) *Office of Price Stabilization approval.* The prices for sales at wholesale, proposed by the supplier will be approved or disapproved by Office of Price Stabilization but may be deemed to have been approved if the supplier has not been notified to the contrary by the Office of Price Stabilization within 15 days after the submission of the application or the filing of any additional information which may have been requested by the Office of Price Stabilization. The Office of Price Stabilization may by order revoke, modify, or alter, in whole or in part the ceiling prices established under this section, and may in such order make appropriate provisions for notification of customers.

(c) *Use by wholesalers of approved prices.* If you are a wholesaler you may take as your ceiling price the suggested wholesale prices in your supplier's price list as soon as you have received from him a statement in writing signed by an officer or owner of the company stating that the wholesale prices in that price list have been approved by the Office of Price Stabilization as ceiling prices for your sales at wholesale of the commodities in that price list. Such approval may be either by passage of time or by specific action of the Office of Price Stabilization.

SEC. 7. *Records.* The records required by this section must be retained for as long as the Defense Production Act of 1950 is in effect, and for two years thereafter. In addition to the records required by the General Ceiling Price Regulation, a wholesaler or retailer who prices under this Supplementary Regulation 29 must:

(a) Preserve and keep available for examination the invoice or other cost records used to determine percentage markups of each commodity under sections 3, 4, or 5 of this regulation;

(b) For each commodity for which a price is calculated under this Supplementary Regulation 29, list on his ceiling price list for the category, prepared under section 16 (a) (3) of the General Ceiling Price Regulation, the net invoice cost of the commodity from the invoice or other cost record upon which that selling price was based and the percentage markup;

(c) In the case of a seller at wholesale who prices pursuant to a price list sent to him by a manufacturer or wholesaler, who establishes ceiling prices for sales at wholesale pursuant to section 6 of this regulation, retain and keep available for examination by the Office of Price Stabilization the written statement by his supplier that such prices have been approved by Office of Price Stabilization and all such price lists;

(d) Preserve and keep available for examination the statements of his suppliers, if any, informing him that price decreases are not required by the manufacturers' regulations listed in section 1, nor by the provisions of this supplementary regulation, upon which he relies in determining his ceiling prices.

SEC. 8. *Applicability.* The provisions of this supplementary regulation are applicable to the United States, its territories and possessions, and the District of Columbia.

[Section 8 amended by Amdt. 2]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

By JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-3510; Filed, Mar. 25, 1952; 10:59 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 1 to Area Milk Price Regulation 1]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 1—NEW YORK METROPOLITAN MILK MARKETING AREA, NEW YORK

SPECIFIC PRICE ON WHICH PRICES OF PRODUCTS OF SKIM MILK ARE BASED

Due to clerical errors the word January 1952 was used in place of December 1951 and several other words were incorrectly used in the definition of skim milk value set forth in Item 6 of Amendment 1 which adds a new section 4c to Area Milk Price Regulation 1. A correction is therefore necessary to Area Milk Price Regulation 1, Amendment 1, issued and effective on the 17th day of March 1952 (17 F. R. 2428) in order to more accurately describe the method of arriving at ceiling prices for products of skim milk after March 31, 1952.

This correction does not affect the prices set forth in Amendment 1 for the month of March 1952 from the effective date of the regulation March 17, 1952 to the end of March 1952.

Section 4c of Amendment 1 to Area Milk Price Regulation 1 of SR 63 to the General Ceiling Price Regulation is corrected to read as follows:

SEC. 4c. *Specific price on which the prices of products of skim milk are based.* (a) The specific price for skim milk upon which the prices of products processed from skim milk are based is 67.4 cents, the value of skim milk per 100 pounds of whole milk of 3.5 percent butterfat and is determined by the difference between the preliminary calculation of Class II milk announced by the Milk Market Administrator on the 25th day of December 1951 and the final price also announced by the Milk Market Administrator on the 5th day of February 1952. For example, the skim price finally arrived at on February 5, 1952, will govern the March ceiling price. The price for skim milk arrived at on February 5, 1952, effective for March is 67.4 cents per 91.25 pounds of skim milk.

(b) The specific price of skim milk in any month to which ceilings will be adjusted pursuant to section 8 of SR 63 will be the price of skim milk arrived at on the 5th day of the preceding month from the final price announced for Class II milk received at country plants in an area extending not more than 201–2[illegible] miles from New York City. Fractions will be rounded as follows:

Increase or decrease in producer price (cents per 8-oz. cup)	*Increase or decrease in ceiling price (cents per 8-oz. cup)*
0.0–0.250	0
0.251–0.750	[illegible]
0.751 and over	1

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. App. Sup. 2154)

JULIUS S. WIKLER,
District Director.

MARCH 24, 1952.

[F. R. Doc. 52-3499; Filed, Mar. 24, 195[illegible] 3:49 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 3, Amdt. 2]

INT. 3—PROFIT SHARING AND OTHER BONUSES UNDER GENERAL SALARY STABILIZATION REGULATION 2

MISCELLANEOUS AMENDMENTS

1. The following paragraph is added to section 4:

4.10 Q. An employer formally adopted a bonus plan between January 1, 19[illegible] and January 25, 1951 containing a method or formula for computation of the bonus fund and providing for discretionary distribution thereof. The bonus plan applies to work performed before and after January 25, 1951, but the first payment of bonuses under the plan is to be made only after January 25, 1951. May the employer pay bonuses under the plan without the prior approval of the Office of Salary Stabilization, and how does he compute his base period bonus fund?

A. The employer may pay bonuses under the plan without prior approval. The base period bonus fund shall be the amount which, under the plan, would have become available for bonuses either in the calendar year 1950 or in the fiscal year ending in 1950 (dependent on whether the employer operates on a calendar or fiscal year basis), if the plan had been in effect during such calendar or fiscal year. No other method may be used to compute the base period bonus fund under the plan.

2. Paragraph 9.07 is amended to read as follows:

9.07 Q. If an employer uses the entire percentage increase authorized under General Salary Order 6, as amended, as an addition to an existing base period bonus fund for the payment of bonuses on December 31, 19[illegible] may he use the percentage increase to pay a bonus in a subsequent calendar year?

A. Yes, unless the employer has granted an increase in salaries equal to the percentage increase authorized

under the Order or has otherwise used the entire authorized percentage increase since December 31, 1951. However, if an employer has since December 31, 1951 granted an increase in salaries or other compensation, using part of the authorized percentage increase only, the unused balance may be added to the existing base period bonus fund of the employer in the subsequent calendar year.

3. The following paragraph is added to section 9:

9.08 Q. An employer used one-half of the percentage increase authorized under General Salary Order 6, as amended, as an addition to his existing base period bonus fund in distributing bonuses at the end of his fiscal year on February 29, 1952. May he add the same amount of the percentage increase to his base period bonus fund in paying bonuses at the end of his next fiscal year?

A. Yes, unless during the next fiscal year the employer uses more than one-half of the percentage increase authorized under the Order for increases in salaries or other compensation before the time of distribution of the bonuses.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on March 21, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-3535; Filed, Mar. 25, 1952; 11:50 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-59—Revocation]

M-59—STRAPPING

REVOCATION

NPA Order M-59 (16 F. R. 3924) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-59, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

Metal strapping is subject to the provisions of NPA Reg. 1.

This revocation is effective March 25, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3516; Filed, Mar. 25, 1952; 11:20 a. m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce.

[NSA Order No. 47 (AGE-4, Amdt. 2)]

AGE-4—GENERAL AGENTS' COMPENSATION

MISCELLANEOUS AMENDMENTS

Effective as of March 20, 1951, at 00:01 a. m., NSA Order No. 47 (AGE-4) published in the FEDERAL REGISTER issue of September 29, 1951 (16 F. R. 9983) as amended, 16 F. R. 12019, is amended as follows:

1. By deleting the words "General Agents' Compensation," appearing in the title, and inserting therefor the following words: "Compensation Payable to Agents, General Agents and Berth Agents"; and

2. By deleting section 1 and inserting therefor, the following:

SECTION 1. *What this order does.* This order prescribes the amount of compensation payable to Agents, General Agents and Berth Agents of the National Shipping Authority for services rendered in connection with the husbanding and conduct of the business of dry-cargo and passenger type vessels assigned to such agents under standard forms of Service Agreements prescribed by NSA Order No. 1 (AGE-1) as amended from time to time.

3. By adding to section 2 a new paragraph designated (d), following paragraph (c) as follows:

SEC. 2. *Compensation of General Agents for husbanding services, etc.* * * *

(d) *Compensation of General Agents for taking inventories.* (1) If a General Agent is required to take an inventory of a vessel upon its delivery under General Agency Agreement (GAA 3/19/51), or upon redelivery from such assignment, the General Agent shall be paid an additional fee of:

(i) $100.00 when the General Agent performs inventory with his own personnel, and

(ii) $50.00 when the General Agent employs a private contractor to perform the inventory.

(2) In addition to the fee prescribed in subdivisions (i) and (ii) of subparagraph (1) of this paragraph, the General Agent shall receive credit pursuant to the provisions of Article 5 of the Service Agreement for the following:

(i) When the General Agent performs inventory with his own personnel, he shall receive credit for cost of inventory surveyors actually employed in the accomplishment of the inventory, plus insurance and taxes and travel expenses; such costs shall not, however, exceed $475.00 for C1, C1-M-AV1, C2, C3, C4 and Victory type vessels and $325.00 for EC2, Z-EC2 and N3 vessels, without the prior approval of the Director, National Shipping Authority. The undertaking given above to allow expenses does not extend to the allowance of the cost of position fidelity bonds covering inventory surveyors, which is for the General Agent's account.

(ii) When the General Agent employs a private contractor he shall receive credit for such costs: *Provided,* That such costs do not exceed $525.00 for C1, C1-M-AV1, C2, C3, C4 and Victory type vessels and $375.00 for EC2, Z-EC2 and N3 vessels, without the prior approval of the Director, National Shipping Authority. The above amounts are inclusive of, but not limited to, wages, employee insurance, taxes, fidelity bonds, travel expenses, etc.

4. By deleting the first paragraph of section 3, including the heading, and inserting therefor, the following:

SEC. 3. *Compensation for conducting the business of the vessels.* Except as otherwise provided, the Agent, General Agent, or Berth Agent who performs services in connection with the business of the vessels, acts as accounting line in connection therewith, and performs duties for which no compensation is provided in other sections of this order, shall be compensated at the rates set forth below, out of which the Agent, General Agent or Berth Agent shall pay his sub-agents, branch houses, charges for postage and petties and customs brokers in the continental United States, and also any items of expenses not authorized for inclusion in the vessel operating expenses.

5. By deleting paragraph (c) of section 3 and inserting therefor, the following:

SEC. 3. *Compensation of General Agents for conducting the business of vessels.* * * *

(c) *Employment exclusively in service of Military Sea Transportation Service.* $25.00 per day per cargo vessel for the period of employment in the service of MSTS.

6. By adding to section 3 two new paragraphs designated (f) and (g), following paragraph (e), as follows:

(f) *Compensation for services incident to full cargoes of lumber in the intercoastal trade.* (1) 2½ percent of vessel's revenue for loading.

(2) 1¼ percent of vessel's revenue for discharging.

(g) *Employment in service of Military Sea Transportation Service with part cargoes of ore.* (1) $25.00 per day per cargo vessel for the period of employment in the service of MSTS;

(2) 1¼ percent of vessel's revenue on ore cargo, maximum $500.00.

7. By adding to section 6 two new paragraphs designated (c) and (d), following paragraph (b) as follows:

SEC. 6. *Communication expenses.* * * *

(c) The communication expenses incurred by General Agents in making position reports and transmitting certain data pertaining to Port Activities, as required by the instructions issued by the Chief, Office of Ship Operations, National Shipping Authority, on May 24, 1951, shall be included in the vessel operating expenses as reimbursable items of expense.

(d) Expenses incurred by General Agents in forwarding mail addressed to crew members shall be included in the vessel operating expenses as reimbursable items of expense.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Approved: March 19, 1952.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 52-3464; Filed, Mar. 25, 1952; 8:51 a. m.]

Chapter XX!—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 4]

RR 1—Housing

MISCELLANEOUS AMENDMENTS

Effective April 1, 1952, Rent Regulation 1 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 21st day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Section 41 is amended to read as follows:

SEC. 41. *Resort housing.* This regulation does not apply to housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to September 1, 1951, or the effective date of regulation applicable to such housing accommodations, whichever is later, or newly constructed or newly converted housing accommodations which have been rented or occupied on a seasonal basis since they were first rented or occupied. "Rented or occupied on a seasonal basis" means (a) rented or occupied during the "in-season" (winter or summer) and vacant during the "off-season", or (b) rented during the "in-season" at a substantially higher rent than during the "off-season." This exemption shall be effective only from June 1 to September 30, inclusive, in the case of summer resort housing and only from December 1 to March 31, inclusive, in the case of winter resort housing: *Provided, however,* That no housing accommodation shall be exempt for both periods: *And provided further,* That sections 211 and 214 shall be applicable to such housing accommodations during the exempt period. This provision shall not be construed to recontrol any housing accommodation which was exempt from the rent regulation under the summer or winter resort housing exemption provisions as they read on September 19, 1951, but limits such exemption to the period December 1 to March 31, inclusive (in the case of winter resort housing), or to the period June 1 to September 30, inclusive (in the case of summer resort housing).

2. Section 73 (a) is amended to read as follows:

SEC. 73. *Security deposits*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand, receive or retain a security deposit for or in connection with the use or occupancy of housing accommodations within the defense-rental area except as provided in this section. The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience. Paragraphs (b) to (i), inclusive, of this section shall be applicable to all housing accommodations with maximum rents established under sections 81 to 85 and section 92. Paragraphs (g), (i) and (j) of this section shall be applicable to all housing accommodations with maximum rents established under section 91, 93, 94, 95, 98, 99, or 101. This section shall be inapplicable to all housing accommodations with maximum rents established under section 86 (a) or 100 (a).

3. Section 73 (j) is amended to read as follows:

SEC. 73. *Security deposits.* * * *

(j) *Maximum rents established under section 91, 93, 94, 95, 98, 99 or 101.* Where the maximum rent of the housing accommodation is established on the effective date of regulation under section 91, 93, 94, 95, 98, 99, or 101, or was established on December 12, 1951, under section 99, or was established on April 1, 1952, under section 101, no security deposit shall be demanded, received or retained except in the amount (or a lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent: *Provided, however,* That where such lease or other rental agreement provided for a security deposit the Director at any time on his own initiative, or on application of the tenant, may order a decrease in the amount of such deposit, or may order its elimination.

4. Section 96 is amended to read as follows:

SEC. 96. *Rents received subject to refund.* If the Director finds, in cases where the maximum rent is established under section 93, 94, 95, or 101 (a) (4), that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after the date of first renting or the effective date, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 157 or 162: *Provided, however,* That the order under section 157 or 162 may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord or any successor landlord neither negligently failed nor deliberately refused to register. The landlord or any successor landlord shall have the duty to refund only if the order under section 157 or 162 is issued in a proceeding commenced by the Director within 3 months after the date of filing of such registration statement. If a refund is required by the order under section 157 or 162, such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

5. Sec. 100 (a) is amended to read as follows:

SEC. 100. *Housing supplied to employees of the Federal Government by agencies thereof.* (a) The provisions of this paragraph shall apply to all housing accommodations, supplied or which have been acquired for the purpose of being supplied to employees of the Federal Government under specific Government direction as an incidental service in support of Government programs, for which the rent is or will be set and administered by an agency of the Federal Government. These provisions shall be applicable to housing supplied or which has been acquired for the purpose of being supplied not only to direct Government employees but also to contractors, contractors' employees and all other persons whose housing is essential to the performance of the Government activity. The maximum rent for such housing accommodations shall be the rent charged on February 1, 1952, or on the effective date of regulation, whichever is later. Where such housing accommodations are acquired after February 1, 1952, or after the effective date of regulation, whichever is later, the maximum rent shall be the maximum rent in effect on the date of acquisition. If any such housing accommodations were not rented on February 1, 1952, or on the effective date of regulation, or if no maximum rent were in effect on the date of acquisition after February 1, 1952, or effective date of regulation, whichever is later, the maximum rent shall be the first rent charged for such accommodations after such applicable date. If any such housing accommodations were changed after February 1, 1952, or after the effective date of regulation, whichever is later, or after the date of acquisition, by a substantial increase or decrease in dwelling space the maximum rent for the housing accommodations resulting from such change shall be the first rent charged after such change. Where on the date determining the maximum rent under this paragraph the landlord had a practice of making specific charges for certain services, furniture, furnishings, or equipment, the maximum rent shall be established on a variable basis, according to the services, furniture, furnishings, or equipment provided. Other provisions relating to the establishment of maximum rents (sections 91 et seq.) shall be inapplicable to such housing accommodations.

* * * * *

6. Section 101 is added reading as follows:

SEC. 101. *Rent based on seasonal demand.* (a) For housing accommodations rented on a seasonal basis during the year preceding the maximum rent date (hereinafter called the "base year"), the maximum rent for each calendar month shall be established as follows:

(1) If the housing accommodation was rented during an entire month of the base year the maximum rent for that calendar month shall be the rent actually charged during that month in the base year.

(2) If the housing accommodation was rented for a portion of a month during the base year, the maximum rent for that calendar month shall be the average daily rent actually charged during that month in the base year multiplied by the number of days in the month.

(3) If a maximum rent for any calendar month is not established under subparagraph (1) or (2) of this paragraph, the landlord may establish such maximum rents by registration. The rent shall be fair and reasonable and based on (i) the maximum rents for the same accommodations for other calendar months of the year, and (ii) the prevailing rent in the defense-rental area for comparable housing accommodations in that calendar month in the base year.

(4) If a maximum rent has not been established under subparagraph (1), (2) or (3) of this paragraph for any calendar month of the base year, the maximum rent for that calendar month shall be the average daily rent first charged in the first corresponding calendar month in which there was a renting after the effective date multiplied by the number of days in the month.

(b) For purposes of this section "rented on a seasonal basis" means (1) rented or occupied during the "in-season" (winter or summer) and vacant during the "off-season", or (2) rented during the "in-season" at a substantially higher rent than during the "off-season." Other provisions relating to the establishment of maximum rents (section 91 et seq.) shall be inapplicable to such accommodations.

7. Section 118 is amended to read as follows:

SEC. 118. *Rent generally prevailing.* In cases under section 130, 133, 157, 160, or 161, the adjustment shall be on the basis of the rent which the Director finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided, however,* That in cases under sections 130 and 161, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent. *And provided further,* That in cases under section 157 where the maximum rent was established under section 101 the adjustment shall be on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations in the year preceding the maximum rent date.

8. Section 128 is amended to read as follows:

SEC. 128. *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the housing accommodations by a major capital improvement, as distinguished from ordinary repair, replacement and maintenance, or a substantial increase in services, furniture, furnishings or equipment, and the rent on the date determining the maximum rent was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

9. Section 134 is amended to read as follows:

SEC. 134. *Inequitable rents.* The landlord is suffering an inequity in that (a) the maximum rent for the housing accommodations (other than company housing accommodations, i. e. housing accommodations regularly rented to employees of the landlord) is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date for the defense-rental area, or during the year preceding the maximum rent date in the case of maximum rents established under section 101, or (b) the landlord has not been compensated for a substantial increase in the costs of operating and maintenance of housing accommodations since the maximum rent date for the defense-rental area. The adjustment under this section shall be in an amount sufficient to relieve the inequity.

10. Section 136 is amended to read as follows:

SEC. 136. *Change from year-round to seasonal renting and from seasonal renting to year-round renting.* (a) The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, are vacant, and the establishment of seasonal variations in the rent would not, in the opinion of the Area Rent Director, be inconsistent with the purposes of the act.

(b) The maximum rents for the accommodations are established on a seasonal basis and the establishment of a year-round maximum rent would not in the opinion of the Area Rent Director be inconsistent with the purposes of the act. If an order is entered establishing a year-round maximum rent, section 41 (providing for a seasonal exemption) would be inapplicable.

11. Section 157 (a) is amended to read as follows:

SEC. 157. *Rent higher than rents generally prevailing.* (a) The maximum rent for the housing accommodations was established under paragraph (c), (d), (e), (g) or (j) of section 4 of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, or under section 83, 85, 86, 91, 93, 94, 95, 98, 100 or 101, and said maximum rent is substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 101, taking into consideration all relevant factors, including any adjustments under sections 126 to 141 which may be applicable.

* * * * *

12. Section 160 is amended to read as follows:

SEC. 160. *Special relationship between landlord and tenant or peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and tenant, or by peculiar circumstances and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 101.

13. Section 166 is amended to read as follows:

SEC. 166. *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings, or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Director at any time on his own initiative may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from the effective date of regulation or date of first renting, whichever is later, but in no event earlier than July 1, 1947. If the Director is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 101, and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

14. Section 211 (a) is amended to read as follows:

SEC. 211. *Registration statement.* (a) Every landlord of controlled housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of former § 825.7 of title 24 as it read on September 19, 1951 (16 F. R. 10694): *Provided, however,* That a landlord must re-register any housing accommodation which is recontrolled after September 19, 1951, unless it had a maximum rent in effect under Federal rent control on the new maximum rent date: *And provided further,* That if the maximum rents were established under section 101 the landlord is required to register the maximum rents established under such section whether the housing accommodation was previously registered or not. If the housing accommodation was controlled for the first time or recontrolled after September 19, 1951, the registration statement shall be filed within 45 days after the effective date of regulation or within 30 days after the first renting thereof, whichever is later. If the maximum rent is established under section 101, such maximum rent must be registered within 45 days after April 1, 1952, or effective date of regulation, or within 30 days after the date on which it is established, whichever is later. If the housing accommodation was controlled on September 19, 1951, and not registered, the landlord has a continuing obligation to register in accordance with former § 825.7 (24 CFR 1950) as it existed prior to September 19, 1951. The statement shall identify each dwelling unit and specify the

maximum rent provided by this regulation for such dwelling unit and shall contain such other information as the Director shall require. The original shall remain on file with the Director and he shall cause one copy to be delivered to the tenant and one copy to be stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement and shall obtain the tenant's signature and the date thereof on the back of such statement.

[F. R. Doc. 52-3438; Filed, Mar. 25, 1952; 8:50 a. m.]

[Rent Regulation 2, Amdt. 3]

RR 2—Rooms in Rooming Houses and Other Establishments

Miscellaneous Amendments

Effective April 1, 1952, Rent Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 21st day of March 1952.

Tighe E. Woods,
Director of Rent Stabilization.

1. Section 21 is amended to read as follows:

Sec. 21. *The 60-day period determining the maximum rent.* "The 60-day period determining the maximum rent" means the 60-day period provided in section 91 et seq. (relating to establishment of maximum rents) for determining the maximum rent for any room for a particular term and number of occupants.

2. Section 42 is amended to read as follows:

Sec. 42. *Resort housing.* This regulation does not apply to rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to September 1, 1951, or the effective date of regulation applicable to such rooms, whichever is later, or newly constructed or newly converted rooms which have been rented or occupied on a seasonal basis since they were first rented or occupied. "Rented or occupied on a seasonal basis" means (a) rented or occupied during the "in season" (winter or summer) and vacant during the "off season," or (b) rented during the "in season" at a substantially higher rent than during the "off season." This exemption shall be effective only from June 1 to September 30, inclusive, in the case of summer resort housing and only from December 1 to March 31, inclusive, for winter resort housing: *Provided, however,* That no room shall be exempt for both periods: *And provided further,* That sections 211 and 214 shall be applicable to such rooms during the exempt period. This provision shall not be construed to recontrol any room which was exempt from the rent regulation under the summer or winter resort housing exempt provisions as they read on September 19, 1951, but limits such exemption to the period December 1 to March 31, inclusive (in the case of winter resort housing) or to the period June 1 to September 30, inclusive (in the case of summer resort housing).

3. Section 73 (a) is amended to read as follows:

Sec. 73. *Security deposits*—(a) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive or retain a security deposit for or in connection with the use or occupancy of any room subject to this regulation within the defense-rental area, except as provided in this section. The term "security deposit", in adition to its customary meaning includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience. Paragraphs (b) to (f) of this section shall be applicable to all rooms with maximum rents established under sections 81 to 85 and 92. Paragraphs (e) and (f) of this section shall be applicable to all rooms with maximum rents established under sections 91, 93, 94, 96, 97 and 99. Paragraph (g) of this section shall be applicable to rooms with maximum rents established under sections 91, 96, 97 and 99. This section shall be inapplicable to rooms with maximum rents established under section 86 (a) or 98 (a).

* * * * *

4. Section 73 (g) is amended to read as follows:

(g) *Maximum rents established under section 91, 96, 97 or 99.* Where the maximum rent of the room is established on effective date of regulation under section 91, 96, 97 or 99, or was established on December 12, 1951 under section 97, or was established on April 1, 1952 under section 99, no security deposit shall be demanded, received or retained except in the amount (or a lesser amount) and on the same terms and conditions (or on terms or conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent: *Provided, however,* That where such lease or other rental agreement provided for a security deposit, the Director at any time on his own initiative, or on application of the tenant, may order a decrease in the amount of such deposit, or may order its elimination.

5. Section 98 (a) is amended to read as follows:

Sec. 98. *Rooms supplied to employees of the Federal Government by agencies thereof.* (a) The provisions of this paragraph shall apply to all rooms, supplied or which have been acquired for the purpose of being supplied to employees of the Federal Government under specific Government direction as an incidental service in support of Government programs, for which the rent is or will be set and administered by an agency of the Federal Governmen These provisions shall be applicable rooms supplied or which have been a quired for the purpose of being suppli not only to direct Government e ployees but also to contractors, co tractors' employees and all other perso whose housing is essential to the pe formance of the Government activit The maximum rents for such roo shall be established as follows: F rooms having established rents on t applicable date (which is February 1952, or the effective date of regulatio whichever is later) the maximum ren shall be the established rents for suc room on such applicable date for diffe ent terms of occupancy and differe numbers of occupants. For rooms a quired after such applicable date t maximum rents shall be the maximu rents in effect on the date of acquisitio If a room did not have an establishe rent or a maximum rent for any—or f a particular—term or occupancy a number of occupants on the applicab date or on the date of acquisition aft such applicable date, the landlord ma establish such maximum rents by regis tration. If, after the applicable date after the date of acquisition after suc applicable date, a room is first rented f a particular term and number of occ pants for which no maximum rent h been established hereunder, the max mum rent shall be the rent first charge for a particular term and number occupants. Where on the date dete mining a maximum rent under t paragraph the landlord had a practi of making specific charges for certa services, furniture, furnishings, equipment, the maximum rent shall b established on a variable basis, accor ing to the services, furniture, furnish ings, of equipment provided. Oth provisions relating to the establishme of maximum rents (section 91 et seq. shall be inapplicable to such rooms.

* * * * *

6. Section 99 is added to read as fo lows:

Sec. 99. *Rent based on seasonal de mand.* (a) For rooms rented on a sea sonal basis during the year preceding th maximum rent date (hereinafter calle the "base year"), the maximum re for different terms and number o occupants (hereinafter called "rent basis") shall be determined as follows:

(1) The maximum rent for each rent basis, from June 1 to September 30 (i this is the in-season) or from April 1 t November 30 (if this is the off-season) shall be the highest rent charged on suc rental basis during the months of Ju and August of the base year.

(2) The maximum rent for eac rental basis, from December 1 to Marc 31 (if this is the in-season) or fro October 1 to May 31 (if this is the of season), shall be the highest re charged on such rental basis during th months of January and February of th base year.

(3) If a maximum rent is not estab lished under subparagraph (1) or (2) o this paragraph for a particular rent basis, the landlord may establish suc maximum rents by registration. Th

rent shall be fair and reasonable and based on (i) the rents charged during the applicable 2-months period for the same room on any other rental basis, and (ii) the rents charged during the same period for comparable rooms in the same establishment on the same rental basis, and (iii) the prevailing rent in the defense-rental area for comparable rooms rented on the same basis during the 2-months period.

(4) If a maximum rent has not been established under subparagraph (1), (2) or (3) of this paragraph for the particular rental basis for the in-season or the off-season, the maximum rent for the in-season or the off-season, as the case may be, shall be the first rent charged in such season on such rental basis after the effective date of regulation.

(b) For the purposes of this section "rented on a seasonal basis" means (1) rented or occupied during the "in-season" (winter or summer) and vacant during the "off-season", or (2) rented during the "in-season" at a substantially higher rent than during the "off-season." Other provisions relating to the establishment of maximum rents (sections 91 et seq.) shall be inapplicable to such rooms.

7. Section 101 (b) is amended to read as follows:

SEC. 101. *Rent fixed by order of Director.* * * *

(b) The Director at any time on his own initiative or on petition of the landlord may enter an order fixing the maximum rent and specifying the minimum services for a room for a particular term or number of occupants for which no maximum rent has been established prior to issuance of the order under any other provision of this regulation. Such maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or in the year preceding the maximum rent date in the case of a room which has any maximum rent established under section 99.

8. Section 113 is amended to read as follows:

SEC. 113. *Effective date of rent increase.* In all cases under sections 126 to 137 the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's application or petition: *Provided, however,* That where a maximum rent for a room is established under section 91 et seq. (relating to the establishment of maximum rents) of this regulation on the effective date of regulation and a petition for adjustment is filed by the landlord under section 127 or 129 within 45 days of the effective date of this regulation, the adjustment in the maximum rent shall be retroactive to the effective date of regulation.

9. Section 117 is amended to read as follows:

SEC. 117. *Difference in rental value.* In those cases involving a major capital improvement, an increase or decrease in living space, services, furniture, furnishings or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Director finds would have been on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change: *And provided further,* That in cases involving an increase or decrease in living space or a change from unfurnished to fully furnished, the adjusted maximum rent shall be not less than the rent which the Director finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

10. Section 118 is amended to read as follows:

SEC. 118. *Rent generally prevailing.* In cases under sections 130 and 157, the adjustment shall be on the basis of the rent which the Director finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided, however,* That in cases under section 130, the adjustment may be on the basis of the rental agreement in force on the date or during the 30- or 60-day period establishing the maximum rent: *And provided further,* That in cases under section 157 where the maximum rent was established under section 99 the adjustment shall be on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations in the year preceding the maximum rent date.

11. Section 128 is amended to read as follows:

SEC. 128. *Change prior to maximum rent date.* There was on or prior to the maximum rent date, a substantial change in the room by a major capital improvement as distinguishable from ordinary repair, replacement and maintenance or a substantial increase in services, furniture, furnishings or equipment, and the rent on the date determining the maximum rent was fixed by lease or other rental agreement which was in force at the time of such change or increase.

12. Section 131 is amended to read as follows:

SEC. 131. *Seasonal demand.* (a) The maximum rent for the room is substantially lower than the rent at other times of the year by reason of seasonal demand for such room, or (b) the maximum rent was established under section 99 and is substantially lower than the rent at other times during the season by reason of seasonal demand for such room. In such cases the Director's order may, if he deems it advisable, provide for different maximum rents for different periods of the calendar year.

13. Section 132 is amended to read as follows:

SEC. 132. *Inequitable rents.* The landlord is suffering an inequity in that (a) the maximum rent for the housing accommodations (other than company housing accommodations, i. e. housing accommodations regularly rented to employees of the landlord) is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date for the defense-rental area, or during the year preceding the maximum rent date in the case of maximum rents established under section 99, or (b) the landlord has not been compensated for a substantial increase in the cost of operating and maintaining the housing accommodations since the maximum rent date for the defense-rental area. The adjustment under this section shall be in an amount sufficient to relieve the inequity.

14. Section 133 is amended to read as follows:

SEC. 133. *Change from year-round to seasonal renting or from seasonal renting to year-round renting.* (a) The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, and the establishment of seasonal variations in the rent would not in the opinion of the Area Rent Director be inconsistent with the purposes of the act.

(b) The maximum rents for the accommodations are established on a seasonal basis and the establishment of a year-round maximum rent would not in the opinion of the Area Rent Director be inconsistent with the purposes of the act. If the order is entered establishing a year-round maximum rent, section 42 (providing for a seasonal exemption) shall be inapplicable.

15. Section 157 (a) is amended to read as follows:

SEC. 157. *Rent higher than rent generally prevailing.* (a) The maximum rent for the room is substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 99, taking into consideration all relevant factors including any adjustments under sections 126 to 137 which may be applicable.

16. Section 157 (b) is amended to read as follows:

(b) Where the maximum rent for said room was originally established under paragraph (b) or (c) of section 4 of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or where the maximum rent is established under section 83, 84, 94 or 99 (a) (4), and the Director finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental commencing on or after July 1, 1948, or the effective date of regulation or the date determining the maximum rent, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent

which may later be fixed by an order under this section: *Provided, however,* That the order under this section may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord neither negligently failed nor deliberately refused to register. The landlord or any successor landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Director within 3 months after the date of the filing of such registration statement. If a refund is required by the order under this section such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

17. Section 160 is amended to read as follows:

SEC. 160. *Seasonal demand.* (a) The maximum rent for the room is substantially higher than the rent at other times of year by reason of seasonal demand for such room, or (b) the maximum rent was established under section 99 and is substantially higher than the rent at other times during the season by reason of seasonal demand for such room. In such cases the Director's order may, if he deems it advisable, provide for different maximum rents for different periods of the calendar year.

18. Section 166 is amended to read as follows:

SEC. 166. *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings, or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Director at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from the effective date of regulation or date of first renting, whichever is later, but in no event earlier than July 1, 1947. If the Director is unable to ascertain such fact or facts he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 99, and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

19. Section 211 (a) is amended to read as follows:

SEC. 211. *Registration*—(a) *Registration statements.* Every landlord of a controlled room rented or offered for rent shall file in triplicate a written statement on the form provided therefor, containing such information as the Director may require, to be known as a registration statement, registering all maximum rents for such room unless such maximum rents were heretofore registered in accordance with the provisions of former § 825.87 of Title 24 as it read on September 19, 1951 (16 F. R. 10694): *Provided, however,* That a landlord must re-register any maximum rents for rooms which are recontrolled after September 19, 1951, unless such maximum rents were in effect under Federal rent control on the maximum rent date: *And provided further,* That if maximum rents are established under section 99 the landlord is required to register the maximum rents established under such section whether the rooms were previously registered or not. If the maximum rent was established or re-established after September 19, 1951, such maximum rent must be registered within 45 days after effective date of regulation or within 10 days after the date it is established, whichever is later, through amending a registration previously filed or by filing a new registration. If the maximum rent is established under section 99 such maximum rent must be registered within 45 days after April 1, 1952, or effective date of regulation, or within 10 days after the date on which it is established, whichever is later.

* * * * *

20. Section 212 is amended to read as follows:

SEC. 212. *Posting maximum rents.* Every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and all numbers of occupants. Such maximum rents shall be posted within 45 days after effective date of regulation or within 10 days after the particular rent is established, whichever is later: *Provided, however,* That if the maximum rent is established under section 99 it shall be posted within 45 days after April 1, 1952, or effective date of regulation, or within 10 days after it is established, whichever is later. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. The card or sign shall also contain the following statement: "Any tenant who is in continuous occupancy in this establishment for 7 days or more after the effective date of the rent regulation shall upon his request to the landlord be permitted by the landlord to change to a weekly term of occupancy and to pay the maximum rent for that room for that term of occupancy from and after the date of his request. Similarly, any tenant who is in continuous occupancy in this establishment for 30 days or more after the effective date of the rent regulation shall, upon his request, be permitted to change to a monthly term of occupancy if a maximum rent is established for that term of occupancy. Tenants renting on a weekly or a monthly basis are protected by the eviction provisions of the rent regulation."

[F. R. Doc. 52-3437; Filed, Mar. 25, 1952; 8:50 a. m.]

[Rent Regulation 3, Amdt. 5]

RR 3—HOTELS

MISCELLANEOUS AMENDMENTS

Effective April 1, 1952, Rent Regulation 3 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 21st day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Section 16 is amended to read as follows:

SEC. 16. *The 60-day period determining the maximum rent.* "The 60-day period determining the maximum rent" means the 60-day period provided in section et seq. (relating to establishment of maximum rents) for determining the maximum rent of any room for a particular term and number of occupants.

2. Section 27 is amended to read as follows:

SEC. 27. *Resort housing.* This regulation does not apply to rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to September 1, 1951, or the effective date of regulation applicable to such rooms, whichever is later, or newly constructed or newly converted rooms which have been rented or occupied on a seasonal basis since they were first rented or occupied. "Rented or occupied on a seasonal basis" means (a) rented or occupied during the "in season" (winter or summer) and vacant during the "off season," or (b) rented during the "in season" at a substantially higher rent than during the "off season." This exemption shall be effective only from June 1 to September 30, inclusive, in the case of summer resort housing and only from December 1 to March 31, inclusive, for winter resort housing: *Provided, however,* That no room shall be exempt for both periods: *And provided further,* That sections 110, 112, 113, 116, and 117 shall be applicable to such rooms during the exempt period.

3. Section 45 (b) is amended to read as follows:

SEC. 45. *Deposits based on prior rental practices.* * * *

(b) *Maximum rents established under section 48, 49 (a), 53 (a) (3) (i) or 53 (a) (4) (i).* Where the maximum rent of a room is established on the effective date of regulation under section 48, 49 (a), 53 (a) (3) (i) or 53 (a) (4) (i) or was established on April 1, 1952 under section 53 (a) (3) (i) or 53 (a) (4) (i), no security deposit shall be demanded, received or retained, except in the amount (or in a lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent: *Provided, however,* That where such lease or other rental agreement provided for a security deposit the Director at any time on his own initiative, or on application of the tenant, may order a decrease in the amount of such deposit, or may order its elimination.

4. Section 52 is amended to read as follows:

SEC. 52. *Rent fixed by order of Director.* For rooms as to which no maximum rent for a particular term or number of occupants has been established under any other provision of this regulation, the maximum rent shall be the rent fixed by order of the Director as provided in this section. The Director at any time on his own initiative or on petition of the landlord may enter an order fixing the maximum rent and specifying the minimum services for a room for a particular term or number of occupants for which no maximum rent has been established prior to issuance of the order under any other provision of this regulation. Such maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or in the year preceding the maximum rent date in the case of a room which has any maximum rent established under section 53.

5. Section 53 is added reading as follows:

SEC. 53. *Rent based on seasonal demand.* (a) For rooms rented on a seasonal basis during the year preceding the maximum rent date (hereinafter called the "base year"), the maximum rent for different terms and numbers of occupants shall be determined as follows:

(1) The maximum rent for different numbers of occupants on a daily basis from June 1 to September 30 (if this is the in-season) or from April 1 to November 30 (if this is the off-season) shall be: (i) The rent for which the rooms were offered for different numbers of occupants on a daily basis on August 1 of the base year, or (ii) if on August 1 of the base year the rooms were not offered for rent or were not offered for a particular number of occupants on a daily basis, the maximum daily rent shall be the rent for which the rooms were first offered thereafter (during the same season) on a daily basis for a particular number of occupants.

(2) The maximum rent for different numbers of occupants on a daily basis from December 1 to March 31 (if this is the in-season) or from October 1 to May 31 (if this is the off-season) shall be: (i) the rent for which the rooms were offered for different numbers of occupants on a daily basis on February 1 of the base year, or (ii) if on February 1 of the base year the rooms were not offered for rent or were not offered for a particular number of occupants on a daily basis, the maximum daily rent shall be the rent for which the rooms were first offered thereafter (during the same season) on a daily basis for a particular number of occupants.

(3) The maximum rent for different numbers of occupants on a weekly or monthly basis from June 1 to September 30 (if this is the in-season) or from April 1 to November 30 (if this is the off-season) shall be: (i) The highest rent for which the rooms were rented for different numbers of occupants on a weekly or monthly basis during the months of July and August of the base year, or (ii) if during said months of July and August the rooms were not rented for a particular number of occupants on a weekly or monthly basis, the maximum weekly or monthly rent shall be the rent for which the rooms were offered on a weekly or monthly basis for a particular number of occupants on August 1 of the base year.

(4) The maximum rent for different numbers of occupants on a weekly or monthly basis from December 1 to March 31 (if this is the in-season) or from October 1 to May 31 (if this is the off-season) shall be: (i) The highest rent for which the rooms were rented for different numbers of occupants on a weekly or monthly basis during the months of January and February of the base year, or (ii) if during the said months of January and February the rooms were not rented for a particular number of occupants on a weekly or monthly basis, the maximum weekly or monthly rent shall be the rent for which the rooms were offered on a weekly or monthly basis for a particular number of occupants on February 1 of the base year.

(5) If a weekly or monthly maximum rent for a particular number of occupants has not been established under subparagraph (3) or (4) of this paragraph for the in-season or the off-season, the maximum weekly or monthly rent for the in-season or the off-season (as the case may be) shall be the first rent charged in such season for that particular term and number of occupants after the effective date of regulation.

(b) For the purposes of this section "rented on a seasonal basis" means (1) rented or occupied during the "in-season" (winter or summer) and vacant during the "off-season," or (2) rented during the "in-season" at a substantially higher rent than during the "off-season." Other provisions relating to the establishment of maximum rents (section 47, et seq.) shall be inapplicable to such rooms.

6. Section 65 is amended to read as follows:

SEC. 65. *Rent generally prevailing.* In cases under sections 71 and 84 of this regulation, the adjustment shall be on the basis of the rent which the Director finds was generally prevailing in the defense-rental area for comparable rooms on the maximum rent date: *Provided, however,* That in cases under section 71 of this regulation the adjustment may be on the basis of the rental agreement in force on the date or during the sixty-day period establishing the maximum rent: *And provided further,* That in cases under section 84 where the maximum rent was established under section 53 the adjustment shall be on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations in the year preceding the maximum rent date.

7. Section 69 is amended to read as follows:

SEC. 69. *Change prior to maximum rent date.* There was on or prior to the maximum rent date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance or a substantial increase in services, furniture furnishings or equipment, and the rent on the date determining the maximum rent was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

8. Section 72 is amended to read as follows:

SEC. 72. *Seasonal demand.* (a) The maximum rent for the room is substantially lower than the rent at other times of year by reason of seasonal demand for such room, or (b) the maximum rent was established under section 53 and is substantially lower than the rent at other times during the season by reason of seasonal demand for such room. In such cases the Director's order may, if he deems it advisable, provide for different maximum rents for different periods of the calendar year.

9. Section 73 is amended to read as follows:

SEC. 73. *Inequitable rents.* The landlord is suffering an inequity in that (a) the maximum rent for the room is substantially lower than the rent generally prevailing in the defense-rental area for comparable rooms on the maximum rent date for the defense-rental area or during the year preceding the maximum rent date in the case of maximum rents established under section 53, or (b) the landlord has not been compensated for a substantial increase in the costs of operation and maintaining the room since the maximum rent date for the defense-rental area. The adjustment under this section shall be in an amount sufficient to relieve the inequity.

10. Section 74 is amended to read as follows:

SEC. 74. *Change from year-round to seasonal renting or from seasonal renting to year-round renting.* (a) The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, and the establishment of seasonal variations in the rent would not in the opinion of the Area Rent Director be inconsistent with the purposes of the act.

(b) The maximum rents for the accommodations are established on a seasonal basis and the establishment of a year-round maximum rent would not in the opinion of the Area Rent Director be inconsistent with the purposes of the act. If the order is entered establishing a year-round maximum rent, section 27 (providing for a seasonal exemption) shall be inapplicable.

11. Section 84 is amended to read as follows:

SEC. 84. *Rent higher than rent generally prevailing.* (a) The maximum rent for the room is substantially higher than the rent generally prevailing in the defense-rental area for comparable rooms on the maximum rent date or during the year ending on maximum rent date in the case of maximum rents established under section 53, taking into

consideration all relevant factors including any adjustments under sections 68 to 74 which may be applicable.

(b) Where a maximum rent is established under section 49 (d) or 53 (a) (5) of this regulation, and the Director finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on the date determining the maximum rent, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section: *Provided, however,* That the order under this section may relieve the landlord or successor landlord of the duty to refund the excess rent for any rental period during which the landlord or successor landlord neither negligently failed or deliberately refused to register. The landlord or successor landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Director within 3 months after the date of filing of such registration statement. If a refund is required by the order under this section such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

12. Section 87 is amended to read as follows:

SEC. 87. *Seasonal demand.* (a) The maximum rent for the room is substantially higher than the rent at other times of year by reason of seasonal demand for such room, or (b) the maximum rent was established under section 53 and is substantially higher than the rent at other times during the season by reason of seasonal demand for such room. In such cases the Director's order may, if he deems it advisable, provide for different maximum rents for different periods of the calendar year.

13. Section 88 is amended to read as follows:

SEC. 88. *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings, or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Director at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from the date determining maximum rent or effective date whichever is later. If the Director is unable to ascertain such fact or facts he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable rooms on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 53, and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

14. Section 110 is amended to read as follows:

SEC. 110. *Registration.* Within 45 days after the effective date of regulation every landlord of a room subject to this regulation, rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Director shall require, to be known as a registration statement. Any maximum rent established after the effective date under section 47 or paragraph (d) of section 49 which has not been reported on the first registration statement shall be reported within 10 days after such rent is established, or within 45 days after the effective date, whichever is later, either by amending the registration statement previously filed or by filing a new registration statement. Any maximum rent established under section 53 must be registered within 45 days after April 1, 1952, or within 45 days after the effective date of regulation, or within 10 days after first renting, whichever is later.

15. Section 111 is amended to read as follows:

SEC. 111. *List of actual daily rates.* If daily rates are established under section 47, the landlord shall file, attached to each copy of the first registration statement filed, a list of actual daily rates charged on the maximum rent date for various numbers of occupants. If daily rates are established under section 53, the landlord shall file, attached to each copy of the registration statement filed, a list of actual daily rates charged for various numbers of occupants on August 1 and February 1 of the base year. Each room shall be identified and the rate actually charged and the number of persons in occupancy on the applicable date shall be clearly set forth.

16. Section 114 is amended to read as follows:

SEC. 114. *Posting maximum rents.* Within 45 days after the effective date of regulation, or within 10 days after a maximum rent is established under section 47, or paragraph (d) of section 49, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent: *Provided, however,* That if the maximum rent is established under section 53 the posting shall take place within 45 days after April 1, 1952, or within 45 days after the effective date of regulation, or within 10 days after first renting the room, whichever is later. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Director, the landlord within 10 days after the effective date of the order shall alter the card or sign so that it states the changed rent or rents. The sign or car shall, in addition, state the following "Any tenant who is in continuous occu pancy in this hotel for 30 days or more shall, upon his request to the landlord be permitted by the landlord to chang to a weekly or monthly term of occu pancy and to pay the maximum ren established for his room for that ter of occupancy, from and after the date o his request. The landlord shall not b obligated to rent on a monthly basis i no maximum rent is established on tha basis for the room occupied by the tenan at the time of his request. Tenants rent ing on a weekly or monthly term ar protected by the eviction provisions o the rent regulation."

[F. R. Doc. 52-3439; Filed, Mar. 25, 195 8:50 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulation

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

CURUNDU MILITARY RESERVATION

CROSS REFERENCE: For amendment t the tabulation in § 21.3, insofar as i relates to Curundu Military Reservatio *see* Canal Zone Order 26 in Appendix t this chapter, *infra.*

Appendix—Canal Zone Orders

[Canal Zone Order 26]

REVISING THE BOUNDARY OF PARCEL NO. OF CURUNDU MILITARY RESERVATIO CANAL ZONE [1]

By virtue of the authority vested i the President of the United States b section 5 of title 2 of the Canal Zon Code, as amended by section 1 of Ac September 26, 1950, 64 Stat. 1038, an delegated to me by Executive Order N 9746 of July 1, 1946, as amended by Ex ecutive Order No. 10101 of January 3 1950, that portion of the boundary o Parcel No. 1 of Curundu Military Rese vation, as described in Executive Orde No. 6713 of May 21, 1934, which lies be tween monument No. 26 and monumen No. 48, is hereby revised and redescribe as follows:

Beginning at point No. 26 (formerly a 1½ inch g. i. pipe, set in concrete), which is no an unmarked point located southwester from Gaillard Highway pavement, and 10 feet northeasterly from the Panama Railroa right-of-way, the geodetic position of whic referred to the Canal Zone triangulatio system is in latitude 8°59′ N. plus 2,460. feet and longitude 79°34′ W. plus 5,084. feet from Greenwich.

Thence from said initial point by mete and bounds:

N. 47° 16′ 40″ E., 120.8 feet, crossing Gai lard Highway, to monument No. 26–A, whic is a brass plug in an 8-inch square concret post, located 100 feet northeasterly from th centerline of the Gaillard Highway pave ment;

N. 47° 17′ 10″ E., 813.2 feet, through mon uments Nos. 26–1, which is a 2-inch iron pip set in concrete, and 26–2, which is a 2½-inc iron pipe set in concrete, to monument N

[1] Map filed as part of original document

27, which is a brass plug in an 8-inch square concrete post, the distances being 236.1 feet, 337.3 feet and 239.8 feet, successively, from beginning of the course;

N. 28° 48' 50" E., 1832.7 feet, through monuments Nos. 27–1, 27–2, 27–3, 27–4, 27–5, 27–6, and 27–7, which are 2½-inch iron pipes set in concrete, to monument No. 27–8, which is a brass plug in an 8-inch square concrete post, the distances being 140.4 feet, 258.5 feet, 202.6 feet, 312.0 feet, 452.9 feet, 212.9 feet, 150.3 feet and 103.1 feet, successively, from beginning of the course;

N. 20° 39' 40" E., 1,005.4 feet, through monuments Nos. 28, 28–1 and 28–2, which are 2½-inch iron pipes set in concrete, to monument No. 29, which is a brass plug in an 8-inch square concrete post, the distances being 348.1 feet, 306.0 feet, 151.2 feet and 200.1 feet, successively, from beginning of the course;

N. 20° 03' 20" W., 576.2 feet, through monument No. 29–1, which is a 2½-inch iron pipe set in concrete, to monument No. 30, which is a brass plug set in the upstream curb, near the southeast corner of the unused concrete bridge across the Rio Cardenas, the distances being 516.3 feet and 59.9 feet, successively, from beginning of the course;

Upstream, along the left bank of the Rio Cardenas, to monument No. 31, which is a 2-inch iron pipe set in concrete, located on the right bank of the Rio Dos Bocas, the geodetic position of which is in latitude 9°00' N. plus 900.8 feet and longitude 79°34' W. plus 3,399.0 feet;

Upstream, in an easterly direction, along the right bank of the Rio Dos Bocas, to monument No. 32, which is a 2-inch iron pipe set in an 8-inch square concrete post, located westerly from the C–8 Road, the geodetic position of which is in latitude 9°00' N. plus 958.7 feet and in longitude 79°34' W. plus 754.0 feet;

S. 36° 09' 30" E., 78.0 feet, to monument No. 33, which is a 2-inch iron pipe set in an 8-inch square concrete post, located easterly from the C–8 Road, on the right bank of the Rio Dos Bocas;

Upstream in an easterly direction, along the right bank of the Rio Dos Bocas, to monument No. 34, which is a 2½-inch iron pipe set in an 8-inch square concrete post, located 100 feet southerly from the centerline of the C–12 Road, the geodetic position of which is in latitude 9°00' N. plus 1,507.6 feet and in longitude 79°33' W. plus 4,994.6 feet;

Southerly, along a line parallel to, and 100 feet westerly from the centerline of the C–12 Road, to monument No. 34–A, which is a 2-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59' N. plus 5,777.0 feet and longitude 79°33' W. plus 4,419.1 feet:

S. 87° 45' 40" W., 846.3 feet, through monument 34–B, which is a 1½-inch iron pipe set in concrete, and monument 34–C, which is a 2-inch iron pipe set in concrete, to monument 34–D, which is a 2-inch iron pipe set in concrete, the distance being 253.7 feet, 320.0 feet and 272.6 feet, successively, from beginning of the course;

S. 02° 34' 40" W., 174.3 feet, to monument 34–E, which is a 2-inch iron pipe set in concrete;

S. 23° 27' 20" E., 316.8 feet, through monument 34–F, which is a 2-inch iron pipe set in concrete, to monument 34–G, which is a 2-inch iron pipe set in concrete, the distances being 124.8 feet and 192.0 feet, successively, from beginning of the course;

S. 42° 03' 50" E., 382.3 feet, through monument 34–H, which is a 2-inch iron pipe set in concrete, to monument 34–I, which is a 2-inch iron pipe set in concrete, the distances being 138.5 feet and 243.8 feet, successively, from beginning of the course;

S. 54° 22' 40" E., 496.5 feet, to monument 34–J, which is a 2-inch iron pipe set in concrete;

N. 88° 56' 40" E., 44.7 feet, to monument 34–K, which is a 2-inch iron pipe set in concrete;

N. 88° 56' 10" E., 266.1 feet, to monument 34–L, which is a 2-inch iron pipe set in concrete, located at right angles and 100 feet southwesterly from the centerline of the C–12 Road;

S. 38° 28' 30" E., 152.2 feet, to monument, 32–A, which is a 3-inch iron pipe set in concrete, located on the northerly boundary of Albrook Air Force Base (as established by General Order Number 6 of Headquarters Caribbean Air Command, dated 26 February 1951 and General Order Number 46 of Headquarters United States Army Caribbean dated 1 June 1951), at right angles to, and 100 feet southwesterly from the centerline of C–12 Road;

S. 33° 38' 50" W., 656.4 feet, to monument No. 32, which is a 2-inch iron pipe;

S. 33° 39' 20" W., 1,623.6 feet, through monuments Nos. 31, 30, and 29, which are 2-inch iron pipes, to monument No. 28, which is a 2-inch iron pipe, the distances being 809.1 feet, 299.9 feet, 249.1 feet and 265.5 feet, successively, from beginning of the course;

S. 60°03'20" W., 1,485.1 feet, through monuments Nos. 27, 26, 25 and 24, which are 2-inch iron pipes, to monument No. 23, which is an 8-inch square concrete post, further described as old Curundu Military Reservation boundary monument No. 33, on top of Corozal Hill, the distances being 331.3 feet, 225.5 feet, 229.1 feet, 202.0 feet and 497.2 feet, successively, from beginning of the course;

S. 60° 09' 30" W., 2,524.3 feet, through monuments Nos. 33–1 and 33–2, which are 2-inch iron pipes, located on opposite sides of the C–8 Road, 33–3 and 33–4, which are 2½-inch iron pipes to monument No. 37, which is an 8-inch square concrete post, the distances being 1,044.3 feet, 64.6 feet, 598.5 feet, 391.8 feet and 425.1 feet, successively, from beginning of the course;

S. 47° 58' 20" W., 178.8 feet, to monument "A", which is an 8-inch square concrete monument on the southwesterly side of the short street in front of the Chapel in the Post of Corozal;

N. 43° 04' 30" W., 42.4 feet, to monument B–1, which is a brass plug in the southwesterly curb of the short street in front of the Chapel in the Post of Corozal;

N. 76° 19' 20" W., 23.8 feet, to monument A–3, which is a brass plug in the curb on the southeasterly side of Hospital Road;

S. 48° 20' 50" W., 189.9 feet, to monument A–2, which is a brass plug in the southeasterly curb of Hospital Road;

S. 09° 01' 50" W., 5.2 feet, to monument A–1, which is a brass plug in the easterly curb of Gaillard Highway;

S. 43° 53' 30" E., 70.8 feet, to monument "B", which is a 3-inch iron pipe set in concrete;

S. 43° 56' 10" E., 360 feet, more or less, to an unmarked point called No. 47–1, located 100 feet northeasterly from the centerline of the Panama Railroad right-of-way and on the existing boundary of the Curundu Military Reservation between monuments Nos. 47 and 48;

The directions of the lines refer to the true meridian.

The surveys over the above described revised boundary were made in January 1946, December 1950, August, September and December 1951, and are recorded in Field Books numbered M–384, M–477 and M–488, and the geodetic positions of all points, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, The Panama Canal Company.

The area of Parcel No. 1, as revised by this order, is 8,574 acres, more or less, and that portion of the revised boundary is as shown on Canal Zone Government Drawing No. M–6116–44, entitled "Map Showing Revised Boundary of Curundu Military Reservation (Parcel No. 1) Between Monument No. 26 and Monument No. 48 In the Vicinity of Corozal Cemetery, Canal Zone," scale 1 : 5,000, dated January 17, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

FRANK PACE, Jr.,
Secretary of the Army.

MARCH 18, 1952.

[F. R. Doc. 52–3408; Filed, Mar. 25, 1952; 8:54 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PARCELS ADDRESSED TO CERTAIN A. P. O.'S

In § 34.95 *Parcels addressed to certain A. P. O.'s* amend subparagraph (5) of paragraph (a) to read as follows:

(5) *Size and weight limit* (i) Parcels (other than official air parcel post) addressed to A. P. O.'s in care of postmasters at New York, San Francisco, Seattle, and New Orleans; and to Navy and Marine Corps units, including ships, addressed in care of fleet post offices at New York and San Francisco, shall be subject to the following limitations:

(*a*) Limit of size: 30 inches.

(*b*) Limit of weight: 2 pounds.

(*c*) "Official air parcel post" will be considered to embrace mail addressed to official titles such as commanding officer, officer in charge, or supply officer of any military or naval installation base, unit, vessel, and other Government departments or agencies served through military post offices.

(ii) The limitations in subdivision (i) of this subparagraph do not apply to air parcels mailed at overseas military post offices.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52–3392; Filed, Mar. 25, 1952; 8:52 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

DENMARK, ICELAND, NORWAY, SWEDEN, COLOMBIA

a. In § 127.241 *Denmark* amend the table of fees in subdivision (i) of paragraph (b) (4) to read as follows:

Limit of indemnity:	Fee (*cents*)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

b. In § 127.277 *Iceland* amend the table of fees in subdivision (i) of paragraph (b) (4) to read as follows:

Limit of indemnity:	Fee (*cents*)
Not over $10	20
From $10.01 to $25	25

Limit of indemnity—Continued	Fee (cents)
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

c. In § 127.320 *Norway (including Spitzbergen)* amend the table of fees in subdivision (i) of paragraph (b) (4) to read as follows:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

d. In § 127.359 *Sweden* amend the table of fees in subdivision (i) of paragraph (b) (3) to read as follows:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

e. In § 127.232 *Colombia* amend subdivision (iv) of paragraph (a) (10) to read as follows:

(iv) Each commercial invoice covering books or periodicals must bear the sender's declaration in the form given under "Observations" in the caption "Parcel Post" (see paragraph (b) (8) of this section) and a copy must be sent direct to the International Section, Ministry of Posts and Telegraphs, Bogota, Colombia. If this is not done, or if the invoices are improperly prepared, the shipments may be returned from Colombia as undeliverable.

(R. S. 161, 396, Secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-3391; Filed, Mar. 25, 1952; 8:52 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

GREECE (INCLUDING CRETE AND DODECANESE ISLANDS)

In § 127.269 *Greece (including Crete and Dodecanese Islands (Astypalaia, Chalki, Kalymnos, Karpathos, Kassos, Kastellorizon, Kos, Leipsos, Leros, Nissiros, Patmos, Rodos, Symi and Tilos))* amend paragraph (b) (5) as follows:

1. Redesignate subdivisions (ii) and (iii) as (iii) and (iv), respectively.

2. Insert a new subdivision (ii) to read as follows:

(ii) Exemption from duty is granted for limited amounts of food, clothing and certain other articles sent as gifts for the personal use of the addressee or his family. Interested patrons may obtain further information from the Office of International Trade, Department of Commerce, Washington 25, D. C., or from any field office of that Department.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-3393; Filed, Mar. 25, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR Parts 7, 8, 9, 14, 16, 17, 18, 19, 24]

MEAT INSPECTION REGULATIONS

NOTICE OF PROPOSED AMENDMENTS

Notice is hereby given in accordance with the provisions of section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority conferred upon him by the Meat Inspection Act, as amended (21 U. S. C. 71-91), the so-called Horse Meat Act (21 U. S. C. 96), § 306 of the Tariff Act of 1930 (19 U. S. C. 1306), and the act of August 28, 1950 (5 U. S. C. Sup. 576), is considering amending the Meat Inspection Regulations (9 CFR, Chapter 1, Subchapter A) as follows:

1. Section 7.4 would be amended to read as follows:

§ 7.4 *Overtime work of meat inspection employees.* The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of an employee of the division on any Saturday, Sunday, or holiday, or for more than 8 hours on any day, including Monday through Friday, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Secretary of Agriculture therefor $2.40 per man-hour for each hour of inspection service so furnished. It will be administratively determined from time to time which days constitute holidays.

2. Section 8.3 (a) would be amended to read as follows:

(a) Official establishments and premises on or in which any product is prepared or handled by or for persons to whom certificates of exemption have been issued, shall be maintained in sanitary condition, and to this end the requirements of paragraphs (b) to (h), inclusive, of this section shall be complied with.

3. Section 8.15 would be amended to read as follows:

§ 8.15 *Tagging insanitary equipment, utensils, rooms or compartments.* When, in the opinion of a division employee, any equipment, utensil, room, or compartment at an official establishment is unclean or its use would be in violation of any of the regulations in this subchapter, he will attach a "U. S. Rejected" tag thereto. No equipment, utensil, room, or compartment so tagged shall again be used until made acceptable. Such tag so placed shall not be removed by anyone other than a division employee.

4. Section 9.4 would be amended to read as follows:

§ 9.4 *Cripples and downers.* All seriously crippled animals and animals commonly termed "downers," if not marked "U. S. condemned," as required elsewhere in this part, shall be marked and treated as suspects in accordance with § 9.2.

5. Section 14.5 (b) would be amended to read as follows:

(b) Specimens of diseased, condemned, and inedible materials, including pig or lamb embryos and specimens of animal parasites, may be released for research and other purposes when authorized by the chief of division, provided that the applicant for such specimens shall have arranged with and received permission from the official establishment to obtain them. The application to the division for the release of such material for research purposes should include the following information: (1) The name of the organization or individual conducting the research, (2) the name of the official establishment from which the material is to be obtained, and (3) the kind and amount of material desired. In addition, the application should contain a statement that the material will be used for research purposes only and that the organization or individual conducting the research assumes full responsibility for the results of research involving this material.

6. Section 16.2 would be amended to read as follows:

§ 16.2 *Preparation of marking devices bearing inspection legend without advance approval prohibited; exception.* Except for the purpose of submitting a sample or samples of the same to the chief of division for approval, no person shall procure, make, or prepare, or cause to be procured, made, or prepared, labels, brands, or other marking devices bearing the inspection legend or any abbreviations, copy or representation thereof, for use on any product without the written authority therefor of the chief of division. However, when any sample label, brand, or other marking device is approved by the chief of division, new supplies of such labels and new brands and other marking devices of a character exactly similar to such approved sample may be procured, made, or prepared, for

use in accordance with the regulations in this subchapter, without further approval by the chief of division.

7. Section 16.13 (b) would be amended by changing the period at the end thereof to a colon and adding the following: *And provided further*, That imitation sausage packed in properly labeled containers having a capacity of 1 pound or less and of a kind usually sold at retail intact, need not bear the mark "imitation" on each link or piece if no other marking or labeling is applied to the product.

8. Section 16.13 (g) would be revoked and § 16.13 (h) would be renumbered § 16.13 (g).

9. Section 16.15 (b) would be revoked, and §§ 16.15 (c) and 16.15 (d) would be renumbered as §§ 16.15 (b) and 16.15 (c), respectively.

10. Section 17.2 (c) would be amended to read as follows:

(c) Stencils, box dies, inserts, tags, and like devices shall not bear an inspection legend or any abbreviation or representation thereof: *Provided*, That with the approval of the chief of division, box dies including the inspection legend and establishment number may be used in marking wooden boxes of light material having a maximum capacity of five pounds, fiber board containers, and wood wire-bound boxes and crates with at least 90 percent of the total wood surfaces being veneer wood not over one-sixth of an inch thick and of such quality that matter imprinted on it is legible.

11. Section 17.8 (c) (27) would be amended to read as follows:

(27) Product labeled "Chili Con Carne" shall contain not less than 40 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label. The mixture may contain not more than 8 percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soya flour, dried milk or dried skim milk.

12. Section 17.8 (c) would be amended by adding thereto the following subparagraphs:

(48) Products labeled "Pork With Barbecue Sauce" and "Beef With Barbecue Sauce" shall contain not less than 50 percent meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, dried skim milk or similar substances are used in preparing the products, such fact shall be prominently stated as a part of the name of the product.

(49) The weight of smoked products such as hams, pork shoulders, pork shoulder picnics, pork shoulder butts, beef tongues, and the like, except hams, pork shoulder picnics, and similar products prepared for canning shall not exceed the weight of the fresh uncured article. Hams, pork shoulder picnics, and similar products prepared for canning shall be prepared to conform to the limitations provided in § 18.7 (n) of this subchapter in the case of ham for canning.

(50) The terms "Animal Fat" and "Meat Fat" may be used synonymously to identify rendered fats obtained from cattle, sheep, swine, or goats in the name of product and ingredient statement for such meat food products as shortening and uncolored oleomargarine. The terms "Animal Fat" or "Meat Fat" shall not be used to identify such well known single commodities as lard, rendered pork fat, oleo oil, oleo stearin, oleo stock and the like when prepared and packed as such.

(51) "Beef with Gravy" and "Gravy with Beef" shall not be made with beef which, in the aggregate for each lot contains more than 30 percent trimmable fat, that is, fat which can be removed by thorough practical trimming and sorting.

13. Section 18.6 (a) (6) would be amended to read as follows:

(6) Beef rounds, beef bungs, beef middles, beef bladders, calf rounds, hog bungs, hog middles, and hog stomachs which are to be used as containers of meat food product shall be presented for inspection turned with the fat surface exposed.

14. Section 18.10 (b) would be amended to read as follows:

(b) Products containing pork muscle tissue (including hearts, pork stomachs and pork livers) or the pork muscle tissue which forms an ingredient of such products, including, or of the character of, those named in this paragraph, are classed as articles which shall be effectively heated, refrigerated, or cured at a federally inspected establishment to destroy any possible live trichinae: Bologna; frankfurts; viennas; smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; cooked loaves; roasted, baked, boiled, or cooked ham, pork shoulder, or pork shoulder picnic; Italian-style ham; Westphalia-style ham; smoked boneless pork shoulder butts; cured meat rolls; capocallo (capicola, capacola); coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed; cured boneless pork loin; boneless back bacon (Canadian style bacon); pork cuts such as hams, shoulders and picnics, which are subjected to smoking at sufficiently high temperatures to impart a partially cooked appearance to the meat (ordinarily, such cuts fall in this class when heated to an internal temperature above 120° F.).

15. The seventh sentence of the last paragraph of § 18.10 (c) (2) would be amended to read as follows:

A duplicate copy shall be retained in the station file.

16. Part 19 would be revoked.

17. Section 24.1 (d) would be amended to read as follows:

(d) A numbered meat inspection stamp shall be affixed to each tank car of inspected and passed lard or similar edible product, and to each door of each railroad car or other closed vehicle containing a full load of inspected and passed loose meat shipped direct to Canada, Cuba, or Mexico.

18. Section 24.2 (c) would be amended to read as follows:

(c) Only one certificate shall be issued for each consignment, except that for sufficient reasons new certificates may be issued by inspectors in charge. A certificate issued in lieu of another should show in the left hand margin the notation "Issued in lieu ____". A certificate that is cancelled when another is issued in lieu thereof, shall show in the left hand margin the number of the certificate which was issued in lieu, as follows: No. ____ in lieu.

19. Section 24.2 (f) would be amended to read as follows:

(f) The triplicate of the certificate shall be retained in the station file.

20. Section 24.2 (i) would be revoked.

21. Section 24.2 (j) would be renumbered § 24.2 (i) and § 24.2 (k) would be renumbered § 24.2 (j).

22. Section 24.2 (i) as renumbered would be amended to read as follows:

(i) No erasures or alterations shall be made on a certificate. All certificates rendered useless through clerical error or otherwise and all certificates cancelled for whatever cause shall be destroyed.

23. Section 24.3 (f) would be amended to read as follows:

(f) *Colombia.* Form MI 412–7, which is printed in English on the obverse side and in Spanish on the reverse side, shall be issued in quintuplicate for lard destined to Colombia, South America. The certificate shall be fully executed and signed on both sides. The fifth copy shall be retained in the station file.

24. Section 24.5 (a) would be amended to read as follows:

(a) A regular blue animal-casings certificate may be issued for animal casings destined to countries other than Australia, Austria, Canada, France, Great Britain, Netherlands, New Zealand, Poland, and Union of South Africa, upon request of exporters.

25. Section 24.5 (b) would be amended to read as follows:

(b) Form MI 415–5 shall be issued in duplicate for animal casings destined to Australia, Austria, Canada, and Poland, Upon the request of the exporter, Form MI 415–5 may be issued to cover animal casings destined to any foreign country if the factual knowledge available justifies such certification.

26. Section 24.5 (e) would be amended to read as follows:

(e) *France.* Form MI 412–8 shall be issued in duplicate for each consignment of animal casings destined to France.

Such casings must be derived only from animals which have been U. S. inspected and passed. When necessary, inspectors will require affidavits from exporters covering the origin of animal casings. The duplicate copy of the certificate issued for animal casings shall be retained in the station file.

27. The last two sentences of § 24.5 (h) would be amended to read as follows:

Furthermore, all such casings intended for exportation to New Zealand shall first be examined by Division inspectors and only those found fit for use as sausage containers in official establishments shall be certified. A copy of each certificate shall be placed in the station file.

The purpose of the foregoing proposed amendments is to bring into the regulations orders and instructions that have been given to the field operating force of the Meat Inspection Division and inspected establishments during the past year, and to incorporate new material controlling the composition of certain meat food products along lines which have been thoroughly investigated by that Division.

Any person who wishes to submit written data or arguments concerning the proposed amendments may do so by filing them with the Chief of the Meat Inspection Division, Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 21st day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3417; Filed, Mar. 25, 1952; 8:48 a. m.]

[9 CFR Parts 71, 78]

INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the provisions of the acts of Congress approved May 29, 1884, as amended (21 U. S. C. 112–119, 130 and Pub. Law 238, 82d Cong.); February 2, 1903, as amended (21 U. S. C. 111, 120–122); and March 3, 1905, as amended (21 U. S. C. 123–128), is considering amending the regulations governing the interstate transportation of animals and poultry appearing in Title 9, Chapter 1, Subchapter C, Code of Federal Regulations (9 CFR and Supp., Part 71 et seq.) in the following respects:

1. By adding to the definitions appearing in § 71.1 a new paragraph (l) defining the word "interstate," for the purposes of said Subchapter C, to read as follows:

(l) *Interstate.* From one State, Territory or the District of Columbia to any other State, Territory, or the District of Columbia.

2. By adding, at the end of said Subchapter C, a new Part 78, to read as follows:

PART 78—BRUCELLOSIS AND PARATUBERCULOSIS IN DOMESTIC ANIMALS

§ 78.1 *Interstate movements of paratuberculosus and brucellosis-affected domestic animals for immediate slaughter, when permitted.* Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis or which, never having been vaccinated for brucellosis, have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be shipped, transported, received for transportation, or otherwise moved interstate for immediate slaughter to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or to a public stockyard where Federal inspection is maintained, for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which have reacted to either of such tests shall be marked for identification by branding the letter "B" for brucellosis or the letter "T" for paratuberculosis, as the case may be, on the left jaw, not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted," or a similar State reactor tag. The metal tag only, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination by a certificate issued by a Bureau inspector or a regularly employed State inspector engaged in cooperative brucellosis or paratuberculosis-eradication work, showing (1) that the animals have reacted to a test recognized by the Secretary of Agriculture for brucellosis or paratuberculosis, as the case may be; (2) that they may be moved interstate; and (3) the purpose for which they are to be moved.

(c) The transportation agency shall plainly write or stamp upon the face of each of the waybills, conductors' manifests, or memoranda pertaining to shipments of such reactors the words "Brucellosis Reactors" or "Paratuberculosis Reactors," as the case may be, and a statement to the effect that the vehicle or compartment of the boat in which the animals are to be transported is to be cleaned and disinfected.

(d) The vehicle or the compartment of the boat in which the reactors are transported interstate shall be cleaned and disinfected under the supervision of a Bureau inspector or a regularly employed cooperating State livestock inspector, by the final carrier, at destination, in accordance with the provisions of §§ 71.9 to 71.11, inclusive, of this subchapter.

(e) Any vehicle from which reactors moving interstate are transferred enroute to destination shall be cleaned and disinfected in accordance with the provisions of §§ 71.9 to 71.11, inclusive, of this subchapter, by the carrier having possession of the vehicle at the time of transfer.

(f) The reactors shall not be shipped or transported in vehicles or in compartments of boats containing healthy animals susceptible to brucellosis or paratuberculosis unless all of the animals are for immediate slaughter and unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle or compartment.

§ 78.2 *Reshipments of purebred reactors.* Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis or which, never having been vaccinated for brucellosis, have, subsequent to such movement, reacted to a test recognized by the Secretary of Agriculture for brucellosis, may be reshipped interstate for purposes other than immediate slaughter in accordance with the following requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) The reactors shall not be shipped or transported in vehicles or in compartments of boats containing healthy animals susceptible to brucellosis or paratuberculosis unless such reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle or compartment.

(c) The reactors shall be accompanied to destination by a certificate issued by a Bureau inspector or a regulary employed State inspector engaged in cooperative brucellosis or paratuberculosis-eradication work, showing (1) that the animals have reacted to a test recognized by the Secretary of Agriculture for brucellosis or paratuberculosis, as the case may be; (2) that they may be shipped interstate; and (3) the purpose for which they are to be shipped.

(d) Test charts for the original test and any subsequent retest, showing that such tests were properly conducted, shall be submitted for examination to the Bureau or State inspector who issues the certificate.

(e) Reactor cattle shall be marked for identification by branding the letter "B" for brucellosis or the letter "T" for paratuberculosis, as the case may be, not less than 2 nor more than 3 inches high, on the left jaw, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. reacted", or a similar State reactor tag. The metal tag only, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(f) The reactors shall not be shipped to any State or Territory or the District of Columbia without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(g) The reactors shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 78.1.

(h) The vehicle or the compartment of the boat in which the reactors are transported interstate shall be cleaned and disinfected under the supervision of a Bureau inspector or a regularly employed cooperating State livestock inspector, by the final carrier, at destination in accordance with the provisions of §§ 71.9 to 71.11, inclusive, of this subchapter.

So far as they pertain to the movement of domestic animals and poultry, the acts of Congress of May 29, 1884, February 2, 1903, and March 3, 1905, previously cited, regulate their movement "from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia." The word "interstate", used in the regulations in Subchapter C, means literally, "between States" or "from one State to another State." In that sense, it is too restrictive since it does not cover the Territories and the District of Columbia. Therefore it is proposed to define the word "interstate," as used in Subchapter C, in order to conform the regulations to the legislation on which they are based.

Sections 6 and 7 of the act of Congress approved May 29, 1884 (21 U. S. C. 115 and 117), in substance, prohibit the movement, from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, of any livestock that are affected with any communicable disease. By act of October 30, 1951 (Pub. Law 238, 82d Cong.), Congress amended that prohibition so as to permit the movement from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with regulations prescribed by the Secretary of Agriculture, of domestic animals which have reacted to a test recognized by him for paratuberculosis or which, never having been vaccinated for brucellosis, have reacted to a test recognized by him for brucellosis. The act of October 30, 1951, also authorized the Secretary of Agriculture, in his discretion and under such regulations as he might prescribe, to permit domestic animals which have been moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, for breeding purposes, and which subsequently have so reacted to a test for brucellosis or paratuberculosis recognized by the Secretary of Agriculture, to be reshipped to the original owner at the point of origin. The regulations proposed to be embodied in new Part 78 are designed to carry out these purposes of the act of October 30, 1951, with a minimum of inconvenience to the livestock shippers while, at the same time, providing adequate safeguards against the interstate dissemination of the named diseases.

All persons who desire to submit written data, views, or arguments, regarding these proposed amendments may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within 15 days after the date of publication of this notice in the FEDERAL REGISTER.

(Secs. 6 and 7, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, Pub. Law 238, 82d Cong.; 21 U. S. C. 111, 115–117, and 125)

Done at Washington, D. C., this 21st day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3416; Filed, Mar. 25, 1952; 8:48 a. m.]

Production and Marketing Administration

[7 CFR Part 961]

[Docket No. AO-160-A-12]

HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tenative marketing agreement and to the order, as amended, was formulated, was conducted at Philadelphia, Pennsylvania, on February 25 through 28, 1952, pursuant to notice thereof which was issued on February 14, 1952 (17 F. R. 1567).

The material issues of record related to:

1. Special pricing for surplus milk in certain uses during April, May, and June.
2. Regulation of plants disposing of Class I milk in both the Philadelphia and New York marketing areas.
3. Adjustment of the Class I price formula calculation to accommodate the revised wholesale price index.
4. The listing of certain plants as producer milk plants in the order.
5. A change in the definition of "producer milk plant" which would result in regulation of a plant disposing of any Class I milk in the marketing area during April, May, and June.
6. Insertion of the term "concentrated milk" in the order provision which defines Class I utilization.
7. Prices applicable to producer milk sold outside the marketing area.
8. Use of equivalent prices and indexes when a price or index specified by the order is not published or reported in the manner described by the order.
9. Renumbering of the sections, paragraphs, subparagraphs and subdivisions of the order in accordance with the revised Federal Register procedure.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

1. *Surplus prices for certain uses during April, May, and June.* A special price not lower than the New York Class III price should apply during April, May, and June 1952 to milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk.

Both handlers and producers made proposals at the hearing which would provide for a special price, substantially lower than the regular Class II price, for milk disposed of during the flush months in certain uses. The purpose of such lower price would be to induce handlers to accept all producer milk during the months of highest production, and to reduce the monetary loss which might be incurred by a producers' organization if it arranged for the marketing of milk not accepted by handlers. The proposals for such special pricing applied only to the months of April, May, and June.

Some possibility of a larger volume of producer milk in spring months this year than in recent years is indicated by the higher level of producer receipts in the just past December and January as compared to receipts in the same months one and two years previous. In 1949 and also in 1950 the order was amended to provide special prices during the flush season in order to facilitate the disposal of surplus milk. It was testified, that even so, one producer organization found it necessary in the spring months of 1950 to handle large volumes of milk for its members which had not been accepted by handlers.

In considering the problem of appropriate pricing for surplus milk in flush months, it should be recognized that the order already provides, by an amendment of April 1, 1950, a 10 cent per hundredweight greater deduction in calculation of the Class II prices for April, May, and June than in other months, and provides special pricing for butterfat used to make butter. The special surplus prices proposed at the hearing would be lower than either of these, and would apply to milk used in evaporated milk, milk chocolate, and cheese other than cottage cheese under the handler proposal, and also to milk used for butter and nonfat dry milk under the producer proposal. Testimony supported these uses as the most likely outlets for quantities of milk which handlers do not consider necessary for normal Class II uses.

Inasmuch as plants supplying this market are interspersed with plants sup-

plying the New York market, the relationship of surplus milk prices under the orders for these two markets is important. Since July 1950 the Class III price under the New York order has been less than the Philadelphia Class II price by amounts varying from a few cents to about 45 cents per hundredweight. These two prices for surplus milk are not strictly comparable, since the Philadelphia Class II includes cream for fluid use, while the New York Class III does not. However, inasmuch as the Class III price may be expected to be a principal competitive factor affecting the disposition of surplus milk by Philadelphia handlers in the lower valued uses, a price under the Philadelphia order based on the same formula and applicable to the proposed products, except butter, should aid materially in disposing of surplus milk in this market.

It is concluded that in the case of milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk, the price should be calculated by the same formula used under the New York order to calculate the Class III price, with appropriate recognition of the applicable location differentials and the difference in basic butterfat test. Since the New York Class III price is for the 201 to 210 mile zone, and Philadelphia order prices are f. o. b. the market, 73 cents should be deducted from the computed market values of butterfat and nonfat milk solids instead of the 80 cents deduction used under the New York order.

Butterfat used for making butter would not be included in the group of products to which this special pricing would apply, since the order already provides a special price for this use which may be expected to be lower.

Data in the record show that large quantities of nonfat dry milk were manufactured by handlers in their own plants during flush months of recent years. In the case of skim milk made into powder, there is no substantial use for the residual butterfat in the specified uses to which the special lower price would apply. In order to apply the lower price in case of milk used for making nonfat dry milk, the price should apply to the volume of whole milk from which the powder is manufactured. The same method of accounting would apply in the case of other skim milk used in the other specified products to the extent that the corresponding butterfat content of the whole milk was not so used.

A special butterfat differential should apply to milk in the proposed special surplus price classification, inasmuch as the regular Class II butterfat differential might, in some cases, result in an imputed negative value for the skim milk portion. For this purpose it appears reasonable to apportion the 73 cent deduction subtracted from the market values of butterfat and nonfat dry milk in arriving at the special surplus price in the same manner as in the case of milk used in the manufacture of butter. A butterfat differential would then be calculated by adding 2 cents to the average butter price computed pursuant to § 961.4 (a) (2) (i), multiplying by 1.22 and by 4, subtracting 10 cents, and dividing by 40.

As proposed by handlers, the special price would apply only to milk shipped in bulk to a manufacturing plant and used in the specified products. Omission of the shipping requirement would appear to better promote economic handling of the milk by encouraging more manufacturing in handlers' own plants.

The price recommended herein for surplus milk used in the specified products is designed to apply particularly to conditions likely to obtain during April, May and June 1952 and should be restricted to these months.

2. *Philadelphia plants disposing of milk in New York.* Milk disposed of as Class I in the New York metropolitan marketing area by producer milk plants under the Philadelphia order should be priced at the Philadelphia order Class II price.

During April, May, and June 1950 and April through August 1951, three plants were Philadelphia producer milk plants in one or more of such months and disposed of substantial quantities of milk in the New York metropolitan milk marketing area as Class I milk. These plants became producer milk plants under the Philadelphia order by reason of shipping milk, part of which was Class I, to the Philadelphia marketing area (or to a producer milk plant supplying the Philadelphia marketing area) on more than four separate days in the month. The total Class I milk in these plants for the months in which they disposed of Class I milk in both markets was 16,940,329 pounds, of which 2.3 percent was disposed of in Philadelphia, 19.4 percent in New Jersey and 78.3 percent in the New York marketing area. Although these plants disposed of most of their milk in the New York market, they had not qualified as New York pool plants for these months. If they had qualified as New York pool plants, they would have been precluded under § 961.1 (a) (6) from becoming Philadelphia producer milk plants.

In this instance no payments were made into the New York pool on milk sold in the area, for, although the New York order requires payment of the difference between class prices under the two orders, the Philadelphia order prices such milk at the New York Class I–A price, and hence there was no difference.

It is apparent that the three plants mentioned were not operating as a regular part of the Philadelphia milk supply, since a very minor part of their milk was sold in the market, and they entered the market during months when milk was most plentiful from regular sources. Also, they were not operating as a part of the regular supply for the New York market, inasmuch as they had not qualified as New York pool plants. This type of operation, which may be based on minimal shipments to the Philadelphia market, in effect allows a plant which is not a regular source of supply for the New York market to market milk as Class I in the New York market without contributing any value to the New York pool, and accordingly may be considered as displacing producer milk which would otherwise be used in Class I. It is reasonable that the payments required to producers under the Philadelphia order should be adjusted in a manner which will allow payment into the producer settlement fund under the New York order on such milk.

Although the amount of milk marketed in the New York marketing area by plants which are nominally Philadelphia producer plants has been a minor portion of the total fluid sales in that market, it is apparent that, because of the ease with which any plant may become a Philadelphia producer plant under the terms of the order, the possibility exists of extensive use of this device to avoid payments into the New York pool. It does not appear desirable to remedy this situation by changing the order provisions defining a producer milk plant, since exclusion from this definition of plants (other than New York pool plants) because of shipments to the New York market, would open the Philadelphia market to unregulated handlers.

Under the terms of the orders, it is also evident that plants which are a regular part of the supply for the Philadelphia market could dispose of a portion of their surplus milk by shipping it to the New York market for fluid use. This milk would displace New York order producer milk ordinarily used in such fluid outlets, and accordingly it is reasonable that such milk should contribute value to the New York pool. Since this milk would otherwise be surplus milk in the Philadelphia producer plant, Philadelphia producers would be entitled to only the Class II price on such milk, assuming the balance of the value is required to be paid into the New York order producer settlement fund. The New York order provides for collection of such payment.

3, 4, 5, 6, 7, 8, 9. Action on issues numbered 3 through 9 is reserved for a further decision on the record of the hearing.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and argument with respect to the provisions of the

roposed amendments. Every point overed in the briefs was carefully con- dered along with the evidence in the ecord in making the findings and reach- ig the conclusions hereinbefore set orth. To the extent that the findings nd conclusions proposed in the briefs re inconsistent with the findings and onclusions contained herein, the request make such findings or to reach such nclusions is denied on the basis of the cts found and stated in connection ith the conclusions in this recom- ended decision.

Recommended marketing agreement nd amendment to the order. The fol- wing order amending the order, as mended, regulating the handling of ilk in the Philadelphia marketing area, recommended as the detailed and ap- ropriate means by which the foregoing nclusions may be carried out. The ecommended marketing agreement is ot included in this decision because the gulatory provisions thereof would be entical with those contained in the der, as amended, and is hereby pro- osed to be further amended.

1. In § 961.4 (a) (2) add the follow- g:

(iii) During the months of April, May nd June 1952, in the case of milk used the manufacture of evaporated milk, ilk chocolate, cheese other than cot- ge cheese, and nonfat dry milk, sub- act from the sum of the values com- ted in subdivisions (i) and (ii) of this bparagraph any excess over the sum the butterfat and skim milk values mputed as follows:

Compute a butterfat value by adding the average butter price per pound mputed pursuant to subdivision (i) of is subparagraph 2 cents, multiply the m by 1.22 and by 4, and deduct 19 nts; and compute a skim milk value multiplying by 7.8 the weighted aver- e (using the weight of 70 for roller ocess prices and a weight of 30 for ray process prices) of the prices per ound of roller process and spray process nfat dry milk solids, for human con- mption, in carlots, f. o. b. manufac- ring plants in the Chicago area, as blished by the United States Depart- ent of Agriculture for the period from e 26th day of the immediately preced- g month through the 25th day of the rrent month, and subtract 54 cents.

2. In § 961.4 (b) (2) change the period the end of the sentence to a semicolon) and add the following: "and in the se of milk used in the manufacture of aporated milk, milk chocolate, cheese her than cottage cheese, and nonfat y milk, during April, May and June 52, divide the butterfat value computed rsuant to § 961.4 (a) (2) (iii) by 40."

3. Amend § 961.4 (d) by changing the st proviso contained therein to read as llows: *"And provided further,* That in e case of Class I milk disposed of in area where the handling of milk is gulated by another order of the Sec- tary the price effective under such her order shall apply, except that when sposed of in the New York metropoli- n milk marketing area the price for such milk shall be the Class II price pursuant to subdivisions (i) (exclusive of the proviso) and (ii) of § 961.4 (a) (2)."

Issued this 21st day of March 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-3495; Filed, Mar. 25, 1952; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

AIR TRAFFIC RULES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Part 60 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by April 30, 1952. Copies of such communications will be available after May 2, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Part 60 of the Civil Air Regulations provides for the regulation of air traffic and contains the general rules of the air governing the navigation of aircraft. On September 7, 1951, the Bureau issued Draft Release No. 51-7, which was also published as a notice of proposed rule making (16 F. R. 9097), in which certain amendments to Part 60 were proposed. Considerable comment was received which was directed mainly to the provisions affecting visual flight rule and minimum altitude sections. As a result of such comment, the Bureau has decided not to recommend to the Board amendments to those sections at this time. On the other hand, the Bureau considers that proposed amendments published at the same time affecting special flight operations, acrobatics, and air shows are presently needed. These proposals received only slight comment, and the Bureau wishes to give interested persons further opportunity for study and comment. Accordingly, these proposals are being recirculated and republished in substantially the same form.

It is proposed to amend § 60.1 (b) to provide approval for the conduct of special flight operations by means of a direct authorization by the Administrator rather than by a waiver as presently required. As the note to this paragraph indicates, such authorization must be obtained only when the operations cannot otherwise be performed in accordance with the flight rules of Part 60.

Recently, control areas have been extended beyond the limits of the civil airways, and some question has been raised as to whether acrobatics may be performed in such areas. Therefore, in order to clarify the situation and to further safety by limiting acrobatics in controlled airspace to certain defined areas, the Administrator will have discretion under proposed § 60.16 (b) to designate portions of controlled airspace for acrobatic flight training. This proposal is also designed to afford opportunity for such flight training to those located in areas having little uncontrolled airspace reasonably available. Not only will the system of individual waivers as presently in effect be eliminated, but an additional advantage will be gained since it is expected that these areas will be designated as "caution" or "acrobatic" areas, and the publication of such designation will provide notice to the public. It is intended that such areas will be designated only when the area is needed to prevent undue hardship on an operator, and that they will be so located that the activity to be conducted therein will not constitute a hazard to the normal flow of traffic in the control area or control zone.

Finally, a new § 60.24 is proposed to require separate authorization of air races and other exhibition-type flight activities. Authorization under this section will also be required for exhibition parachute jumps in order to insure that the conditions under which the jump is to be made will not be detrimental to the safety of persons or property.

It is therefore proposed to amend Part 60 of the Civil Air Regulations substantially as follows:

1. By amending § 60.1 (b) and the note following that paragraph to read as follows:

§ 60.1 *Scope.* * * *

(b) Aircraft engaged in special flight operations which are conducted in accordance with the terms of a written authorization issued by the Administrator.

NOTE: Authorization for specific operations which cannot be conducted within the provisions of the regulations of this part, such as certain pest control or seeding operations, may be obtained from the nearest Aviation Safety District Office of the Civil Aeronautics Administration.

2. By amending § 60.16 (b) to read as follows:

§ 60.16 *Acrobatic flight.* * * *

(b) Within any control area or control zone, except in such portions thereof as are designated by the Administrator for acrobatic flight training, and under such conditions as he may prescribe, or

3. By adding a new § 60.24 to read as follows:

§ 60.24 *Air races, air shows, exhibition parachute jumps, or similar aeronautical demonstrations.* No air race, air show, exhibition parachute jump, or similar aeronautical demonstration shall

be conducted except in accordance with such terms and conditions as the Administrator may prescribe.[1]

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposed amendments may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated March 20, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 52-3458; Filed, Mar. 25, 1952; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 110]

DESTRUCTION OF RECORDS WITH REGARD TO CARS OR PROTECTIVE SERVICE FURNISHED AGAINST HEAT OR COLD

NOTICE OF PROPOSED RULE MAKING

MARCH 17, 1952.

Notice is hereby given to all persons which furnish cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company subject to section 20 (6) of the Interstate Commerce Act, as amended, and which are not now subject to any accounting regulations prescribed pursuant to the Act, that the Commission, by division 1, has under consideration the matter of regulations to govern the destruction of records which pertain or relate to the cars or protective service so furnished. As presently advised those regulations will require the permanent retention of all records relating to the ownership or long-term lease of carrier property and will require records relating to the maintenance and operation of such carrier property to be preserved three years.

Any interested party may on or before April 30, 1952, file written views or opinions to be considered in this connection. Unless otherwise found necessary after consideration of representations so received, the regulations will be made effective June 1, 1952.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3421; Filed, Mar. 25, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[418.114]

PETROLEUM OIL FOOTS

TARIFF CLASSIFICATION

MARCH 20, 1952.

It appears probable that a correct interpretation of paragraph 1558, Tariff Act of 1930, requires that certain "crude by-products obtained as foots in a petroleum oil refining process" be classified thereunder as nonenumerated manufactured articles. Under an established and uniform practice such foots now are classified as distillates obtained from petroleum, under paragraph 1733, free of duty.

The merchandise in question is obtained by treating the lubricating oil fraction of petroleum with concentrated sulphuric acid, and treating the resultant acid sludge with sodium hydroxide.

Pursuant to § 16.10a (d), Customs Regulations of 1943 (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such merchandise under paragraph 1733, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of such petroleum oil foots which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice.

No hearings will be held.

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

[F. R. Doc. 52-3444; Filed, Mar. 25, 1952; 8:51 a. m.]

[1] The terms and conditions which may be prescribed by the Administrator will be found in Civil Aeronautics Manual 60.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 5, Region II]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

MARCH 19, 1952.

Pursuant to the following-listed determinations of the Federal Power Commission and in accordance with Order No. 427, Section 2.22 (a) (4) of the Director, Bureau of Land Management approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public-land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and as to DA–713 and DA–728 subject to the stipulation that, if and when the lands are needed for development, any structures or improvements located thereon that may be found to interfere with such development will be removed or located without expense to the United States, its licensees or permittees; and as to DA–750 subject to the stipulations that:

(a) In carrying on the mining and/or milling operations contemplated, the mineral locators will, by means of substantial dykes or aqueduct structures confine all tailings and/or debris in such manner that the same will not be carried by storm water or otherwise into the water courses of the region;

(b) Mineral locators, their heirs, successors or assigns, shall not use or conduct mining or any other operations upon the power project lands in such manner as will conflict with or hinder the uses and purposes of the United States, its permittees or licensees in connection with the use of the lands for power development; and

(c) The locators further agree that the United States, its licensees and permittees shall not be held liable for any damage to the improvements or working of the locators resulting from the use of the lands for purposes of power development.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
DA-664 California	Power-site reserve No. 560 of Oct. 30, 1916.	Under applicable public land laws.	California: T. 12 N., R. 8 W., M. D. M., sec. 30, SE¼NE¼, containing 40 acres.
DA-676 California	Proposed project No. 247 of Sept. 1, 1922.	do	California: T. 33 N., R. 6 W., M. D. M., sec. 30, SE¼, containing 160 acres.
DA-686 California	Power-site reserve No. 322 of Dec. 11, 1912.	do	California: T. 13 S., R. 24 E., M. D. M., sec. 8, SE¼SE¼, containing 40 acres.
DA-705 California	Proposed project No. 687 of Jan. 18, 1926.	do	California: T. 19 N., R. 5 E., M. D. M., sec. 22, SW¼SW¼, containing 40 acres.
DA-713 California	Power-site reserve No. 201 of Aug. 30, 1911.	do	California: T. 11 N., R. 11 E., M. D. M., sec. 30, SE¼SE¼, containing 40 acres.
DA-714 California	Proposed project No. 284 of July 31, 1922.	do	California: T. 5 N., R. 13 E., M. D. N., sec. 5, lot 4; sec. 6, lot containing 87.81 acres.
DA-728 California	Power-site reserve No. 87 of July 2, 1910.	do	California: T. 6 N., R. 13 E., M. D. N., sec. 22, S½NE¼; sec. 2 lot 4, containing 104.23 acres.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
DA-750 California	Power-site reserve No. 87 of July 2, 1910; project No. 137 of June 26, 1925, as amended; project 525 of Aug. 6, 1924; project 707 of Mar. 26, 1927.	For mining purposes only.	California: T. 7 N., R. 13 E., M. D. N., sec. 32, unpatented portion of SW¼ containing less than 153.72 acres.
DA-756 California	Proposed project No. 187 of Apr. 17, 1924.	do	California: T. 20 N., R. 11 E., M. D. N., sec. 35, NE¼NW¼, containing 40 acres within the Tahoe National Forest.

The character of the above-described lands outside of national forests is rough, hilly to mountainous non-agricultural land which is primarily suitable for forestry, grazing or hunting purposes except as to DA–705, DA–728 and DA–750 which contain some evidence of being mineral in character. It is unlikely that they will be classified as suitable for homestead, desert-land, or small tract use.

The lands described shall be subject to application by the State of California for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 91st day after the date of publication. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Land Office at Sacramento, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52–3382; Filed, Mar. 25, 1952; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043).

Almar Manufacturing Co., Inc., Washington, Ga., effective 3–12–52 to 3–11–53; 10 percent of the productive factory force (plastic rainwear).

Ashland Shirt & Pajama Co., Ashland, Pa., effective 3–13–52 to 3–12–53; 10 percent of the productive factory force (men's shirts).

Barbizon of Utah, Inc., 150 West Twelfth North, Provo, Utah, effective 4–5–52 to 4–4–53; 10 percent of the productive factory force (ladies' lingerie).

Barbizon of Utah, Inc., 150 West Twelfth North, Provo, Utah, effective 3–13–52 to 9–12–52; 40 learners for expansion purposes (ladies' lingerie).

Blue Bell, Inc., Fulton, Miss., effective 3–13–52 to 9–12–52; 30 learners for expansion purposes (work shirts).

Carlisle Manufacturing Co., Mantl, Utah, effective 3–13–52 to 3–12–53; 10 percent of the productive factory force (dress shirts).

Cowden Manufacturing Co., East Main Street, Stanford, Ky., effective 3–15–52 to 3–14–53; 10 percent of the productive factory force (overalls).

Cowden Manufacturing Co., East Main Street, Stanford, Ky., effective 3–15–52 to 9–14–52; 20 learners for expansion purposes (overalls).

Gort Girls' Frocks, Inc., 75 Stark Street NE., Wilkes-Barre, Pa., effective 3–17–52 to 3–16–53; 10 percent of the productive factory force (children's dresses).

Hebson Garment Co., Inc., 25 East G Street, Annlston, Ala., effective 3–12–52 to 3–11–53; five learners (pajamas, etc.).

Hurlock Garment Co., Inc., Hurlock, Md., effective 3–12–52 to 3–11–53; 10 learners (blouses).

Jean Lang Dress Co., 600 First Avenue North, Minneapolis, Minn., effective 3–14–52 to 3–13–53; 10 percent of the productive factory force (dresses).

Mitchell Garment Co., Inc., Third Street, Farmville, Va., effective 3–13–52 to 3–12–53; five learners (children's wash dresses).

Olan Dress Co., 808 Chestnut Street, Kulpmont, Pa., effective 3–11–52 to 3–10–53; 10 learners (dresses).

Olan Dress Corp., Oak and Independence Streets, Shamokin, Pa., effective 3–14–52 to 3–13–53; 10 learners (dresses).

Piedmont Blouse Co., Inc., 321 South Davie Street, Greensboro, N. C., effective 3–13–52 to 3–12–53; four learners (ladies' woven underwear).

R & G Sportswear Corp., 1216 Main Street, Northampton, Pa., effective 3–16–52 to 3–15–53; 10 learners (pajamas).

Royal Manufacturing Co., Inc., Sandersville, Ga., effective 3–10–52 to 3–9–53; 10 percent of the productive factory force or 10 learners, whichever is greater (sportshirts).

Saluda Shirt Co., Inc., 9–11–13 Main Street, Saluda, S. C., effective 3–14–52 to 9–13–52; 15 learners for expansion purposes (sport shirts).

Stafford-Hayes, Inc., 402 South State Street, Clarks Summit, Pa., effective 3–17–52 to 3–16–53; 10 learners (ladies' dresses, blouses, sportswear).

Levi Strauss & Co., 220 North Houston Avenue, Denison, Tex., effective 3–14–52 to 9–13–52; 30 additional learners for expansion purposes (denim coats and jackets) (supplemental certificate).

Strutwear, Inc., Glencoe, Minn., effective 3–13–52 to 3–12–53; five learners to be engaged in the manufacture of women's blouses and women's nightwear and underwear from purchased woven fabric only (ladies' woven underwear).

Wentworth Manufacturing Co., Lake City, S. C., effective 3–6–52 to 5–22–52; 75 learners for expansion purposes (dresses) (replacement supplemental certificate).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Aris Fabric Corp., 28 Woodruff Street, Saranac Lake, N. Y., effective 3–15–52 to 3–14–53; five learners (fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Granite Hosiery Mills, Mount Airy, N. C., effective 3–15–52 to 3–14–53; 5 percent of the productive factory force.

Silver-Knit Hosiery Mills, Inc., 401 South Hamilton Street, High Point, N. C., effective 3–16–52 to 3–15–53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Saluda Shirt Co., Inc., Saluda, S. C., effective 3–14–52 to 3–13–53; five learners in the production of men's and boys' shorts (men's and boys' shorts).

Strutwear, Inc., Glencoe, Minn., effective 3–13–52 to 3–12–53; five learners to be engaged in the manufacture of women's nightwear and underwear from purchased knitted fabric only (women's underwear and nightwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Conway Textile, Inc., Conway, S. C., effective 3–17–52 to 9–16–52; 10 learners; sewing machine operators; 240 hours at 65 cents per hour (novelty curtains).

Paperlynen Co., Division of White Castle System, Inc., 555 West Goodale Street, Columbus, Ohio, effective 3–13–52 to 9–12–52; five learners; folding; 160 hours at 65 cents per hour (paper hats and caps).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Puerto Rico Hosiery Mills, Inc., Arecibo, P. R., effective 3–7–52 to 9–6–52; 38 learners; knitters, 320 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; seamers, 320 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; menders, 160 hours at 25 cents per hour, 160

hours at 30 cents per hour, 160 hours at 35 cents per hour; examiners, 80 hours at 25 cents per hour, 80 hours at 30 cents per hour, 80 hours at 35 cents per hour (full fashioned hosiery).

Raval, Inc., Bayamon, P. R., effective 3–5–52 to 9–4–52; 146 learners; machine sewing operation in the manufacture of ladies' and girls' dungarees; 240 hours at 25 cents per hour (needlework).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C. this 18th day of March 1952.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 52–3345; Filed, Mar. 25, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5083]

ISLAND AIR FERRIES, INC.; RENEWAL CASE

NOTICE OF HEARING

In the matter of the application of Island Air Ferries, Inc., for amendment of its certificate of public convenience and necessity under section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (h) and 1001 of said act, that a hearing in the above-entitled proceedings is assigned to be held on April 7, 1952, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by the application, as amended, particular attention will be directed to the questions whether the public convenience and necessity require the renewal of the certificate held by Island Air Ferries, Inc. so as to continue, for a period of 5 years commencing August 19, 1951, or such lesser period as the Board may determine, its authorization to engage in air transportation with respect to persons and property on route No. 89, and whether Island Air Ferries, Inc. is fit, willing and able to provide such transportation service.

For further details concerning the issues involved in the proceeding, interested persons are referred to the application, the amended application, and the report of prehearing conference which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in opposition to or in support of the application, must file with the Board on or before April 7, 1952, a written statement setting forth such relevant propositions of fact or law as he desires to advance.

Dated at Washington, D. C., March 21, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52–3459; Filed, Mar. 25, 1952; 8:52 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request 20—DPAV–24]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON 4.2" MORTAR SHELL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on 4.2" Mortar Shell in accordance with the revised voluntary plan entitled "Plan and Regulations of Ordnance Corps Covering the Integration Committee on 4.2" Mortar Shell," dated August 13, 1951, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

The revised voluntary plan provides for the formation and operation of this 4.2" Mortar Shell Integration Committee and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This revised voluntary plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of the 4.2" Mortar Shell Integration Committee in accordance with the revised plan entitled "Plan and Regulations of Ordnance Corps Covering the Integration Committee on 4.2" Mortar Shell," dated August 13, 1951, a copy of which is herewith enclosed.

In my opinion, your participation in the activities of this committee will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the revised plan and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal anti-trust laws and the Federal Trade Commission Act will be given only upon such acceptance, provided that the activities of the 4.2" Mortar Shell Integration Committee and your participation therein are within the limits set forth in the revised plan.

In the event that you accept this request will you kindly send a copy of your acceptance to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G–4, United States Army, Pentagon Building, Washington 25, D. C.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Hardwicke-Etter Company,
Sherman, Texas.

Lempco Products, Inc.,
5490 Dunham Road,
Bedford, Ohio.

Lehigh Foundries, Inc.,
1500 Lehigh Drive,
Easton, Pennsylvania.

Rheem Manufacturing Company,
P. O. Box 9178,
Lester, Pennsylvania.

Scaife Company,
Oakmont, Pennsylvania.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: March 20, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52–3517; Filed, Mar. 25, 1952; 11:20 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6400]

PACIFIC POWER & LIGHT CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

MARCH 20, 1952.

Notice is hereby given that on March 11, 1952, the Federal Power Commission issued its order entered March 11, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3384; Filed, Mar. 25, 1952; 8:45 a. m.]

[Docket No. E–6405]

SCRANTON ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING MERGER OR CONSOLIDATION

MARCH 20, 1952.

Notice is hereby given that on March 12, 1952, the Federal Power Commission issued its order entered March 11, 1952,

authorizing and approving merger or consolidation of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3385; Filed, Mar. 25, 1952; 8:45 a. m.]

[Docket No. E-6406]

COLUMBIA-SOUTHERN CHEMICAL CORP.

NOTICE OF ORDER AUTHORIZING ESTABLISHMENT AND MAINTENANCE OF PERMANENT INTERCONNECTION FOR EMERGENCY USE

MARCH 20, 1952.

Notice is hereby given that on March 12, 1952, the Federal Power Commission issued its order entered March 11, 1952, authorizing establishment and maintenance of permanent interconnection for emergency use only in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3386; Filed, Mar. 25, 1952; 8:45 a. m.]

[Docket Nos. G-329, G-1865]

MISSISSIPPI POWER AND LIGHT CO. AND MISSISSIPPI VALLEY GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 20, 1952.

In the matters of Mississippi Power and Light Company, Docket No. G-329; Mississippi Valley Gas Company and Mississippi Power and Light Company, Docket No. G-1865.

Notice is hereby given that on March 11, 1952, the Federal Power Commission issued its order entered March 11, 1952, issuing certificate of public convenience and necessity, permitting and approving abandonment by sale, and dismissing application for certificate of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3387; Filed, Mar. 25, 1952; 8:45 a. m.]

[Docket No. G-1677]

COLORADO INTERSTATE GAS CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 20, 1952.

Notice is hereby given that on March 14, 1952, the Federal Power Commission issued its order entered March 13, 1952, amending order (17 F. R. 1840) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3388; Filed, Mar. 25, 1952; 8:45 a. m.]

[Docket Nos. G-1694, G-1695, G-1699, G-1749, G-1777]

CITY GAS CO. OF PHILLIPSBURG, N. J., ET AL.

NOTICE OF ORDERS DISMISSING APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND PETITIONS TO INTERVENE

MARCH 20, 1952.

In the matters of City Gas Company of Phillipsburg, New Jersey, Docket No. G-1694; The Manufacturers Light and Heat Company, Docket No. G-1695; Texas Eastern Transmission Corporation, Docket No. G-1699; Penn-Jersey Pipe Line Co. (a de facto corporation), Docket No. G-1749; Allentown-Bethlehem Gas Company, Docket No. G-1777.

Notice is hereby given that on March 13, 1952, the Federal Power Commission issued its orders entered March 11, 1952, dismissing applications for certificates of public convenience and necessity and petitions to intervene in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3389; Filed, Mar. 25, 1952; 8:46 a. m.]

[Docket Nos. G-1710, G-1842]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER RECONVENING HEARING

MARCH 18, 1952.

On January 30, 1952, after the hearing with respect to Docket No. G-1710 had been concluded and Transcontinental Gas Pipe Line Corporation had presented its testimony and evidence in Docket No. G-1842 in support of increased rates and charges suspended by the Commission's order of November 27, 1951, the proceeding in Docket No. G-1842 was recessed to be reconvened upon order of the Commission.

The Commission orders: The public hearing in Docket No. G-1842 reconvene on April 2, 1952, at 10:00 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: March 20, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3432; Filed, Mar. 25, 1952; 8:49 a. m.]

[Docket No. G-1861]

MISSISSIPPI GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 20, 1952.

Notice is hereby given that on March 12, 1952, the Federal Power Commission issued its order entered March 11, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3390; Filed, Mar. 25, 1952; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ASSISTANT COMMISSIONER OR DEPUTY ASSISTANT COMMISSIONER FOR DEVELOPMENT

CENTRAL OFFICE ORGANIZATION AND FINAL DELEGATION OF AUTHORITY

Section II, *Central Office organization and final delegations of authority to the Central Office officials* is amended as follows:

Section II, paragraph j 9 is amended as follows:

9. The authority of the Housing and Home Finance Administrator under Delegation No. 14 of the National Production Authority, as amended, to approve or disapprove construction schedules of prime contractors and related allotments of controlled materials for residential construction and in connection therewith to apply or assign to others the right to apply DO ratings and allotment numbers and symbols for procurement of materials and products other than controlled materials which are required for such construction, in accordance with the provisions of CMP Regulation No. 6 is hereby delegated to the Assistant Commissioner for Development or the Deputy Assistant Commissioner for Development to the extent such authority has been delegated to me by the Housing and Home Finance Administrator in 16 F. R. 7687 with respect to the construction of multi-unit residential structures by Federal, state and local public agencies.

Effective as of the 14th day of March 1952.

Date approved: March 14, 1952.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 52-3394; Filed, Mar. 25, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26901]

FERTILIZER BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1221.

Commodities involved: Fertilizer and fertilizer materials, carloads.

Between: Points in southern territory, including adjacent points.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1221, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3422; Filed, Mar. 25, 1952; 8:48 a. m.]

[4th Sec. Application 26902]

AUTOMOBILE PARTS FROM CINCINNATI, OHIO, TO DETROIT, MICH.

APPLICATION FOR RELIEF

MARCH 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to tariffs named on page 1 of the application, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile engine, driving gear, or steering gear parts, also transmissions and parts, carloads.

From: Cincinnati, Ohio.

To: Detroit, Mich.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3423; Filed, Mar. 25, 1952; 8:48 a. m.]

[4th Sec. Application 26903]

SAWDUST FROM MEMPHIS, TENN., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

MARCH 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Missouri Pacific Railroad Company and St. Louis Southwestern Railway Company, pursuant to fourth-section order No. 16101.

Commodities involved: Sawdust, green, carloads.

From: Memphis, Tenn.

To: St. Louis, Mo.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3424; Filed, Mar. 25, 1952; 8:49 a. m.]

[4th Sec. Application 26904]

IRON OR STEEL PIPE FROM POINTS IN MIDDLE WEST AND EAST TO POINTS IN SOUTHWEST

APPLICATION FOR RELIEF

MARCH 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3982.

Commodities involved: Wrought iron or steel pipe, and related articles, carloads.

From: Cincinnati, Ohio, Covington and Newport, Ky., and Waynesburg, Pa.

To: Points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3982, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3425; Filed, Mar. 25, 1952; 8:49 a. m.]

[4th Sec. Application 26905]

COAL FROM POINTS IN ILLINOIS TO FORT WAYNE, IND.

APPLICATION FOR RELIEF

MARCH 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, agent for carriers parties to the schedules listed below.

Commodities involved: Bituminous coal, carloads.

From: Danville, Ill., group and Murdock, Ill.

To: Fort Wayne, Ind.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: NYC RR. tariff I. C. C. No. 164, Supp. 327; B&O RR. tariff I. C. C. No. 2992, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3426; Filed, Mar. 25, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2787]

INTERSTATE POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS AND COMMON STOCK

MARCH 20, 1952.

Interstate Power Company ("Interstate"), a registered holding company, having filed a declaration and an amendment thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder with respect to the following transactions:

Interstate proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $2,000,000 principal amount of First Mortgage Bonds, __ Percent Series, due 1982. The bonds will be issued under and secured by the company's existing Indenture, dated January 1, 1948, as supplemented and amended, and a proposed new Supplemental Indenture to be dated as of January 1, 1952.

Interstate also proposes to issue and sell 345,833 additional shares of its $3.50 par value common stock. The shares of common stock are to be offered first to the holders of the presently outstanding common stock for subscription in the ratio of one share of additional common stock for each six shares now held. In addition, stockholders will be entitled to a conditional privilege to subscribe for and purchase at the subscription price, all unsubscribed shares of common stock proposed to be offered, subject to allotment. Rights to subscribe and the conditional privilege of additional subscription will be evidenced by a single form of warrant which may be exercised, sold or transferred to others by assignment and may be divided or combined as desired. No fractional shares of additional common stock will be issued. It is stated that the subscription agent will buy and sell rights for the account of warrant holders exercising subscription rights, and sell rights for the account of warrant holders not exercising subscription rights without any charge for such service. In each case, the purchase or sale may not exceed five rights. The company also proposes to issue and sell at competitive bidding under Rule U-50 of the act, such of the 345,833 shares of common stock as shall not have been subscribed for, as described above. At least 42 hours prior to the time for the submission and opening of bids, Interstate will advise the prospective bidders of the subscription price per share for the shares of new common stock, which will also be the price per share at which unsubscribed shares will be sold to the successful bidder. Prospective bidders will be required to specify the aggregate amount to be paid by Interstate as compensation for their commitment.

The declarant states that because of the longer time schedule required in connection with the proposed offer of subscription rights to common stockholders, it will not be possible to consummate the proposed bond and stock financing prior to April 10, 1952, the maturity date of its presently outstanding 2¾ percent notes. Interstate, therefore, requests authority to extend the maturity of said notes from April 10, 1952, to May 10, 1952, such extension to be at the rate of interest of 3¼ percent per annum.

According to the filing, Interstate intends to use the proceeds from the sales of the bonds and common stock to pay off the presently outstanding 2¾ percent notes in the principal amount of $4,250,000, and to finance the 1952 construction program estimated at $6,851,000.

The filing requests that the Commission enter an order, to become effective upon its issuance, permitting the declaration to become effective forthwith. It is also requested that the ten day waiting period specified in Rule U-50 be shortened to the extent necessary to enable bids to be submitted in respect of the bonds and unsubscribed common stock by 11:30 a. m., New York time on April 2, 1952.

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith; and that Interstate's request to shorten the bidding period, and to extend the maturity date of its presently outstanding 2¾ percent promissory notes, be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional conditions:

(1) That the proposed issuance and sale by Interstate of $2,000,000 principal amount of First Mortgage Bonds, __ Percent Series, due 1982, and 345,833 shares of common stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered, with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and hereby is, reserved;

(2) That jurisdiction is reversed in respect of any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

It is further ordered, That the ten-day bidding period prescribed by Rule U-50 be, and the same hereby is, shortened to a period of six days.

It is further ordered, That Interstate's request to extend the maturity date of its presently outstanding 2¾ percent promissory notes in the principal amount of $4,250,000 from April 10, 1952, to May 10, 1952, at an interest rate of 3¼ percent per annum be, and the same hereby is, granted.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3405; Filed, Mar. 25, 1952; 8:48 a. m.]

[File No. 70-2789]

NARRAGANSETT ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION HERETOFORE RESERVED WITH RESPECT TO RESULTS OF COMPETITIVE BIDDING AND CERTAIN FEES

MARCH 20, 1952.

The Narragansett Electric Company ("Narragansett"), a public-utility subsidiary company of New England Electric System, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding the issue and sale at competitive bidding of $7,500,000 principal amount of Series C bonds, due March 1, 1982; and

The Commission having by order dated March 10, 1952, approved said application, as amended, subject to the condition that the sale of said bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 should have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed; and subject to the reservation of jurisdiction with respect to all fees for services rendered by the system service company and the Trustee, and for legal, engineering and accounting services, including the fees of independent counsel to the underwriters; and

Narragansett having, on March 20, 1952, filed a further amendment to its application setting forth the action taken by it to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids with respect to said bonds, the following bids were received:

Bidder	Annual interest rate, percent	Price to company [1] percent of principal	Annual cost to company, percent
Kuhn, Loeb & Co	3⅜	102.084	3.2655
Salomon Bros. & Hutzler	3⅜	102.02119	3.2688
Kidder, Peabody & Co	3⅜	101.901	3.2750
Lehman Bros	3⅜	101.8849	3.2758
Union Securities Corp	3⅜	101.841	3.2781
The First Boston Corp	3⅜	101.83	3.2787
Halsey, Stuart & Co. Inc	3⅜	101.72	3.2844
White, Weld & Co	3⅜	101.3199	3.3053

[1] Exclusive of accrued interest from Mar. 1, 1952.

The amendment further stating that Narragansett has accepted the bid of Kuhn, Loeb & Co. for said bonds, as set

forth above, and that the bonds will be offered for sale to the public at a price of 102.384 percent of their principal amount, plus accrued interest from March 1, 1952, resulting in an underwriter's spread of 0.30 percent of the principal amount of the bonds, or an aggregate of $22,500; and

The record having been amended and completed with respect to the fees for services rendered by the system service company and the Trustee and for legal, engineering and accounting services, including the fees of independent counsel for underwriters, incurred in connection with the proposed issuance and sale of said bonds, as follows:

	Fees	Expenses
To be paid by Narragansett:		
New England Power Service Co., an affiliated service company	$16,759	
Edwards & Angell, special counsel	5,000	$30
Lybrand, Ross Bros. & Montgomery, accountants	3,200	
Jackson & Moreland, engineers	4,161	651
Rhode Island Hospital Trust Co., trustee	4,150	
To be paid by the successful bidders:		
Milbank, Tweed, Hope & Hadley, counsel to the underwriters	6,500	900

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, the interest rate thereon, the redemption prices thereof, or the underwriter's spread; and the Commission also finding that the fees requested for services rendered by New England Power Service Company and the Trustee and for legal, engineering and accounting services, including the fees of independent counsel to the underwriters, are not unreasonable; and it appearing to the Commission that the jurisdiction heretofore reserved over the transactions until the results of competitive bidding should be made a matter of record in this proceeding, and over the aforesaid fees should be released:

It is ordered, That the jurisdiction heretofore reserved over said transactions until the results of competitive bidding should be made a matter of record in this proceeding be, and the same hereby is, released; and that said application as further amended be, and the same hereby is, granted, subject to the provisions of Rule U-24.

It is further ordered, That jurisdiction heretofore reserved over fees for services rendered by the system service company and the Trustee and for legal, engineering and accounting services, including the fees to the independent counsel to the underwriters, be, and the same hereby is, released.

It is further ordered, That this order become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3401; Filed, Mar. 25, 1952; 8:47 a. m.]

[File No. 70-2806]

NEW ENGLAND ELECTRIC SYSTEM AND CONNECTICUT RIVER POWER CO.

ORDER AUTHORIZING REDEMPTION OF PREFERRED STOCK AND REDUCTION OF AUTHORIZED CAPITAL STOCK

MARCH 20, 1952.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, Connecticut River Power Company ("CRP"), having filed a declaration with this Commission, pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-23, U-42 and U-45 thereunder in respect of the following proposed transactions:

CRP presently has outstanding 12,000 shares of 6 percent Cumulative Preferred Stock, $100 par value, of which 7,297 shares are held by NEES and 4,703 shares are publicly held. NEES proposes to surrender to CRP, as a capital contribution, said 7,297 shares and CRP proposes, subject to such prior surrender, to purchase and redeem said publicly held shares at $110 per share plus accrued dividends to the date of call. Following said purchase and redemption, CRP further proposes to reduce its authorized capital stock by $1,200,000, the aggregate amount of its outstanding preferred stock.

It is represented in the declaration that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The declaration states that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $500 for NEES and $1,000 for CRP, or an aggregate of $1,500.

It is requested that the Commission's order herein become effective upon issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested nor ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3395; Filed, Mar. 25, 1952; 8:46 a. m.]

[File No. 70-2807]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER GRANTING AUTHORITY TO ISSUE AND SELL SHORT-TERM NOTES

MARCH 20, 1952.

Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transactions:

New Hampshire proposes to issue and renew, from time to time up to and including June 30, 1952, notes having a maturity of three months or less up to the maximum amount of $7,500,000 at any one time outstanding (including notes presently outstanding in the amount of $1,675,000). Each such note, including the renewal notes, will be made payable to The First National Bank of Boston and will bear interest at the rate of 3¼ percent per annum, subject to change in interest rates for prime paper. The application states that the interest rate for prime paper at the present time is 3 percent per annum. In case the interest rate should exceed 3½ percent on any note, the company will file an amendment to its application stating the interest rate and other details of the note or notes at least five days prior to the execution and delivery thereof and asks that such amendment become effective without further order of the Commission at the end of the five-day period unless the Commission shall have notified the company to the contrary within said period.

The proceeds from the sale of the notes will be used primarily for construction purposes. The application states that the company's construction program for the year 1952 will require cash expenditures of approximately $11,900,000. It is also stated that the company intends, in May or June 1952, to issue $4,000,000 principal amount of First Mortgage Bonds and $2,500,000 of Preferred Stock, and, toward the end of the year, to issue a sufficient number of shares of Common Stock to raise approximately $4,000,000. However, it is stated that market conditions, among other things, may require some variation of the proposed financing.

It is represented that no State commission or any other Federal commission has jurisdiction over the proposed transactions, and that no expenses, other than legal fees estimated at $135, will be paid in connection with the proposed transactions. The applicant requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers

that said application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3397; Filed, Mar. 25, 1952; 8:46 a. m.]

[File No. 70-2809]

SUBURBAN GAS AND ELECTRIC CO.

ORDER AUTHORIZING PROPOSED NOTE ISSUES

MARCH 20, 1950.

Suburban Gas and Electric Company ("Suburban"), a public-utility subsidiary of New England Electric System ("NEES"), a registered holding company, having filed a declaration with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 and Rule U-23 thereunder in respect of the following proposed transactions:

Suburban presently has outstanding $1,075,000 principal amount of unsecured promissory notes payable to The First National Bank of Boston and proposes to issue to that bank, from time to time but not later than March 31, 1952, additional unsecured promissory notes in an aggregate face amount not exceeding $375,000. Each of said notes will mature not later than six months after its issue date and will bear interest at the prime interest rate at the time of its issuance. It is stated in the declaration that, at the present time, said prime interest rate is 3 percent per annum. It is further stated that if said prime interest rate is in excess of 3¼ percent at the time any of the proposed notes are to be issued, Suburban will file an amendment to its declaration setting forth therein, among other things, the amount of the proposed note and the proposed rate of interest thereon at least five days prior to the date of execution and delivery of said note and Suburban requests that unless the Commission notifies it to the contrary within said five day period, the amendment shall become effective at the end thereof. The declaration indicates that the proposed notes may be prepaid, in whole or in part, prior to maturity without payment of a premium.

The declaration further states that the proceeds from the proposed notes are to be used to pay for construction work and costs of conversion to the use of natural gas.

The declaration further states that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $250. It is represented that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon its issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested nor ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3400; Filed, Mar. 25, 1952; 8:47 a. m.]

[File No. 70-2813]

WORCESTER COUNTY ELECTRIC CO.

ORDER AUTHORIZING PROPOSED ISSUANCE OF NOTE

MARCH 20, 1952.

Worcester County Electric Company ("Worcester County"), a public-utility subsidiary company of New England Electric System, a registered holding company, having filed a declaration with this Commission, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-42 thereunder in respect of the following proposed transactions:

Worcester County proposes to issue on March 25, 1952, an unsecured promissory note to The First National Bank of Boston in the face amount of $1,000,000 due six months after said date and bearing interest at the prime interest rate generally being charged by banks in Boston five days prior to said date. It is stated in said declaration that at the present time such prime interest rate is 3 percent per annum. It is further stated that in the event that such prime interest rate should exceed 3¼ percent per annum, Worcester County will file an amendment to its declaration setting forth therein, among other things, the terms of the proposed note and the proposed rate of interest thereon at least five days prior to the date of execution and delivery of said note. Worcester County requests that unless the Commission notifies it to the contrary within said five-day period, the amendment shall become effective at the end of such period.

Worcester County presently has outstanding $3,600,000 principal amount of unsecured promisory notes and proposes to use the proceeds of the note proposed to be isued to pay a presently outstanding $1,000,000 note which matures March 25, 1952.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $300.

It is requested that the Commission's order herein become effective upon issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested nor ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24 and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3396; Filed, Mar. 25, 1952; 8:46 a. m.]

[File No. 70-2818]

SOUTH JERSEY GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO PROPOSED AMENDMENTS TO CHARTER TO PROVIDE FOR CUMULATIVE VOTING AND PRE-EMPTIVE RIGHTS; AND SOLICITATION OF STOCKHOLDERS

MARCH 20, 1952.

South Jersey Gas Company ("South Jersey"), a subsidiary of The United Corporation, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-62 promulgated thereunder, with respect to the following proposed transactions:

South Jersey proposes to adopt amendments to its Certificate of Incorporation to provide for (1) cumulative voting for the election of directors; and (2) pre-emptive rights giving stockholders the right to purchase any new or additional shares of common stock, or securities convertible into common stock, that may be offered by the company, for money, unless such offer be a public offering or an offering to or through underwriters or investment bankers who shall have agreed promptly to make a public offering of all such shares. Such amendments will be voted on by the stockholders at the annual meeting of stockholders to be held on April 22, 1952. Declarant states that the adoption of

these amendments will require the affirmative votes of at least two-thirds in interest of the stockholders. South Jersey proposes to solicit proxies from its stockholders to be used at the annual meeting of stockholders and the solicitation material to be sent to stockholders has been filed as a part of the declaration.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3398; Filed, Mar. 25, 1952; 8:46 a. m.]

[File No. 70-2819]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF DEBENTURES

MARCH 20, 1952.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935, and Rule U-50 promulgated thereunder.

All interested persons are referred to said declaration which is on file in the office of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Columbia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $60,000,000 principal amount of — Percent Debentures, Series "C" due 1977. Said Debentures would be issued under an Indenture dated June 1, 1950, as Supplemented by the First Supplemental Indenture dated August 1, 1950, and a Second Supplemental Indenture to be dated April 1, 1952.

The proceeds from the sale of said Debentures will be used to finance a major part of the Columbia system 1952 construction program and to repay $20,000,000 of Columbia's short-term notes maturing June 15, 1952. In that connection, Columbia states that the 1952 construction program for the system contemplates expenditures of approximately $75,000,000 together with the financing of approximately $3,000,000 of gas to be purchased for additional storage. In addition to the $60,000,000 to be raised through the sale of the proposed Debentures, Columbia states that it will be necessary to raise $18,000,000 later in 1952. However, the method of financing such latter amount has not yet been determined.

Notice is further given that any interested person may, not later than April 4, 1952 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 4, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3399; Filed, Mar. 25, 1952; 8:47 a. m.]

[File No. 70-2822]

UNITED GAS CORP.

NOTICE OF FILING REGARDING PURCHASE OF NOTES BY GAS UTILITY COMPANY FROM NONUTILITY SUBSIDIARY

MARCH 20, 1952.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, has filed an application with the Commission pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 9 (a) (1), 10 (a) (1), 10 (b) and 10 (c) thereof as applicable to the proposed transactions which are summarized as follows:

Atlas Processing Company ("Atlas") was organized by United and certain other non-affiliated companies to conduct operations at the Carthage Field of United in connection with the upgrading of gasoline (Holding Company Act Release No. 9563). As of December 31, 1951, Atlas had outstanding $243,273 principal amount of 4 percent First Mortgage Notes, $550,000 principal amount of Five Year 4 percent Second Mortage Notes and 10,000 shares of no par value common stock. United holds a 25 percent interest in each of these securities, the remainder of the First Mortgage Notes being held by certain banks, and the remainder of the other securities being held ratably by the other interested companies.

In its process of upgrading straight run motor fuel, Atlas has found that benzene was present in the amount of 3.8 percent by volume. Atlas proposes to install a benzene extraction unit and a platform unit in its Shreveport Plant. The extraction unit which will take out approximately 400 barrels of benzene per day is estimated to cost approximately $2,500,000. The platform unit will further process the remaining raw material to restore the loss in anti-knock rating incurred by the removal of the benzene and to control the boiling range of the finished motor gasoline. It is estimated that this unit will cost $1,000,000.

Atlas proposes to finance construction of the plants through the issuance and sale of $3,500,000 principal amount of First Mortgage 4½ Percent Promissory Notes payable in equal quarter-annual installments designed to accomplish full repayment by October 1, 1957. United proposes to purchase $875,000 principal amount (25 percent) of such Notes, the remainder to be purchased by certain banks. Pursuant to an agreement to be entered into with the holders of the outstanding First Mortgage Notes, the Notes proposed to be issued and the then outstanding First Mortgage Five Year 4 Percent Promissory Notes of Atlas will be equally and ratably secured by a first mortgage on all of the present and after acquired properties of Atlas.

The outstanding Second Mortgage Notes will be expressly subordinated to the First Mortgage Notes proposed to be issued, and the maturities of such Second Mortgage Notes will be extended to a date not less than thirty days after the maturity of the First Mortgage Notes.

Notice is further given that any interested person may, not later than April 2, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 2, 1952, at 5:30 p. m., said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3404; Filed, Mar. 25, 1952; 8:47 a. m.]

[File No. 70-2823]

NORTHERN NATURAL GAS CO. AND PEOPLES NATURAL GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING REGARDING PROPOSAL TO DISSOLVE AND LIQUIDATE A WHOLLY OWNED UTILITY SUBSIDIARY OF REGISTERED HOLDING COMPANY AND REGARDING REQUEST FOR FINDING THAT COMPANY HAS CEASED TO BE A HOLDING COMPANY

MARCH 20, 1952.

Notice is hereby given that Northern Natural Gas Company ("Northern"), a

registered holding company, and its direct and wholly owned subsidiary, Peoples Natural Gas Company ("Peoples"), a public utility company and the sole subsidiary of Northern, have filed a joint application-declaration, and an amendment thereto, pursuant to the act regarding the proposed dissolution in complete liquidation of Peoples and a request by Northern that the Commission find that it has ceased to be a holding company. The applicants-declarants have designated sections 5 (d), 9 (a), 10 (a), 12 (c) and 12 (f) of the act and Rules U-42 and U-43 promulgated thereunder as being applicable to the proposed transactions.

All interested persons are referred to said joint amended application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Northern, a holding company, also owns and operates natural gas pipe lines extending from Texas through Oklahoma, Kansas, Nebraska and Iowa and into Minnesota and South Dakota. It transmits gas purchased and produced in Texas, Oklahoma, and Kansas through these gas transmission lines to its principal markets in the states of Kansas, Nebraska, Iowa, Minnesota and South Dakota.

Peoples is a gas utility company purchasing gas from its parent, Northern, at the city and town borders in 89 cities and towns in Kansas, Nebraska, Iowa, and Minnesota and distributing this gas, at retail, to customers in those cities and towns.

Northern proposes to acquire from Peoples all of the latter's assets and assume all of its liabilities. Thereafter, Northern is to transfer to Peoples all of the outstanding common stock of Peoples whereupon that stock is to be canceled and Peoples will be completely liquidated and dissolved. The filing states that the management of Northern considers this program desirable to simplify further the corporate structure and operations of the Northern system.

The filing also states that the only other regulatory Commission having jurisdiction in this matter is the State Corporation Commission of Kansas.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to said joint application-declaration and that the filing should not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said matter under the applicable provisions of the act and the rules and regulations promulgated thereunder be held on April 8, 1952, at 10:00 a. m., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the Hearing Room Clerk in room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceeding should file with the Secretary of the Commission on or before April 2, 1952, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the joint application-declaration as amended and that on the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters or questions upon further examination:

(1) Whether the acquisition by Northern of the utility assets of Peoples will serve the public interest by tending towards the economical and efficient development of an integrated public utility system;

(2) Whether the proposed transactions are in all respects in the public interest and in the interest of consumers and investors;

(3) Whether the proposed accounting entries in connection with the proposed transactions are appropriate in the light of the standards of the act and in accordance with sound accounting principles;

(4) Whether the fees or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

(5) Whether the proposed transactions comply with all the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder;

(6) Whether in granting the application and permitting the declaration to become effective in connection with the proposed transactions it is necessary or appropriate to impose terms or conditions to insure adequate protection of the public interest or the interest of investors and consumers and to prevent circumvention of the act and the rules and regulations thereunder;

(7) Whether the Commission may appropriately grant Northern's request that the Commission find, prior to consummation of the proposed transactions, that Northern has ceased to be a holding company;

(8) Whether, after the consummation of the proposed transactions, the Commission may appropriately find that Northern has ceased to be a holding company and if so what terms and conditions, if any, in connection therewith are necessary for the protcction of investors.

It is further ordered, That particular attention be dircctcd in said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copics of this order by registered mail to Northern, Peoplcs, the Federal Power Commission, the Minnesota Railroad and Warehouse Commission, the Kansas State Corporation Commission, the Iowa State Commerce Commission, the Nebraska State Railway Commission, and the South Dakota Public Utilities Commission; to the mayors of the following cities and towns: Garden City and Dodge City, Kansas; Beatrice, Elkhorn, Wayne, and Emerson, Nebraska; Glenwood, Hartley, Webster City and Madrid, Iowa; Claremont, Dodge Center, Jackson, Wells, Rosemont and Farmington, Minnesota; and that notice shall be given to all other persons by a general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list of this Commission for releases under the act; and that further notice be given to all persons by publication of a copy of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3403; Filed, Mar. 25, 1952; 8:47 a. m.]

[File No. 70-2826]

ALABAMA POWER CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

MARCH 20, 1952.

Notice is hereby given that an application has been filed with this Commission by Alabama Power Company ("Alabama"), a public utility subsidiary of The Southern Company, a registered holding company. The filing has designated section 6 (b) of the act and Rule U-50, promulgated thereunder, as applicable to the proposed transactions, which are summarized as follows:

Alabama proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of First Mortgage Bonds, — Percent Series due 1982, to be issued under and secured by Alabama's present Indenture, dated as of January 1, 1942, as heretofore supplemented on October 1, 1947, December 1, 1948, and September 1, 1951, and to be further supplemented by a Supplemental Indenture to be dated as of April 1, 1952. The interest rate and the price to the company for the bonds will be determined through the competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The company proposes to use the proceeds from the sale of these new bonds to provide a portion of the funds required for extensions and additions to the company's property.

The filing states that the issuance and sale of the proposed new bonds are subject to authorization by the Alabama Public Service Commission, the State Commission of the state in which Alabama is organized and doing business. Alabama requests that any order of this Commission granting the application shall become effective forthwith upon issuancc.

Notice is further given that any interested person may, not later than April 4, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 4, 1952, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3402; Filed, Mar. 25, 1952; 8:47 a. m.]

[File No. 70-2828]

NIAGARA MOHAWK POWER CORP.

NOTICE REGARDING PROPOSED AMENDMENT TO CHARTER TO INCREASE NUMBER OF AUTHORIZED SHARES OF COMMON STOCK

MARCH 20, 1952.

Notice is hereby given that a declaration has been filed with the Commission, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), by Niagara Mohawk Power Corporation ("Niagara Mohawk"). As of March 15, 1952, The United Corporation owned 9.63 percent of the outstanding voting securities of Niagara Mohawk.

Notice is further given that any interested person may, not later than April 3, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 3, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Niagara Mohawk proposes, at the forthcoming annual meeting of its stockholders to be held on May 6, 1952, to submit to the stockholders, among other things, a proposal to amend the charter of Niagara Mohawk so as to increase the number of authorized shares of common stock from 11,094,662 shares to 12,594,662 shares, an increase of 1,500,000 shares. It is stated that the proposed increase in the number of authorized shares of common stock is for the purpose of placing the management in a flexible position with respect to the formulation of future financing programs. As of March 15, 1952, Niagara Mohawk had issued and outstanding 9,073,887 shares of common stock and 1,382,523 shares of Class A stock.

Niagara Mohawk proposes to solicit proxies from its stockholders to be used at the annual meeting of stockholders. The solicitation material to be sent to stockholders has been filed with the Commission pursuant to Rule U-62 promulgated under the act. The declaration with respect to such solicitation was permitted to become effective as of 5:30 p. m. on March 20, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3406; Filed, Mar. 25, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 18, Amdt. 2]

AMELIA EARHART LUGGAGE

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 18 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for luggage manufactured by Amelia Earhart Luggage, and having the brand names "Amelia Earhart" and "Cushion Edge."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 21, 1952.

This amendment also adds a new brand name "Airlite by Amelia Earhart Luggage" to the special order.

Amendatory provisions. Special Order 18 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 5, 1951", insert the words "as supplemented and amended by its application dated September 14, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 21, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 14, 1952.

3. In paragraph 1, delete the word "and" following the brand name "Amelia Earhart" and insert therefor a comma.

4. In paragraph 1, following the brand name "Cushion Edge" insert the word "and," then follow with the addition of the brand name "Airlite by Amelia Earhart Luggage."

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

MARCH 20, 1952.

[F. R. Doc. 52-3352; Filed, Mar. 20, 1952; 4:12 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 51, Amdt. 3]

TRIMOUNT CLOTHING CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 51, under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's suits, tuxedos, sport coats, slacks, topcoats and overcoats manufactured by Trimount Clothing Company, Inc. and having the brand name "Clipper Craft."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 12, 1952.

Amendatory provisions. Special Order 51, under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "January 10, 1952", the following date "February 12, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 12, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 10, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

MARCH 20, 1952.

[F. R. Doc. 52-3353; Filed, Mar. 20, 1952; 4:13 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 92, Amdt. 1]

ANNIS SPORTSWEAR, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 92 under section 43, Ceiling Price Regulation 7, established ceiling prices at retail for swim suits manufactured

by Annis Sportswear, Inc., and having the brand name "Sea Glamour".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 3, 1952.

Amendatory provisions. Special Order 92 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 11, 1951," insert the words "as supplemented and amended by its application dated March 3, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 3, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 14, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3354; Filed, Mar. 20, 1952; 4:13 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 137, Amdt. 2]

B. V. D. CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 137 under section 43 of Ceiling Price Regulation 7, established retail ceiling prices for men's underwear, sports shirts, pajamas, swim trunks and swim wear distributed by B. V. D. Company, Incorporated and having the brand name "B. V. D."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 19, 1951.

Amendatory provisions. Special Order 137 under section 43 of Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 1, after the words "in the distributor's application dated March 20, 1951," insert the words "as supplemented and amended by its application dated November 19, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the wholesaler's supplemental application dated November 19, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 11, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3355; Filed, Mar. 20, 1952; 4:13 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 163, Amdt. 1]

PRINCE GARDNER CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 163 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and women's billfolds, secretaries, key containers, cigarette cases and women's French purses, manufactured by Prince Gardner Co. and having the brand names "Prince Gardner" and "Princess Gardner."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 25, 1952.

Amendatory provisions. Special Order 163 under section 43 of Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 1, after the words "in its application dated March 23, 1952," insert the words "as supplemented and amended by its application dated February 25, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 25, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 9, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3356; Filed, Mar. 20, 1952; 4:13 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 234, Amdt. 2]

NAN BUNTLY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 234 under section 43 of Ceiling Price Regulation 7 corrects a clerical error in the special order.

Amendatory provisions. Special Order 734, amendment under section 43 of Ceiling Price Regulation 7 is corrected by deleting the words "Special Order 734", wherever they appear and substituting therefor the words "Special Order 234".

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3357; Filed, Mar. 20, 1952; 4:13 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 244, Amdt. 1]

LEE-ROWAN CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 244 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for clothes racks and hampers, creasers and dryers, manufactured by Lee-Rowan Company, and having the brand name "Lee Rowan."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated February 21, 1952.

This amendment also adds the words "storage unit," "hanger bar" and "sweater dryer" to the coverage of the special order.

Amendatory provisions. Special Order 244 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 16, 1951," insert the words "as supplemented and amended by its applications dated June 18, 1951 and February 21, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated June 18, 1951 and February 21, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later then April 14, 1952.

3. In paragraph 1, after the words "dryers" add the words "storage unit, hanger bar and sweater dryer."

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3358; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 250, Amdt. 1]

SOUTHERN SPRING BED CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 250 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for mattresses and box springs manufactured by Southern Spring Bed Company, and having the brand names "Red Cross and Southern Cross", "Southern Cross Firm-O-Matt", "Southern Cross Resstar", "Southern Cross Quilted", "Southern Cross Supreme", "Southern Cross Tuftless", "Southern Cross Rubberair", "Southern Cross King Size", "Blue Ribbon Tuftless".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 2, 1952.

This amendment also adds the brand name "Southern Cross Sleeper" to the special order.

Amendatory provisions. Special Order 250 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 6, 1951," insert the words "as supplemented and amended by its application dated January 2, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 2, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 13, 1952.

3. In paragraph 1, following the words "Blue Ribbon Tuftless", add the words "Southern Cross Sleeper".

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3359; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 254, Amdt. 3]

F. C. HUYCK & SONS (KENWOOD MILLS)

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 254 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for woven woolen bed blankets manufactured by F. C. Huyck & Sons (Kenwood Mills) and having the brand names "Kenwood Famous," "Kenwood Reverie," "Kenwood Sundown," "Kenwood Remembrance," "Kenwood Petite" and "Kenwood You're An Angel."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Reguation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated March 4, 1952 and March 5, 1952.

This amendment also adds the brand names "Kenwood Cameo," "Kenwood Frosty Tone," "Kenwood Bonne Nuit Cherie," "Kenwood Renown," "Kenwood Arondac," "Kenwood Cralo" and "Kenwood Eventide" to the brand names listed in the special order.

Amendatory provisions. Special Order 254 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "February 1, 1952," the following dates: "March 4, 1952 and March 5, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated March 4, 1952 and March 5, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 14, 1952.

3. In paragraph 1 insert the new brand names "Kenwood Cameo," "Kenwood Frosty Tone," "Kenwood Bonne Nuit Cherie," "Kenwood Renown," "Kenwood Arondac," "Kenwood Cralo" and "Kenwood Eventide."

4. In paragraph 1 delete the word "and" after the brand name "Kenwood Petite," and insert therefor a "comma."

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3360; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 263, Amdt. 1]

AMITY LEATHER PRODUCTS CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 263 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and women's billfolds, and billfold sets, photo-folds, letter cases, key cases, tobacco pouches, travel kits, and ladies handbags manufactured by Amity Leather Products Company and having the brand names "Amity," "Rolfs," "Rolfs Handbags," and "Vanguard".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated November 28, 1951 and February 1, 1952.

Amendatory provisions. Special Order 263 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated March 30, 1951," insert the words "as supplemented and amended by its applications dated November 28, 1951 and February 1, 1952.

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated November 28, 1951 and February 1, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 20, 1951.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3361; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 311, Amdt. 1]

WADSWORTH WATCH CASE CO., INC.,

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 311 establishes new retail ceiling prices for certain of the applicant's branded articles. These new retail ceiling prices are listed in paragraph 1 of the special order and marked with an asterisk. The ceiling prices established prior to this amendment and still in effect are listed without an asterisk.

The Director has determined, on the basis of information available to him, that the retail ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

Amendatory provisions. Special Order 311 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. Delete paragraph 1 of the special order and substitute therefor the following:

1. The following ceiling prices are established for sales by any seller at retail of men's and women's watches manufactured by the Wadsworth Watch Case Company, Inc., having the brand name "Wadsworth," and described in the manufacturer's application dated June 26, 1951, and supplemented and amended by the manufacturer's application dated February 18, 1952.

The ceiling prices listed below which are marked with an asterisk shall become effective on receipt of a copy of this order by the retailer, but in no event later than 30 days after the effective date of this order. Ceiling prices not marked with an asterisk are effective upon the effective date of this order.

Sales may, of course, be made below the retail ceiling prices.

THE WADSWORTH WATCH CASE CO., INC., DAYTON, KY.

MEN'S WATCHES

Model No.:	Retailer's ceiling price (tax included)
1-Y-1001	$19.95
4-S-1003	*19.95
4-S-1103	*19.95
4-S-1203	*19.95
1-Y-1002	*22.50
500-Y-1001	24.95
503-S-1103	*24.95
503-S-1203	*24.95
2-Y-2001	25.95
500-Y-1002	*25.95
7-Y-5003	*27.50
7-Y-5103	*27.50
2-Y-2003	*27.50
11-Y-2004	*27.50
501-Y-2001	29.75
2-Y-2002	29.75
12-Y-2004	*29.75
502-Y-5003	*32.50
502-Y-5103	*32.50
502-Y-2003	*32.50
505-Y-2004	*32.50
502-Y-2002	33.75
5-Y-5001	*33.75
5-Y-5101	*33.75
6-Y-5002	*33.75
6-Y-5102	*33.75
506-Y-2004	*33.75
10-Y-5004	*33.75
4-S-3001	35.75
503-S-3001	39.75
507-Y-5004	*39.75
3-S-4001	49.75
3-S-4101	*49.75
3-S-4002	49.75
3-S-4102	*49.75
13-Y-4005	*49.75
504-S-4001	*55.00
504-S-4002	*55.00
2-Y-4004	*55.00
2-Y-4104	*55.00
508-Y-4005	*55.00
14-Y-4005	*55.00
509-Y-4005	*59.50
5-A-4003	*59.50
6-Y-4006	*62.50
510-Y-4003	*65.00
510-Y-4006	67.50

LADIES' WATCHES

Model number	Retailer's Ceiling price (tax included)
100-Y-9001	*$19.95
100-Y-9101	*19.95
203-Y-9001	*24.95
203-Y-9101	*24.95
100-Y-7001	25.95
100-Y-7009	*25.95
100-Y-7005	*27.50
100-Y-7105	*27.50
100-Y-7008	*27.50
200-Y-7001	29.75
100-Y-7002	29.75
100-Y-7003	29.75
200-Y-7009	*29.75
100-Y-7010	*29.75
100-Y-7011	*29.75
101-Y-7004	*32.50
101-Y-7104	*32.50
200-Y-7005	*32.50
200-Y-7105	*32.50
200-Y-7006	*32.50
101-Y-7012	*32.50
201-Y-7002	33.75
202-Y-7003	33.75
202-Y-7010	*33.75
201-Y-7011	*33.75
100-Y-7006	*33.75
6-Y-7007	*35.75
9-Y-7107	*35.75
203-Y-7012	*37.50

2. Delete paragraph 2 of the special order and after the paragraph designation "2" write the words "deleted."

3. Delete paragraph 4 of the special order and substitute therefor the following:

4. Within 15 days after the effective date of this special order the supplier shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the supplier had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto issued prior to the date of the delivery.

Within 15 days after the effective date of any subsequent amendment to this special order, the supplier shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the supplier had delivered any article the sale of which is affected in any manner by the amendment.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3362; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 375, Amdt. 2]

MUNSINGWEAR, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 375 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's hosiery distributed by Munsingwear, Inc. and having the brand name "Munsingwear".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated October 4, 1951 and January 4, 1952.

Amendatory provisions. Special Order 375 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 10, 1951," insert the words "as supplemented and amended by its applications dated August 17, 1951, October 4, 1951, and January 4, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the wholesaler's supplemental applications dated October 4, 1951 and January 4, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 12, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3363; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 471, Amdt. 1]

WESTCLOX DIVISION OF GENERAL TIME CORP.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. This amendment to Special Order 471 issued under section 43 of Ceiling Price Regulation 7 to Westclox Division of General Time Corporation, establishes ceiling prices at wholesale of spring-driven clocks, pocket watches, wrist watches and self-starting clocks, having the brand name "Westclox".

Special Order 471 established ceiling prices at retail for these same items, but did not establish ceiling prices at wholesale. Such wholesale ceiling prices were requested by Westclox Division of General Time Corporation in its application dated June 5, 1951, and upon examination it appears that these prices may be established under Section 43 of Ceiling Price Regulation 7. Therefore, this amendment establishes ceiling prices at wholesale for the same articles having the brand name "Westclox".

This amendment establishes new retail and wholesale ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail and wholesale ceiling prices are established by incorporating into the special order the amended application dated March 6, 1952.

Amendatory provisions. 1. Delete paragraph 1 of the special order and substitute therefor the following:

1. *Ceiling prices.* The ceiling prices for sales at retail and sales at wholesale of spring-driven clocks, pocket watches, wrist watches and self-starting clocks sold through wholesalers and retailers and having the brand name "Westclox", shall be the proposed retail ceiling prices listed by Westclox Division of General Time Corporation hereinafter referred to as the "applicant" in its applications dated June 5, 1951 and March 6, 1952 and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the effective date of this special order, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. On and after the

date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than April 17, 1952 no seller at wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. Delete subparagraph 3 (a) (4) and substitute therefor the following:

(4) the applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)	(Column 3)
Item, style, or lot number or other description	Wholesaler's ceiling price for articles listed in Column 1	Retailer's ceiling price for articles listed in Column 1
----------	$----------	$----------

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3364; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 545, Amdt. 1]

DORBY CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 545 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for broilers distributed by Dorby Company and having the brand name "Dorby Infra-Red."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated October 23, 1951.

Amendatory provisions. Special Order 545 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated June 26, 1951," insert the words "as supplemented and amended by its application dated October 23, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the distributor's supplemental application dated October 23, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 17, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3365; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 555, Amdt. 1]

FORSTNER CHAIN CORP.

CEILING PRICES AT WHOLESALE AND RETAIL

Statement of considerations. Special Order 555, under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and women's jewelry distributed by the Forstner Chain Corporation, and having the brand name "Forstner."

Special order 555 established ceiling prices at retail for those same items but did not establish ceiling prices at wholesale. Such wholesale ceiling prices were requested by the Forstner Chain Corporation in its application dated June 21, 1951, and may be established under section 43 of Ceiling Price Regulation 7.

This amendment also establishes new wholesale and retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The wholesale and retail ceiling prices are established by incorporating into the special order the amended application dated January 25, 1952.

This amendment also adds the words "boys' " to paragraph 1 of the special order.

Amendatory provisions. Special Order 555, under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. Delete paragraph 1 of the special order and substitute therefor the following:

Ceiling prices. The ceiling prices for sales at wholesale and retail of men's, boys' and women's jewelry sold through wholesalers and retailers and having the brand name "Forstner" shall be the proposed wholesale and retail ceiling prices listed by Forstner Chain Corporation, 646 Nye Avenue, Irvington 11, New Jersey, hereinafter referred to as the "applicant" in its application dated June 21, 1951, as supplemented and amended by its application dated January 25, 1952 and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than October 20, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

The prices listed in the manufacturer's supplemental application dated January 25, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 7, 1952.

2. In subparagraph (a) (4) delete all after the sentence, "The notice shall be in substantially the following form," and substitute therefor the following:

(Column 1)	(Column 2)	(Column 3)
Style or lot number or other description	Wholesaler's ceiling price for articles listed in Column 1	Retailer's ceiling price for articles listed in Column 1
----------	$----------	$----------

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3366; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 556, Amdt. 1]

SESSIONS CLOCK CO.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. This amendment to Special Order 556, issued under section 43 of Ceiling Price Regulation 7 to The Sessions Clock Company, establishes ceiling prices at wholesale of clocks, having the brand name "Sessions".

Special Order 556 established ceiling prices at retail for these same items, but did not establish ceiling prices at wholesale. Such wholesale ceiling prices were requested by The Sessions Clock Company in its application dated June 13, 1951, and upon examination it appears that those prices may be established under section 43 of Ceiling Price Regulation 7. Therefore, this amendment establishes wholesale ceiling prices for the same articles having the brand name "Sessions".

This amendment establishes new retail and wholesale ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail and wholesale ceiling prices are established by incorporating into the special order the amended application dated December 17, 1951.

Amendatory provisions. 1. Delete paragraph 1 of the special order and substitute therefor the following:

1. *Ceiling prices.* The ceiling prices for sales at retail and sales at wholesale of clocks sold through wholesalers and retailers and having the brand name "Sessions" shall be the proposed retail and wholesale ceiling price listed by The Sessions Clock Company, hereinafter referred to as the "applicant" in its

pplications dated June 13, 1951, and ecember 17, 1951, and filed with the ffice of Price Stabilization, Washington , D. C.

A list of such ceiling prices will be ed by the Office of Price Stabilization ith the Federal Register as an appenx to this special order as soon as pracable. On and after the effective date this special order, no seller at retail ay offer or sell any article covered by is special order at a price higher than le ceiling price established by this ecial order. On and after the date of ceipt of a copy of this special order, ith notice of prices annexed, but in no ent later than April 17, 1952 no seller wholesale may offer or sell any article vered by this special order at a price gher than the ceiling price established this special order. Sales may be ade, of course, at less than the ceiling ices.

2. Delete subparagraph 3 (a) (4) and bstitute therefor the following:

(4) The applicant shall annex to this ecial order or amendment a notice sting the style or lot number, name, or her description of each item covered this special order or amendment and s corresponding retail ceiling price and rresponding wholesale ceiling price. he notice shall be in substantially the llowing form:

(Column 1)	(Column 2)	(Column 3)
m, style, or lot umber or other lescription	Wholesaler's ceiling price for articles listed in Column 1	Retailer's ceiling price for articles listed in Column 1
----------	$----------	$----------

Effective date. This amendment shall ecome effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

. R. Doc. 52-3367; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 615, Amdt. 2]

PLATT LUGGAGE, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special rder 615 under section 43, Ceiling Price egulation 7, established retail ceiling ices for men's and women's luggage anufactured by Platt Luggage, Incorrated and having the brand names uardsman", "Stowaway" and "Airess". This amendment establishes new retail iling prices for certain of the appli-nt's branded articles. It appears that e ceiling prices requested are in line th those already granted and are no gher than the level of ceiling prices un-r Ceiling Price Regulation 7. The retail iling prices are established by incorpoting into the special order the amended plication dated February 22, 1952.

Amendatory provisions. Special Order 615 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2 insert after the date "January 30, 1952" the following date "February 22, 1952".

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated February 22, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 10, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3368; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 712, Amdt. 2]

A. N. KHOURI & BRO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 712 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for crystal dinnerware and decorative housewares distributed by A. N. Khouri & Bro. and having the brand name "Lalique."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 31, 1952.

Amendatory provisions. Special Order 712 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated June 20, 1951," insert the words "as supplemented and amended by its applications dated October 11, 1951, and January 31, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the wholesaler's supplemental application dated January 31, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 16, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3369; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 713, Amdt. 1]

WALTHAM WATCH CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 713 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and women's watches and railroad and transportation watches, manufactured by Waltham Watch Company, and having the brand name "Waltham".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated December 31, 1951 and February 5, 1952.

Amendatory provisions. Special Order 713 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application filed with the Office of Price Stabilization", insert the words "dated August 16, 1951, as supplemented and amended by your supplier's applications dated December 31, 1951, and February 5, 1952".

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental applications dated December 31, 1951, and February 5, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 14, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3370; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 720, Amdt. 2]

DECORATIVE CABINET CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 720, under section 43, Ceiling Price Regulation 7, established retail ceiling prices for wardrobes, chests, screens, cabinets, blanket boxes, hat boxes, sewing boxes, combination trays and utility combinations distributed by Decorative Cabinet Corporation and having the brand name "E-Z-Do."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices

under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 30, 1951.

This amendment also adds "tuckaways, vanity tops, drawer wides, waste baskets, storage vaults, shelf master, stools, servette tables, closet lite, handishelf table tops, fireplace, and circus wagon," having the brand name "E–Z–Do," to the coverage of the special order.

Amendatory provisions. Special Order 720 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated August 22, 1951," insert the words, "as supplemented and amended by its application dated November 30, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated November 30, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 10, 1952.

3. In paragraph 1 following the words "utility combinations" add the words "tuckaways, vanity tops, drawer wides, waste baskets, storage vaults, shelf master, stools, servette tables, closet lite, handishelf, table tops, fireplace, and circus wagon."

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52–3371; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 735, Amdt. 2]

M. I. NAKEN CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 735 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for silverware chests manufactured by M. I. Naken Co. and having the brand name "Naken."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 23, 1952.

Amendatory provisions. Special Order 735 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2 insert after the date "February 19, 1952," the following date "February 23, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated February 23, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 11, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52–3372; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 772, Amdt. 1]

ROLLINS HOSIERY MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 772 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for women's hosiery manufactured by Rollins Hosiery Mills, Inc., and having the brand name "Munsingwear".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 23, 1952.

This amendment also changes the name of the supplier in the title and wherever it may appear in the special order by deleting the name "Rollins Hosiery Mills, Inc.", and substituting therefor the name "Rollins Hosiery Mills, Division of Munsingwear, Inc."

Amendatory provisions. Special Order 772 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application" insert the words "dated August 1, 1951, as supplemented and amended by your supplier's application dated January 23, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated January 23, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 31, 1952.

3. Delete from the title and wherever it may appear in the special order the name "Rollins Hosiery Mills, Inc." and substitute therefore the name "Rollins Hosiery Mills, Division of Munsingwear, Inc."

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52–3373; Filed, Mar. 20, 1952; 4:15 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 846]

REO MOTORS, INC.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Reo Motors, Inc., 1331 South Washington Ave., Lansing 20, Michigan, has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring such article to be marked by the applicant with the retail ceiling prices established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of the special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by the special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The following ceiling prices for sales at retail and wholesale of power lawn mowers, sold through retailers and wholesalers and having the brand name "Reo", shall be the proposed retail and wholesale ceiling prices listed by Reo Motors, Inc., 1331 South Washington Ave., Lansing 20, Michigan, hereinafter referred to as the "applicant" in its application dated November 27, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C., as supplemented and amended in the manufacturer's application dated March 1952.

Different ceiling prices are established for eastern and western zones. The eastern zone is bounded on the west by and includes the states of North Dakota, South Dakota; eastern Wyoming bounded by and including the counties of Big Horn, Washakie, Natrona, and Carbon; eastern Colorado bounded by and including the counties of Routt, Eagle, Lake, Chaffee, Fremont, Custer, Huerfano and Las Animas; and the states of Oklahoma, Arkansas and Louisiana. The western zone is bounded on the east and includes the states

Montana, western Wyoming bounded by and including the counties of Park, Hot Springs, Fremont, and Sweet Water; western Colorado bounded by and including the counties of Moffat, Rio Blanco, Pitkin, Garfield, Gunnison, Saguache, Alamosa, and Costilla; and the state of New Mexico.

On and after the date of receipt of a copy of this special order, but in no event later than May 20, 1952, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

Model No.	Ceiling price at retail (per unit)[1]	
	Eastern Zone	Western Zone
RF-25	$231.00	$234.85
WF-21	136.95	139.70
WF-18	114.95	117.15
WFE-18	96.25	98.45

[1] Price includes 10 percent Federal excise tax.

CEILING PRICE AT WHOLESALE[1]

Model No.	Eastern Zone		
	Each	6 to 24	25 or over
MF-25	$173.25	$168.90	$161.70
WF-21	102.70	100.10	95.85
WF-18	86.20	84.00	81.85
WFE-18	72.15	70.30	68.50

Model No.	Western Zone		
	Each	6 to 24	25 or over
MF-25	$176.10	$171.65	$164.40
WF-21	104.75	102.10	97.80
WF-18	87.85	85.65	83.45
WFE-18	73.80	71.95	70.10

[1] Price includes 10 percent Federal excise tax.

The manufacturer's prices are f. o. b. Factory at Lansing, Michigan with freight allowance (including present applicable transportation tax) at lowest obtainable carload or truckload rate, not to exceed a total of $2.50 per 100 pounds. The manufacturer's prices listed are subject to a discount of 2 percent 10th Prox. on approved credit.

2. *Marking and tagging.* On and after May 20, 1952, Reo Motors, Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after June 19, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to June 19, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90 day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner.

(4) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling prices established by such amendment must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(5) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order and amendment to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order, each purchaser for resale (other than retailers) shall send a copy of the order to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling prices for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective March 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3374; Filed, Mar. 20, 1952; 4:15 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 8]

ARNECKEVILLE FIELD, DEWITT COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Arneckeville Field, DeWitt County, Texas.

The Scurlock Oil Company of Houston, Texas, desires to eliminate the differentials it has heretofore imposed upon the crude petroleum produced from the Arneckeville Field, DeWitt County, Texas. During the base period, full production had not been attained and there was a lack of low cost pipeline transportation. As a result, the crude petroleum produced from the Arneckeville Field, DeWitt County, Texas, was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It now appears that full production has been attained, adequate low cost pipeline transportation has been installed and the former differentials resulting in prices for this crude petroleum below the in-line ceiling price for comparable crude petroleum in the same general producing area should no longer be imposed.

From information available to this Office, it appears that the requested adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.85 per barrel for 40° API gravity and above with a differential of 2¢ per barrel less for each degree of gravity below 40 degrees, down to $2.47 per barrel for 21° API gravity.

Special provisions. For the reasons set forth in the statement of considerations

and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petrolcum produced from the Arnockeville Field, DeWitt County, Texas, shall be: $2.85 per barrel for 40° API gravity and above with a differential less of 2¢ per barrel for each degree of gravity below 40 degrees, down to $2.47 per barrel for 21° API gravities.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on March 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3349; Filed, Mar. 20, 1952; 4:12 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 9]

SAM HOUSTON FIELD, WALKER COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Sam Houston Field, Walker County, Texas.

The Scurlock Oil Company of Houston, Texas, desires to eliminate the differentials it has heretofore imposed upon the crude petroleum produced from the Sam Houston Field, Walker County, Texas, During the base period there was a lack of competitive factors and as a result the crude petroleum produced from the Sam Houston Field, Walker County, Texas. was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From information available to this Office, it appears that the requested adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.80 per barrel for 40° API gravity and above with a differential of 2¢ per barrel less for each degree of gravity lower than 40° API gravity, down to $2.38 per barrel for below 20° API gravities.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Sam Houston Field, Walker County, Texas, shall be: $2.80 per barrel for 40° API gravity and above with a differential of 2¢ per barrel less for each degree of gravity lower than 40° API gravity, down to $2.38 per barrel for below 20° API gravities.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on March 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3350; Filed, Mar. 20, 1952; 4:12 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 10]

HAM GOSSETT FIELD, KAUFMAN COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Ham Gossett Field, Kaufman County, Texas.

The Scurlock Oil Company of Houston, Texas, desires to eliminate the differentials it has heretofore imposed upon the crude petroleum produced from the Ham Gossett Field, Kaufman County, Texas. During the base period full production had not been attained and there was a lack of low cost pipeline transportation. As a result, the crude petroleum produced from the Ham Gossett Field, Kaufman County, Texas, was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It now appears that full production has been attained and adequate low cost pipeline transportation, has been installed and that the former differentials resulting in prices for this crude petroleum below the in-line ceiling price for comparable crude petroleum in the same general producing area should no longer be imposed.

From information available to this Office, it appears that the requested adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.67 per barrel for 40° API gravity and above with a differential of 2¢ per barrel less for each degree of gravity below 40° API, down to $2.25 per barrel for below 20° API gravities.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Ham Gossett Field, Kaufman County, Texas, shall be: $2.67 per barrel for 40° API gravity and above with a differential of 2¢ per barrel less for each degree of gravity lower than 40° API, down to $2.25 per barrel for below 20° API gravities.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on March 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3351; Filed, Mar. 20, 1952; 4:12 p. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 61

Washington, Thursday, March 27, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2967

CANCER CONTROL MONTH, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the challenge of cancer has faced this Nation for many years and has been met, within the limits of our powers, by an expanded program of research, control, education, and service activities on the part of both public and private agencies; and

WHEREAS, in spite of these efforts and the great advances made in our knowledge of cancer, this disease continues to be the second highest cause of death in the United States, taking more than 200,000 lives each year; and

WHEREAS the focusing of public attention in a special way upon the problem of controlling cancer will serve to give renewed life and vigor to the efforts directed toward solving it; and

WHEREAS, by Public Resolution 82, 75th Congress, approved March 28, 1938 (52 Stat. 148), the President is authorized and requested to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim the month of April 1952 as Cancer Control Month; and I invite the Governors of the States, Territories, and possessions of the United States to issue similar proclamations. I also urge the medical profession, the press, the radio, television, and motion-picture industries, and all interested agencies and individuals to unite during April 1952 in public dedication to a program for the control of cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 22nd day of March in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-3543; Filed, Mar. 25, 1952; 1:44 p. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 16, Amdt. 12]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

DIRECT WAREHOUSING AND DELIVERY OF FROZEN FOODS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 12 to Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATION

Section 21a of Ceiling Price Regulation 15 provides an allowance for any retailer under that regulation who warehouses frozen foods and delivers them to his retail store. This section was added to CPR-15 by Amendment 4 which became effective on June 25, 1951. At that time it was thought that no Group 1 or 2 stores handled frozen foods in this way and this allowance was not inserted in CPR-16.

It has since been called to the attention of OPS that there may be a few Group 1 or 2 stores, or Group 3 or 4

(Continued on p. 2651)

CONTENTS

THE PRESIDENT

Proclamation — Page
Cancer Control Month, 1952 — 2649

EXECUTIVE AGENCIES

Agriculture Department
See also Production and Marketing Administration.
Notices:
Sale of mineral interests, revised area designations; Mississippi — 2697

Alien Property, Office of
Notices:
Brandt, Anna A. A.; vesting order — 2693

Army Department
Notices:
Chief of Engineers; delegation of authority with respect to reimbursement — 2693

Civil Aeronautics Administration
Proposed rule making:
Airman agency certificates; primary flying school curriculums, airplanes, land and sea, 35 hours flying time — 2685
Irregular air carrier and off-route rules; take-off performance limitations for large aircraft — 2685

Civil Aeronautics Board
See Civil Aeronautics Administration.

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

Defense Department
See Army Department.

Defense Mobilization, Office of
Notices:
Determination and certification of a critical defense housing area; Laredo, Texas, area — 2700

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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Title 25 ($0.30)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Production Administration Page

Notices:
Addition to and correction of membership in Omaha Industries, Inc ... 2697

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Communications Commission

Notices:
Hearings, etc.:
Shepherd, Jerrell A., and KMMJ, Inc ... 2698
Venango Broadcasters and Olivia T. Rennekamp ... 2698

CONTENTS—Continued

Federal Power Commission Page

Notices:
Hearings, etc.:
Allentown-Bethlehem Gas Co. et al ... 2699
California Oregon Power Co ... 2700
Cities Service Gas Co ... 2698
Link, Otto F., et al ... 2700
Miller, Chester O., et al ... 2700
Southern Natural Gas Co ... 2699

Federal Reserve System

Rules and regulations:
Credit, consumer; miscellaneous amendments (Reg. W) ... 2675

Interior Department

See Land Management, Bureau of.

Interstate Commerce Commission

Notices:
Grain from Wyoming, Colorado and New Mexico to Texas; application for relief ... 2700
Proposed rule making:
Transportation of explosives and other dangerous articles ... 2686

Justice Department

See Alien Property, Office of.

Land Management, Bureau of

Notices:
Alaska; shorespace restoration (5 documents) ... 2695, 2696, 2697
Oregon; opening of public lands restored from Umatilla Project ... 2694

National Production Authority

Rules and regulations:
Automobile wreckers (M–92) ... 2658
Maintenance, repair, and operating supplies, installation and minor capital additions under the controlled materials plan:
Acquisition of certain materials as MRO regardless of established accounting practice (CMP Reg. 5, Dir. 1) ... 2658
Printing plates (CMP Reg. 5) ... 2658
Priority assistance for foreign petroleum operations (M–46A) ... 2673
Rubber (M–2) ... 2660
Vegetable tanning material (M–57) ... 2673

Price Stabilization, Office of

Notices:
Ceiling prices at retail:
Frank M. Whiting & Co., Division of Ellmore Silver Co., Inc ... 2702
Linder Brothers, Inc ... 2702
Lunt Silversmiths ... 2702
South Bend Bait Co ... 2702
Robinson Reminders; ceiling prices at retail and wholesale ... 2703

CONTENTS—Continued

Price Stabilization, Office of—Continued Page

Rules and regulations:
Ceiling prices:
By-products feeds of the wet milo milling industry (GCPR, SR 92) ... 2655
Certain foods sold at retail in Group 1 and Group 2 stores; direct warehousing and delivery of frozen foods (CPR 16) ... 2649
Certain caps, closures and paper and paperboard cups and containers for moist, liquid, oily and frozen foods (CPR 133) ... 2651
Excepted services; terminal, dock or warehousing services of Government or governmental agency (GOR 14) ... 2657
Vending machine sales of cigarettes (GCPR, SR 93) ... 2657

Production and Marketing Administration

Proposed rule making:
Milk handling, marketing areas:
Chicago, Ill ... 2683
Fort Wayne, Ind ... 2675

Securities and Exchange Commission

Notices:
Hearings, etc.:
United Gas Improvement Co. et al ... 2701
West Penn Electric Co. and West Penn Power Co ... 2701
Proposed rule making:
Withdrawal from listing and registration of maturing securities and securities redeemed or retired ... 2685

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page

Chapter I (Proclamations):
2967 ... 2649

Title 7

Chapter IX:
Part 932 (proposed) ... 267
Part 941 (proposed) ... 263

Title 14

Chapter I:
Part 42 (proposed) ... 268
Part 50 (proposed) ... 268

Title 17

Chapter II:
Part 240 (proposed) ... 268

Title 32A

Chapter III (OPS):
CPR 16 ... 264
CPR 133 ... 265
GCPR, SR 92 ... 265
GCPR, SR 93 ... 265
GOR 14 ... 265

CODIFICATION GUIDE—Con.

Title 32A—Continued	Page
Chapter VI (NPA):	
CMP Reg. 5	2658
CMP Reg. 5, Dir. 1	2658
M-2	2660
M-46A	2673
M-57	2673
M-92	2658
Chapter XV (FRS):	
Reg. W	2675
Title 49	
Chapter I:	
Part 72 (proposed)	2686
Part 73 (proposed)	2686
Part 74 (proposed)	2689
Part 75 (proposed)	2690
Part 78 (proposed)	2690

stores permitted to use CPR–16 mark-ups, which do warehouse and deliver frozen foods.

Therefore, this amendment gives those few stores under CPR–16 the same chance to qualify for this extra allowance as is given to stores under CPR–15. This amendment to CPR–16 cannot result in raising the cost of living to any significant extent because it affects only a very small number of stores.

In view of the remedial nature of this amendment, special circumstances have made consultation with industry representatives, including trade association representatives, impracticable.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 25, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Section 21 is amended by the addition of a paragraph (f) to read as follows:

(f) Section 21a—*Additional allowance for warehousing and delivery of frozen foods*—(applies if you warehouse and deliver frozen foods to your retail store).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective March 31, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 26, 1952.

[F. R. Doc. 52-3585; Filed, Mar. 26, 1952; 11:15 a. m.]

[Ceiling Price Regulation 133]

CPR 133—CERTAIN CAPS, CLOSURES, AND PAPER AND PAPERBOARD CUPS AND CONTAINERS FOR MOIST, LIQUID, OILY AND FROZEN FOODS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 133 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation applies to sales by manufacturers of containers, caps, closures and similar products used in packaging moist, liquid, oily, and frozen foods and supersedes Ceiling Price Regulation 22 and the General Ceiling Price Regulation in that respect. The products covered by this regulation usually are made from a special sanitary paper or paperboard of high grade bleached chemical, groundwood, or combination pulps, and treated within or without, or both, for holding or protecting moist, oily, and liquid foods. Examples of these products are: paraffin cartons, carry-out and food pails, milk cartons, bulk ice cream cans, plates and dishes, cups and nested containers, liquid tight containers, glass milk bottle closures and metal and plastic bottle cap liners. Certain of the items such as milk bottle closures may be manufactured either completely or in part from materials other than special paper or paperboard, but are included in this regulation because the end use is the same and they have historically competed in this field with the paper or paperboard products. Products covered by this regulation exceeded $300,000,000 in value in 1950 and were produced by about one hundred companies.

Each product covered by this regulation is placed into one of nine separate categories for pricing purposes. For five of the categories specific dollar-and-cent ceiling prices are established for certain listed representative items with each other item in the category being priced in relation to its listed representative item. The method used to arrive at ceiling prices for items other than listed representative items is as follows: Divide the ceiling price established in the regulation for the listed item by the price of the identical item shown on a specific price list, as set forth in the regulation, that was in effect during the base period of January 25, 1951 through February 24, 1951. The result is the adjustment factor to be used in determining the ceiling price for each item in the same category. Multiply this adjustment factor by the price shown on the price lists in effect during the base period for the item being priced, and the result is the ceiling price for that item. With respect to the other four categories, it is not feasible to spell out prices for listed representative items in each of them because of industry practices of zoning, the large number of items in the categories and variations in the type or products. Therefore, ceiling prices for items in two of these categories are determined by multiplying the adjustment factor established under the regulation by the price of the item as shown on the price lists in effect during the base period of January 25, 1951 through February 24, 1951. Prices in the remaining two categories are frozen at the level prevailing during the base period. Each manufacturer must maintain the same price differentials, discounts and allowances in effect during the base period, based upon differences in classes of trade, location of purchasers, quantities, product variations, and in terms and conditions of sale or delivery.

For the past decade and a half there has been a marked increase in the sale of food in pre-packaged form. Much of this increase has been due to the development of low-cost containers made of paper or paperboard. Liquid tight containers made of paperboard have replaced or supplemented the use of tins; paperboard trays and dishes have replaced wood and tin trays and dishes. The packaging of butter, lard, shortening, margarine and ice cream and the tremendous growth in the use of frozen foods, most of which are packaged in paperboard containers, has increased the demand for more paperboard cartons. Meals served for industrial and institutional feeding, in hospitals and in schools, on railways and steamship lines, in planes, in factory and office building cafeterias, post exchanges, snack bars, churches, lodges, and similar establishments are frequently served in paperboard plates and cups. Of the 21 billion packages of milk marketed annually, approximately 8 billion are in cartons made entirely of paperboard while the remainder, usually in glass bottles, require the sanitary plug or lip cover type of closure, covered by this regulation, made of paper, paperboard, and other material.

This regulation establishes a level of prices which is approximately 2.9 percent higher than the level which has prevailed in this industry since the issuance of the General Ceiling Price Regulation. This price increase is the average amount that would be permitted for this industry as a whole under Manufacturers Ceiling Price Regulation, CPR 22, on account of certain labor and materials cost increases in the post Korean period. The increase above the level of current prices has been allowed under this regulation because representations made by the industry indicate that under the current level of prices, net profits before taxes in this industry would probably decline to a point below the minimum level consistent with the Industry Earnings Standard. The level of ceiling prices established by this regulation is about 16 percent above the level prevailing in this industry immediately prior to the outbreak of the Korean war.

Because of the essentiality of food container and closure products to the defense effort and to maintain health standards, and because of the perishable nature of the oily and liquid types of foods packed in paper and paperboard containers, the Director of Price Stabilization, in establishing these price levels, has given due consideration to the necessity of maintaining an uninterrupted supply of these packaging products.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period January 25, 1951, through February 24, 1951, and just before the issuance of this regulation, and to relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included fifteen meetings with seven industry advisory committees.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practice or methods or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.

1. Commodities covered by this regulation.
2. Applicability.
3. Imports and exports.
4. Ceiling prices for milk cartons.
5. Ceiling prices for bulk ice cream cans.
6. Ceiling prices for nested cups and containers.
7. Ceiling prices for paperboard plates and dishes.
8. Ceiling prices for liners for metal or plastic bottle caps.
9. Ceiling prices for paraffin cartons.
10. Ceiling prices for food and carry-out pails.
11. Ceiling prices for liquid tight cylindrical containers.
12. Ceiling prices for milk bottle caps and closures.
13. Rounding of prices.
14. Differentials, discounts and allowances.
15. Ceiling prices for items which cannot be priced under other sections.
16. Adjustable pricing.
17. Records.
18. Transfers of business or stock in trade.
19. Interpretations.
20. Prohibitions and violations.
21. Evasions.
22. Petitions for amendment.
23. Definitions and explanations.

AUTHORITY: Sections 1 to 23 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Commodities covered by this regulation.* (a) This regulation supersedes Ceiling Price Regulation 22 and the General Ceiling Price Regulation with respect to sales by manufacturers of certain caps and closures, and paper and paperboard cups and containers for moist, liquid, oily and frozen foods. The food containers covered by this regulation are made from paper or paperboard composed mainly of virgin pulp and are divided into categories based upon the type and end use of the commodity as follows: (1) Paraffin cartons, (2) food and carryout pails, (3) liquid tight cylindrical containers, (4) milk cartons, (5) bulk ice cream cans, (6) nested cups and containers, and (7) paperboard plates and dishes. The caps and closures covered by this regulation include not only paperboard lids and slip-over covers for the cups and containers, but also all milk bottle caps and milk bottle closures regardless of the material used. Also covered by this regulation are laminated liners for metal or plastic bottle caps.

SEC. 2. *Applicability.* The provisions of this regulation apply to all sales within the 48 States of the United States and the District of Columbia by manufacturers of the commodities covered by this regulation.

SEC. 3. *Imports and exports.* The ceiling prices for imports and exports of the commodities covered by this regulation shall be determined under Ceiling Price Regulations 31 (Imports) and 61 (Exports), respectively, issued by the Office of Price Stabilization.

SEC. 4. *Ceiling prices for milk cartons.*—(a) *Definition.* Milk cartons are paperboard containers usually in half-pint, pint, one-third quart and quart sizes, coated, or designed for coating, with wax or plastic for packaging fluid milk, cream or buttermilk.

(b) *How to determine your ceiling prices.* Certain representative milk cartons are given specific dollar-and-cent ceiling prices in subparagraph (1) of this paragraph. These prices are used to establish an adjustment factor applicable to all other milk cartons on your price lists (defined in section 23) to determine their ceiling prices.

(1) *Representative milk cartons.* The representative milk cartons and their ceiling prices per thousand are as follows:

Representative items	*Ceiling price per M*
Conical, 1 quart, plain sidewall, carload quantity	$29.84
Canco, 1 quart, 1 color, quantity, 250,000 and up	18.15
Sealking, 1 quart, 1 color, quantity, 500,000 and up	18.73
Pure-Pak, 1 quart, 1 color, regular style, gable, quantity, 500,000 and up	11.31

(2) *Other milk cartons.* You shall determine the ceiling price of your other milk cartons as follows: First, determine your adjustment factor by taking the ceiling price established in subparagraph (1) of this paragraph for the representative milk carton made by you and dividing it by the price of the identical item as it appears on your consumers' price list (defined in section 23), carrying your answer to three decimal places. Then multiply this adjustment factor by the price on your price list for the item being priced. The result is your ceiling price for that item. For an example, see section 6 (b) (2).

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 5. *Ceiling prices for bulk ice cream cans.*—(a) *Definition.* Bulk ice cream cans are cylindrical containers with slip-on covers, made in sizes from one to five gallon capacity, customarily sold knocked down, to be subsequently set up by the packer with two metal reinforcing rings, which are furnished with, and included in, the price of the can.

(b) *How to determine your ceiling prices.* A representative bulk ice cream can is given a specific dollar-and-cent ceiling price in subparagraph (1) of this paragraph. This price is used to establish an adjustment factor applicable to all other bulk ice cream cans on your price lists (defined in section 23) to determine their ceiling prices.

(1) *Representative bulk ice cream can.* The representative bulk ice cream can and its ceiling price per thousand is as follows:

Representative item	*Ceiling price per M*
2½ gallon, plain, quantity, 100,000 and up	$131.08

(2) *Other bulk ice cream cans.* You shall determine the ceiling price of your other bulk ice cream cans as follows: First, determine your adjustment factor by taking the ceiling price established in subparagraph (1) of this paragraph for the representative bulk ice cream can made by you and dividing it by the price if the identical item as it appears on your consumers' price list (defined in section 23), carrying your answer to three decimal places. Then multiply this adjustment factor by the price on your price list for the item being priced. The result is your ceiling price for that item. For an example, see section 6 (b) (2).

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 6. *Ceiling prices for nested cups and containers.*—(a) *Definition.* Nested cups and containers, with or without lids, are round paper or paperboard cups and containers, open at one end, which can be stacked one within another, and are used for serving and packing beverages and foods. They may be untreated, or treated with a wax or similar substance. Fluted or crimped paper products are not included. For pricing purposes the wide variety of nested cups and containers are divided into six subcategories, as follows:

(1) Conical and wedge shaped cups have a straight, flanged, or rolled rim open-end, and are made from a single piece of printed or plain paper.

(2) Pleated flat bottom cups have a rolled rim open-end and are made from a single piece of plain paper with vertical or box pleats.

(3) Light duty (two piece, flat bottom) cups and containers have a round open-end, with or without lid seat, are printed or plain, single wrap, and are made in two pieces (bottom and sidewall) of solid paper or paperboard of not more than 140 pound basis weight (24" x 36"—500)

(4) Paper food dishes have a straight flanged or rolled rim open-end, the diameter of which is greater than the height of the dish, and made from a single piece of plain or printed paper, o

conical construction with a pointed, blunted or flat bottom.

(5) Heavy duty cups and containers have a round open-end, with or without lid seat, are printed or plain, single or double wrap, and are made from two pieces (bottom and sidewall) of solid paper or paperboard of not less than 141 pounds basis weight (24'' x 36''—500) or the equivalent thereof, if laminated, double ply or double wrap paper or paperboard is used. They may be coated with a plastic or similar substance. This subcategory includes heavy duty molded cups and containers.

(6) Lids includes all types of paper or paperboard products used as covers, caps, closures or hoods for nested paper or paperboard cups or containers.

(b) *How to determine your ceiling prices.* Certain representative nested cups and containers are given specific dollar-and-cent ceiling prices in subparagraph (1) of this paragraph. These prices are used to establish an adjustment factor applicable to all other nested cups and containers on your price lists (defined in section 23) to determine their ceiling prices.

(1) *Representative nested cups and containers.* The representative nested cups and containers for the various subcategories and their ceiling prices per thousand are as follows:

Subcategory	Representative item	Ceiling prices per M
(i) Conical and wedge shaped cups	4-ounce straight rim (conical or wedge shaped cup)	$1.55
	6-ounce rolled rim (conical cup)	2.58
(ii) Pleated flat bottom cups	3½-ounce untreated water cup	2.42
	¾-ounce untreated portion cup	1.15
(iii) Light duty (two-piece flat bottom) cups and containers.	3-ounce untreated water cup	2.65
	7-ounce treated cold drink cup	5.42
	3-ounce squat, treated container	6.04
(iv) Paper food dishes	6-ounce straight rim conical dish	7.71
(v) Heavy duty cups and containers	8-ounce hot drink cup, with handle, untreated	11.44
	8-ounce hot drink cup, without handle, untreated	10.88
	12-ounce squat, treated container	17.41
	1 pint tall untreated "Nestyle" combination container and slip-over cover.	23.02
(vi) Lids	Plain lip tab lid for 3-ounce squat, treated, light duty container	1.52
	Plain disc lid for 12-ounce squat, treated heavy duty container	5.08

(2) *Other nested cups and containers.* You shall determine the ceiling prices of your other nested cups and containers as follows: First, determine your adjustment factor by taking the ceiling price established in subparagraph (1) of this paragraph for the representative item made by you and dividing it by the price of the identical item as it appears on your wholesalers' price list (defined in section 23), carrying your answer to three decimal places. Then multiply this adjustment factor by the price on your price list for the item being priced. The result is your ceiling price for that item.

For example: (1) Your adjustment factor:

The ceiling price of the representative item	5.42
The prices of the representative item on your wholesalers' price list (or your price to wholesalers)	5.30
Your adjustment factor 5.42÷5.30 equals	1.023
(2) Your ceiling price for an item:	
The price on your price list for the item to be priced	2.59
Multiplied by the adjustment factor	×1.023
	777
	518
	2590
	$2.64957

Your ceiling price for the item is $2.65. Only fractions of one half cent or more may be increased to the nearest higher cent.

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

Sec. 7. *Ceiling prices for paperboard plates and dishes—(a) Definition.* Paperboard plates and dishes are made by embossing, stamping or pressing paperboard by use of dies or by shaping wet pulp in molds with vacuum and air pressure, and are generally used as receptacles for pie, cake, ice cream and other foods.

(b) *How to determine your ceiling prices.* Certain representative paperboard plates and dishes are given specific dollar-and-cent ceiling prices in subparagraph (1) of this paragraph. These prices are used to establish an adjustment factor applicable to all other paperboard plates and dishes on your price lists (defined in section 23) to determine their ceiling prices.

(1) *Representative paperboard plates and dishes.* The representative paperboard plates and dishes and their ceiling prices delivered in Zone "A" (defined in paragraph (d) of this section) are as follows:

Representative items	*Ceiling prices*
9-inch white lined plates	$6.35 per M.
9-inch groundwood plates	$5.83 per M.
No. 100 white lined dishes	$4.05 per M.
No. 100 groundwood lined dishes.	$3.83 per M.
White lined packages, 9-inch plates, 8 per package.	$1.24 per doz.
White lined packages, decorated, 9-inch plates, 6 per package.	$1.24 per doz.
Round package, 8-inch colored plates, 24 per package.	$2.57 per doz.
Butter chips, chip size	$0.58 per M.
9-inch rough molded plates	$6.72 per M.
9-inch smooth molded plates	$9.47 per M.
No. 100 molded trays	$3.98 per M.
Package, 9-inch rough molded plates, 12 per package.	$1.29 per doz.
Package, 9-inch smooth molded plates, 16 per package.	$2.06 per doz.

(2) *Other paperboard plates and dishes.* You shall determine the ceiling prices of your other paperboard plates and dishes as follows: First, determine your adjustment factor by taking the ceiling price established in subparagraph (1) of this paragraph for the representative item made by you and dividing it by the price of the identical item as it appears on your jobbers' price list (defined in section 23) for Zone "A", carrying your answer to three decimal places. Then, multiply this adjustment factor by the price on your price lists for the item being priced. The result is your ceiling price for that item. For an example, see section 6 (b) (2).

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

(d) *Zone A consists of the following:* All of the states of Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Illinois, except the cities of Moline and Rock Island; southern peninsula of Michigan; cities of Cape Girardeau, Hannibal, New Madrid, Ste. Genevieve, and St. Louis in Missouri; Virginia, except the city of Bristol; and Wisconsin, except all cities south of an east and west line drawn just south of Chippewa Falls.

Sec. 8. *Ceiling prices for liners for metal or plastic bottle caps—(a) Definition.* Liners for metal or plastic bottle caps include paperboard or cork, laminated with aluminum or tin foil facing or paper facing and used to line the inside of metal or plastic bottle caps.

(b) *How to determine your ceiling prices.* A representative liner for metal or plastic bottle caps is given a specific dollar-and-cent ceiling price in subparagraph (1) of this paragraph. This price is used to establish an adjustment factor applicable to all other liners for metal or plastic bottle caps on your price lists (defined in section 23) to determine their ceiling prices.

(1) *Representative liner for metal or plastic bottle caps.* A representative liner and its ceiling price is as follows:

Representative item	*Ceiling prices per sq. yd.*
0.035 caliper, "pulp and yellow oil" liner, unwaxed	$0.3122

(2) *Other liners for metal or plastic bottle caps.* You shall determine the ceiling prices of your other liners for metal or plastic caps as follows: First, determine your adjustment factor by taking the ceiling price of the representative item in subparagraph (1) of this paragraph and dividing it by the price of the identical item as it appears on your consumers' price list (defined in section 23), carrying your answer to three decimal places. Then, multiply this adjustment factor by the price on your price lists for the item being priced. The result is your ceiling price for that item. For an example, see section 6 (b) (2).

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

Sec. 9. *Ceiling prices for paraffin cartons—(a) Definition.* Paraffin cartons are paperboard containers coated with wax or similar substance to protect the contents and made in consumer sizes for packaging by manufacturers of butter, lard, shortening, margarine, ice cream, frozen foods, and similar items.

(b) *How to determine your ceiling prices.* The ceiling price of a paraffin carton shall be the price as it appeared on your price list (defined in section 23) in effect during the period January 25, 1951 through February 24, 1951.

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 10. *Ceiling prices for food and carry-out pails*—(a) *Definition.* Food and carry-out pails are paperboard wedge shaped containers usually in half-pint, pint and quart sizes, either without handles or with wire or tape handles, and used primarily by retailers to hand-pack ice cream, pickles, cottage cheese, oysters and other moist, oily, or liquid foods.

(b) *How to determine your ceiling prices.* The ceiling price of a food or carry-out pail shall be the price as it appeared on your price list (defined in section 23) in effect during the period January 25, 1951 through February 24, 1951.

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 11. *Ceiling prices for liquid tight cylindrical containers*—(a) *Definition.* Liquid tight cylindrical containers are made of paperboard produced from chemical or mechanical pulp, or both, waxed and spirally wound on a mandrel to form containers for the packaging of coffee, ice cream, oysters and other moist, oily or liquid foods.

(b) *How to determine your ceiling prices.* The ceiling price of a liquid tight cylindrical container shall be determined by you as follows: Take the price of the container as it appears on your price list (defined in section 23) and multiply it by 1.034. The adjustment factor, 1.034, is applicable to all liquid tight cylindrical containers on your price lists. For example:

The price of the item on your price list	$33.25
Multiplied by the adjustment factor	×1.034
	13300
	9975
	33250
	34.38050

Your ceiling price is $34.38. Only fractions of one-half cent or more may be increased to the nearest higher cent.

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 12. *Ceiling prices for milk bottle caps and closures*—(a) *Definitions.* Milk bottle caps and closures include all products used as caps, closures or hoods for glass milk bottles, whether such products are made of paperboard, cellophane, aluminum, or any other material.

(b) *How to determine your ceiling prices.* The ceiling price of milk bottle caps and closures shall be determined by you as follows: Take the price of the milk bottle caps and closures as they appear on your price list (defined in section 23) and multiply it by 1.023. The adjustment factor, 1.023, is applicable to all milk bottle caps and closures on your price lists. For an example, see section 11 (b).

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 13. *Rounding of prices.* In rounding prices to the nearest cent, (a) fractions of one-half cent or more may be increased to the nearest higher cent, and (b) fractions of less than one-half cent shall be decreased to the nearest lower cent.

SEC. 14. *Differentials, discounts and allowances.* Your ceiling prices, when determined under this regulation, shall reflect your customary price differentials, discounts and allowances in effect during the base period January 25, 1951 through February 24, 1951, based upon differences in classes of trade, location of purchasers, quantities, product variations, or in terms and conditions of sale or delivery.

SEC. 15. *Ceiling prices for items which cannot be priced under other sections.* (a) If you are unable to determine your ceiling price for an item under any of the foregoing sections of this regulation, you shall apply in writing by registered mail, return receipt requested, to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain: (1) An explanation of why you are unable to determine your ceiling price under any other section of this regulation; (2) a description of the item being priced; (3) your proposed ceiling price; (4) the ceiling price under this regulation and description of the most comparable item made by you; (5) the detailed current unit direct cost of the comparable item; (6) the detailed current unit direct cost of the item being priced; and (7) the ceiling price under this regulation of your closest competitor for the same item as the item being priced, or, if the same item is not made by him, his most comparable item. You shall also submit any clarifying information subsequently requested by the Office of Price Stabilization.

(b) Except as provided in paragraph (c), you may not sell the item to be priced until the Director of Price Stabilization in writing establishes your ceiling price for the item. However, if within 21 days from the filing of the application you have not received notice from the Director approving, disapproving, or modifying the proposed charge or factor, requesting additional information, or extending for cause the time within which to do any of the foregoing, such application may be deemed to have been approved, subject to non-retroactive disapproval or modification at any later time by the Director.

(c) Where the item to be priced under this section was manufactured and sold by you prior to the effective date of this regulation, you may continue to sell such item at a price not to exceed the highest price actually charged each class of trade (defined in section 23) during the period February 24, 1951 and the effective date of this regulation, until your ceiling price for the item has been established by paragraph (b) of this section.

SEC. 16. *Adjustable pricing.* Any person may agree to sell or may sell at a price which can be increased up to the ceiling price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Stabilization, agree to sell or sell at prices to be adjusted upward in accordance with any increase in a ceiling price after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purpose of the Defense Production Act of 1950, as amended.

SEC. 17. *Records*—(a) *Base period records.* On or after the effective date of this regulation, for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, you shall maintain and keep for examination by the Director of Price Stabilization, all your existing records relating to the prices of commodities covered by this regulation which you sold, contracted to sell, or offered to sell in writing at a definite price, together with the differentials, discounts and allowances charged or offered in writing during the base period January 25, 1951 through February 24, 1951.

(b) *Current records.* On and after the effective date of this regulation, you shall make and keep for examination by the Director of Price Stabilization for a period of two years after each sale a duplicate invoice rendered by you to the purchaser within 10 days of shipment, stating (1) the name and address of the seller; (2) the name and address of the buyer or consignee if other than the buyer; (3) the date of shipment; (4) the f. o. b. point; (5) the price charged per unit of sale; (6) the quantity sold; and (7) the name and identification of the commodity. Any transportation charge or allowance shall be stated separately if such has been your practice.

SEC. 18. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after the issue date of this regulation and the transferee carries on the business or continues to deal in the same type of commodities or services in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee and his practice with respect to sales of the commodities covered by this regulation shall be the same as those to which the transferor would have been subject if no such transfer had taken place, and his obligation to keep records in accordance with section 17 shall be the same. The transferor shall either preserve and make available, for so long as the Defense Production Act of 1950, as amended, remains in effect and for two years thereafter, or turn over to the transferee all records of transactions prior to the transfer which are necessary

to enable the transferee to comply with the record keeping provisions of this regulation.

SEC. 19. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, revised.

SEC. 20. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 21. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 22. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, revised.

SEC. 23. *Definitions and explanations.* The terms used in this regulation shall be construed as follows, unless the context clearly requires a different meaning:

"Base period" means the period from January 25, 1951 to February 24, 1951, inclusive.

"Bulk ice cream cans" is defined in section 5 (a).

"Category" refers to a group of items which are normally classed together in your industry by their type and end use.

"Consumers" are persons who buy the commodities covered by this regulation to use as packaging for vending their products.

"Caps and closures" is defined in section 12 (a).

"Class of trade" refers to the practice of setting different prices for sales to different groups of purchasers based on the characteristics or distributive level of the purchaser as a consumer, wholesaler, jobber or retailer.

"Consumers' price list"—see "price list."

"Food and carry-out pails" is defined in section 10 (a).

"Item" means a commodity or product covered by this regulation which is sold in a unit or quantity.

"Jobbers" means quantity purchasers who resell the commodities unfilled and in unchanged form to consumers and retailers.

"Jobbers price list"—see "price list."

"Liners" is defined in section 8 (a).

"Liquid tight cylindrical containers" is defined in section 11 (a).

"Manufacturer" means any person who produces from any raw material any of the commodities or products covered by this regulation and includes agents or representatives of such person.

"Milk cartons" is defined in section 4 (a).

"Most comparable item" means the commodity made by you which is (a) in the same category and (b) differs the least from the commodity to be priced as determined by the use of the following tests, to be applied successively: (1) size, (2) shape, (3) style, and (4) material used.

"Nested cups and containers" is defined in section 6 (a).

"Paperboard plates and dishes" is defined in section 7 (a).

"Paraffin cartons" is defined in section 9 (a).

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of the foregoing.

"Price list" means a written document of one or more pages which has been published or circulated to the trade or your salesmen during the base period January 25, 1951, through February 24, 1951. It shall contain sufficient information about the items listed in it and manufactured by you so that a definite sales price can be determined for the items by the sole use of the document itself. The terms "consumers' price list", "wholesalers' price list" and "jobbers' price list" means a price list from which the prices of items thereon for sale to consumers, wholesalers or jobbers, respectively, can be determined, and the price to which reference is made on such list means the price to such a purchaser.

"Records" includes, without limitation, books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers, documents, letters and correspondence.

"Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "sold", "buy", "purchase", and "purchaser", shall be construed accordingly.

"Wholesalers" means quantity purchasers who resell the products unfilled and in unchanged form to consumers and retailers.

"Wholesalers' price list" see "price list."

"You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date. This regulation shall become effective March 31, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 26, 1952.

[F. R. Doc. 52-3558; Filed, Mar. 26, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 92]

GCPR, SR 92—CEILING PRICES OF BY-PRODUCTS FEEDS OF THE WET MILO MILLING INDUSTRY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 92 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes dollars-and-cents ceiling prices for sales at the producer and distributor levels of the feed by-products of the wet milo milling industry.

Milo, a variety of grain sorghum grown particularly in the southwestern area of the United States, is closely related chemically to corn. The wet milo milling industry is an industry developed recently by the joint efforts of the United States Department of Agriculture and the Corn Products Refining Company. The main products of this industry are starch and dextrose which are sold under brand names used for the same products derived from corn. The by-product feeds of the industry are milo glutcn feed and milo gluten meal. Both by-products are residual products obtained

after the extraction of the starch and dextrose from the milo. At the present time milo is being processed only at one plant in the United States, situated at Corpus Christi, Texas.

Chemical analyses demonstrate that the chemical composition of the feed by-products of the wet corn milling industry and the feed by-products of the wet milo milling industry are substantially identical. Milo gluten feed and milo gluten meal are used in the same manner as gluten feeds and meals and can be used to a great extent as substitutes for corn gluten meal and feed.

Prices for these feed by-products were frozen at depressed levels, first under the General Ceiling Price Regulation (GCPR) and then under Supplementary Regulation (SR) 18 to the GCPR, both of which have the same base period. It is the purpose of this supplementary regulation to restore a price level more nearly approaching normal and to provide an orderly pricing structure for these feeds.

The following conditions account for the low ceiling prices of these feeds which now prevail.

First, milo feed by-products as a new product were being sold at a low introductory price prior to and during the GCPR base period.

Second, the price of the feed by-products of the wet corn milling industry for which the milo feed by-products can be to a great extent substituted was depressed for the reasons set forth in the Statement of Considerations in SR 86 to the GCPR.

This supplementary regulation attempts to correct present pricing conditions in the industry by establishing a ceiling price for these feed by-products which will reflect their competitive relationship to corn gluten feeds and also reflect their comparative feeding value, as evidenced by the chemical analyses and the fact that they can be used to a great extent interchangeably with corn gluten feeds.

On the basis of the competitive relationship and the close chemical relationship of wet corn feed by-products and wet milo feed by-products and the fact that each can be substituted for the other with success, the following ceiling price, per ton, bulk, in carload quantities is established at Corpus Christi, Texas: $68.00 for milo gluten meal; $51.00 for milo gluten feed and all other feed by-products of the wet milo milling industry. Ceiling prices for milo gluten feeds and meal at any point other than Corpus Christi, Texas may be obtained by adding to the ceiling prices established at Corpus Christi, Texas the actual transportation costs incurred to ship the by-products to such point from Corpus Christi, Texas.

Provisions have also been included in this regulation for wholesalers' and retailers' ceiling prices; for sacking differentials; and for ceiling prices on failure to meet minimum protein guarantees.

The ceiling prices established for the milo wet milling by-product feeds in this regulation are higher than the prices prevailing during the period January 25, 1951 through February 24, 1951 inclusive, and are higher than the prices prevailing before the date of issuance of this regulation. The margins for distributors established by this regulation meet the standards of the Defense Production Act of 1950, as amended.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this regulation, there was consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration was given to their recommendations.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Producers' ceiling prices for sales in bulk.
3. Ceiling prices for jobbers, wholesalers and retailers.
4. Sacking charges.
5. Definitions.
6. Applicability of the General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by producers and distributors of the feed by-products of the wet milo milling industry. For the sellers and products covered, this supplementary regulation supersedes Supplementary Regulation 18 to the General Ceiling Price Regulation and the provisions of the General Ceiling Price Regulation that are inconsistent with the provisions of this supplementary regulation. This supplementary regulation applies in the 48 states of the United States and the District of Columbia.

SEC. 2. *Producers' ceiling prices for sales in bulk*—(a) *Ceiling prices, per ton, bulk, carload quantities, standard protein content.* (1) If you are a producer, your ceiling prices at Corpus Christi, Texas, per ton, bulk, in carload lots, carload shipments or pool car lots for the feed by-products of standard protein content set forth in Table A are the prices set forth in the same table.

TABLE A—PRODUCERS' CEILING PRICES

Feed byproduct	Standard protein content (percent)	Ceiling price per ton bulk
Milo gluten meal	41	$68.00
Milo gluten feed	23	51.00
All other feed byproducts of the wet milo milling process		51.00

(2) Your ceiling price at any point other than Corpus Christi, Texas, is the applicable ceiling price set forth in Table A plus the actual transportation costs incurred to ship the by-product to such point from Corpus Christi, Texas.

(b) *Ceiling prices for feed by-products of less or more than standard protein content.* (1) If you sell and deliver a by-product feed of less than standard protein content set forth for that feed in Table A, you must, in computing your ceiling price, reduce the price set forth in Table A in such proportion as the deficiency bears to the standard protein content.

Example. A wet milo miller delivers in bulk a carload lot of milo gluten feed to a purchaser in Corpus Christi. Upon analysis, this lot is found to have a protein content of 21 per cent, or 2 per cent below standard protein content. In computing his ceiling price, the miller must subtract from the per ton, bulk ceiling price of $51.00, as set forth in Table A, 2/23 of $51.00, or $4.43. This gives him a ceiling price, per ton, bulk, of $46.57.

(2) If you sell and deliver a by-product feed of more than standard protein content set forth in Table A, your ceiling price shall be the same as your ceiling price for that feed of standard protein content.

SEC. 3. *Ceiling prices of jobbers, wholesalers and retailers.* If you are a jobber, wholesaler or retailer of any feed by-product, your ceiling price is your supplier's ceiling price to you for such product plus the percentage margin over the cost of the product which you received on a sale or delivery by you of such product during the period May 24, 1950 to June 24, 1950.

SEC. 4. *Sacking charges.* If (a) you are a producer and you sell and deliver a lot of any feed by-product in sacks or (b) if you are a jobber, wholesaler or retailer and you sack any lot of a feed by-product which you buy in bulk, you may add $7.00 per ton to your ceiling price for such lot, as otherwise determined under this regulation.

SEC. 5. *Definitions*—(a) *Sellers covered by this regulation.* (1) "Producer" means a person who mills unprocessed milo by the wet milling process into any of the feed by-products covered by this regulation.

(2) "Distributor" means a jobber, wholesaler or retailer.

(3) "Jobber," with respect to any lot, means a person, other than a producer, wholesaler or retailer, who sells such lot without having previously unloaded it into a warehouse or store.

(4) "Retailer" means a person, other than a producer, who maintains a store and who, with respect to any lot he has purchased and unloaded into that store, resells such lot to a feeder. "Store" means a building where a regular business of selling and delivering feed and/or grain is carried on, and where the owner or one or more of his employees works on substantially a full-time, year round basis, in such business or in a general retail business of which such feed and grain business is a part. "Feeder" means, with respect to any lot, a person who uses such lot for feeding animals or poultry.

(5) "Wholesaler" means, with respect to any lot:

(i) A person, other than a producer who, after having unloaded it into a warehouse or store, sells such lot to any one other than a feeder; or

(ii) A person, other than a producer, who does not maintain a store and who, after having unloaded it into a place of business other than a store, sells such lot to a feeder.

(b) *Products covered by this regulation.* (1) "Milo gluten feed" means that part of the grain of milo that remains after the extraction of the larger part of the starch and germ by the processes employed in the wet milling manufacture of starch or dextrose.

(2) "Milo gluten meal" is that part of the grain of milo that remains after the extraction of the larger part of the starch and germ and the separation of the bran by the processes employed in the wet milling manufacture of starch or dextrose.

(3) "Other feed by-products of the wet milo milling industry" means any other feed by-product, not covered under subparagraphs (1) and (2) of this paragraph, but obtained in the wet milling process of manufacture of milo starch, dextrose and other milo products.

(4) "Feed by-product" includes any of the products described in subparagraphs (1), (2) and (3) of this paragraph.

(c) *Miscellaneous definitions.* (1) "Carload lot" means any lot of 60,000 pounds or more.

(2) "Carload shipment" means any quantity which moves as a rail car shipment under the applicable railroad tariff requirements.

(3) "Pool car lot" means a lot being shipped to the purchaser as part of a rail carload shipment of commodities sold by one seller to two or more persons.

(4) "Actual transportation costs incurred" means:

(i) Where the carrier is not owned or controlled by the seller, the charge incurred or the amount paid by him to the carrier not exceeding any applicable common or contract carrier rate for such service, or any applicable ceiling price prescribed by the Office of Price Stabilization for such service. This amount may include, if applicable, the 3 percent transportation tax.

(ii) Where the carrier is owned or controlled by the seller, the reasonable value of the transportation, not exceeding the common or contract carrier rate, if any, or any ceiling price prescribed by the Office of Price Stabilization for such service if performed by a person other than the seller.

SEC. 6. *Applicability of the General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions of this supplementary regulation remain in full force and effect.

Effective date. This supplementary regulation becomes effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 26, 1952.

[F. R. Doc. 52-3586; Filed, Mar. 26, 1952; 11:15 a. m.]

[General Overriding Regulation 14, Amdt. 9]

GOR 14—EXCEPTED SERVICES

TERMINAL, DOCK OR WAREHOUSING SERVICES OF GOVERNMENT OR GOVERNMENTAL AGENCY

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 9 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from ceiling price regulation the charges for services supplied directly by Federal, State or local Government, or any agency of such government, in operation of terminal, dock, or warehousing facilities.

Amendment 2 to GOR 14, effective September 19, 1951, included a new provision, stated in section 3 (a) (89), which had the effect of exempting "governmental" services generally, but terminal, dock and warehousing services were specifically excluded from that exemption, and hence remained subject to ceiling price control.

On further consideration the Director is of the opinion that the rationale supporting the exemption of "governmental" services generally should be applied to terminal, dock and warehousing services supplied directly by government authorities or agencies thereof. The services here involved have as their basic purpose the stimulation of commerce to or through the particular area or locality in question for the benefit of the general public. Hence, the charging of unreasonable or oppressive rates would defeat the very purposes for which the operations are instituted. For these reasons, the Director is of the opinion that the governmental bodies which operate such facilities will guard against any abuse in the matter of charges made for the services, and therefore such terminal, dock and warehouse operations should be included in the general exemption of "governmental" services as covered in section 3 (a) (89) referred to above.

Prior to the issuance of this amendment the Director has consulted with representatives of governments and government agencies affected by this action.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respects:

Subparagraph (89) of paragraph (a) of section 3 is amended by deleting the last full sentence thereof, the matter deleted reading as follows: "This exemption also does not apply to services supplied in connection with terminals, docks or warehousing facilities by any such government or governmental agency."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 9 to General Overriding Regulation 14 shall be effective March 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 26, 1952.

[F. R. Doc. 52-3587; Filed, Mar. 26, 1952; 11:15 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 93]

GCPR, SR 93—VENDING MACHINE SALES OF CIGARETTES

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation allows sellers who distribute cigarettes from coin operated automatic vending machines and whose ceiling prices for such sales are 21 or 26 cents, respectively, to adjust their prices to 22 or 27 cents, respectively.

At the present time the ceiling prices of sellers who distribute cigarettes through vending machines are governed by the General Ceiling Price Regulation (GCPR), as supplemented by Supplementary Regulation (SR) 29. Because of the peculiar problems of cigarette vending machines, a regulation tailored to the specific needs of that industry is now being prepared. The issuance of that regulation awaits only the collection and analysis of appropriate data.

One problem faced by the cigarette vending machine industry is so pressing as to require immediate treatment. On October 31, 1951, a number of cigarette vending machines had ceiling prices of 20 or 25 cents per pack, depending on the amount of the state tax. On November 1, 1951, an increase of 1 cent per pack in the federal excise tax was imposed and these machines were authorized to increase their ceiling prices to 21 or 26 cents. If they were to collect this extra penny, the vending machine operators would have been forced to change the coin mechanism in the machines so that they would accept 25 or 30 cents. Change would have been returned by placing 4 pennies underneath the cellophane of each pack of cigarettes.

Only 3 pennies can be placed on one side of a pack of cigarettes, so that it would have been necessary for these operators to place 2 pennies on each side. It is more costly to place pennies on both side of a pack of cigarettes; indeed, it cost approximately 1 cent per pack. Thus, it would have cost these sellers as much to collect the extra cent per pack as they would take in in increased revenues. Under these circumstances, whether or not the seller raises his price by the allowable amount he is forced to absorb the increase in federal excise tax. To permit these sellers to recover the increase in excise tax that they now must

absorb, this supplementary regulation allows sellers who distribute cigarettes through coin operated automatic vending machines and who have ceiling prices of 21 or 26 cents to increase these prices to 22 or 27 cents. The relief granted is, however, limited to those sellers for whom a 20 or 25 cent selling price results in less than a 5 cent margin, since sellers with higher margins can afford to absorb these increased costs under the industry earnings standard.

In the formulation of this regulation the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendation. In the Director's judgment the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended; to parity prices and other minimum requirements of the law, including prices prevailing during the period from May 24 to June 24, 1950, inclusive; and to relevant factors of general applicabiilty.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Where this regulation applies.
3. Ceiling prices established by this regulation.
4. Continued applicability of the General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation allows most sellers who distribute cigarettes from coin operated automatic vending machines to increase their ceiling prices for sales of cigarettes from these machines by 1 cent when their ceiling prices per package of cigarettes are 21 or 26 cents.

SEC. 2. *Where this regulation applies.* This regulation applies in the 48 states of the United States and in the District of Columbia.

SEC. 3. *Ceiling prices established by this regulation.* If you sell cigarettes from a coin operated automatic vending machine and your ceiling price (including excise, sales and gross receipts taxes) for such sales is 21 or 26 cents per package, respectively, you may raise your ceiling price to 22 or 27 cents per package, respectively. However, you may not increase the ceiling price per package of cigarettes sold from any vending machine pursuant to this section unless a selling price of 20 or 25 cents per package, respectively, from that machine is less than your net invoice cost per package of cigarettes plus state or local excise, sales, gross income and gross receipts taxes paid by you plus 5 cents per package.

SEC. 4. *Continued applicability of the General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation and Supplementary Regulation 29 thereto, except as modified by this supplementary regulation, continue to apply to you even though you are one of the sellers who are authorized under this regulation to increase their ceiling prices.

Effective date. This supplementary regulation to the General Ceiling Price Regulation is effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 26, 1952.

[F. R. Doc. 52–3589; Filed, Mar. 26, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 5, Amendment 1 of March 26, 1952]

CMP REG. 5—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES, INSTALLATION, AND MINOR CAPITAL ADDITIONS UNDER THE CONTROLLED MATERIALS PLAN

PRINTING PLATES

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects CMP Regulation No. 5, as amended, by adding the following item to Schedule I to CMP Regulation No. 5:

12. Printing plates.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82nd Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect March 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–3579; Filed, Mar. 26, 1952; 11:04 a. m.]

[CMP Regulation No. 5, Direction 1 as Amended March 26, 1952]

CMP REG. 5—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES, INSTALLATION, AND MINOR CAPITAL ADDITIONS UNDER THE CONTROLLED MATERIALS PLAN

DIR. 1—ACQUISITION OF CERTAIN MATERIALS AS MRO REGARDLESS OF ESTABLISHED ACCOUNTING PRACTICE

This amended direction under CMP Regulation No. 5 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects Direction 1 to CMP Regulation No. 5 by deleting the title and sections 1, 2, 3, and 4 and by substituting a new title and new sections 1 and 2 therefor. As so amended, the direction reads as follows:

Sec.
1. What this direction does.
2. Persons and products to which this direction applies.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this direction does.* The purpose of this direction is to permit specified classes of users to apply the allotment symbol MRO or the rating DO–MRO to their delivery orders for certain specified materials, regardless of the established accounting practice of such users.

SEC. 2. *Persons and products to which this direction applies.* (a) Persons who manufacture products or who engage in activities listed below may apply the allotment symbol MRO or the rating DO–MRO to their delivery orders for the materials listed below for use in such manufacture or activities, regardless of their established accounting practice.

Product or activity	*Material that may be purchased under this direction*
Products of printing and publishing business.	Steel stitching wire. Rolled, forged, and cast anodes.
Footwear	Toe lasting wire, staple wire, grip tacked wire, slugging wire, taper nail wire, wire used for similar purposes, and all types of staples.

(b) Purchases under this direction need not be charged against the purchaser's MRO quota under CMP Regulation No. 5, if the purchaser did not include the type of materials so purchased in computing such MRO quota.

This direction as amended shall take effect March 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–3582; Filed, Mar. 26, 1952; 11:04 a. m.]

[NPA Order M–92 as Amended Mar. 26, 1952]

M–92—AUTOMOBILE WRECKERS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this order as amend

ed, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M–92, effective December 11, 1951, as amended by Amendment 1 of February 27, 1952 is affected as follows:

The third sentence of section 1 is deleted. A change is made in the definition of motor vehicle in section 2 (g) and car-unit as defined in section 2 (h). Section 3 (b) is changed in certain minor respects. Section 4 is completely rewritten. Section 5 is changed in certain minor respects.

Sec.
1. What this order does.
2. Definitions.
3. Initial inventory report.
4. Limitations on acceptance of motor vehicles and car-units.
5. Allocation directives.
6. Request for adjustment or exception.
7. Records and reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82nd Cong.; 50 U. S. C. App. Sup. 2154 Interpret or apply secs. 101, 102, 64 Stat. 799, Pub. Law 96, 82nd Cong.; 50 U. S. C. App. Sup. 2071; secs. 101, 102, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* This order requires an inventory report from automobile wreckers by December 20, 1951, covering the number of motor vehicle and car-units and the poundage of loose scrap. The order limits automobile wreckers in their acceptance of delivery of motor vehicles or car-units. It also requires automobile wreckers to comply with NPA allocation directives at any time.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States Government or of any other government.

(b) "Automobile wrecker" means a person who is in the business of acquiring motor vehicles for the purpose of salvaging serviceable used parts or reclaiming the residue as scrap, and selling such parts or scrap.

(c) "Scrap" means all recoverable ferrous and nonferrous metals, either alloyed or unalloyed, which are not salvageable parts.

(d) "Loose scrap" means nonsalvageable sections and parts which have been removed from, or have been produced by dismantling, a motor vehicle. This includes secondary ferrous and nonferrous metal in a form that requires preparation for consumption by scrap consumers.

(e) "Scrap consumer" means an ingot maker, smelter, refiner, foundry, or steel mill.

(f) "Scrap dealer" means any person who is regularly engaged in the business of buying, segregating, and preparing scrap for resale or scrap consumers or other scrap dealers.

(g) "Motor vehicle" means any passenger car or portion thereof; or any motor truck or portion thereof up to and including 1½ tons capacity or 16,000 pounds gross vehicle weight; or any passenger carrier, powered with an internal combustion engine, up to and including 1½ tons capacity or 16,000 pounds gross vehicle weight, or having a passenger capacity of 32 passengers or more; or any full trailer, semitrailer, or third axle attachment.

(h) "Car-unit" means any motor vehicle, regardless of model date, which has been stripped of salvageable parts.

(i) "NPA" means the National Production Authority.

SEC. 3. *Initial inventory report.* (a) On or before December 20, 1951, each automobile wrecker shall file an initial letter inventory report with NPA directed to the nearest Department of Commerce-NPA field office having jurisdiction, Ref: M–92, stating, separately, the number of motor vehicles and car-units and the poundage of loose scrap, as defined in section 2 of this order, which he had in inventory on December 1, 1951. This report shall also separately state the number of such motor vehicles manufactured prior to 1946 which were in his inventory on said date.

(b) Any person who, after March 26, 1952, enters into business as an automobile wrecker shall, on or before the fifteenth day of the first calendar month immediately following the month of his entry into such business, file an initial letter inventory report directed to the nearest Department of Commerce-NPA field office having jurisdiction, Ref: M–92, stating, separately, the number of motor vehicles and/or car-units which he had in inventory as of the first day of the first calendar month immediately following the month of his entry into such business. This report shall also separately state the number of such motor vehicles of the year 1939 and prior years' models as were in his inventory at that time.

SEC. 4. *Limitations on acceptance of motor vehicles and car-units.* (a) Subject to the provisions of paragraph (b) of this section, during the calendar quarter commencing on the first day of April 1952, and during each calendar quarter thereafter, no automobile wrecker shall accept delivery of a greater number of motor vehicles and/or car-units than the total number of motor vehicles and/or car-units which he delivered to scrap dealers or scrap consumers in the immediately preceding calendar quarter.

(b) Any automobile wrecker who has delivered to scrap dealers or scrap consumers during any calendar quarter a number of motor vehicles and/or car-units equal to or in excess of the total number of all motor vehicles of the year 1939 and prior years' models, which were in his inventory on the first day of such calendar quarter, shall not be limited by the provisions of paragraph (a) of this section in his acceptance of deliveries of motor vehicles and/or car-units during the succeeding calendar quarter.

(c) For the purposes of this section the period from December 1, 1951, through March 31, 1952, shall be considered the initial calendar quarter.

SEC. 5. *Allocation directives.* NPA may from time to time issue directives allocating motor vehicles, car-units, or loose scrap, which are in the inventory of any automobile wrecker, and may specifically direct the manner and quantities in which disposals, conversions, or deliveries to particular scrap dealers or scrap consumers shall be made. Such directives shall be complied with by the recipients thereof.

SEC. 6. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor. Requests for adjustments or exceptions shall be addressed to the National Production Authority, Washington 25, D. C., Ref. M–92.

SEC. 7. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 8. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: NPA Order M–92.

SEC. 9. *Violations.* Any person who willfully violates any provision of this

order, or any other order or regulation of NPA, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect March 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3583; Filed, Mar. 26, 1952; 11:04 a. m.]

[NPA Order M-2 as Amended March 26, 1952]

M-2—RUBBER

This order as amended is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950, as amended, and the Rubber Act of 1948. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-2 as last amended February 26, 1952, is amended to read as follows:

EXPLANATORY PROVISIONS

Sec.
1. Purpose and effect.
2. Applicability of other regulations and orders.
3. Definitions.

IMPORTATION AND PURCHASE OF NATURAL RUBBER

4. Private importation of natural rubber prohibited.
5. Limitations on purchase and inventory of dry natural rubber.

PURCHASE AND ALLOCATION OF SYNTHETIC RUBBER

6. Limitation on acquisition of butyl.
7. Limitation on purchase of GR-S.
8. Limitations on inventory of GR-S and butyl.
9. Butyl allocation procedure.
10. Basis of butyl allocations for nondefense purposes.
11. Limitation on the use of butyl.
12. Butyl to fill certain rated orders.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

13. Rubber product simplification and manufacturing specifications.
14. Limitation on high-tenacity rayon for rubber products.

GENERAL PROVISIONS

15. Reports of rubber consumption and stocks.
16. Reports by tire, tube, and camelback manufacturers.
17. Reports by latex importers.
18. Records and reports.
19. Applications for adjustment or exception.
20. Communications.
21. Violations.

AUTHORITY: Sections 1 to 21 issued under sec. 10, 62. Stat. 105, as amended, sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 1929, 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; E. O. 9942, Apr. 1, 1948, 13 F. R. 1823; 3 CFR, 1948 Supp.

EXPLANATORY PROVISIONS

SECTION 1. *Purpose and effect.* The purpose of this order is to conserve the supply of certain types of rubber for the needs of national defense. It continues the prohibition upon the private importation of dry natural rubber only until July 1, 1952. The prohibition upon the private importation of natural rubber latex will be continued until the Administrator of General Services has disposed of all Government-owned natural rubber latex stocks. The order provides for the allocation of butyl, directs production of rubber products into standard lines, and restricts the use of natural rubber in certain listed products.

SEC. 2. *Applicability of other regulations and orders.* Nothing contained in this order shall be construed to relieve any person from complying with such limitations as may be contained in any other applicable NPA regulation or order, or any order or regulation of any other competent authority. Moreover, nothing contained in this order as amended shall be construed as relieving any person of any obligation or liability incurred under this order as originally issued or as amended from time to time.

SEC. 3. *Definitions.* As used in this order:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber, both dry and latex, including the following grades of wild rubber (cut, uncut, washed, or dried): upriver fine, acre fine, Bolivian fine, beni fine, island fine, and all other types of fine para, which are of equivalent quality regardless of name or origin; but excluding all other South American, Central American, or West African grades of wild rubber, and all rubber from guayule, balata, or gutta percha, as well as reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis similar in general properties and applications to natural rubber and specifically capable of vulcanization, including synthetic rubber latex, but excluding reclaimed synthetic rubber.

(e) "GR-S" means a general-purpose synthetic rubber of the butadiene or butadiene-styrene type produced in the United States, generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Cold rubber" means GR-S polymers produced at low temperatures as classified by the Reconstruction Finance Corporation.

(g) "Butyl" or "GR-I" means special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(h) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(i) "New RHC" means total new rubber hydrocarbon. This is the total content of dry natural rubber, natural rubber latex, synthetic rubber, uncured scrap rubber, and uncured in-process materials.

(j) "Consume" means (in the case of dry natural rubber, natural rubber latex, or synthetic rubber) to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition thereof.

(k) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(l) "Base year" means the year ending June 30, 1950.

(m) "NPA" means the National Production Authority.

IMPORTATION AND PURCHASE OF NATURAL RUBBER

SEC. 4. *Private importation of natural rubber prohibited.* (a) No person, other than the Administrator of General Services, shall import into the United States, including its territories and possessions, any natural rubber as defined in section 3 (a) of this order, except as specifically authorized in writing by the Administrator of General Services: *Provided, however,* That this prohibition shall not apply to any private importation required by a contract which was made prior to December 29, 1950, and which is registered with the General Services Administration on or before January 5, 1951, except as any such private importation may be disapproved by the Administrator of General Services. For purposes of this section, the term "import" includes any physical movement of rubber into the United States, its territories or possessions, whether placed in general order or in a foreign-trade zone, or whether entered for consumption bonded customs custody, or otherwise except where the rubber moves through the United States, its territories or possessions, in transit, under bond, from a consignor in one foreign country to a consignee in another foreign country.

(b) The prohibition with respect to the private importation of natural rubber contained in paragraph (a) of this sec-

tion shall continue in effect, insofar as dry natural rubber is concerned, only until July 1, 1952. Therefore, nothing contained in paragraph (a) of this section shall be deemed to prohibit any person from importing dry natural rubber into the United States, including its territories and possessions, after June 30, 1952.

(c) The prohibition with respect to the private importation of natural rubber contained in paragraph (a) of this section shall continue in effect, insofar as natural rubber latex is concerned, only until such time as the Administrator of General Services has certified to NPA that he has disposed of all Government-owned natural rubber latex stocks, at which time this order will further be amended.

(d) The prohibition in paragraph (a) of this section does not apply to the types and grades of natural rubber excluded from the definition in section 3 (a) of this order.

SEC. 5. *Limitations on purchase and inventory of dry natural rubber.* No person shall purchase any dry natural rubber if his total inventory of that material exceeds, or by the delivery of the quantity so purchased would be made to exceed, the smallest quantity of dry natural rubber he requires to meet his deliveries during the next succeeding 60 calendar days on the basis of his currently scheduled method and rate of operation, and in accordance with Appendix A of this order. If his inventory of any particular grade is less than his requirements for such grade for a 60-calendar-day period, however, he may purchase the balance of his requirements for that grade for that period.

PURCHASE AND ALLOCATION OF SYNTHETIC RUBBER

SEC. 6. *Limitation on acquisition of butyl.* No person shall acquire more butyl (GR–I) than is allocated to him by NPA. No person shall sell or transfer any butyl acquired from the Government to any person other than the Reconstruction Finance Corporation: *Provided, however,* That this prohibition shall not apply to any transfer of Government-produced butyl which is part of a bona fide subcontracting arrangement by which the transferee is required to return the equivalent amount of butyl to the transferor, or where there is no transfer of the right ultimately to dispose of or sell the rubber or rubber products made therefrom.

SEC. 7. *Limitation on purchase of GR–S.* (a) No person may purchase any Government-produced GR–S except for his own consumption or for export pursuant to a license issued by the Office of International Trade of the Department of Commerce. Nothing contained in this paragraph shall be deemed to prohibit any person who has acquired Government-produced synthetic rubber from the Reconstruction Finance Corporation from selling it to any other domestic rubber manufacturer who requires such rubber for his own consumption, nor shall the prohibition of this paragraph apply to the purchase of any GR–S which has been classified by the Reconstruction Finance Corporation as "off-specification" rubber, plant-clean-up, or residue.

(b) No person may purchase for delivery in any calendar quarter a quantity of dry cold rubber in excess of 50 percent of all of the dry GR–S he purchases from the Reconstruction Finance Corporation for delivery during such calendar quarter.

SEC. 8. *Limitations on inventory of GR–S and butyl.* (a) No person shall purchase any butyl if his inventory of that material exceeds, or by the delivery of the quantity so purchased would be made to exceed, the smallest quantity of the material he requires to meet his deliveries during the next succeeding 30 calendar days on the basis of his currently scheduled method and rate of operation.

(b) Each person who purchases any butyl shall furnish the Reconstruction Finance Corporation with a certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crime) section 1001, that after receipt of the rubber called for by this order, my inventory will not exceed the limitations of NPA Order M–2.

(c) Inventories of GR–S are subject to the provisions of NPA Reg. 1.

SEC. 9. *Butyl allocation procedure.* NPA will allocate quarterly, to each consumer of butyl, the amounts of Government-produced butyl that he may purchase during a specified calendar quarter. These allocations will be made in accordance with section 10 of this order, and will be specifically designated as "transportation butyl" or "nontransportation butyl." NPA will notify the Reconstruction Finance Corporation of each person's allocation. The Reconstruction Finance Corporation will not issue purchase permits in any calendar month to anyone for more than one-third of his quarterly allocation of butyl. Persons desiring to purchase butyl will submit purchase requests to the Reconstruction Finance Corporation in accordance with its established procedure.

SEC. 10. *Basis of butyl allocations for nondefense purposes.* Butyl for nondefense purposes will be allocated by NPA for each calendar quarter on the following basis:

(a) *Butyl for transportation products.* Subject to the provisions of paragraph (c) of this section, each manufacturer of transportation products will be allocated his pro rata share of total available Government-produced butyl (after a reasonable amount has been reserved for those orders described in section 12 (a) of this order for such other programs as may be approved by NPA, and for adjustments under section 19 of this order), based on the proportion which his total new rubber consumption for transportation products (Codes 1 through 8 of Appendix A) in which butyl is capable of use (excluding flaps and repair materials) during the year ending June 30, 1950, bears to the total new rubber consumption of the industry for such products during that period as determined by NPA.

(b) *Butyl for other uses.* Subject to the provisions of paragraph (c) of this section, each consumer of butyl for purposes other than the manufacture of transportation products will be allocated, for each calendar quarter, his average quarterly consumption of butyl for such other purposes during the year ending June 30, 1950, as determined by NPA.

(c) *Imports to be considered.* In making the allocations described in paragraphs (a) and (b) of this section, NPA will ascertain the quantities of imported butyl acquired by each consumer, and will reduce by the amounts of such imported butyl the allocations which would otherwise be made.

SEC. 11. *Limitation on the use of butyl.* (a) No person shall use any quantity of the butyl which has been allocated to him as "transportation butyl" in the manufacture of any product other than those listed in Codes 1 through 8 of Appendix A of this order.

(b) No person shall use any quantity of the butyl which has been allocated to him as "nontransportation butyl" in the manufacture of any product other than those listed in Codes 9 through 24 of Appendix A of this order.

SEC. 12. *Butyl to fill certain rated orders.* (a) In addition to the allocations of butyl made in accordance with section 10 of this order, such quantities of butyl as are used to fill an order bearing any of the ratings listed in Appendix B of this order, or to fill any order required by one of the programs listed in Appendix B, whether or not it bears such a rating, will be allocated upon application in writing to NPA. Such applications shall constitute a representation to NPA that the quantities of butyl applied for have been or will be used only to fill the orders specified.

(b) Any person filing an application for an allocation of 500 pounds or more of butyl to fill one of the orders described in paragraph (a) of this section must show (1) the rating or symbol applied to the order, (2) the Government contract or purchase order numbers, (3) the identity and quantity of the product ordered, (4) the Government specifications for the product insofar as they concern the butyl content, (5) the name and address of the customer, and (6) the quantity of butyl required by the contract specifications, by month, to fill the order.

(c) Any person filing an application for an allocation of butyl to fill any of the orders described in paragraph (a) of this section, where each of such orders requires less than 500 pounds of butyl, must set forth (1) the number of orders with each rating, allotment, or contract number, (2) the quantity of butyl required by the contract specifications to fill each group of such orders, and (3) a statement signed by an authorized officer or member of the company to the effect that he has received rated orders or contracts which are on file and which require the amount of butyl applied for.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

SEC. 13. *Rubber product simplification and manufacturing specifications*—(a) *Manufacture except in accordance with Appendix A prohibited.* No person shall manufacture any rubber product except

in accordance with the specifications and other terms and conditions prescribed in Appendix A of this order. More specifically:

(1) No person shall consume any dry natural rubber in the manufacture of any product not listed in column (2) of Appendix A,

(2) No person shall consume in the manufacture of any listed product more natural rubber (dry or latex) than prescribed in column (3) (as qualified by column (4)) of Appendix A, and

(3) No person shall consume any new RHC in the manufacture of any listed product in more or different lines, types, qualities, styles, or colors than those prescribed in column (4) of Appendix A.

(b) *Exceptions to limitations of Appendix A*—(1) *Defense orders.* Notwithstanding the provisions of Appendix A, any product manufactured to fill an order described in section 12 (a) of this order may be manufactured to the specifications of the order if and to the extent that such specifications are required by the Government. Efforts will be made, however, to obtain maximum standardization of rubber products for Government defense requirements as well as between defense and nondefense requirements.

(2) *Tire experimentation.* Notwithstanding the provisions of Appendix A, any person may use up to a total of 2,000 pounds of dry natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in Appendix A of this order.

SEC. 14. *Limitation on high-tenacity rayon for rubber products.* (a) Commencing with the first calendar quarter of 1952, no person shall, in any calendar quarter, use a greater quantity by weight of high-tenacity rayon in the manufacture of rubber products (including those products required to fill any contracts of the Department of Defense or any division thereof or of the Atomic Energy Commission) than 120 percent of his use of high-tenacity rayon in such manufacture during the 3 months ending June 30, 1951.

(b) No person shall, in any calendar quarter, use any high-tenacity rayon in the manufacture of any rubber products required by persons other than the Department of Defense or any division thereof or the Atomic Energy Commission, unless he has first set aside from the total quantity of high-tenacity rayon he is permitted to use under paragraph (a) of this section, a quantity of high-tenacity rayon sufficient to comply with the manufacturing specifications for all of the rubber products he intends to manufacture in that calendar quarter for delivery to the Department of Defense or any division thereof or to the Atomic Energy Commission.

(c) No person shall order for delivery in any calendar quarter more high-tenacity rayon than the quantity he is permitted to use during such quarter pursuant to paragraph (a) of this section.

(d) "High-tenacity rayon" as used in this section includes singles, yarn, plies, cord, and cord fabric.

GENERAL PROVISIONS

SEC. 15. *Reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed in this section shall file a monthly report on Form NPAF–3 with NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments. Those persons who consume rubber for the production of both transportation and nontransportation products shall also file a monthly report on Form NPAF–3A, showing, separately, consumption by type of rubber for each of the two product groups. Also, any person who did not file a Form NPAF–3 for any type of rubber listed in this section for each month of the calendar year 1951, shall file an annual report on Form NPAF–4. Any person who consumes rubber as part of a scientific laboratory experimental program only, shall file his report annually on Form NPAF–4. Each person who is hereby required to file Form NPAF–4 shall do so by January 20, 1952.

TYPES TO BE REPORTED

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR–S types, excluding latex.[1]
GR–S type latex.[1]
Butyl types.
Neoprene, excluding latex.
Neoprene, latex.
Butadiene-acrylonitrile types (N-type) excluding latex.
Butadiene-acrylonitrile types (N-Type) latex.
Scrap rubber, uncured.

SEC. 16. *Reports by tire, tube, and camelback manufacturers*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file with NPA a report of his production, shipments, and inventory for each calendar month on Form NPAF–5 in accordance with the instructions accompanying the form.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file with NPA a report of his production of cured tires for each week on Form NPAF–6 in accordance with the instructions accompanying the form.

SEC. 17. *Reports by latex importers.* Every importer of natural rubber latex shall report by letter to NPA by the fifteenth of each month in long tons of dry latex solids (a) his imports for the current month (actual receipts plus material due to arrive), (b) his scheduled imports for the next succeeding month, and (c) his estimate of his imports for the second and third succeeding months.

SEC. 18. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 19. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 20. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–2.

SEC. 21. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect March 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[1] Includes all types whether obtained from Government or other sources, including imports.

APPENDIX A—RUBBER PRODUCTS SUBJECT TO SIMPLIFICATION AND MANUFACTURING SPECIFICATIONS AS PROVIDED IN SECTION 13 OF NPA ORDER M-2

EXPLANATION OF COLUMNS AND SYMBOLS

Column 1: The code number indicated in column 1 is the numerical identification of a similar class of products.

Column 2: The product or product class to which the restrictions apply is described in column 2.

Column 3: The figures and symbols in column 3 specify the amount of natural rubber, if any, that may be used in the listed products.

For product codes 1 through 8 and 14, 15, 16, 17, 23, and 24, the figures in column 3 represent maximum percent of dry natural rubber and/or natural rubber latex to the total weight of new RHC. For product codes 9 through 13 and 18 through 22, such figures represent maximum percent of dry natural rubber and/or natural rubber latex to the total volume of the compound *except* where provided in column 4 that the percent is expressed in terms of total weight of new RHC.

The figure "0" in column 3 means that the use of dry natural rubber or natural rubber latex is prohibited except as may be provided in column 4.

The symbol "X" in column 3 means that dry natural rubber or natural rubber latex may be used in the minimum amount required to produce a serviceable product, as further limited by column 4.

Column 4: The provisions in column 4 are in some instances qualifications on the use of dry natural rubber or natural rubber latex as otherwise permitted by column 3. These qualifications take precedence over column 3 where there is any apparent inconsistency. Column 4 also contains the simplification and standardization provisions governing the manufacture of the product or product class. These latter provisions do not relate merely to the use of natural rubber but limit the lines, types, qualities, styles, and colors in which the listed products may be manufactured with the use of any kind of new rubber. There are no such limitations on the manufacture of listed products except as indicated in column 4.

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
	Pneumatic tires	(1)	The group average of any product in code 1 may be exceeded, provided the aggregate natural rubber consumed in all products in this code does not exceed the total amount of natural rubber which would have been consumed if calculated on the maximum group averages for code 1. The use of all types of pale crepe natural rubber is prohibited in tires.
	Airplane tires	98	Maximum individual tire—100 percent.
	Bicycle tires	17	Maximum individual tire—95 percent.
	Motorcycle tires	17	Maximum individual tire—95 percent.
	Passenger: Highway, mud-snow, taxi:		
	Through 7.10 and 6.50	17	Maximum individual tire—95 percent.
	Over 7.10 and 6.50	25	Maximum individual tire—95 percent.
	Industrial pneumatic	17	Maximum individual tire—95 percent.
	Tractor implement	15	Maximum individual tire—95 percent.
	Truck: Highway, heavy highway, traction, off-the-road trailer, flotation type, trailer type:		
	7.50 and under	35	Maximum individual tire—95 percent.
	8.25 through 9.00	70	Maximum individual tire—99 percent.
	10.00 through 12.00	88	Maximum individual tire—99 percent.
	Over 12.00	92	Maximum individual tire—99 percent.
	Solid tires:		
	Airplane tires	X	
	Bogie, idler, and support rollers	5	
	Pressed on	50	Group average.
	Cured on, 3 x 1⅜ and up	50	Group average.
	Tire tubes		Every tube containing butyl must be marked with one or more circumferential light blue stripes, applied on the base section of the tubes, any one of which stripes must be 3/16 inch minimum width. No other tube shall be so marked.
	Airplane	100	
	Bicycle	5	Including valves.
	Industrial pneumatic	25	If butyl rubber is not available natural rubber is permitted.
	Passenger	0	If butyl rubber is not available natural rubber is permitted.
	Puncture seal	X	
	Safety tubes	X	
	Tractor implement	0	If butyl rubber is not available natural rubber is permitted.
	Truck, 8.25 cross-section and under	0	If butyl rubber is not available natural rubber is permitted.
	Above 8.25 and up to 14.00	5	If butyl rubber is not available natural rubber is permitted.
	14.00 cross-section and over	80	If butyl rubber is not available natural rubber is permitted
	Tire tube valves and curing bags:		
	Tire tube valves (including repair valves)	X	
	Tire tube valve inside washers	X	
	Curing bags	50	May be averaged with groups in code 1.
	Tire flaps		May be averaged with groups in codes 1 and 5.
	10.00 and up	50	
	All others	0	
	Tire retreading materials:		
	Air bags, full circle for retreading	X	
	Camelback for airplane tires	100	
	Camelback for 9.00 cross-sections and larger, in die sizes 6½-inch crown width and 19/32-inch gage and up.	X	
	Camelback, die sizes under 6½-inch crown width and under 19/32-inch gage.	0	
	Camelback cushion gum	100	1/32-inch gage maximum for synthetic camelback.
	Padding stock	X	
	Stripping stock	X	
	Filler stock	X	
	Cushion repair gum	100	
	Tread repair gum	X	
	Tire vulcanizing cement	X	
	Tire and tube repair materials:		
	Air bags, sectional	X	
	Bulk tire repair materials	X	
	Tire patches	X	
	Tube patches	X	
	Patching cement	X	
	Tank blocks, treads, and band tracks	20	

(1) Maximum group average.

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
9	Belting: Belting must be manufactured in accordance with the following regulations: Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more natural rubber than is permitted in laminated belting of equivalent size and thickness. Constructions using combinations of fabric and other reinforcing materials such as cord or wire are permitted provided total natural rubber does not exceed that which is used in an equivalent grade, cotton fabric ply construction belt.	----------	Color optional. Restrictions on line, type, quality, and style do not apply
9-A	Conveyor and elevator belting	X	
9-B	Miscellaneous belt and related products, as follows	X	
	Hay baler belts.		
	Other agricultural implement belts.		
	Belt splicing and repair material.		
	Chute lining.		
	Conveyor skirting or skirt board.		
	Cigar machine aprons.		
	Concentrator belts.		
	Escalator hand rails.		
	Feed belts for paper box machinery.		
	Hatter belts.		
	Hog beater belts.		
	Last puller belts.		
	Paper machine aprons.		
	Paper making screen diaphragms.		
	Postal meter and letter opening feed belts.		
	Powder explosives belts.		
	Pulley lagging.		
	Rubber scrapers for conveyor belts.		
	Safety belts, linemen's.		
	Sling or lifting belts.		
	Special molded conveyor belts.		
	Street sweeper belts.		
	Tube winding belts.		
	Tobacco stemmer belts.		
	Molded discs for conveyor belt idlers.		
	Ozalid seals.		
9-C	Flat transmission belting	----------	Maximum pounds of natural rubber per 1,200 square inches per ply.
	For severe service, or high speed or to operate over small pulleys	----------	0.95 pound.
	For moderate service	----------	0.40 pound.
	Hammermill belt	----------	0.95 pound.
	Axle generator belt	----------	0.95 pound.
	Rubber covers for above, maximum thickness 3/64 inch	40	
	Sheeting type, slab belting:		
	Using fabric weighing between 10 and 16.50 ounces per square yard	----------	0.95 pound.
	Using fabric weighing less than 10 ounces per square yard	----------	0.40 pound.
9-D	V belts	----------	Percent based on total volume of belt. In determining belt volume, th published nominal cross-sectional dimensions shall be used where thes exist and mold cross-sectional dimensions shall be used in all other cases
	Fractional horsepower	25	
	Household equipment	25	
	Automotive:		
	Passenger cars for pulley groove top width more than 0.500 inch	25	
	Trucks under 1½ tons for pulley groove top width more than 0.500 inch.	25	
	Passenger and truck or pulley groove top width 0.500 inch or less	40	
	Trucks 1½ tons and over	40	
	Busses	40	
	Police cars and taxis	40	
	Airplane	40	
	Stationary gas and diesel engines	40	
	Industrial, including agricultural:		
	Heavy duty	40	
	Standard	40	
	Speed changers	40	
	Double V	50	
	Open end	25	
	Round belts	40	
	Railroad axle-drive	55	
10	Hose	----------	All hose color optional. Restrictions on line, type, quality, and style do not apply.
10-A	Aircraft hose:		
	Crash truck AAF 26611 (−65° F.)	X	
	Ducts	X	
	Oxygen hose	X	
	Airbrake (20-147) (a)	15	
	(b)	X	
	Aircraft hose not elsewhere listed	10	
10-B	Automotive hose:		
	Air brake	15	
	Air cleaner	15	
	Hydraulic actuating boot	X	
	Car heater	5	
	Coolant (radiator):		
	Curved	20	
	All other radiator	10	
	Defroster	15	
	Hydraulic brake, S. A. E. R-41	40	
	Windshield wiper	15	
	Vacuum brake	15	
	Automotive hose not elsewhere listed	10	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
10-C	General industrial hose:		
	Acid	X	
	Air and air tool: Air drill for mining and quarrying and heavy duty industrial.	50	
	Gas mask air hose	40	
	All other air hose not elsewhere listed	20	
	Alcohol, beverage, brewers, wine, vinegar, food, and milk conveying	60	
	Ammonia	75	
	Arbor pipe forming	35	
	Booster and chemical engine	40	
	Braided-cover tubing	5	
	Cable covering, electric	30	
	Cloth-inserted tubing	15	
	Coupling, flexible	10	
	Creamery	40	
	Divers:		
	Floating	X	
	Sinking	60	
	Dredging sleeves	75	
	Expansion joints	75	
	Fire:		
	Cotton rubber-lined and rubber-covered	35	
	Wrapped duck	X	
	Fire engine suction:		
	Hard	35	
	Soft	35	
	Fire extinguisher tubing	25	
	Flanged flexible pipe	X	
	Garden and lawn	5	
	Jetting	25	
	Marine exhaust	50	
	Material handling—including grain	75	
	Cement and concrete	75	
	Phosphate flexibles	75	
	Rock dusting	75	
	Insulation blowing	15	
	Paint spray, fluid line	10	
	Paper mill hose	60	
	Petroleum products:		
	Gasoline service station	45	
	Oil suction and discharge	15	
	Butane and propane	30	
	Tank wagon	45	
	All other not elsewhere listed	0	
	Pinch valve	X	
	Rotary drilling:		
	Vibrator	35	
	Mud suction	75	
	Rotary drilling hose	35	
	Sand blast	X	
	Sand placing and sand suction	75	
	Shaft covering, flexible	50	
	Spray, horticultural and car washing		For car washing service where pressure exceeds 250 p. s. i.
	Over 400 pounds working pressure	50	
	400 pounds and under working pressure	15	
	Steam:		
	Over 50 pounds working pressure	X	
	50 pounds and under working pressure	40	
	Steam ironing	X	
	Suction, water:		
	Hard rubber and rough bore	15	
	Smooth bore	35	
	Vacuum:		
	Household, including hotels, office buildings, etc.	35	
	Industrial dust collector and blower exhaust	X	
	Nontextile reinforced	60	
	Washing machine	5	
	Water:		
	Radiator filling	5	
	Industrial:		
	Severe service	60	
	Moderate service	25	
	Welding	25	
	Hose not elsewhere listed	10	
10-D	Railroad hose:		
	Air brake and signal, M-601	25	
	Air, pneumatic tool, M-608	25	
	Paint spray, M-610	10	
	Pantograph	50	
	Sand, M-615 and M-616	X	
	Sand pipe nozzles	X	
	Steam, hot water, and car heat, M-605	X	
	Tender tank, M-606	35	
	Water, cold, M-604	25	
	Welding, M-603	25	
	Railroad hose not elsewhere listed	10	
1	Packing and gaskets		Color optional. Restrictions on type, quality, and style do not apply.
1-A	Packings without fabric or high percent of fiber, including sheet and also strip, discs, gaskets, rings, cups, U packings, V rings, O rings, non-fabric diaphragms, etc., made by extruding, cutting, or molding:		
	5 durometer and under	X	
	Above 50 durometer	15	
	Gaskets and discs containing 20 to 30 percent by volume asbestos fiber.	60	
	Pipe coupling gaskets:		
	55 durometer and below	75	
	Above 55 durometer	50	
	Lead-loaded over 3.50 specific gravity	X	
	Molded and extruded gaskets spliced endless after initial vulcanization.	25	
	Electrical transformer sheet rubber for packing seals	X	
	Filter press gaskets	X	
	O rings for sliding contact against steam and chemicals	X	
	Acid carboy gaskets	X	
	Air brake gaskets	X	
	Vacuum retort gaskets	X	
	Vulcanizer door gaskets	X	
	All others not elsewhere listed	10	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
11-B	Packings with high fiber content:		
	Sheet (generally known as "compressed asbestos sheet") and gaskets cut from same.	5	By weight.
	Molded gaskets, discs, rings, etc	5	By weight.
	Rod packing coil, spiral ring form (generally known as "rubber-bonded plastic packing").	5	By weight.
11-C	Packing with fabric or wire insertion:		
	Sheet gasketing (generally known as "C. I. or B. W. I. Sheet") and gaskets cut from same:		
	Cotton insert	10	
	Wire insert	15	
	Asbestos insert	25	
	Rolled or molded gaskets:		
	Cotton insert	25	
	Asbestos insert	25	
	Diaphragm sheet including diapbragms cut from same or molded:		
	Supersensitive gas regulation	X	
	Molded other than above	X	
	Cut other than above	X	
	Rectangular and square piston packing	X	
	Rod packing including molded cups, U packings, and V rings:		
	Cotton insert	25	
	Ashestos insert	25	
11-D	Valve and valve discs:		
	45 durometer and under	X	
	Over 45 durometer	25	
	Loaded ball valves	X	
	Fabric hydrant valves	25	
	All other valves and valve parts	10	
11-E	Sealing compounds for food containers:		
	Beverage container gaskets, molded, extruded, or latbe-cut	10	
	Food container gaskets, extruded and lathe-cut	----------	15 percent natural rubber by weight of compound permitted.
	Gasket-lined bome canning lids	----------	5 percent natural rubber by weight of compound permitted.
	Jar rings, cut rings	25	
	Moisture harrier coating for film or paper	20	
	Molded stoppers for food and heverage containers:		
	Solid or nonexpanding type	10	
	Mechanical action expanding type	60	
	Food closure gasket	----------	30 percent natural ruhber by weigbt of compound permitted for food gasket formed and vulcanized in the closure.
	Sealing compounds, food closures and can ends ("flowed-in" type for glass and metal containers).	X	Natural rubber latex permitted.
12	Other mechanicals	----------	All products in code 12, color optional, unless otherwise specified. Restrictions on line, type, quality, and style do not apply.
12-A	Aircraft equipment:		
	Boots, de-icer and integral parts including hose	X	
	Bumpers	X	
	Cords, alighting gear	X	
	Conductive ruhber parts	X	
	Flexible couplings, functional	X	
	Engine instrument mountings and vibration insulators	X	
	Oxygen masks, pilot	X	
	All parts 45 durometer or less	X	
	All other parts not elsewhere listed	10	
12-B	Automotive equipment:		
	Windshield wiper blades	X	
	Bumpers, retaining and cbeck (molded)	35	
	Bumpers, functional:		
	Suspension	75	
	Crasb	40	
	Bushings:		
	Suspension	X	
	Torque rod	X	
	Couplings, flexible	X	
	Weatherstrips and body seals, extruded, under 50 durometer	40	
	Weatherstrips, injection compound for splicing and forming	X	
	Molded ventilator strips	40	
	Glass runs	10	
	Crankshaft torsion dampers	X	
	Transmission and engine mountings:		
	50 durometer and over	70	
	Under 50 durometer	X	
	Body and chassis mountings:		
	50 durometer and over	30	
	Under 50 durometer	X	
	Tail pipe insulators, under 50 durometer	X	
	Torsion springs	X	
	Grommets, core molded retaining, for dashboard insulation	40	
	Fuel tanks, filler neck seal	35	
	Mats:		
	Contour	20	
	Sill with retaining buttons	25	
	All other automotive mats	10	
	Cowl and dash liners	10	
	Seal beam headlights	X	
	Steering wheels	10	
	Pads, no insertion with retaining buttons	25	
	Fender flaps or splash guards	10	
	Silencers, coil spring	30	
	Rear spring seat insulators	X	
	Tubings:		
	Drain	10	
	Windshield wiper, non-reinforced	10	
	Spring tying suspension seat cord	X	
	Hydraulic, air brake and vacuum brake cups, diaphragms, valves, and seals.	X	
	Seals:		
	Valve stem, tire	X	
	Valve stem, motor	X	
	All other parts not elsewhere listed	10	
12-C	Railroad and streetcar equipment:		
	Car spring snubbers	X	
	Refrigerator friction drive wheel	75	
	Refrigerator car door seal	25	
	Molded seal for double-glazed windows	X	
	Bumpers	----------	Same as automotive.
	Streetcar wheel	X	
	Windshield wiper blades	X	
	Door shoes	15	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-C	Railroad and streetcar equipment—Continued		
	Draft gears	X	
	Vibrational insulators, functional	X	
	All other parts not elsewhere listed	10	
12-D	Farm equipment:		
	Flax rolls, 50 durometer or under	X	
	Corn busking rolls	40	
	Feed conveyors	40	
	Corn snapper rolls	40	
	Draper apron rolls	10	
	Cotton rubber rolls	40	
	Hay baler rolls	40	
	Rubber covered canvas	20	
	Cotton picker doffers	X	
	Press wheel tires	X	
	Gauge wheel tires	X	
	Shoe pitman arm torque bushings and torsion bushings	X	
	Bearing cushion cups, non-oil-resisting	X	
	Cotton drier flaps	X	
	Pneumatic seats	10	
	Steering wheels	10	
	Rubber-covered beater bars	X	
	All other parts not elsewhere listed	10	
12-E	Electrical products and industrial equipment:		
	Core-molded electric plugs and outlets	50	
	Telephone and telegraph insulators	25	
	Lineman protective devices	X	
	Friction tape		15 pounds of natural rubber for 100 square yards.
	Splicing compounds	X	
	Underground cable connectors	X	
	Flexible connections for vacuum and exhaust equipment	X	
	Mandrels for surgical tubing	75	
	Molds	X	
	Sand and shot blast equipment	X	
	Press die pads, draw sheets, and embossing beds	X	
	Bulging rubbers	X	
12-F	Household and appliance products:		
	Refrigerator and freezer parts:		
	Gaskets, door	X	
	Gaskets liner opening	X	
	Collars, throat	X	
	Glass and panel seals	40	
	Tubing, drain, molded	40	
	Terminal seal bushings for compressors	X	
	Rollers, tray	30	
	Freezer lid assembly	40	
	All other parts not elsewhere listed	10	
	Vacuum cleaner and sweeper parts:		
	Extensible drive belts	X	
	Bag seals	40	
	Flexing bellows and diaphragms	X	
	Brush guards, collars, and holders	40	
	Sweeper tires and wheels	20	
	Electrical conducting parts	X	
	Grips	10	
	Functional bumper guards with undercuts and retaining buttons	25	
	All other parts not elsewhere listed	10	
	Clothes-washing, dish-washing, drying, and ironing machine parts:		
	Wringer rolls	10	
	Agitators	45	
	Tub and lid gaskets	40	
	Extensible belts, drive	X	
	Drive pulleys	X	
	Collapsible tubs	X	
	Flexing boots and diaphragms	X	
	Extruded drain hose or tubing	15	
	Formed pressure tubing	30	
	Couplings and nozzles	15	
	Unconfined lip door gaskets	X	
	Water seals	30	
	Flexible pump rotors	X	
	Pump valves, flexing	X	
	All other parts not elsewhere listed	10	
	Miscellaneous houseware accessories:		
	Strain relief grommets for electric irons and similar appliances	X	
	Light-colored molded parts	10	
	Chair tips	10	
	Strainers, sink and drain	10	
	Pans, dust	10	
	Water aerator	50	
	Sewing machine drive pulley and belts	X	
	All other parts not elsewhere listed	10	
	Plumbing specialties:		
	Ball cock washers	X	
	Force cups	25	
	Gaskets and valves designed for back flow preventors	X	
	Tank balls designed for flush valves core molded:		
	With base opening ¾-inch and less	75	
	With base opening over ¾-inch	75	
	Floor flange gaskets	X	
	All other plumbing specialties	10	
12-G	Milk and food handling equipment:		
	Milk and milking equipment:		
	Bottle filler rubbers	25	
	Bowl rings and valves	X	
	Parlor milking gaskets	X	
	Gaskets, washers, and couplings:		
	45 durometer or under	X	
	Over 45 durometer	25	
	Milking inflations and cup caps	X	
	Teats for calf feeder pails	X	
	Tubing including duplex, milk, vacuum, air, and stanchion:		
	45 durometer or under	X	
	Over 45 durometer	50	
	Straps, surcingle	40	
	Milk, pasteurizer plate gaskets	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-G	Milk and food handling equipment—Continued		
	Food and beverage processing and dispensing equipment:		
	Chicken pickers	X	
	Cherry and peach pitters	X	
	Corn husking roll (canning), under 45 durometer	X	
	Can testers	X	
	Gaskets for bulk handling food equipment	X	
	Molded fittings and tubing for beverage handling	X	
	Stop for ice cream cone dispenser	X	
	Rice-polishing blocks	X	
	Rubber-covered metal baskets	0	Natural rubber latex permitted.
	All other parts not elsewhere listed	10	
12-H	Mining equipment:		
	Air chambers for conset jigs	X	
	Flotation parts, including liners for cells, impellers, and shafts	X	
	Stator and rotor tubes	X	
	Ore car liners	X	
	All other parts not elsewhere listed	10	
12-I	Oil field specialties, as follows	X	
	Drill pipe protectors.		
	Packers, production and test.		
	Packers, open hole.		
	Packers, cement retaining.		
	Packers, casing.		
	Blowout preventers.		
	Gland packings.		
	Slush pumps: pistons and liners for fluid-packed pumps.		
	Stabilizers and wire line guides.		
	Stuffing-box rings, polished rod.		
	Slip pads.		
	Strippers, pressure pack off.		
	Pipe and wire line wipers.		
	Swab rubbers and lining bumpers.		
	Testing and cementing equipment.		
	Valves, cups, and discs.		
	Valve inserts.		
12-J	Miscellaneous mechanical goods and textile industry equipment:		
	Parts for manufacture of rayon:		
	Parts that come in contact with rayon filament	X	
	All other parts	10	
	Parts for Cellophane	10	
	Textile equipment:		
	Pickers, all types	X	
	Lug straps	X	
	T-straps	10	
	Card clothing	X	
	Draw rolls, 30 durometer	X	
	Bolsters, fabric-shrinking	X	
	Take-up roll covering	X	
	Hold-ups, and sweep sticks	12	
	All other parts not elsewhere listed	10	
	Miscellaneous mechanical goods:		
	Laboratory supplies:		
	Tubing:		
	45 durometer and under	X	
	Over 45 durometer	50	
	All other parts not elsewhere listed	10	
	Industrial tubing:		
	45 durometer and under	X	
	Over 45 durometer	50	
	Traffic counter tubing	X	
	Soft rubber alkaline storage batteries and parts	X	
	Billiard and pool table cushions	X	
	Brake, clutch, and hydrant expander tubing	X	
	Brush setting compounds	X	
	Budding strips	X	
	Cast rubber products	50	Natural rubber latex only permitted.
	Caster and molded wheels:		
	Under 4 inches diameter	35	By weight.
	4 inches and over	35	By weight.
	Conductive caster wheels	X	
	Core-molded parts not elsewhere listed	35	
	Cutting rubbers not elsewhere listed	X	
	Dam and lock-gate seals	X	
	Expansion joint seals (masonry)	60	
	Fish net floats or bladders	X	
	Flexible bags and parts for forming operations in manufacturing plants.	X	
	Flexible couplings, torque	X	
	Flexible sanding and buffing pads	X	
	Gas main bags	X	
	Goggles and parts	40	
	Industrial balls:		
	45 durometer and under	X	
	Over 45 durometer	25	
	Industrial vacuum or suction cups	X	
	Insulation tubing	X	Cork or fiber loaded.
	Labels	X	
	Mine safety lamp parts	X	
	Molded annular tires:		
	Light and medium duty	10	
	Heavy duty	40	
	Molded boots and dust seals	70	
	Rebound discs for well drilling	X	
	Molded parts attached to adjacent parts by integral undercut buttons, and grommets, not elsewhere listed.	25	
	Mountings, shock absorbers, dampers, and vibration insulators:		
	Under 50 durometer	X	
	50 durometer and over	70	
	Pressure-sensitive signal controls	25	
	Sandblast stencil sheet for monument work	25	
	Seals for electrolytic condensers	X	
	Tanners' bolsters	X	
	Tubular grips, including cork or fiber-loaded	10	
	Wiper blades, squeegee rubber and wiper dies	X	
	X-ray sheets	X	
	Belt idler channel	10	
	Parts for ladders	10	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-J	Miscellaneous mechanical goods and textile industry equipment—Con.		
	Miscellaneous mechanical goods—Con.		
	Mallets	10	
	Traffic cones and markers	10	
	All other parts not elsewhere listed	10	
	Tires for toy vehicles and lawn mowers	10	
	Parts for bicycles, toy vehicles, and lawn mowers:		
	Handle grips	10	
	Fender flaps or splash guards	10	
	Pedal pads	0	
	Dodgem bumpers	X	
	All other parts not elsewhere listed	10	
12-K	Printing rubber products:		
	Printing rollers, all types	X	
	Printing rubbers, all types	X	
	Printing blankets for offset, newspaper, and lithograph	X	
	Rubber solution for wet plate negative	X	
	Paper pick-up suction cups	X	For printing press only.
	Paper feed rolls and pads for duplicating machines	X	
12-L	Rolls and roll coverings, not elsewhere listed	X	
12-M	Rubber protected or lined equipment:		
	Tank cars, barges, and trucks	X	
	All other	X	
12-N	Mats and matting:		
	Switchboard, not less than ¼ inch thick for 3,000 volts and over	X	Black only.
	Roll matting and stair treads	6	
	Perforated mats, ⅜-inch thick and over	25	
	Link and molded door mats	10	
	Bath mats	10	
	All other mats not elsewhere listed	5	
12-O	Safety respiratory equipment, including parts	X	
	Breathing apparatus	X	
	Safety masks	X	
	Respirators	X	
12-P	Hard rubber products	----------	Restrictions on line, type, quality, and style do not apply.
	Ball gages and molded tie rods	50	
	Baskets (etching), beakers, buckets, dippers, frames, funnels, measures, pails, packs, and trays.	30	
	Bleaching rods	X	
	Blown work	X	
	Combs	50	
	Component hard rubber parts for the manufacture and handling of rayon, explosives, and corrosive chemicals.	65	
	Knife handles	65	
	Dye sticks	X	
	Bowling balls	20	
	Industrial flashlight parts	65	
	Insulated tools	20	
	Jack strips	30	
	Microporous battery separators	X	
	Mouthpieces for musical instruments	X	
	Parts not elsewhere listed for storing, conveying, and processing corrosive chemicals.	65	
	Pipe and fittings	30	
	Pipe bits	15	
	Plating barrels and parts	30	
	Potentiometer cards	X	
	Refrigerator parts	X	
	Rod and tubing for fountain pen parts	X	
	Rods up to 0.040-inch diameter	X	
	Rods 0.040-inch to ½-inch diameter, inclusive	35	
	Rods over ½-inch diameter	20	
	Sheets 1/16-inch thick or less	X	
	Sheets over 1/16-inch to ¼-inch thick, inclusive	50	
	Sheets over ¼-inch thick	45	
	Tubing up to and including 1/32-inch wall	X	
	Tubing over 1/32-inch to ⅛-inch wall, inclusive	50	
	Tubing over ⅛-inch wall	30	
	Cafeteria trays	50	
	Hard rubber parts for alkaline storage batteries	35	
	Heavy duty battery cases over 15 pounds	50	
	Hand-wrapped battery cases	50	
	Submarine battery jars	50	
	Storage battery cases and covers where product of tensile and elongation is 10,000 or more.	60	
	Ventilating parts for submarines, hand-wrapped	X	
	Ventilating parts for submarines, molded	50	
	Parts for submarines not elsewhere listed	50	
	Telephone commutator inserts	50	
	Tubular retainers	60	
	Parts for water meters	X	
	X-ray and photo tanks	30	
	Forming tanks	40	
	Connector stocks	30	
	Stuffed work	50	
	Parts not elsewhere listed	0	
2-Q	Industrial abrasive implements	X	Restrictions on line, type, quality, style, and color do not apply.
2-R	Brake linings, brake blocks, and clutch facings	X	Restrictions on line, type, quality, style, and color do not apply.
3	Wire and cable	----------	Restrictions on line, type, quality, style, and color do not apply.
3-A	Insulation compounds:		
	Insulation for power and for building wire rated at 2,000 volts (phase to phase) or less and which has insulation wall thickness of more than 25 mils.	0	
	Insulation compounds for signal and control cables	70	
	Insulation compounds having thickness of 25 mils or less	X	
	For all types of insulated wire and cable in excess of 2,000 volts (phase to phase).	70	
3-B	Sheaths and jackets:		
	For operation at temperature of −40° C. or higher	70	
	For operation at temperatures lower than −40° C.	X	
3-C	Cements and nonreinforced tapes incidental to manufacture, repair, or installation of cables.	70	

Code No. (1)	Product (2)	Percent natural rubber to total new RHO (3)	Special restrictions or provisions (4)
14	Rubber footwear	70	Group average percent. No type rubber footwear shall contain more than 98 percent dry natural rubber. Line, type, quality, style, and color optional.
	Arctics, boots, rubbers, gaiters, pacs, and all types of canvas rubber-soled footwear of vulcanized construction.		
	Latex rubber footwear	0	Natural rubber latex permitted.
15	Shoe products	----------	Line, type, quality, style, and color optional.
15-A	Heels and soles:		
	Heels	25	Group average.
	Soles and taps	10	
	Soling and top lifting	10	
	Crepe soles, heels, welting, and wrappers	0	The consumption, production, or sale of natural RHC, for crepe soles, heels, welting, and wrappers is prohibited. Only exception: Existing inventories as-of March 15, 1951, in the actual possession of shoe manufacturers and shoe repairmen may be consumed.
15-B	Inner shoe cushions and pads:		
	Rubber, molded or sheet	----------	Natural rubber content to be no greater than that in a comparable product produced during the base period.
	Sponge rubber, nitrogen-blown, molded or sheet	X	Gas chamber method only.
	Sponge rubber, chemically blown, molded or sheet	----------	75 percent natural rubber to total RHC permitted. Maximum monthly average.
	Latex foam, uncored slab sheets	80	Natural rubber latex only permitted.
	Latex foam, molded	X	Natural rubber latex only permitted.
	Sponge rubber-cork granule sheets		Natural rubber content to be no greater than that in a comparable product produced during the base period.
15-C	Orthopedic appliances	X	For corrective devices required for deformed, injured, and crippled feet only.
15-D	Impregnated non-woven fibrous shoe components:		
	Insole materials	0	Natural rubber latex permitted.
	Welting and stripping	0	Natural rubber latex permitted.
	Midsole materials	0	Natural rubber latex permitted.
	Sock lining, heel pad, plumper, and backing materials	0	Natural rubber latex permitted.
	High strength stay and reinforcing materials	X	Natural rubber content to be no greater than that in a comparable product produced during the base period.
	Hair and fulled felts	0	Natural rubber latex permitted.
	Box toes	X	Natural rubber content to be no greater than that in a comparable product produced during the base period.
15-E	Combining cements and rubberized woven fabrics for shoes	----------	The over-all monthly consumption of natural rubber shall not exceed 75 percent of the total new RHC consumed in all code 15E products.
	Cements for custom combining piece goods.		
	Cements and compounds for coating, finishing, laminating, impregnating, and proofing fabrics used as uppers, linings, sock linings, heel pads, reinforcements, and backers in shoes.		
15-F	Shoe tapes:		
	Bindings, including French cord	X	
	Molded sole edging (binding)	35	
	Reinforcing and stay tapes	X	
	Tapes for applied sewing ribs and economy lips	X	
	Pressure-sensitive tapes, cloth-backed	----------	30 percent of natural rubber by volume permitted.
	Pressure-sensitive tapes, paper-backed	----------	50 percent of natural rubber by volume permitted.
15-G	Cements for manufacture and repair of shoes and component parts:		
	Shoe factory cements	X	
	Shoe repair cements	X	
	Cements for manufacture of shoe components	X	Except custom combining cements, code 15E; and cement for welting code 15H.
	Cements and adhesives for anchoring flock	----------	Natural rubber content to be no greater than that in a comparable product produced during the base period.
15-H	Cements for manufacturing welting for shoes	0	Natural rubber latex permitted.
15-I	Protective coatings for shoes during manufacture	0	Production, consumption, and sale of protective coatings to keep shoes clean during manufacture containing natural rubber is prohibited. Natural rubber latex permitted.
15-J	Bonded cork granule material for shoes	0	
	Composition cork sheets, not sponge rubber bonded	0	
15-K	Elastic fabric and tape for shoes:		
	Elasticized fabrics for uppers and linings	X	
	Goring and elastic shoe tapes	X	
15-L	Bottom filler for shoes:		
	Hot-type thermoplastic fillers	0	
	Cold-type fillers	----------	Natural rubber content to be no greater than that in a comparable product produced during the base period.
16	Cements	----------	Color optional. The over-all monthly consumption of natural rubber shall not exceed 67 percent of the total new RHC. Natural rubber latex permitted.
16-A	Miscellaneous cement uses: For manufacture of products covered by all code numbers in this Appendix A.	X	
17	Proofing, combining, or coating of fabric	----------	In products where natural rubber is permitted, no product shall contain higher percent of natural rubber than a comparable product produced during the base period. Color optional. Restrictions on line, type, quality, and style do not apply.
	Covering material for transportation equipment	20	
	Film and coated materials for medical, health, and safety products	100	
	Anchor coats: spread, frictioned, or impregnated directly on fabric or other material to be later calendered or spread.	100	
	Seaming tapes and strapping	100	
	Cements used in assembly of other products here listed	100	
	Diving and life-saving equipment	100	
	Industrial and protective apparel	60	
	Industrial specialty products	70	
	Except low temperature diaphragm material	100	
	Flocked and imitation sueded materials	20	
	Except adhesive coating for anchoring the flock	100	
	Aprons or liners for handling in-process stock	60	
	Civilian utility products	20	
	Hospital sheeting	70	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
18	Drug sundries, medical, surgical, dental, veterinary, and mortuary	----------	Line, type, quality, style, and color optional.
18-A	Adhesive plaster products:		
	Medicated body plasters	50	
	Plain and medicated foot pads and plasters	50	
	Surgical adhesive tape	50	
18-B	Bulbs, including parts	65	
	Medicine dropper bulbs	65	
	Household bulbs	60	
18-C	Dental products:		
	Dental dam	X	
	Dental polishing tips	X	
	Denture rubber	65	
	Orthodontic bands	X	
	Toothbrush gum-massage tips	35	
	Denture suction and model formers	60	
18-D	Flat goods:		
	Fountain syringe bags, molded, and tubing	55	Average.
	Fountain syringe bags, hand-made, and tubing	75	
	Ice bags, molded	55	Average.
	Ice bags, hand-made	70	
	Invalid cushions, molded	55	
	Invalid cushions, hand-made	70	
	Operating cushions	70	
	Water bottles and combinations, molded and tubing	55	
	Water bottles, hand-made	70	
	Latex fountain syringe bags and tubing, ice bags, and bulbs	0	Natural rubber latex permitted.
18-E	Gloves and cots:		
	Finger cots, including industrial and agricultural	X	
	Surgeons gloves	X	
	Net-lined hand-made gloves	75	
	Electricians' gloves, sleeves, and climber guards	X	
	Industrial and general-purpose gloves	X	
18-F	Infant goods:		
	Infant feeding nipples	X	
	Nurser bottle caps	X	
	Pacifiers	X	
	Breast shields	X	
	Teethers and teething rings	35	
	Baby pants	X	
	Parts for baby bath seats	X	
	Unsupported rubber sheeting	45	By weight of compound.
18-G	Miscellaneous sundries:		
	Bath caps:		
	Hand-made	X	
	Molded	85	
	Dipped	0	Natural rubber latex permitted.
	Blood-pressure bags	X	
	Catheters, glass-molded	65	
	Catheters, latex	X	
	Castrator rings	45	
	Garter buttons	70	
	Hard rubber pipes, connections, and accessories	30	
	Penrose tubing	X	
	Colostomy outfits	X	
	Crutch pads	X	
	Crutch pads, sponge	60	
	Crutch tips	45	
	Dilators	X	
	Inhalation bags and face pieces	X	
	Mattresses, inflatable	65	
	Miscellaneous medical instrument parts	X	
	Plaster bowls	35	
	Prostatic bags	X	
	Prosthetic devices	X	
	Orthopedic parts, sponge	60	
	Respirator seal for iron lungs, sponge	X	
	Rubber bands and cushions for artificial limbs	X	
	Medical stopples	X	
	Self-adhering tape and gauze bandage	X	
	Tourniquets	X	
	Truss pads	X	
	Urinals	X	
	Vaccine caps	X	
	Veterinary sleeves	X	
	Bath sprays and parts	30	Average.
	Toilet and bath sponges	75	
	Bath socks	X	
	Tension tape	85	
	Rubber sheets for mortuary garments	X	
18-H	Pessaries and prophylactics	X	
18-I	Sheet goods:		
	Bandage gum	X	
	Oxygen tent canopies	X	
18-J	Tubing: Surgical tubes and tubing	X	
18-K	Ladies' personal sanitary items:		
	Dress shields	X	
	Bloomer protective plates	X	
	Sanitary belts	X	
	Sanitary aprons	X	
	Unsupported girdles	X	
	Supported girdles	X	
	All items not elsewhere listed	0	
19	Flotation equipment: Pontoons, rafts, boats, and buoys	----------	Government orders only. Natural rubber permitted as required.
20	Life-saving equipment: Suits, jackets, vests, and belts	----------	Government orders only. Natural rubber permitted as required.
21	Bullet sealing fuel cells	X	
22	Miscellaneous:		
22-A	Athletic goods	----------	Line, type, quality, style, and color optional.
	Golf balls	85	
	Golf club grips	25	
	Tennis balls	70	
	Inflatable athletic balls	65	
	Inflatable playground balls	65	Maximum diameter 13 inches.
	Squash balls	70	
	Hand balls	70	
	Molded strips for exercisers	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provision (4)
22-A	Athletic goods—Continued		
	Lacrosse balls	60	
	Rubber-covered baseballs	60	
	Baseball centers	10	
	Rubber-covered soft balls	60	
	Ear and nose protective plugs	X	
	Cement for repair kits	X	
	Boxers' teeth protectors	80	
	Athletic bladders	20	Maximum monthly average.
	Athletic bladder valves	85	
	Athletic trunks	90	
	Gun pads	90	
	Lead tennis racquet weights	40	
	Sheet rubber	X	
	Swim fins and mits	40	
	Swim masks and goggles	40	
	Nose clips	0	Natural rubber latex permitted.
	All items not elsewhere listed	0	
22-B	Balloons	0	Line, type, quality, style, and color optional. Natural rubber latex permitted.
22-C	Sponge rubber		Line, type, quality, style, and color optional.
	Nitrogen-blown	X	Gas chamber method only.
	Chemically blown		75 percent natural rubber to total RHC permitted. Maximum monthly average.
	Kneeling pads	50	
	Church kneelers	50	
	Wallpaper cleaners	50	
	Floor mops	50	
	Seat cushions	50	
	Firemen's landing pads	50	
	Typewriter pads	50	
	Breast pads	50	
	Sponge balls	50	
	Sponge toys	50	
	Sponge novelties	50	
22-E	Miscellaneous products:		
	Radio, radar, and fire control instruments	X	
	Parachute bands and ventilating rings	X	
	Chlorinated and cyclized rubber	X	
	Flavored masticating gum	X	
	Lubricating greases	0	Natural rubber latex permitted.
22-F	Pressure-sensitive tape		Line, type, quality, style, and color optional.
	Color decorative tapes	10	For household use sold in lengths less than 1.292 inches.
	General purpose cloth-backed tapes	30	
	Double-faced cloth-backed tapes	30	Adhesive only.
	Nonfibrous film-backed tapes	60	Adhesive only.
	Sand blast stencil tapes	40	Adhesive plus backing.
	Cloth-backed photographic tapes	36	Combined adhesive and impregnating compositions.
	Paper-backed tapes, as follows	50	Combined adhesive and impregnating compositions.
	General purpose masking tapes		
	Frozen food packaging tapes		
	Photographic tapes		
	Double-faced tapes		
	Drafting tapes		
	Shoe tapes		
	Extra-strength tapes		
	Super-strength tapes		
	Printed utility tapes and sheets		
	Tapes with backings of nonfibrous film laminated to paper	50	Combined adhesive laminating and impregnating compositions.
	Electrical tapes	X	Not elsewhere listed.
	High-temperature tapes	X	
	Non staining tapes	X	
	High-strength tapes	X	Tensile strength more than 100 pounds per inch width.
	Protective paper and cloth tapes	X	
	Other tapes	X	Purchased by Government to Federal specifications.
22-G	Stationers' supplies		Line, type, quality, style, and color optional.
	Erasers	20	Percent of natural rubber to total new RHC.
	Pen sacs	0	Natural rubber latex permitted.
	Rubber bands	90	
	Finger tips	35	
	Mucilage spreaders	50	
22-H	Thread and related products:		
	Rubber thread	X	Natural rubber latex permitted. Six colors permitted.
	Garment tape	X	Color optional.
22-K	Toys		Line, type, quality, style, and color optional.
	Latex toys		Natural rubber latex permitted.
	Doll skins	0	
	Dipped beach balls	0	
	Slosh-molded toys	0	
	Crib toys	0	
	Molded (dry rubber) toys:		
	Core-molded dolls and parts	55	
	Inflated dolls	55	
	Inflated balls	65	
	Hand-made water toys	65	
	Pet balls	55	
	Die-cut toys	88	
	All items not elsewhere listed	0	
22-L	Rubber flooring, floor covering, wall covering		Line, type, quality, style, and color optional.
	Rubber tile flooring	0	
	Coating for fiber floor covering	0	Natural rubber latex permitted.
	Wall covering	0	
22-M	Rubberized fiber and hair cushioning	0	Color optional. Natural rubber latex permitted.

Code No. (1)	Product (2)	Percent natural rubber to total RHC (3)	Special restrictions or provisions (4)
23	Latex foam products		Line, type, quality, style, and color optional.
	Bedding:		
	Mattresses	X	
	Mattress toppers	X	
	Pillows	X	
	Automotive toppers	60	
	Furniture—transportation seating	X	
	Uncored slab	80	
	Miscellaneous molded parts	X	
24	Any product other than products listed in codes 1 to 23, inclusive	0	Line, type, quality, style, and color optional.

APPENDIX B OF NPA ORDER M-2

On application to the Rubber Division, NPA, and in accordance with instructions in section 12 of NPA Order M-2, additional quantities of butyl will be made available to fill contracts with the following symbols or allotments:

Allotment and/or DO rating symbol	*Program*
A-1 through A-9, B-1 through B-9, C-1 through C-9, Z-9.	Department of Defense and United States Coast Guard.
D-1 through D-9	Department of the Army.
E-1 through E-9	Atomic Energy Commission.
J-7	Department of State (Voice of America).
W-1 and W-3	Department of Defense.

[F. R. Doc. 52-3584; Filed, Mar. 26, 1952; 11:05 a. m.]

[NPA Order M-46A, Amdt. 1 of March 26, 1952]

M-46A—PRIORITY ASSISTANCE FOR FOREIGN PETROLEUM OPERATIONS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. Consultation with industry representatives in advance of the issuance of this amendment was impracticable due to the fact that it applies to all branches of the foreign petroleum industry.

NPA Order M-46A as amended September 5, 1951, is hereby further amended in the following respects:

1. Section 1 is amended to change the definition of a large construction operation. The purpose of this change is to increase the size of those construction operations which must be treated as large construction operations under the order. As so amended, section 1 reads as follows:

SECTION 1. *What this order does.* This order explains how priority assistance is made available to petroleum operators to obtain material for use in all countries except the United States and Canada. The order establishes two procedures to be followed in obtaining and using priority assistance. The first procedure relates to use of material for large construction operations. A large construction operation is any one complete construction operation in which the total cost of controlled materials from the United States to be used is $10,000 or more, or in which the total cost of all materials from all sources to be used is $50,000 or more. The second procedure relates to material obtained for any use other than use in a large construction operation. This second procedure includes material for use in production, small construction operations, maintenance, repair, operating supplies, and laboratory equipment.

2. Section 2, paragraph (e) is amended to change the definition of "construction operation" to include certain uses of material incident to production. As so amended, paragraph (e) of section 2 reads as follows:

(e) "Construction operation" means any use of material for construction, expansion, improvement or reconstruction, incident to any branch of the petroleum industry other than production, but shall include, however, the following uses of material incident to production: (1) A use of material for a vacuum plant or facility; a cycling plant or facility; a plant or facility used for stabilizing of crude oil; a plant or facility for the accumulation and storage of crude oil; a plant or facility for the extraction or recovery of natural gasoline or associated hydrocarbons, or for other treatment, processing, or compression of natural gas; (2) a use of material in a secondary recovery production operation by water flooding or by utilization of gas; or (3) a use of material for production offices or camp and related facilities.

3. Section 4 is amended to change the definition of a large construction operation for the same purpose and to the same extent as is section 1. As so amended, section 4 reads as follows:

SEC. 4. *Large construction operations.* Form PAD-26A, filed in accordance with the instructions printed thereon, must be used in connection with the priority assistance made available in this order for materials to be used in a large construction operation. A large construction operation is any one complete construction operation in which the total cost of controlled materials from the United States to be used is $10,000 or more, or in which the total cost of all materials from all sources to be used is $50,000 or more. Form PAD-26A is filed to obtain priority assistance for all materials going into the construction operation which it covers. After the form has been returned to the applicant indicating approval and the extent to which he may use priority assistance, the applicant may, to that extent, place delivery orders bearing the appropriate identification set forth in section 3 (b) of this order.

4. Schedule II, item E, is amended by adding four new subitems (b), (c), (d), and (e). As so amended, Schedule II, item E, reads as follows:

E. GENERAL

(a) Items on List A of NPA Reg. 2, as amended from time to time.

(b) Items on Exhibit A of NPA Order M-41 (metalworking machines).

(c) Items on List A of NPA Order M-43 (construction machinery).

(d) Items on Schedule A of NPA Order M-44 (power and electric equipment).

(e) All "restricted commodities" shown in Part 399.1 under the code designation "B" in Part 399.1, Appendix A, of the Comprehensive Export Schedule of the Office of International Trade, as amended from time to time.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect March 31, 1952.

Issued March 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3581; Filed, Mar. 26, 1952; 11:04 a. m.]

[NPA Order M-57 as Amended March 26, 1952]

M-57—VEGETABLE TANNING MATERIAL

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended there has been consultation with industry representatives including trade association representatives and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

This amended order affects NPA Order M-57 (as last amended September 11, 1951) as follows: Section 1 and paragraph (b) of section 2 are amended in minor respects. Paragraph (e) of section 2 is deleted. Section 5 is deleted to eliminate restrictions on the use of quebracho in oil and gas well drilling. Section 6 is redesignated section 5, and is amended in minor respects. Sections 7, 8, and 9 are amended to require reports on quebracho and are incorporated in one section, designated as section 6. Sections 10 and 11 are amended in minor re-

spects and redesignated as sections 7 and 8, respectively.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of vegetable tanning material.
4. Restrictions on use of chestnut extract in blends.
5. Request for adjustment or exception.
6. Records and reports.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp; sec. 2 E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* The purpose of this order is to conserve vegetable tanning materials so as best to serve the interests of national defense and essential civilian requirements. It prohibits the use by a processor of any vegetable tanning material for any purpose other than those provided for in this order. It also prohibits a processor from increasing the proportion of chestnut extract in any blend above the proportion which he used during the first 6 months of 1950.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Vegetable tanning material" means any of the following materials and extracts or any blend thereof:

Domestic raw materials and extracts:
- California oak bark.
- Chestnut oak bark.
- Chestnut wood.
- Hemlock bark.
- Sumac.

Foreign raw materials and extracts:
- Algarobilla (pods).
- Chestnut extract.
- Divi-divi (pods).
- Gambier.
- Hemlock bark.
- Mangrove bark.
- Myrobalans (nuts).
- Quebracho wood.
- Sumac.
- Tara pods.
- Tara powder.
- Urunday.
- Valonia beards and cups.
- Wattle or mimosa bark.

(c) "Processor" means any person who used for any purpose (including blending) in any calendar month commencing with January 1950, to and including March 1951, or who uses for any purpose (including blending) in any calendar month thereafter, more than 500 tan units of chestnut extract or more than 2,500 tan units of vegetable tanning materials, including chestnut extract if any is used.

(d) "Blending" means only the mixing or combining of any of the materials or extracts listed in paragraph (b) of this section with any other such material or extract, or with any synthetic tanning material. A "blend" means the resultant product of blending.

(e) "NPA" means the National Production Authority.

(f) "Tan unit" means 1 pound of 100 percent tannin as determined by the analytical methods of the American Leather Chemists Association.

SEC. 3. *Restrictions on use of vegetable tanning material.* (a) No processor shall use any vegetable tanning material (whether a blend or otherwise) for any purpose other than the following:

(1) The tanning of hides and skins or other processing of leather.

(2) The manufacture of pharmaceuticals.

(3) The manufacture of tannic, gallic, or pyrogallic acid.

(4) The manufacture of water treatment products.

(5) In the drilling of gas or oil wells.

(6) The making of any product which is suitable for use in the drilling of gas or oil wells.

(7) Blending.

(b) No person shall use any product referred to in subparagraph (6) of paragraph (a) of this section, for any purpose other than in the drilling of gas or oil wells.

SEC. 4. *Restrictions on use of chestnut extract in blends.* No processor shall use a greater proportion of chestnut extract in any blend than the average proportion of chestnut extract he used in all blends during the 6-month period ending June 30, 1950.

SEC. 5. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the systems of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Every person who distributed more than 1,000 tan units of quebracho in any month beginning January 1952, and every processor as defined in this order who uses quebracho for (1) the tanning of hides and skins or other processing of leather, (2) the drilling of gas and oil wells, (3) the making of any product which is suitable for use in the drilling of gas or oil wells, or (4) blending, shall report to NPA on Form NPAF–179 his inventory of quebracho as well as all other information as may be asked for by such form. This information is required for the last calendar quarter of 1951, and for the months of January, February, and March 1952, respectively. Form NPAF–179 shall be filed with NPA on or before April 15, 1952. After the first calendar quarter of 1952, every such person to whom NPA may forward from time to time Form NPAF–179A shall appropriately complete and file with NPA monthly, Form NPAF–179A.

(d) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–57.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect March 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–3580; Filed, Mar. 26, 1952; 11:04 a. m.]

Chapter XV—Federal Reserve System

[Regulation W, Amdt. 7]

Reg. W—Consumer Credit

MISCELLANEOUS AMENDMENTS

1. Effective March 24, 1952, Regulation W (formerly Part 222 of Title 12), is hereby amended in the following respects:

a. By amending paragraph (c) of section 3 to read as follows:

(c) *Time of down payment.* The down payment shall be obtained at or before the time of delivery of the listed article.

b. By deleting the figure "5" following the words "cash price" in the second sentence of paragraph (d) of section 4 and the footnote to said paragraph (d).

c. By adding at the end of paragraph (b) of section 6 the following new sentence: "In the case of an instalment credit for financing the purchase of an article listed in Group D, this paragraph shall not be deemed to require compliance to be determined from a date in advance of completion of the agreed upon repairs, alterations, or improvements.

d. By changing the figure "5a" at the end of paragraph (a) of section 8 to "5" and by making the corresponding change in the footnote.

e. By inserting in the first sentence of Part 1 of section 9 (the Supplement to the regulation) after the phrase "maximum loan values are prescribed", the language "for articles listed in Group A, Group B, and Group C."

f. By amending the italicized caption "*Group D*—10 percent minimum down payment, 90 percent maximum loan value:" in Part 1 of section 9 (the Supplement to the regulation) to read as follows:

Group D—No prescribed requirement as to minimum down payment or maximum loan value:

g. By deleting the second paragraph of Part 4 of section 9 (the Supplement to the regulation).

2. a. The above amendment to Regulation W is issued under the authority of section 5 (b) of the act of October 6, 1917, as amended, U. S. C., Title 50, App., sec. 5 (b); Executive Order No. 8843, dated August 9, 1941; and the "Defense Production Act of 1950", as amended, particularly section 601 thereof.

The purpose of the amendment is to remove from any prescribed minimum down payment and maximum loan value any article listed in Group D of Part 1 of section 9 (the Supplement to the regulation) which covers "Residential repairs, alterations, or improvements".

b. The amendment set forth herein was adopted by the Board after consideration of all relevant matter, including the recommendations received from time to time in consultations with industry and trade association representatives. Special circumstances rendered impracticable further consultation with industry representatives, including trade association representatives, in the formulation of the above amendment, especially in view of the relaxing and technical nature thereof; and, therefore, as authorized by section 709 of the Defense Production Act of 1950, the amendment has been issued without such further consultation. Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237), except as to the requirements of section 3 thereof.

(Sec. 5, 40 Stat. 415, as amended, sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 5. E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp. Interprets or applies sec. 601, 64 Stat. 812, as amended; 50 U. S. C. App. Sup. 2131)

Board of Governors of the Federal Reserve System,
[SEAL] S. R. Carpenter,
Secretary.

[F. R. Doc. 52-3504; Filed, Mar. 25, 1952; 12:56 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 932]

[Docket No. AO-33-A18]

Handling of Milk in Fort Wayne, Indiana, Marketing Area

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the Federal Register. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Fort Wayne, Indiana, on December 4, 1951, pursuant to notice thereof which was issued on November 27, 1951 (16 F. R. 12099).

The material issues of record related to:

(1) The requirements to be met in order for a plant to be a pool plant and thus be fully subject to the pricing and payment provisions of the order;

(2) Whether milk transferred from a nonpool plant operated by a cooperative association to a pool plant should be considered as producer milk or other source milk;

(3) The substitution of the average wholesale price of cheese at Wisconsin primary markets for the price of cheese presently used in computing the basic formula price; and

(4) Handler's obligations on other source milk.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing.

(1) *Pool plant requirements.* The present requirements which must be met in order for a plant to be a pool plant and thus be fully subject to the pricing and payment provisions of the order became effective on November 1, 1951. The last month for which the record contains data on receipts and utilization of milk is October 1951. Therefore appraisal of the present requirements cannot be made from this record on the basis of operating experience. The evidence in this record is not sufficient to support a conclusion different from the one made when the present requirements were promulgated. The adequacy of the requirements can be better appraised after they have been in effect for a period of time. No change should be made in these requirements at this time.

(2) *Producer milk.* Milk transferred from a nonpool plant operated by a cooperative association to a pool plant should be considered to be producer milk if (1) the operators of the two plants mutually indicate to the market administrator in writing on or before the 7th day after the end of the delivery period during which the transfer occurred their desire that such milk be considered as producer milk, and (2) the transferring plant had received during that delivery period an amount of producer milk equal to or greater than the amount of producer milk so transferred.

Several handlers obtain substantially all of their producer milk supplies from one of the cooperative associations in the market. This cooperative association operates a nonpool plant at which producer milk of its members in excess of its outlets for producer milk and also other

source milk is manufactured into dairy products. The present provisions of the order are not clear as to whether milk transferred from the cooperative association's nonpool plant to a pool plant would be producer milk or other source milk. Although assigning milk so transferred to producer milk to the extent of the volume of producer milk received at such plant during the month will not directly affect the minimum uniform price to producers, it will simplify administration of the order by keeping payments on other source milk at a minimum.

Verification by the market administrator of segregation of other source milk from producer milk received at the cooperative associations' nonpool plant and transferred to a pool plant for bottling would not be feasible. The conditions herein concluded to be appropriate under which milk so transferred would be considered as producer milk make such verification unnecessary. Such transfers would be producer milk only if the two parties to the transfer both agreed and so indicated to the market administrator on or before the 7th day after the end of the month during which the transfer occurred. This date coincides with the date on which regular monthly reports of receipts and utilization are made by handlers.

In the interest of consistency, the cooperative association should be designated a handler with respect to producer milk which it causes to be delivered to a pool plant from its nonpool plant to the same extent as it is a handler with respect to milk which it causes to be delivered to a pool plant directly from farms. This requires a change in the handler definition as it relates to cooperative associations and a conforming change in § 932.62 and in § 932.80 (b).

Since pursuant to these conclusions specific conditions are established under which milk transferred from a nonpool plant operated by a cooperative association to a pool plant is producer milk, any milk so transferred with respect to which these specific conditions are not met should be considered as other source milk.

(3) *Cheese prices.* The average wholesale price of cheese ("Cheddars") at Wisconsin primary markets as computed and reported by the United States Department of Agriculture should be substituted for the average wholesale price of cheese ("Cheddars") on the Wisconsin Cheese Exchange in the computation of the basic formula price.

The quotation for cheese at Wisconsin primary markets is reported daily and is based on actual sales of cheese. The Wisconsin Cheese Exchange meets once a week so that the price determination based on sales or bids and offers for cheese on this Exchange is reported only once a week. The volume of cheese sold through the Wisconsin Cheese Exchange is small in relation to the total volume of cheese sold at Wisconsin primary markets. Moreover there have been numerous occasions when no sales of cheese were made through the Wisconsin Cheese Exchange. It has been necessary therefore to use prices for those weeks which are derived from either bids or offers rather than from actual sales. Since the Wisconsin primary market quotation has been available there have been only few instances when sufficient sales have not been made on which to base a report. In view of these facts the price of cheese at Wisconsin primary markets is the more representative report to use to reflect the prices actually received by manufacturers of cheese.

The types of transaction on which the two cheese prices discussed above are based are similar—both are for the same type of cheese. The prices differ, however, in that the price at primary markets includes charges for certain services performed by the seller while these charges are not included in the Exchange price but are made as separate charges to the purchaser. The primary markets price is higher than the Exchange price. In the last year or two the difference has averaged about 1.3 cents per pound. Since no evidence was submitted to show that the basic formula price should be increased, 1.3 cents should be deducted from the primary markets price to result in a level comparable with the Exchange price.

(4) *Obligations on other source milk.* An obligation in an amount sufficient to insure that a handler cannot obtain other source milk at a cost below the cost of producer milk should be assessed against any handler who disposes of other source milk which is classified as Class I.

Class I milk may be provided from receipts from producers, i. e., from "pool" milk, or it may be provided from receipts of milk other than from producers, i. e., "other source" milk. The major source of other source milk is from manufacturing plants in the supply area. There are a large number of manufacturing milk plants near Fort Wayne which are possible sources of other source milk. Some are near enough that little if any transportation cost would be involved in obtaining milk from them. Handlers could also develop a supply of other source milk directly from dairy farmers. Many of the trucks which deliver milk from producers and farmers to handlers' plants also haul other source milk which could be unloaded at handlers' plants if the handlers want it.

The minimum price provisions of the order apply fully to Class I milk from "pool" sources. Unless special provision is made, however, the order would not apply to Class I milk from "other sources." Handlers who deal in "other source" Class I milk would be at an advantage as compared to handlers whose Class I milk was derived from "pool" milk. If other source milk could be used as Class I at a lower cost than pool milk, the tendency would be for other source milk to displace pool milk in Class I and regular producers would be deprived of a Class I market for their milk. Special provision must therefore be made in the order for dealing with "other source" milk disposed of as Class I. This special provision should involve a payment on other source milk which would be made by handlers utilizing such milk. The amount of the payment would be at a rate equal to the difference between the Class I price and the Class II price and it would be applicable to "other source" milk classified as Class I. This payment would assure that other source milk disposed of as Class I could not be procured at a cost to the handler less than the cost of Class I milk from pool sources. This payment would thus remove any advantage there might be in utilizing other source milk in Class I in preference to milk from pool sources.

The amount of the obligation to be assessed against any handler who disposes of other source milk as Class I should be the difference between the value of such milk at the Class II price and the value of such milk at the Class I price. Since the purpose of the payment on "other source" milk is to assure that such milk cannot be procured for less than Class I milk from "pool" sources, the payment should be an amount which would equalize as near as practicable the difference in the cost of milk from the two sources. Pool milk must be paid for, according to the terms of the order, at the Class I price. Other source milk utilized as Class I may be purchased at a price equivalent to that paid for milk used for manufacturing purposes in the Fort Wayne supply area. The price for Class II milk provided in the order is an accurate reflection of prices paid for milk for manufacturing in the Fort Wayne supply area when account is taken of the premiums which are paid over and above the so-called "basic" price quoted by local manufacturing plants. The Class II price therefore can be taken as a good index of the cost of other source milk used as Class I by Fort Wayne handlers. A payment of the difference between the Class I price and the Class II price on other source milk utilized as Class I will therefore tend to equalize the cost of such other source milk used as Class I with the cost of pool milk used for the same purpose.

The obligation of handlers who operate nonpool plants on other source milk should apply only to Class I milk distributed on routes extending into the marketing area. A suggestion was made that the obligation of handlers who operate pool plants on other source milk classified as Class I should also apply only to that milk distributed in the marketing area. To so limit the obligation would necessitate some method of determining whether the Class I milk disposed of in the marketing area was producer milk or other source milk, if the handlers disposed of Class I milk both inside and outside of the marketing area. No satisfactory method for dealing with this problem can be developed from the evidence in this record.

The responsibility to make the payment on other source milk classified as Class I should be borne by the handler who actually disposes of Class I on routes. It is appropriate for this handler to maintain the records concerning the utilization of other source milk since he is the handler who actually has firsthand knowledge of the final disposition of such milk. Moreover, the placing of the responsibility for payment upon such handler will not result in any person becoming a handler who would not other-

wise be one under the terms of the order. The "handler" definition should be amended accordingly.

It was suggested that these obligations on other source milk should not apply when the market becomes short of producer milk. Even when the supply of producer milk is inadequate, the potentiality exists for handlers to displace producer milk with other source milk if the other source milk can be purchased cheaper than producer milk, and the record indicates that other source milk is available at all times at prices below the cost of producer milk. Therefore the obligation on Class I other source milk should apply at all times.

Obligations paid by handlers on other source milk should become a part of the producer-settlement fund and be distributed among all producers since other source milk disposed of as Class I milk in the marketing area displaces producer milk. A change in § 932.71 (a) is necessary to effectuate this conclusion.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. A brief was filed on behalf of Wayne Cooperative Milk Producers, Inc. The brief contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the brief was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the brief is consistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following order amending §§ 932.10, 932.13, 932.50 (b) (2), 932.62, 932.71 (a), 932.80 (b), and 932.84 is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended. *It is hereby ordered,* That the full text of the order, as amended, and as hereby proposed to be further amended be published in the FEDERAL REGISTER as a part of this decision.

DEFINITIONS

§ 932.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 932.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 932.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 932.50 through § 932.53.

§ 932.4 *Market Administrator.* "Market Administrator" means the agency described in § 932.20.

§ 932.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 932.6 *Fort Wayne, Indiana, marketing area.* "Fort Wayne, Indiana, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of Fort Wayne, Indiana.

§ 932.7 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

§ 932.8 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 932.9 *Route.* "Route" means a delivery (including at a plant store) of Class I milk to a wholesale or retail stop(s) other than to a milk processing or distributing plant(s).

§ 932.10 *Handler.* "Handler" means: (a) Any person with respect to all skim milk and butterfat received at (1) a pool plant operated by him, or (2) a nonpool plant operated by him during any delivery period within which a route is operated from such plant wholly or partially within the marketing area; or (b) any cooperative association not operating a pool plant with respect to (1) producer milk caused by it to be delivered to a pool plant for which milk such association is authorized to receive payment, or (2) milk certified by the Fort Wayne Board of Health for disposition within the marketing area as fluid milk which such association caused to be delivered, for its account, to a nonpool plant. Milk caused to be so delivered shall be deemed to be received by such association.

§ 932.11 *Producer.* "Producer" means any person, except a producer-handler, having certification issued by the Fort Wayne Board of Health, to produce milk for disposition within the marketing area in the form of fluid milk which is received during the delivery period (a) in a pool plant, or (b) by a cooperative association not operating a pool plant. This definition shall be deemed to include any person whose milk has been received previously in a pool plant but is caused to be delivered from a pool plant to a nonpool plant; and milk so delivered shall be deemed to have been received in such pool plant.

§ 932.12 *Pool plant.* "Pool plant" means any milk processing or distributing plant other than the plant of a producer-handler approved by the Fort Wayne Board of Health:

(a) During any delivery period within which the total combined amount of skim milk and butterfat disposed of as Class I milk on a route (or routes) operated wholly or partially in the marketing area from such plant is equal to 20 percent or more of the total volume of milk received at such plant during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk;

(b) During any of the delivery periods of October, November, December and January within which the total combined amount of skim milk and butterfat transferred as Class I milk to a pool plant described in paragraph (a) of this section in the form of milk is equal to 20 percent or more of the total volume of milk received by such transferor during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk; or

(c) During each of the delivery periods of February through September 1952 if during each of any two of the delivery periods of November and December 1951 and January 1952 the total combined amount of skim milk and butterfat transferred as Class I milk to a pool plant described in paragraph (a) of this section in the form of milk was equal to 50 percent or more of the total volume of milk received by such transferor during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk; and during each of the delivery periods of February through September of any year after 1952 if during each of any three of the next preceding four consecutive delivery periods October, November, December and January the total combined amount of skim milk and butterfat transferred as Class I milk to a

pool plant described in paragraph (a) of this section in the form of milk was equal to 50 percent or more of the total volume of milk received by such transferor during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk: *Provided,* That any plant which is a pool plant pursuant to this paragraph shall become a nonpool plant during any delivery period immediately following the delivery period within which the operator of such plant notifies the market administrator in writing on or before the 10th day of his intention that such plant shall become a nonpool plant, and such a plant shall not again be a pool plant pursuant to this paragraph until the following February; and the market administrator shall notify each cooperative association which causes milk to be delivered to such plant and each producer delivering to such plant who is not a member of a cooperative association at least 10 days prior to the first day of the first delivery period during which such plant is to be a nonpool plant of the handler's intention that such plant shall become a nonpool plant.

§ 932.13 *Producer milk.* "Producer milk" means milk produced and handled under conditions set forth in § 932.11. Skim milk and butterfat transferred in the form of milk to a pool plant from a nonpool plant operated by a cooperative association to which such association causes prducer milk to be delivered pursuant to § 932.10 (b) (2) shall be considered to have been producer milk if (a) the cooperative association and the handler operating the pool plant mutually indicate to the market administrator in writing on or before the 7th day after the end of the delivery period within which such transfer occurred, their desire that such skim and butterfat be considered as producer milk, and (b) the amount of skim milk and the amount of butterfat so transferred as producer milk is no greater than the amount of skim milk or the amount of butterfat, respectively, contained in producer milk caused by such association to be delivered to such nonpool plant during the delivery period.

§ 932.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 932.15 *Producer-handler.* "Producer-handler" means any person who produces milk but receives no milk from producers and operates a route extending into the marketing area.

§ 932.16 *Nonpool plant.* Any milk processing or distributing plant shall be a "nonpool plant" in any delivery period in which it is not a pool plant.

MARKET ADMINISTRATOR

§ 932.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 932.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 932.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 932.86:

(1) The cost of his bond and of the bonds of his employees.

(2) His own compensation, and

(3) All other expenses, except those incurred under § 932.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 932.30 or (2) payments pursuant to §§ 932.80 through 932.89;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each delivery period report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them, to each handler to whom the cooperative sells milk. For the purpose of this report the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class, and

(2) On or before the 13th day after the end of such delivery period, the uniform price computed pursuant to § 932.71 and the butterfat differential computed pursuant to § 932.82 and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 932.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and the quantities of skim milk contained (1) in (or used in the production of) all receipts within such delivery period of producer milk, skim milk and butterfat in any form from any other handler, and other source milk, and (2) in all producer milk caused to be delivered during such delivery period to a nonpool plant for the account of such handler;

(b) The product pounds of milk products received from any source other than a handler and disposed of in the same form, except milk products covered by the definition of Class II milk disposed of in the form in which received without further processing by the handler;

(c) The utilization of all receipts required to be reported under paragraphs (a) and (b) of this section; and

(d) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 932.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 22d day after the end of each delivery period each handler who operates a pool plant shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show (1) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (2) the amount of payment to each producer and cooperative association, and (3) the nature and amount of any deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

§ 932.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form;

(b) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 932.33 *Retention of records.* All books and records required to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided,* That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 932.40 *Skim milk and butterfat to be classified.* The market administrator shall classify pursuant to § 932.41 through § 932.46:

(a) All skim milk and butterfat, in any form, received within the delivery period by a handler in producer milk, in other source milk, and from another handler; and

(b) All skim milk and butterfat in producer milk caused by a handler to be delivered for his account to a nonpool plant.

§ 932.41 *Classes of utilization.* Subject to the conditions set forth in § 932.43 and § 932.44, the skim milk and butterfat described in § 932.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in fluid form as (i) milk, skim milk, buttermilk, flavored milk, or flavored milk drinks (except as provided in paragraph (b) (2) and (3) of this section); (ii) cream or as any mixture containing cream and milk or skim milk (not including ice cream mix disposed of pursuant to paragraph (b) (4) of this section or any product disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); or (iii) eggnog;

(2) Used to produce concentrated milk disposed of for fluid consumption; or

(3) Not specifically accounted for as any product specified in subparagraphs (1) and (2) of this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce a milk product other than those specified in paragraph (a) (1) and (2) of this section;

(2) Dumped or disposed of for livestock feed as skim milk, flavored milk, flavored milk drinks, or buttermilk;

(3) Disposed of during any of the delivery periods of January through September as bulk milk, skim milk, or cream to any manufacturer of candy, soup, or bakery products who does not dispose of milk in fluid form;

(4) Disposed of as ice cream mix to a commercial processor;

(5) In actual plant shrinkage of producer milk computed pursuant to § 932.42, but not in excess of 2 percent thereof; or

(6) In actual plant shrinkage of other source milk computed pursuant to § 932.42.

§ 932.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between producer milk and other source milk after deducting receipts from other handlers.

§ 932.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 932.44 *Disposition to milk plants.* Skim milk and butterfat disposed of by transfer or diversion from a pool plant to another plant shall be classified as follows:

(a) As Class I milk if disposed of to a pool plant of another handler in the form of milk, skim milk, or cream unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which the transaction occurred: *Provided,* That skim milk and butterfat so assigned to Class II shall be limited to the amount thereof remaining in such class at the plant of the transferee handler after the subtraction of other source milk pursuant to § 932.46 (a) (2) and (b); and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I.

(b) As Class I milk if disposed of to a producer-handler in the form of milk, skim milk, or cream.

(c) Except as provided in paragraph (d) of this section, as Class I milk if disposed of to a nonpool plant not operated by the handler in the form of milk, skim milk, or cream unless (1) the handler claims Class II on the basis of a utilization mutually indicated in writing to the market administrator by both the transferring handler and receiver on or before the 20th day after the end of the delivery period within which such transfer occurred; (2) such receiver's plant or another nonpool plant to which such receiver transferred milk, skim milk, or cream had actually used during the delivery period in which such milk, skim milk, or cream was received not less than an equivalent amount of skim milk and butterfat in the use mutually indicated in writing by the transferring handler and the receiver; and (3) the receiver or the operator of any other nonpool plant in which utilization is claimed as a basis for classification maintains books and records showing the utilization of all skim milk and butterfat at his plant, which books and records are made available if requested by the market administrator for the purpose of verifying such utilization: *Provided,* That if upon inspection of such books and records the market administrator cannot verify Class II utilization, that portion of skim milk or butterfat for which such utilization cannot be verified shall be classified in Class I.

(d) As Class I milk if disposed of in the form of milk to a plant located 100 miles or more from the City Hall in Fort Wayne, Indiana, by the shortest highway distance as determined by the market administrator; and

(e) Producer milk disposed of by a handler to a nonpool plant operated by such handler shall be classified according to its utilization in such nonpool plant or pursuant to paragraphs (a), (b) and (c) (except for the reference to paragraph (d) therein) of this section if it is transferred from such nonpool plant to another plant: *Provided,* That if the use in or transfer from the nonpool plant of such handler is in conjunction with other source milk, producer milk shall be allocated first to the available quantity of Class II milk and any remaining balance of producer milk shall be allocated to Class I.

§ 932.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class

I milk and Class II milk for such handler.

§ 932.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(1) Subtract plant shrinkage of skim milk pursuant to § 932.41 (b) (5) from the total pounds of skim milk in Class II;

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available use, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to § 932.44;

(4) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced available use.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

(c) Determine the weighted average butterfat test of the remaining Class I milk and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 932.50 *Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk to be used in determining the class prices provided by this section shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content determined by the market administrator pursuant to paragraphs (a), (b) and (c) of this section, computed to the nearest tenth of a cent.

(a) The average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present operator	*Location*
Defiance Milk Products Co.	Defiance, Ohio.
Pet Milk Co.	Angola, Ind.
Pet Milk Co.	Garrett, Ind.
Kraft-Phenix Cheese Corp.	Kendallville, Ind.

(b) The price per hundredweight computed as follows:

(1) Multiply by six the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period;

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin state brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembling points as reported by the United States Department of Agriculture for the trading days during the delivery period, subtract 1.3 cents, and multiply by 2.4; and

(3) Divide by seven, add 30 percent thereof, and then multiply by 4.0.

(c) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department during the delivery period, subtract three cents, add 20 percent thereof, and then multiply by 4.0; and

(2) From the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed) spray and roller process, f. o. b. manufacturing plants in the Chicago area as published by the Department during the delivery period, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

§ 932.51 *Class I milk prices.* Subject to the provisions of § 932.54 and § 932.55 the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler for producer milk received and classified as Class I milk shall be the basic formula price computed pursuant to § 932.50 adjusted as follows:

(a) Add (1) $0.60 during each of the delivery periods of April, May and June; (2) $1.15 during each of the delivery periods of October, November and December; and (3) $1.00 during each of the other delivery periods.

(b) Add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk in the first and second delivery period preceding by the total volume of producer milk for the same delivery periods multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage."

(2) Compute a "net utilization percentage" by subtracting from the Class I utilization percentage as computed in subparagraph (1) of this paragraph the "standard utilization percentage" shown below:

Delivery period for which the class price is being computed:	*Standard utilization percentage*
January	86
February	82
March	78
April	73
May	68
June	60
July	54
August	56
September	61
October	70
November	81
December	87

(3) Determine the amount of the supply-demand adjustment as follows:

If net utilization percentage is—	Supply-demand adjustment for specified delivery periods is—		
	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
	Cents	*Cents*	*Cents*
+12 or over	+38	+25	+50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+25
+3 or +4	+10	+7	+14
+1 or −1	0	0	0
−3 or −4	−10	−14	−7
−6 or −7	−20	−26	−13
−9 or −10	−28	−38	−19
−12 or −13	−38	−50	−25
−15 or −16	−38	−50	−31
−18 or −19	−38	−50	−37
−21 or −22	−38	−50	−43
−24 or under	−38	−50	−50

When the net utilization percentage does not fall within a tabulated bracket, the adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month.

§ 932.52 *Class II milk prices.* Subject to the provisions of § 932.54 and § 932.55 the minimum price per hundredweight on a 4.0 percent butterfat content basis to be paid by each handler for producer milk received and classified as Class II milk shall be the basic formula price.

§ 932.53 *Butterfat differentials to handlers.* If for any handler, the weighted average butterfat test of his classified producer milk is more or less than 4.0 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 4.0 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(a) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period and divide the result by 10.

§ 932.54 *Emergency price provisions.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and

there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 932.60 *Producer-handlers.* Sections 932.40 through 932.4€, 932.50 through 932.54, 932.70 through 932.72, and 932.80 through 932.89 shall not apply to a producer-handler.

§ 932.61 *Exempt milk.* Milk received by a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

§ 932.62 *Milk caused to be delivered by cooperative associations.* A cooperative association shall be deemed to be a handler pursuant to § 932.10 (b) (1), with respect to producer milk caused by it to be delivered to a pool plant, only for the purpose of making such payments to the market administrator as are required of such association pursuant to the last proviso of § 932.84 (a).

DETERMINATION OF UNIFORM PRICE

§ 932.70 *Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and adding together the resulting amounts: *Provided,* That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to § 932.30, has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 932.46 (a) (4) and (b) by the applicable class prices.

§ 932.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk, on the basis of 4.0 percent butterfat content, received from producers as follows:

(a) Combine into one total the values computed pursuant to § 932.70, the amounts computed pursuant to the first proviso contained in § 932.84 (a), and the amounts computed pursuant to § 932.84 (b).

(b) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 932.85;

(c) Subtract, if the weighted average butterfat test of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such butterfat test is less than 4.0 percent, an amount computed by: multiplying the amount by which its weighted average butterfat test varies from 4.0 percent by the butterfat differential computed pursuant to § 932.82, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of producer milk represented by the values included in paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under paragraph (d) of this section.

§ 932.72 *Notification of handlers.* On or before the 11th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the total thereof; (b) the applicable minimum class prices and uniform price; (c) the amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to § 932.84 and § 932.85; and (d) the amount to be paid by each handler pursuant to §§ 932.80 (a) and (b), 932.86 and 932.87.

PAYMENTS

§ 932.80 *Time and method of final payment.* Each handler shall make payments, after deducting the amount of the payments made pursuant to § 932.81, as follows:

(a) On or before the 17th day after the end of each delivery period, to each producer, except producers for whom payment is received from the handler by a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 932.71 adjusted by the producer butterfat differential pursuant to § 932.82, for all milk received from such producer during such delivery period: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 932.85, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to producer milk caused by it to be delivered to such handler during such delivery period, not less than the value of such milk computed at the minimum class prices. For the purpose of determining the classification of milk caused to be so delivered by a cooperative association to a handler, such milk shall be ratably apportioned among the receiving handler's total Class I milk and Class II milk as determined pursuant to § 932.46.

§ 932.81 *Partial payments.* (a) On or before the last day of each delivery period, each handler shall make payment, except as set forth in paragraph (b) of this section, to each producer, for the milk received from such producer by such handler during the first 15 days of such delivery period, at not less than the uniform price for the preceding delivery period.

(b) On or before the day immediately preceding the last day of each delivery period, each handler shall make payment to a cooperative association, for milk caused to be delivered from producers' farms to such handler by such association during the first 15 days of such delivery period, at not less than the uniform price of the preceding delivery period.

§ 932.82 *Producer butterfat differential.* In making payments pursuant to § 932.80 (a) there shall be added to, or subtracted from, the uniform price for milk of 4.0 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 4.0 percent, as the case may be, an amount computed by multiplying the average daily wholesale price per pound of 92-score butter at Chicago, as reported by the Department for the delivery period, by 1.15, dividing by 10, and rounding to the nearest tenth of a cent.

§ 932.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 932.84 and out of which he shall make all payments to handlers pursuant to § 932.85.

§ 932.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, handlers shall pay to the market administrator as follows:

(a) Handlers who operate pool plants shall pay the amount by which the utilization value of producer milk received by such handler during such delivery period is greater than the value of such milk computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82: *Provided,* That handlers who operate pool plants and who receive during such delivery period other source milk which is classified as Class I shall pay an amount equal to the difference between the value of such milk computed at the Class I price and butterfat differential and the value of such milk computed at the Class II price and butterfat differential: *And provided further,* That with respect to milk for which payment is made by a handler to a cooperative association pursuant to § 932.80 (b), the association, in turn, shall pay to the market administrator on or before the 16th day after the end of the delivery period, the amount by which the utilization value of such milk is greater than its value computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82.

(b) Handlers who operate nonpool plants from which milk received during such delivery period was disposed of as Class I milk on a route (or routes) operated wholly or partially within the marketing area from such plant shall pay an amount equal to the difference between the value of such milk computed at the Class I price and butterfat differential and the value of such milk computed at the Class II price and butterfat differential.

§ 932.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of producer milk received by such handler during such delivery period is less than the value of such milk computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82, less any unpaid obligations of such handler to the market administrator pursuant to § 932.84, § 932.86, § 932.87, and § 932.88: *Provided,* That with respect to milk for which payment is made by a handler to a cooperative association pursuant to § 932.80 (b), the market administrator shall pay, on or before the 17th day after the end of each delivery period, to such association the amount by which the utilization value of such milk is less than its value computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82: *And provided further,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 932.86 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 932.22 (d) each handler shall pay the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all receipts within the delivery period of (a) producer milk (including such handler's own production), and (b) other source milk classified as Class I milk pursuant to § 932.41 (a) (1) and (2).

§ 932.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 932.80 (a), shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 932.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

§ 932.88 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) Any unpaid obligation of a handler or of the market administrator pursuant to §§ 932.80 through 932.87 or to paragraph (a) of this section shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 5th day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 932.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 932.90 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 932.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 932.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (in-

cluding the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 932.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 932.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 932.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 24th day of March 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-3502; Filed, Mar. 26, 1952; 8:49 a. m.]

[7 CFR Part 941]

[Docket No. AO 101-A14]

HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel LaSalle, Madison and LaSalle Streets, Chicago, Illinois, beginning 10:00 a. m., c. s. t., on April 14, 1952.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Chicago, Illinois, marketing area and to the proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area set forth herein below, or modifications thereof. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendment has been proposed by the Baldwin Cooperative Creamery et al:

Proposal No. 1. Amend § 941.81 so as to more clearly reflect the proper level of location adjustment to producers in accordance with the actual cost of transportation of milk and cream to Chicago in the form in which it is shipped.

The following amendments have been proposed by the Chicago Milk Producers Council:

Proposal No. 2. Amend § 941.53 (a) to read:

§ 941.53 *Location adjustment credit to handlers.* (a) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (1) which is moved in the form of fluid milk or fluid skim milk from such approved plant to a plant engaged in the bottling of fluid milk, which is located less than 70 miles from the City Hall in Chicago, or (2) which is classified as Class I milk but did not move in the manner described in subparagraph (1) of this paragraph or in paragraph (b) (1) of this section, shall be 3 cents per hundredweight for each 15 miles or fraction thereof that such approved plant is located more than 70 miles from the City Hall in Chicago. For milk purchased or received from producers at a pool plant located within the marketing area, add 6 cents per hundredweight, or if such plant is located outside the marketing area and not more than 55 miles from the City Hall in Chicago, Illinois, add 3 cents per hundredweight.

Proposal No. 3. Amend § 941.81 to read:

§ 941.81 *Location adjustment to producers.* In making payments pursuant to § 941.80 (b), for all milk produced or received from producers at a pool plant, each handler shall:

(a) Add 6 cents per hundredweight if such plant is located in the marketing area;

(b) Add 3 cents per hundredweight if such plant is located outside the marketing area and not more than 55 miles; and

(c) Deduct 3 cents per hundredweight for each 15 miles or fraction thereof that such plant is located more than 70 miles, from the City Hall in Chicago, Illinois. All such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

The following amendments have been proposed by the Ice Cream Manufacturers' Association of Cook County:

Proposal No. 4. Amend § 941.41 (b) by adding thereto subparagraph (3) as follows:

(3) In ice cream, ice cream mix and other frozen dessert mixes (liquid or powder) which are disposed of within any part of the marketing area outside of the city limits of the city of Chicago.

Proposal No. 5. Amend § 941.41 (c) by adding thereto subparagraph (5) reading:

(5) Ice cream, ice cream mix and other frozen dessert mixes (liquid or powder) which are disposed of within any part of the marketing area outside of the city limits of the City of Chicago.

The following amendment has been proposed by the Associated Milk Dealers Inc.:

Proposal No. 6. Add the following to § 941.40 (b): "*Provided,* That during a period of a milk strike, milk or skim milk may be diverted to facilities outside the surplus milk manufacturing area, and the market administrator shall, at the request of the handler involved, audit the utilization of the milk or skim milk so diverted and classify it in the class in which the receiving nonhandler actually utilized the milk."

The following amendments have been proposed by Beatrice Foods Company:

Proposal No. 7. Amend § 941.40 (b) to include: "Knox, Coles, Macon, Sagamon, and Vermillion Counties in the State of Illinois; Montgomery and Knox Counties in the State of Indiana; Dubuque County in the State of Iowa."

Proposal No. 8. Delete the words "or frozen" from § 941.41 (a) (2).

Proposal No. 9. Amend § 941.41 (c) (1) by adding the words "frozen concentrated milk in hermatically sealed cans."

The following amendments have been proposed by the Pure Milk Products Cooperative:

Proposal No. 10. Amend § 941.52 (c) (1) relating to the 18 midwest condenseries by eliminating the 5 plants in such list which are located in Michigan.

Proposal No. 11. Amend § 941.52 (c) (2) by eliminating the butter-cheese formula from Class III and creating a new class in Class IV for cheese, with a new formula to be applied to the pricing of milk utilized for cheese production, which formula shall be 2.75 times the simple average, as published by the United States Department of Agriculture for prices per pound for cheddars on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, multiplied by 3.5.

Proposal No. 12. Amend § 941.50 relating to the basic formula price so as to include in the determination of the basic formula price the higher of the prices paid at the midwest condenseries, the butter powder formula and the new formula for cheese prices.

Proposal No. 13. Amend §§ 941.70 (d) and 941.71 (e) so as to restrict payments for nearby producers within the 70-mile zone so as not to draw money out of the pool for the benefit of the nearby producers.

Proposal No. 14. Amend § 941.81 to provide location adjustments to producers so as to reduce the deduction from producer payments from the present

charge of 2 cents for each zone to such lesser amount as will equitably relate the amounts actually taken from producers in zone differentials to the total transportation allowance to handlers.

Proposal No. 15. Amend § 941.50 by adding thereto a subsection requiring uniform payment of premiums to all producers shipping to a handler at any of the handler's plants or plants substantially controlled by a handler, all for the purpose of requiring uniform payment of premiums by a handler at its various plants.

The following amendment was proposed by the Consolidated Badger Cooperative et al.:

Proposal No. 16. Amend § 941.52 (d) (3) to provide that: "The figure of 75.2 cents, as stated in this subparagraph, shall be revised monthly to reflect changes in the cost of fuel and labor, as determined by the index of figures of these items, such revision to be effective when the change indicated equals 1/10 of 1 cent or more."

The following amendments have been proposed by the Dean Milk Company:

Proposal No. 17. a. Amend § 941.40 (b) by deleting the words "powdered cream."

b. Amend § 941.41 (b) by deleting the words "powdered cream" and "(or powder)."

c. Amend § 941.41 (b) (1) by deleting the words "powdered cream."

d. Amend § 941.41 (b) (2) by deleting the words "(or powder)."

e. Amend § 941.41 (c) (4) by deleting the words "(or powder)."

f. Amend § 941.41 (c) (1) by adding the words "powdered ice cream mix, powdered cream, and any other powder products derived from milk or cream,".

Proposal No. 18. Amend § 941.3 to include the township of Grafton.

The following amendments have been proposed by Central Dairy Company et al.:

Proposal No. 19. That Federal Milk Marketing Order 91 be consolidated with Federal Milk Marketing Order 41.

Proposal No. 20. That such changes be made in Order 91 to conform with all other sections under Federal Milk Marketing Orders 41 and 91 as consolidated.

The Dairy Branch Production and Marketing Administration proposes:

Proposal No. 21. Add as § 941.17 the following:

§ 941.17 *Commercial food processor.* "Commercial food processor" means any persons engaged in processing food other than milk or cream in fluid form or ice cream.

Proposal No. 22. Amend § 941.40 by deleting the words "paragraph (b) of this section" and substitute "§ 941.41."

Proposal No. 23. Amend § 941.40 (b) by deleting the words appearing prior to the words "the State of Wisconsin" and substitute in lieu thereof the following:

(b) Any milk moved as milk or skim milk in fluid form or as bulk condensed or concentrated milk containing not less than 2 percent nor more than 12 percent butterfat from a regulated plant to any plant located outside the following area (hereinafter referred to as "surplus milk manufacturing area") shall be classified as Class I milk, any milk so moved as cream in fluid form, frozen cream, other cream frozen, plastic cream, powdered cream, or any cream product in fluid form, including any bulk condensed, concentrated or evaporated milk product containing more than 12 percent butterfat, shall be classified as Class II milk, and any milk so moved as any other milk product containing butterfat shall be classified according to the form in which it leaves the plant of shipment:

Proposal No. 24. Delete § 941.40 (d) and substitute therefor the following:

(d) Any milk moved as milk or skim milk in fluid form from a regulated plant to any unregulated plant located within the surplus milk manufacturing area which did not manufacture any of the products named in paragraph (c) of this section during the delivery period shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk. If satisfactory proof is furnished to the market administrator that such milk, skim milk, or cream was in excess of the total amount used in Class I milk or Class II milk, respectively (as defined in § 941.41), at the latter plant, such excess shall be classified according to its utilization.

Proposal No. 25. Delete § 941.41 (c) (1) and substitute therefor the following:

(1) Condensed milk (sweetened or unsweetened) disposed of to commercial food processors located within the surplus milk manufacturing area, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk solids, and condensed skim milk (the products specified in this subparagraph are referred to hereinafter as Class III (a) milk):

Proposal No. 26. Amend § 941.66 by deleting the words "dairy farmers" wherever the same appear and substitute therefor the word "producers."

Proposal No. 27. Delete § 941.67 and substitute therefor the following:

§ 941.67 *Suspension of pool plants.* (a) Any plant described in § 941.66 (b) shall be suspended automatically as a pool plant, such suspension to be effective during each of the delivery periods of March through July inclusive of the next succeeding year, unless:

(1) At least 50 percent of the butterfat in milk or at least 50 percent of the pounds of milk received from producers at such plant during each of the delivery periods of September, October and November is (i) shipped as milk, skim milk or cream in fluid form to a plant(s) which processes and packages Class I milk or Class II milk, all or part of which is disposed of in the marketing area, or (ii) disposed of from such plant as Class I milk or Class II milk within the surplus milk manufacturing area other than to a regulated plant; or

(2) Such plant gives notice to the market administrator in writing that during each of the delivery periods of September, October and November, it is willing to ship milk in fluid form to any plant(s) which processes and packages Class I milk or Class II milk, all or part of which is disposed of in the marketing area, which together with such amount of milk, skim milk and cream as it disposes of as Class I milk or Class II milk within the surplus milk manufacturing area (including shipments to any such plant(s)) in said delivery period shall be not less than 50 percent of the butterfat or not less than 50 percent of the pounds of milk received from producers during the delivery period to which said offer applies: *Provided,* That

(i) Said notice shall contain at least the following information; the specific days on which the milk will be available; the amount of milk available on each of such days with the butterfat content thereof, and if such plant intends to offer its entire supply of milk for a particular day, the offer shall so state; the price to be charged for the milk offered and the terms of sale;

(ii) Only those amounts of milk offered for sale on days that are at least 7 full days after the date on which said notice is postmarked shall be included in computing the total amount offered for the delivery period;

(iii) Only such amount of butterfat or product pounds which is sold on any day within the surplus milk manufacturing area as Class I milk or Class II milk, as is in excess of the amount offered for sale on said day by said notice, shall be considered in computing the amount actually sold on such day, but the entire amount of butterfat or product pounds so sold shall be considered if such sale occurs on a day on which no offer is made;

(iv) Only such amount of milk offered by said notice on any day shall be credited to the offer as is not in excess of the amount of milk received from producers on said day.

Upon receipt of said notice the market administrator shall make the offer and terms thereof public by transmitting the same to all handlers not later than one business day after receiving the notice.

Any handler who desires to accept an offer shall notify the offering plant or the person whom the offering plant has designated as its agent to receive acceptance, of his willingness to accept such offer at least 2 days prior to the date on which the milk is available for purchase. If the offering plant or its agent refuses to sell and deliver the milk to the handler accepting the offer and such handler so notifies the market administrator, he shall verify the refusal to sell by communicating with the offering plant or its agent. If upon subsequent audit and investigation the market administrator determines that such milk had not actually been shipped to a processing and packaging plant serving the marketing area, the offer for said day shall be considered null and void, and in determining the plant's compliance with this section consideration shall be given only to sales occurring on such day.

(3) In computing required percentages of milk, skim milk and cream on a product pound basis any sales of concentrated milk or condensed skim milk to a regulated plant shall be based upon the quantity of the milk or skim milk

used in its production rather than upon the quantity of concentrated milk or condensed skim milk sold.

(b) The market administrator shall maintain at his office a list of plants (including plant location and name of operator) suspended pursuant to this section which shall be made available to any interested person upon request and which he may from time to time transmit to all handlers in the market.

(c) Any milk or milk product received at a regulated plant from a plant during any period of suspension pursuant to this section shall be other source milk.

(d) Suspension of any pool plant shall not be terminated or affected by transfer of ownership through sale or otherwise."

Proposal No. 28. Delete § 941.52 (c) (2) (ii) and substitute therefor the following:

(ii) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State brand cheddars in cars or truckloads, f. o. b. Wisconsin assembling points as reported by the United States Department of Agriculture for the trading days during the delivery period, subtract 1.3 cents, and multiply by 2.4;

Proposal No. 29. Amend § 941.62 so as to provide clearly that some handler account for the full value of overrun in producer milk wherever found and to designate who is to be obligated to pay for such overrun.

Proposal No. 30. Review § 941.68 in relation to provisions currently in effect in nearby Federal order markets.

Proposal No. 31. Delete the words "received from producers" from § 941.70.

Proposal No. 32. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the said order may be procured from the Market Administrator, 73 W. Monroe Street, Chicago 3, Illinois, or from the Hearing Clerk, Room 1353, South Building, U. S. Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 24, 1952, at Washington, D. C.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-3503; Filed, Mar. 26, 1952; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 42]

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

TAKE-OFF PERFORMANCE LIMITATIONS FOR LARGE AIRCRAFT

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 42.14-1 *Take-off performance limitations for large aircraft (CAA rules which apply to § 42.14).* Whenever large aircraft are utilized in cargo operation, the following take-off performance limitations shall apply:

(a) Transport category airplanes shall be operated in compliance with the provisions of §§ 42.70 (b), 42.71 (b), and 42.72.

(b) Non-transport category airplanes shall be operated in compliance with the provisions of § 42.81 and shall meet the en route one-engine inoperative climb requirement of § 42.82 at an altitude of 1,000 feet above the airport from which the take-off is being made. The pertinent performance limitations data published under §§ 42.80-1, 42.80-2, 42.80-3, 42.80-4, 42.80-5 and 42.80-7 shall be used in determining compliance with § 42.81.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 42 Stat. 1007, 1010; 49 U. S. C. 551, 554)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-3493; Filed, Mar. 26, 1952; 8:48 a. m.]

[14 CFR Part 50]

AIRMAN AGENCY CERTIFICATES

PRIMARY FLYING SCHOOL CURRICULUMS; AIRPLANES; LAND AND SEA; 35 HOURS FLYING TIME

Notice is hereby given that the Administrator contemplates amending § 50.13-1 (a), published on July 18, 1951 (16 F. R. 6861), by adding a new paragraph at the end. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator of Civil Aeronautics in connection with the proposed amendment shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER. The new paragraph would read:

A primary flying school may utilize the curriculum approved by the Administrator in effect prior to August 1, 1951, for those students who were enrolled prior to that date and who will be graduated by May 31, 1952.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 602, 607, 52 Stat. 1007, 1008, 1011, as amended; 49 U. S. C. 551, 552, 557)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-3491; Filed, Mar. 26, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

WITHDRAWAL FROM LISTING AND REGISTRATION OF MATURING SECURITIES AND SECURITIES REDEEMED OR RETIRED

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to revise § 240.12d2-2 (a) (Rule X-12D2-2 (a)) under the Securities Exchange Act of 1934, and to adopt Form 25 to be used by national securities exchanges as the notification of the removal of matured, redeemed or retired securities from listing and registration pursuant to that rule. This action would be taken pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 12 (d) and 23 (a) thereof.

The present Rule X-12D2-2 (a) requires an exchange to file a notice and certification in order to effect the removal of matured, redeemed or retired securities from listing and registration. The adoption of Form 25 will simplify the preparation and filing of such notice and certification since it specifies the particular information to be submitted and requires only the minimum data necessary to show compliance with the rule. The revisions to the rule are designed to clarify its provisions, to prescribe the use of Form 25, and to permit the removal of securities from listing and registration when funds for their redemption, retirement or payment have been deposited with the agency to make the payment, appropriate notice thereof has been given, and the funds have been made available to security holders.

Copies of the proposed Form 25 are available and may be obtained on request from the Secretary of the Securities and Exchange Commission. The revised rule would read as follows:

§ 240.12d2-2 *Removal from listing and registration of matured, redeemed or retired securities.* (a) Within a reasonable time after a national securities exchange knows or is reliably informed that any of the following conditions exist with respect to a security listed and registered thereon, the exchange shall file with the Commission a notification on Form 25 [1] of its intention to remove such security from listing and registration:

(1) The entire class of the security has been called for redemption; maturity or retirement; appropriate notice thereof has been given; funds sufficient for the payment of all such securities have been deposited with an agency authorized to make such payment; and such funds have been made available to security holders.

(2) The entire class of the security has been redeemed or paid at maturity or retirement.

(3) The instruments representing the securities comprising the entire class have come to evidence, by operation of law or otherwise, other securities in substitution therefor and represent no other

[1] Filed as part of the original document.

right, except, if such be the fact, the right to receive an immediate cash payment (the right of dissenters to receive the appraised or fair value of their holdings shall not prevent the application of this provision).

(4) All rights pertaining to the entire class of the security have been extinguished; provided that where such an event occurs as the result of an order of a court or other governmental authority, the order shall be final, all applicable appeal periods shall have expired, and no appeals shall be pending.

Effective date of removal. If the conditions of this section are complied with, removal of a security from listing and registration pursuant to a notification on Form 25 shall become effective at the opening of business on such date as the exchange shall specify in said form: *Provided, however,* That such date shall be not less than 7 days following the date on which said form is mailed to the Commission for filing: *And provided further,* That in the event removal is being effected under paragraph (a) (3) of this section and the exchange has admitted or intends to admit a successor security to trading under the temporary exemption provided for by Rule X-12A-5 (§ 240.12a-5), such date shall not be earlier than the date on which the successor security is removed from its exempt status.

All interested persons are invited to submit views and comments thereon in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before April 7, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 20, 1952.

[F. R. Doc. 52-3477; Filed, Mar. 26, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–78]

[Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

MARCH 20, 1952.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code, and Part II of the Interstate Commerce Act.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix, hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] W. P. BARTEL, *Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 (15 F. R. 8265, 8266, 8267, 8268, 8269, 8272, 8273, Dec. 2, 1950) (16 F. R. 11775, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
Change				
*Aliphatic mercaptan mixtures	F. L.	No exemption, 73,141.	Red	10 gallons.
Hexaetbyl tetrapbospbate, liquid	Pois. B	No exemption, 73.358.	Poison	1 quart.
Hexaethyl tetraphosphate mixture, dry	Pois. B	73.377	Poison	200 pounds.
Hexaethyl tetraphospbate mixture, liquid	Pois. B	73.359	Poison	1 quart.
Lead azide. See Initiating explosive.				
Tetraetbyl dithio pyrophospbate, liquid	Pois. B	No exemption, 73.358.	Poison	1 quart.
Tetraethyl dithio pyrophospbate mixture, dry	Pois. B	73.377	Poison	200 pounds.
Tetraethyl dithio pyrophosphate mixture, liquid	Pois. B	73.358	Poison	1 quart.
Tetraethyl pyropbospbate, liquid	Pois. B	No exemption, 73.358.	Poison	1 quart.
Tetraethyl pyrophosphate mixture, dry	Pois. B	73.377	Poison	200 pounds.
Tetraethyl pyropbosphate mixture, liquid	Pois. B	73.359	Poison	1 quart.
Tetrafluoroethylene, inhibited	F. G.	73.302, 73.308	Red Gas	300 pounds.
Add				
Calcium, metallic, crystalline	F. S.	No exemption, 73.231.	Yellow	25 pounds.
Engine, internal combustion. See 73.120.				
Motors, internal combustion. See 73.120.				
Metbyl parathion, liquid	Pois. B	No exemption, 73.358.	Poison	1 quart.
Methyl parathion mixture, liquid	Pois. B	73.359	Poison	1 quart.
Tank car, containing residual phospborus and filled witb water. See §73.232.				
Vinyl trichlorosilane	F. L.	No exemption, 73.135.	Red	10 gallons
Cancel				
*Chlorbenzene. See *Chlorobenzol.				
*Chlorobenzene. See *Chlorobenzol.				
*Chlorbenzol. See *Chlorobenzol.				
*Chlorobenzol	F. L.	73.118, 73.119	Red	10 gallons.
Monochlorobenzene. See *Chlorobenzol.				
Monochlorbenzol. See *Chlorobenzol.				
Monochlorobenzol. See *Chlorobenzol.				

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

Amend § 73.34 paragraph (k) and Table (16 F. R. 9373, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.34) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* * * *

(k) The tests prescribed by paragraph (j) of this section must be (for exceptions see subparagraphs (1) to (11) of this paragraph):

Specification under which cylinders were made	Minimum retest pressure (pounds per square inch)
ICC-3	3,000 pounds.
ICC-3A; ICC-3AA; ICC-3D; ICC-4A; ICC-26 marked for filling at over 450 pounds.	5/3 times the service pressure. (See §73.-301 (g).)
ICC-3B; ICC-3BN; ICC-4B; ICC-4BA; ICC-4D; ICC-26 marked for filling at 450 pounds and below.	2 times the service pressure. (See (73.-301 (g).)
ICC-3C; ICC-E; ICC-4C; ICC-8; ICC-8AL.	Quinquennial test not required.
ICC-7 when used as authorized in (73.312 (a) (4).	300 pounds.
ICC-7 when not used under authority of §73.312 (a) (4).	Quinquennial test not required.
ICC-4	700 pounds.
ICC-9	400 pounds.
ICC-25; ICC-38	500 pounds.
ICC-33	800 pounds.

* * * * *

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.73 paragraph (b) (15 F. R. 8291, Dec. 2, 1950) (49 CFR 73.73, 1950 Rev.) to read as follows:

§ 73.73 *Lead azide.* * * *

(b) Lead azide, dextrinated type, or otherwise prepared to effectively control grain size, must be packed wet with not less than 20 percent by weight of water in specification containers 5 or 5B (§§ 78.80 or 78.82 of this chapter) metal barrels or drums, 17H (§ 78.118 of this chapter) metal drums (single-trip), or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside container which must be a bag made of 4-ounce duck. Inside the bag and over the lead azide there must be placed a cap of the same fabric, of the same diameter as the bag. The bag must be securely tied and placed in a strong grain bag. This grain bag must also be securely tied. The dry weight of lead azide in one container must not exceed 150 pounds. The bag and contents must be packed in the center of the wooden barrel or keg, metal barrel or drum, and must be entirely surrounded by not less than 3 inches of well-packed sawdust saturated with water. The wooden barrel or keg, or metal barrel or drum, must be lined with a heavy, close-fitting, jute bag closed by

secure sewing to prevent escape of sawdust. The barrel, keg, or drum must be inspected carefully and all leaks stopped.

* * * * *

2. Amend § 73.91 paragraph (e) (1) (15 F. R. 8294, Dec. 2, 1950) (49 CFR 73.91, 1950 Rev.) to read as follows:

§ 73.91 *Special fireworks.*

(e) * * *

(1) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or 78.190 of this chapter). Wooden boxes, or spec. 12B (§ 78.205 of this chapter), fiberboard boxes, with inside containers which must be any inside container sufficiently strong to retain contents not exceeding 2 ounces each. If bottles are used, each bottle must be packed in a securely closed fiber mailing tube having metal ends. Not more than 4 dozen 2-ounce bottles may be packed in an outer wooden box. When packed in units not exceeding 1 ounce each without bottles in similar fiber mailing tubes and outer wooden boxes, the gross weight of one outside box must not exceed 150 pounds. Gross weight of fiberboard box not to exceed 65 pounds.

* * * * *

3. Amend § 73.100 paragraphs (a), (r) (7) and (s) (15 F. R. 8295, 8296, Dec. 2, 1950) (16 F. R. 11777, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.100) to read as follows:

§ 73.100 *Definitions of class C explosives.* (a) Explosives, class C, are defined as certain types of manufactured articles which contain class A, or class B explosives, or both, as components but in restricted quantities, and certain types of fireworks. These explosives are further specifically described in this section.

* * * * *

(r) * * *

(7) Railway fusees, truck flares, hand ship distress signals, illuminating torches, smoke candles, smoke signals and smoke pots. Total pyrotechnic composition of illuminating torches not to exceed one hundred grams each in weight.

* * * * *

(s) Igniter cord consists of a wire, with or without textile countering, uniformly covered with a combustible chemical mixture, countered with strands of wire and overspun with textile yarns and/or wire, and water resistant coatings which, when ignited, burns at various rates according to design. Igniter cord must be packed in strong, tight, outside fiberboard boxes or drums, wooden boxes or metal containers, plainly marked "Igniter Cord".

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Add paragraph (c) (21) to § 73.118 (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* * * *

(c) * * *

(21) Vinyl trichlorosilane.

2. Add paragraph (b) to § 73.120 (15 F. R. 8300, Dec. 2, 1950) (49 CFR 73.120, 1950 Rev.) to read as follows:

§ 73.120 *Automobiles, motorcycles, tractors, or other self-propelled vehicles.* * * *

(b) *Engines or motors (internal combustion).* Engines or motors (internal combustion) employing liquid fuel classed as flammable liquid under this part, whether shipped separately or as a part of other apparatus, unless specifically exempt in paragraph (a) of this section, must have their fuel tanks completely drained.

3. Amend § 73.135 introductory text of paragraph (a) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.135, 1950 Rev.) to read as follows:

§ 73.135 *Ethyl trichlorosilane and vinyl trichlorosilane.* (a) Ethyl trichlorosilane and vinyl trichlorosilane must be packed in specification containers as follows:

* * * * *

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Add paragraph (c) (61) to § 73.153 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* * * *

(c) * * *

(61) Calcium, metallic, crystalline.

2. Add paragraph (a) (3) to § 73.158 (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.158, 1950 Rev.) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) * * *

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, not over 1 pound capacity each. Each inside container must be surrounded by corrugated fiberboard or equally efficient cushioning material. Authorized only for lauroyl peroxide, dry.

3. Amend § 73.208 paragraph (a) (1) (16 F. R. 9374, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.208) to read as follows:

§ 73.208 *Titanium metal powder, wet or dry.* (a) * * *

(1) Spec. 15A or 15B (§ 78.168 or 78.169 of this chapter). Wooden boxes with inside metal cans not exceeding 1 gallon each, tightly and securely closed, and not more than 12 such inside metal cans in one outside package; or not more than 1 inside metal can of not less than 22-gauge metal and not to exceed 10 gallons capacity, tightly and securely closed.

* * * * *

4. Add § 73.231 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.231, 1950 Rev.) to read as follows:

§ 73.231 *Calcium, metallic, crystalline.* (a) Calcium, metallic, crystalline must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with airtight inside metal containers not over 1 gallon capacity each.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums, gross weight not over 350 pounds.

(3) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), gross weight not over 350 pounds.

5. Add § 73.232 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.232, 1950 Rev.) to read as follows:

§ 73.232 *Tank cars containing residual phosphorus.* (a) Tank cars from which phosphorus has been unloaded and from which all residual phosphorus has not been removed by thorough cleaning must be shipped filled with water and must be placarded by the shipper with placards prescribed in § 74.555 of this chapter.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Add § 73.257 paragraph (a) (7) (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.257, 1950 Rev.) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) * * *

(7) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers of polyethylene, or other electrolyte acid resistant plastic, not over 1 gallon each.

2. Amend § 73.260 paragraph (c) (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.260, 1950 Rev.) to read as follows:

§ 73.260 *Electric storage batteries.* * * *

(c) Single batteries not exceeding 75 pounds each, in addition to requirements of paragraphs (a) and (b) of this section, may be shipped in 5-sided slip covers or in completely closed fiberboard boxes, of solid or double-faced corrugated fiberboard complying with the following: (See par. (a) (1) of this section for more than one battery in an outside container.)

(1) Slip cover or fiberboard box must fit snugly and provide inside top clearance of at least ½ inch above battery terminals and filler caps with reinforcement in place. Assembled for shipment, the bottom edges of the slip cover must not extend to the base of the battery but must not expose more than ½ inch thereof.

(2) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps). When top of slip cover or fiberboard box consists of only one thickness of material, reinforcement must have a plane surface of same interior dimensions and thickness. Reinforcement must be of a height to provide minimum clearance required above and must be constructed to remain securely in place or be fastened to slip cover or fiberboard box.

(3) All fiberboard must be at least 200 pound test (Mullen) and completed package (battery and slip cover or fiber-

board box) must be capable of withstanding top-to-bottom compression test of at least 500 pounds without damage to battery terminals or filler caps.

* * * * *

3. Amend § 73.267 paragraph (a) (2) (16 F. R. 9375, Sept. 15, 1951) and add paragraph (a) (9) to § 73.267 (15 F. R. 8319, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp., 73.267) to read as follows:

§ 73.267 *Mixed acid (nitric and sulfuric acid) (nitrating acid).* (a) * * *

(2) Spec. 5C (§ 78.83 of this chapter). Metal barrels or drums of Type 304 ELC or 347 stainless steel only. (See par. (b) of this section.)

* * * * *

(9) Spec. 5A (§ 78.81 of this chapter). Carbon steel barrels or drums. Authorized only for mixed acids containing 80 percent or more nitric acid. (See par. (b) of this section.)

* * * * *

4. Amend § 73.268 paragraph (b) (1) (16 F. R. 9375, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.268) to read as follows:

§ 73.268 *Nitric acid.* * * *

(b) * * *

(1) Spec. 103C, 103C-W, or 103A-AL-W (§§ 78.268, 78.283, or 78.292 of this chapter). Tank cars.

* * * * *

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.306 paragraph (b) (15 F. R. 8326, Dec. 2, 1950) (49 CFR 73.306, 1950 Rev.) to read as follows:

§ 73.306 *Liquefied gases, except gas in solution or poisonous gas.* * * *

(b) Mixtures containing compressed gas or gases including insecticides, which mixtures are nonpoisonous and nonflammable under this part, must be shipped in cylinders as prescribed in paragraph (a) of this section, or as follows:

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.326 paragraph (b) (15 F. R. 8332, Dec. 2, 1950) (49 CFR 73.326, 1950 Rev.) to read as follows:

§ 73.326 *Extremely dangerous poisons—class A—poison gas label; definition.* * * *

(b) Poisonous gases or liquids, class A, as defined in paragraph (a) of this section, except as provided in § 73.331, must not be offered for transportation by rail express.

2. Amend § 73.334 introductory text of paragraph (a) (16 F. R. 5326, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.334) to read as follows:

§ 73.334 *Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, mixtures with compressed gas.* (a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, mixtures with compressed gas, containing not more than 10 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate must be packed in specification containers as follows:

* * * * *

3. Add paragraphs (b) (10), (11), (12) and (13) to § 73.345 (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.345, 1950 Rev.) to read as follows:

§ 73.345 *Exemptions for poisonous liquids, class B.* * * *

(b) * * *

(10) Hexaethyl tetraphosphate, liquid.

(11) Methyl parathion, liquid.

(12) Tetraethyl dithio pyrophosphate, liquid.

(13) Tetraethyl pyrophosphate, liquid.

4. Amend entire § 73.358 (16 F. R. 11779, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.358) to read as follows:

§ 73.358 *Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.* (a) Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§ 78.80, 78.81, or 78 82 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter.

(3) Spec. 15A or 15B (§ 78.168 or 78.169 of this chapter). Wooden boxes, with metal inside containers of not over 5 gallons capacity each.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each, securely cushioned in liquid-tight metal cans.

(5) Spec. 21B (§ 78.223 of this chapter). Fiber drums, with inside glass containers not over 1 gallon capacity each.

(6) Spec. 37D (§ 78.125 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

(7) Cylinders as prescribed for any compressed gas, except acetylene, are also authorized.

5. Amend entire § 73.359 (16 F. R. 11779, 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.359) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 50 percent hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophasphate, or tetraethyl pyrophosphate by weight, must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter.

(3) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter. Capacity not to exceed 10 gallons. Authorized only for mixtures not classed as flammable under these regulations.

(4) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes, with metal inside containers not over 10 gallons capacity each.

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each, securely cushioned in liquid-tight metal cans.

(6) Spec. 21B (§ 78.223 of this chapter. Fiber drums, with inside glass containers not over 1 gallon capacity each.

(7) Spec. 37D (§ 78.125 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

(b) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing more than 50 percent hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter.

(3) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with metal inside containers not over 5 gallons capacity each.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each, securely cushioned in liquid-tight metal cans.

(5) Spec. 21B (§ 78.223 of this chapter). Fiber drums, with inside glass containers not over 1 gallon capacity each.

(6) Spec. 37D (§ 78.125 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

(c) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 25 percent hexa-

ethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage, are exempt from specification packaging, marking, and labeling requirements.

6. Amend § 73.377 introductory text of paragraph (a) and (e) (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.377) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* (a) Hexaethyl tetraphosphate mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures in which the liquid is absorbed in concentrations greater than 2 percent but not exceeding 27 percent in an inert dry material so as to form a dry mixture, must be packed in specification containers as follows:

* * * * *

(e) Dry mixtures containing not more than 2 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, are exempt from specification packaging, marking, and labeling requirements.

7. Add parargaph (a) (5) to § 73.378 (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.378) to read as follows:

§ 73.378 *Beryllium metal powder.* (a) * * *

(5) Spec. 21A or 21B (§ 78.222 or 78.223 of this chapter). Fiber drums, with inside glass or metal containers of not over 25 pounds capacity each.

PART 74—REGULATIONS APPLYING PARTICULARLY TO CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. Amend § 74.525 paragraph (b) (12) (15 F. R. 8346, Dec. 2, 1950) (49 CFR 74.525, 1950 Rev.) to read as follows:

§ 74.525 *Loading packages of explosives in cars, selection, preparation, inspection of car and certificate.* * * *

(b) * * *

(12) A car must not be loaded with any explosives, class A, until it shall have been thoroughly inspected by a competent employee of the carrier who shall certify as to its proper condition under this section and shall sign certificate No. 1 prescribed in paragraph (c) (2) and (3) of this section.

* * * * *

2. Amend § 74.526 paragraph (1) (16 F. R. 5326, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 74.526) to read as follows:

§ 74.526 *Loading explosives into cars.* (a) * * *

(1) Explosives, class A, must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

* * * * *

3. Amend § 74.529 paragraph (a) (16 F. R. 5326, 5327, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 74.529) to read as follows:

§ 74.529 *Cars for class B explosives.* (a) Explosives, class B, must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

* * * * *

4. Amend § 74.532 paragraph (b) (16 F. R. 5327, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 74.532) to read as follows:

§ 74.532 *Loading other dangerous articles into cars.* * * *

(b) Flammable liquids (red label) and flammable compressed gases (red gas label) must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

* * * * *

SUBPART D—UNLOADING FROM CARS

Add paragraph (c) to § 74.562 (15 F. R. 8353, Dec. 2, 1950) (49 CFR 74.562, 1950 Rev.) to read as follows:

§ 74.562 *Removal of placards and car certificate after unloading.* * * *

(c) Tank cars filled with water after unloading phosphorus must have the "Dangerous" placards replaced by the caution placard for residual phosphorus as prescribed in § 74.555.

SUBPART E—HANDLING OF CARRIERS BY RAIL FREIGHT

1. Amend § 74.582 paragraph (a) (15 F. R. 8354, Dec. 2, 1950) (49 CFR 74.582, 1950 Rev.) to read as follows:

§ 74.582 *Movement to be expedited.* (a) Carriers must forward shipments of explosives and other dangerous articles promptly and within 48 hours, Sundays and holidays excluded, after acceptance at originating point or receipt at any yard, transfer station or interchange point, except that where bi-weekly or weekly service only is performed, shipments of explosives and other dangerous articles must be forwarded on the first available train.

* * * * *

2. Amend § 74.584 paragraph (a) Table and (f) (17 F. R. 1563, Feb. 20, 1952) (15 F. R. 8354, 8355, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp., 74,584) to read as follows:

§ 74.584 *Waybills, switching orders, or other billing.* (a) * * *

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be ⅜" high and appear on the billing near the space provided for the car number
For high explosives, initiating explosives and low explosives, class A.	None	"Explosives Placard."	"Explosives."
For explosive chemical ammunition containing class A poison gas.	Poison gas label	"Explosives and Poison Gas Placard."	"Explosives" and "Poison Gas."
For explosives, class B	None	"Dangerous Placard."	"Dangerous."
For explosives, class C	do	None	None.
For flammable liquids	Red label	"Dangerous Placard."	"Dangerous."
For flammable solids	Yellow label	do	Do.
For oxidizing materials	do	do	Do.
For corrosive liquids	White label	do	Do.
For compressed nonflammable gases in containers other than tank cars.	Green label	None	None.
For compressed nonflammable gases in tank cars	None	"Dangerous Placard."	"Dangerous."
For compressed flammable gases	Red gas label	do	Do.
For poisonous gases or liquids, class A	Poison gas label	"Poison Gas Placard."	"Poison Gas."
For poisonous liquids or solids, class B	Poison label	"Dangerous Placard."	"Dangerous."
For tank cars, filled with water and last containing phosphorus.	None	"Caution—this car contains residual phosphorus and must be kept filled with water."	"Caution—Residual Phosphorus."
For tear gases, class C	Tear gas label	None	None.
For radioactive materials, class D, poison	Radioactive materials label.	"Dangerous class D Poison Placard."	"Dangerous class D Poison."

* * * * *

(f) The car ticket, card waybill, running slip, envelope containing waybills, or any other billing for any loaded car which under the regulations in this part should bear "Explosive," "Dangerous," "Dangerous—Class D poison," or "Poison Gas" placards must have plainly stamped, or plainly written on the face of such billing; near the car number, in letters not less than three-eighths of an inch high, the words "Explosive," "Dangerous," "Dangerous—Class D poison," or "Poison Gas"; and for container cars must also show which of the containers loaded thereon contain dangerous articles.

* * * * *

3. Amend § 74.589 paragraphs (b), (h) (3), (h) (9), (j) (3) and (j) (9) (15 F. R. 8356, Dec. 2, 1950) (49 CFR 74.589, 1950 Rev.) to read as follows:

§ 74.589 *Handling cars.*

(b) *Placards on cars.* A car requiring car certificates and "Explosives," "Dangerous," "Dangerous—Class D Poison," "Poison Gas," or "Caution-Residual Phosphorus" placards under the provisions of this part shall not be transported unless such freight car is at all times placarded and certificated as required by this part. Placards and car certificates lost in transit shall be replaced at next inspection point and those not required shall be removed.

* * * * *

(h) * * *

(3) Any car placarded "Dangerous" or "Dangerous—Class D poison".

* * * * *

(9) Car equipped with automatic refrigeration or any other apparatus utilizing an open-flame light or an internal combustion engine in its operation.

* * * * *

(j) * * *

(3) Any car placarded "Explosives" or "Dangerous—Class D Poison."

* * * * *

(9) Car equipped with automatic refrigeration or any other apparatus utilizing an open-flame light or an internal combustion engine in its operation.

* * * * *

PART 75—REGULATIONS APPLYING TO CARRIERS BY RAIL EXPRESS

SUBPART A—TRANSPORTATION OF EXPLOSIVES BY THE RAILWAY EXPRESS AGENCY INCORPORATED, IN PASSENGER OR EXPRESS TRAIN SERVICE

Amend § 75.655 paragraph (d) (15 F. R. 8359, Dec. 2, 1950) (49 CFR 75.655, 1950 Rev.) to read as follows:

§ 75.655 *Protection of packages.* * * *

(d) Shipments of explosives or other dangerous articles, except poisons and nonflammable compressed gases, when transported in passenger carrying trains, should be loaded in the car occupied by an express employee or in connecting cars to which an express employee has access through end doors, and in a place that will permit their ready removal in case of fire. They must not be loaded in cars or stored in stations near steam pipes or other sources of heat. Explosives, flammable liquids (red label), and flammable compressed gases (red gas label) must not be loaded, transported, or stored in cars or stations equipped with lighted heaters or where open-flame lights or stoves are used. No placards are required on such cars when occupied by an express employee. Shipments bearing poison label, when practicable, should be loaded in sealed cars; when loaded in cars occupied by messenger, care should be taken to prevent any contents sifting or leaking from containers.

* * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. Add paragraph (a) Note 1 to § 78.50–12 (15 F. R. 8403, Dec. 2, 1950) (49 CFR 78.50–12, 1950 Rev.) to read as follows:

§ 78.50–12 *Opening in cylinders.* (a) * * *

NOTE 1: A brass fitting may be brazed to the steel boss or flange on cylinders used as component parts of hand fire extinguishers

* * * * *

2. Amend § 78.59–3 paragraph (b) (4) (15 F. R. 8420, Dec. 2, 1950) (49 CFR 78.59–3, 1950 Rev.) to read as follows:

§ 78.59–3 *Inspection by whom and where.* * * *

(b) * * *

(4) Prepare report on manufacture of steel shells in form prescribed in § 78.59–20 (a). Furnish one copy to manufacturer and three copies to the company that is to complete the cylinders.

* * * * *

3. Amend § 78.60–3 paragraph (b) (3) (15 F. R. 8422, Dec. 2, 1950) (49 CFR 78.60–3, 1950 Rev.) to read as follows:

§ 78.60–3 *Inspection by whom and where.* * * *

(b) * * *

(3) Report percentage of each specified alloying element in the steel. Prepare report on manufacture of steel shells in form prescribed in § 78.60–24 (a). Furnish one copy to manufacturer and three copies to the company that is to complete the cylinders.

* * * * *

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS, AND BOXES

1. Amend § 78.83–11 introductory text of paragraph (a) (16 F. R. 9381, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.83–11) to read as follows:

§ 78.83–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by welding not less than 20 percent of the perimeter as follows:

* * * * *

2. Amend § 78.85–10 paragraph (a) (3) (15 F. R. 8437, Dec. 2, 1950) (49 CFR 78.85–10, 1950 Rev.) to read as follows:

§ 78.85–10 *Marking.* (a) * * *

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–11–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–11–50 for body 14 gauge and head 12 gauge).

3. Amend § 78.87–5 paragraph (b) (15 F. R. 8438, Dec. 2, 1950) (49 CFR 78.87–5, 1950 Rev.) to read as follows:

§ 78.87–5 *Seams.* * * *

(b) Head and chime seams welded or double-seamed.

* * * * *

4. Amend § 78.115–2 paragraph (a) (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.115–2, 1950 Rev.) to read as follows:

§ 78.115–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.115–10 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon.

5. Amend § 78.116–2 paragraph (a) (15 F. R. 8448, Dec. 2, 1950) (49 CFR 78.116–2, 1950 Rev.) to read as follows:

§ 78.116–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.116–10 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon.

6. Amend § 78.117–2 paragraph (a) (15 F. R. 8449, Dec. 2, 1950) (49 CFR 78.117–2, 1950 Rev.) to read as follows:

§ 78.117–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.117–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon.

7. Amend § 78.118–2 paragraph (a) (15 F. R. 8450, Dec. 2, 1950) (49 CFR 78.118–2, 1950 Rev.) to read as follows:

§ 78.118–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.118–10 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon.

8. Amend § 78.125–5 paragraph (a) Table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.125–5) to read as follows:

§ 78.125–5 *Parts and dimensions.* (a) * * *

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gauge, United States standard)	
				Body sheet	Head sheet
55	80	Straight side	No	24	24
	160	do	No	22	22
	300	do	No	20	20
	425	do	No	19	19
	480	do	Yes	19	19
	880	do	Yes	18	18

9. Amend § 78.126–5 paragraph (a) Table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.126–5) to read as follows:

§ 78.126–5 *Parts and dimensions.* (a) * * *

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gauge, United States standard	
				Body sheet	Head sheet
55	80	Straight side	No	26	26
	160	do	No	25	25
	220	do	No	24	24
	425	do	No	22	22
	480	do	Yes	22	22
	880	do	Yes	20	20

10. Amend § 78.127–5 paragraph (a) Table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.127–5) to read as follows:

§ 78.127–5 *Parts and dimensions.* (a) * * *

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gauge, United States standard)	
				Body sheet	Head sheet
55	80	Straight side	No	26	26
55	160	do	No	26	26
55[1]	275	do	No	24	24
55	425	do	No	24	24
55	480	do	Yes	24	24
55	880	do	Yes	22	22

(Footnote remains the same.)

11. Amend § 78.128–5 paragraph (a) Table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.128–5) to read as follows:

§ 78.128–5 *Parts and dimensions.* (a) * * *

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gauge, United States standard)	
				Body sheet	Head sheet
55	80	Straight side	No	28	28
	160	do	No	28	28
	325	do	No	26	26
	425	do	No	24	24
	480	do	Yes	26	26
	880	do	Yes	24	24

12. Amend § 78.129–5 paragraph (a) Table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.129–5) to read as follows:

§ 78.129–5 *Parts and dimensions.* (a) * * *

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Minimum thickness in the black (gauge, United States standard)	
			Body sheet	Head sheet
10	45	Straight side	28	28
35	145	do	26	26
30	245	do	24	24
55	245	do	22	22

* * * * * *

13. Amend § 78.130–5 paragraph (a) Table (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.130–5, 1950 Rev.) to read as follows:

§ 78.130–5 *Parts and dimensions.* (a) * * *

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gauge, United States standard)	
				Body sheet	Head sheet
55	275	Straight side	Yes	22	22

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

1. Amend § 78.169–4 paragraph (a) (15 F. R. 8462, Dec. 2, 1950) (49 CFR 78.169–4, 1950 Rev.) to read as follows:

§ 78.169–4 *Sides, top, and bottom.* (a) Joints tongued and grooved, or one-piece equivalent.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Amend § 78.259 paragraph (b) (7) (15 F. R. 8485, Dec. 2, 1950) (49 CFR 78.259, 1950 Rev.) to read as follows:

§ 78.259 *Specification changes.* * * *

(b) * * *

(7) The office of the Secretary may process and approve applications, without submittal to the members of the Committee, provided (i) such applications are identical with previously approved applications, or (ii) such applications do not cover new or improved types and are certified by the applicant as being in full compliance with the applicable regulations and specifications, and as being composed of appliances and designs each previously approved and not inconsistent in such combination.

* * * * * *

2. Amend § 78.271 paragraph ICC–9 (15 F. R. 8496, Dec. 2, 1950) (49 CFR 78.271, 1950 Rev.) to read as follows:

§ 78.271 *Specification for tank cars having lagged forged lapwelded steel tanks class ICC–105A300.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Thermometer well must be closed with a screw plug.

* * * * * *

3. Amend § 78.272 paragraph ICC–9 (15 F. R. 8497, Dec. 2, 1950) (49 CFR 78.272, 1950 Rev.) to read as follows:

§ 78.272 *Specification for tank cars having lagged forged lapwelded steel tanks class ICC–105A400.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 400 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Thermometer well must be closed with a screw plug.

* * * * * *

4. Amend § 78.273 paragraph ICC–9 (15 F. R. 8497, Dec. 2, 1950) (49 CFR 78.273, 1950 Rev.) to read as follows:

§ 78.273 *Specification for tank cars having lagged forged lapwelded steel tanks class ICC–105A500.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 500 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Thermometer well must be closed with a screw plug.

* * * * *

5. Amend § 78.274 paragraph ICC–9 (15 F. R. 8498, Dec. 2, 1950) (49 CFR 78.274, 1950 Rev.) to read as follows:

§ 78.274 *Specification for tank cars having lagged forged lapwelded steel tanks Class ICC–105A600.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 600 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Thermometer well must be closed with a screw plug.

* * * * *

6. Amend § 78.286 paragraph ICC–11 (c) (15 F. R. 8516, Dec. 2, 1950) (49 CFR 78.286, 1950 Rev.) to read as follows:

§ 78.286 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A300–W.* * * *

ICC–11. * * *

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

* * * * *

7. Amend § 78.287 paragraph ICC–11 (c) (15 F. R. 8517, Dec. 2, 1950) (49 CFR 78.287, 1950 Rev.) to read as follows:

§ 78.287 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A400–W.* * * *

ICC–11. * * *

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 400 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

* * * * *

7. Amend § 78.288 paragraph ICC–11 (c) (15 F. R. 8518, Dec. 2, 1950) (49 CFR 78.288, 1950 Rev.) to read as follows:

§ 78.288 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A500–W.* * * *

ICC–11. * * *

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 500 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

* * * * *

8. Amend § 78.289 paragraph ICC–11 (c) (15 F. R. 8519, Dec. 2, 1950) (49 CFR 78.289, 1950 Rev.) to read as follows:

§ 78.289 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A600–W.* * * *

ICC–11. * * *

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 600 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

* * * * *

APPENDIX

	Section and Reason for Amendment
72.5, Commodity List	To provide for reclassification of 12 commodities; for addition of 7 new commodities; and for cancellation of 7 commodities which have flash points over 80° F. and are not subject to the regulations.
73.34 (k) and Table	To provide minimum retest pressure for ICC–4D cylinders.
73.73 (b)	To provide for the shipment of lead azide with growth controlling additives other than dextrine.
73.91 (e) (1)	To permit use of fiber mailing tubes (telescoping type) for the transportation of photographic flash powder.
73.100 (a)	Clarification.
73.100 (r) (7)	To properly list smoke candles, smoke signals and smoke pots as Common Fireworks, class C explosives.
73.100 (s)	To provide for the transportation of various types of igniter cord which are class C explosives.
73.118 (c) (21)	To exclude vinyl trichlorosilane from exemptions for flammable liquids.
73.120 (b)	To require certain types of engines or motors (internal combustion) when offered for transportation to have their fuel tanks drained.
73.135 (a)	To provide packing requirements for vinyl trichlorosilane.
73.153 (c) (61)	To exclude calcium, metallic, crystalline from exemptions for flammable solids.
73.158 (a) (3)	To provide an additional package for lauroyl peroxide, dry.
73.208 (a) (1)	To provide an additional inside container for the packing of titanium metal powder, wet.
73.231	To provide packing requirements for calcium, metallic, crystalline, a new material.
73.232	To provide additional safeguards when empty tank cars which previously contained phosphorus are offered for transportation.
73.257 (a) (7)	To provide additional shipping containers for electrolyte (acid) or corrosive battery fluid.
73.260 (c)	To provide an additional package for shipping electric storage batteries.
73.267 (a) (2)	To provide an additional shipping container for mixed acid (nitric and sulfuric acid) (nitrating acid).
73.267 (a) (9)	To limit use of Spec. 5A drums constructed of carbon steel for the transportation of mixed acid containing 80% or more nitric acid.
73.268 (b) (1)	To delete reference to 103AL-W tank car and to provide for the use of 103A-AL-W tank car for the transportation of nitric acid.
73.306 (b)	To correct an omission.
73.326 (b)	To delete reference to a section which has been cancelled.
73.334 (a)	Clarification.
73.345 (b) (10), (b) (11), (b) (12), (b) (13).	To exclude hexaethyl tetraphosphate, methyl parathion, tetraethyl dithio pyrophosphate and tetraethyl pyrophosphate, liquid, from exemptions for poisonous liquid, class B.
73.358	To provide for the use of additional containers for the transportation of hevaethyl tetraphosphate, methyl parathion, tetraethyl dithio pyrophosphate and tetraethyl pyrophosphat liquid.
73.359	To provide for the use of additional containers for the transportation of hexaethyl tetraphosphate mixtures, methyl parathion mixtures, tetraethyl dithio pyrophosphate mixtures and tetraethyl pyrophosphate, mixtures, liquid.
73.377 (a)	To provide for the transportation of hexaethyl tetraphosphate mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.
73.377 (e)	To provide exemptions for certain mixtures of insecticides, dry.
73.378 (a) (5)	To provide additional packing for beryllium metal powder.
74.525 (b) (12)	To delete reference to smokeless powders, class A, which have been reclassified as propellant explosives, class A.

APPENDIX—Continued

Section and Reason for Amendment	
74.526 (1)	To prohibit loading explosives, class A, near any source of ignition (refrigeration equipment, gas-driven electric generators, etc.).
74.529 (a)	To prohibit loading explosives, class B, near any source of ignition (refrigeration equipment, gas-driven electric generators, etc.).
74.532 (b)	To prohibit loading flammable liquids and flammable compressed gasses near any source of ignition (refrigeration equipment, gas-driven electric generators, etc.).
74.562 (c)	To provide for the placarding of tank cars filled with water and containing residual phosphorus.
74.582 (a)	To clarify carrier requirements with respect to forwarding shipments of explosives and other dangerous articles.
74.584 (a) Table	To provide adequate warning on billing for shipment of tank cars filled with water and last containing phosphorus.
74.584 (f)	To provide for placard endorsements on billing for cars containing radioactive materials.
74.589 (b)	To require carriers to replace "Caution-residual phosphorus" placards lost in transit and to remove same from cars if not required.
74.589 (h) (3)	To require that cars placarded "Explosives" be separated from cars containing radioactive materials.
74.589 (h) (9)	To require that cars placarded "Explosives" be separated from cars equipped with internal combustion engines which are in operation.
74.589 (j) (3)	To require that loaded tank cars placarded "Dangerous" be separated from cars containing radioactive materials.
74.589 (j) (9)	To require that cars placarded "Dangerous" be separated from cars equipped with internal combustion engines which are in operation.
75.655 (d)	Prohibits railway express shipments of explosives, flammable liquids, and flammable compressed gases to be loaded, transported, or stored in cars or stations equipped with lighted heaters or where open-flame lights or stoves are used.
78.50–12 (a) Note 1	To permit a brass fitting to be brazed to the steel boss or flange on ICC–4B cylinders which are designed as hand fire extinguishers.
78.59–3 (b) (4)	To provide for more practical handling of reports on manufacture of cylinders.
78.60–3 (b) (3)	To provide for more practical handling of reports on manufacture of cylinders.
78.83–11 (a)	Clarification.
78.85–10 (a) (3)	To provide for example of marking requirements for Spec. 5F drums.
78.87–5 (b)	To correct an omission.
78.115–2 (a)	To delete capacity for bilge-type drums, which type is not authorized in this specification.
78.116–2 (a)	To delete capacity for bilge-type drums, which type is not authorized in this specification.
78.117–2 (a)	To delete capacity for bilge-type drums, which type is not authorized in this specification.
78.118–2 (a)	To delete capacity for bilge-type drums, which type is not authorized in this specification.
78.125–5 (a) Table	To limit authorized gross weights for Spec. 37D drums.
78.126–5 (a) Table	To limit authorized gross weights for Spec. 37E drums.
78.127–5 (a) Table	To limit authorized gross weights for Spec. 37F drums.
78.128–5 (a) Table	To limit authorized gross weights for Spec. 37G drums.
78.129–5 (a) Table	To limit authorized gross weights for Spec. 37H drums.
78.130–5 (a) Table	To limit authorized gross weights for Spec. 37K drums.
78.169–4 (a)	To correct an error.
78.259 (b) (7)	To simplify procedure of handling of tank car applications for approval of designs, etc. incident to the construction of, alterations to, and conversion of tank cars.
78.271, ICC–9	To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight.
78.272, ICC–9	To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight.
78.273, ICC–9	To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight.
78.274, ICC–9	To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight.
78.286, ICC–11 (c)	To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight.
78.287, ICC–11 (c)	To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight.
78.288, ICC–11 (c)	To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight.
78.289, ICC–11 (c)	To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight.

[F. R. Doc. 52–3342; Filed, Mar. 26, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

CHIEF OF ENGINEERS

DELEGATION OF AUTHORITY WITH RESPECT TO REIMBURSEMENT

Authority is delegated to the Chief of Engineers, Department of the Army, and such of his officers or employees in the Office, Chief of Engineers, as he may designate and are approved by the Secretary of the Army to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Army with respect to reimbursement under the provisions of section 501 (b), Public Law 155, 82d Congress.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–3494; Filed, Mar. 26, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 17243, Amdt.]

ANNA A. A. BRANDT

In re: Estate of Anna A. A. Brandt, deceased. File 017–26733.

Vesting Order 17243, dated January 26, 1951, as amended, is hereby further amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Karl Lubert, Auguste Hartwig, Adele Kurze, Emil Lubert, Ida Blumenauer, Gustav Hoppner, Luise Brassler, Frederike Hensler, Wilhelmine Hoppner, Johanna Luise Heidemann, Herman Bruning, Anna Schnier, Johanna Fredericke Usling, Auguste Haubrock, August Bruning, Karl Friederick Beiderwieden, and Emma Heidemann, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Karl Beiderwieden, and the heirs at law, next of kin and distributees of Anna A. A. Brandt, deceased, except Carl Berger, a resident of the United States, who there is reasonable cause to believe on or since December 11, 1941,

and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Carl Berger, a resident of the United States, and each of them, in and to the estate of Anna A. A. Brandt, deceased, is property which is and prior to January 1, 1947, was payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Frederick Behr, as surviving administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

5. That the property described as follows:

a. All those certain lots, pieces or parcels of land, with the buildings and improvements thereon, situate, lying and being in the Borough and County of The Bronx, City and State of New York, being known and designated as Lots Numbers 445 and 446 on a certain map entitled, Map of 471 lots of the Claflin Estates, property of Mrs. Arthur Claflin and Grange Realty Co., located on West Kingsbridge Road, Sedgwick Avenue, Reservoir Avenue, Webb Avenue, Claflin Avenue and University Avenue, Eames Place, West 195th Street, Strong Street and West 197th Street, Borough of The Bronx, City of New York, dated August 22, 1919, Geo. C. Hollerith, filed in Bronx County Register's Office, September 16, 1919, as Map Number 357, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, said premises being now known as and by the street number 2735 University Avenue, excepting from the foregoing only the undivided interest in said property of Carl Berger, and

b. All that certain piece or parcel of land, with the buildings and improvements thereon erected, being the premises numbered 887 East 178th Street, in the Borough of Bronx, City and State of New York, situated at the Northwest corner of East 178th Street and Honeywell Avenue, bounded and described as follows, viz., beginning at the Northwesterly corner of Honeywell Avenue and East 178th Street, running thence Westerly along the Northerly side of East 178th Street, 70.24' thence Northerly parallel with Honeywell Avenue, 36.44' to the Northerly line of Lot No. 251 on a Map entitled "Map of the Village of East Tremont, in the Town of West Farms, Westchester County", made by William G. Livingston, C. E. and S., West Farms, dated September 1, 1886 and filed in the Office of the Register of Westchester County; and thence Easterly along said Northerly line of Lot No. 251, 70.24' to the Westerly side of Honeywell Avenue, and thence Southerly along the same, 36.52' to the point or place of beginning, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, excepting from the foregoing only the undivided interest in said property of Carl Berger,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, except Carl Berger, a resident of the United States, be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 5 hereof, subject to recorded liens and encumbrances held by or for persons who are not nationals of designated enemy countries,

All such property to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3500; Filed, Mar. 26, 1952; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 61649]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM UMATILLA PROJECT

MARCH 21, 1952.

An order of the Bureau of Reclamation dated April 23, 1951, concurred in by the Associate Director, Bureau of Land Management, June 11, 1951, revoked the Departmental orders of February 25, 1903, April 3, 1903, March 17, 1904, August 16, 1905, August 16, 1906, August 25, 1909, January 28, 1910, and December 15, 1916, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Umatilla Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

WILLAMETTE MERIDIAN

T. 4 N., R. 24 E.,
Sec. 8, lots 3 and 4;
Sec. 12, SW¼SW¼;
Sec. 24, S½S½.
T. 4 N., R. 25 E.,
Sec. 2;
Sec. 4, lots 1 and 2;
Sec. 8, lot 5, NE¼SE¼;
Sec. 10, N½NE¼, NW¼, S½;
Sec. 12, E½SW¼, NW¼SW¼, N½;
Sec. 20, S½SW¼, SE¼;
Sec. 22, NE¼NE¼, S½N½;
Sec. 24, NE¼, E½NW¼, SW¼NW¼.
T. 5 N., R. 25 E.,
Sec. 24, lot 1.
T. 4 N., R. 26 E.,
Sec. 2, lots 13, 14, NE¼SE¼, S½SE¼;
Sec. 4, lots 3, 4, S½NW¼, SW¼, N½SE¼;
Sec. 6;
Sec. 8, NW¼NE¼, N½NW¼, S½SW¼, SE¼;
Sec. 10, N½.
T. 5 N., R. 26 E.,
Sec. 18, lots 1, 2, 3;
Sec. 20;
Sec. 22, W½SW¼;
Sec. 26, SW¼, W½SE¼, SE¼SE¼, S½ NE¼SE¼;
Secs. 28, 30, 32, 34.
T. 4 N., R. 27 E.,
Sec. 6, lots 3, 4, 5, SE¼NW¼;
Sec. 24, NW¼NE¼, S½NE¼, SE¼.
T. 5 N,, R. 27 E.,
Sec. 14, lots 3 and 4;
Sec. 17, lot 1;
Sec. 19, lot 1;
Sec. 20, N½N½, SE¼NW¼, NW¼SW¼;
Sec. 22, S½;
Sec. 24, NE¼, NE¼NW¼, S½NW¼;
Sec. 28, NW¼;
Sec. 30, S½ lot 1 of SW¼, S½ lot 2 of SW¼, N½NE¼, SW¼SE¼;
Sec. 32, NW¼.
T. 4 N., R. 28 E.,
Sec. 2, lot 3, S½SE¼NE¼;
Sec. 22, S½NE¼, SE¼NW¼, SW¼;
Sec. 23, W½NW¼;
Sec. 27, E½NW¼;
Sec. 28, NE¼, N½NW¼.
T. 5 N., R. 28 E.,
Sec. 10, S½SE¼;
Sec. 12;
Sec. 14, NE¼SW¼, SE¼, N½;
Sec. 20, SW¼NE¼, W½SE¼;
Sec. 22, S½SW¼;
Sec. 24, E½NE¼, NW¼NE¼, N½NW¼;
Sec. 28, E½E½;
Sec. 32, W½NE¼.
T. 5 N., R. 29 E.,
Sec. 8, lots 1 and 2;
Sec. 10, lot 1;
Sec. 14, S½;
Sec. 18;
Sec. 20, N½;
Sec. 22, N½NW¼, N½SE¼;
Sec. 24;
Sec. 26, NW¼, NE¼SW¼, E½;
Sec. 27, NE¼NE¼.

The above areas aggregate 15,151.87 acres.

The lands are chiefly valuable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application.

This order shall not otherwise become effective to change the status of such

lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Portland, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Portland, Oregon.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52-3465; Filed, Mar. 26, 1952; 8:45 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 475

MARCH 19, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

ANCHORAGE LAND DISTRICT

SEWARD MERIDIAN

T. 9 S., R. 14 W.,
Sec. 6: Lot 2, NW¼SE¼.

A tract of land located on the west shore of Cook Inlet, Alaska, in approximate latitude 60°16'09" N., longitude 152°30'00" W., more particularly described as follows: "Commencing at corner No. 1, identical with corner No. 2, U. S. Survey No. 2369, thence south 57° 42' W. 2,640 feet, more or less, to corner No. 2, thence south 32° 18' E. to point of intersection with the line of mean high water, thence in a northeasterly direction along the line of mean high water to a point south 32° 18' E., a distance of 1,620 feet, more or less, from point of beginning; thence to point of beginning."

The above described lands aggregate approximately 153.29 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on April 8, 1952, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-one-day period for preference-right filings.* For a period of 90 days from April 8, 1952, to July 7, 1952, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 19, 1952, to April 7, 1952, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 8, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on July 8, 1952, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from June 18, 1952, to July 7, 1952, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 8, 1952, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, as amended, shall be governed by the regu-

lations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Anchorage, Alaska.

HAROLD T. JORGENSON,
Chief, Division of Land Planning.

[F. R. Doc. 52-3466; Filed, Mar. 26, 1952; 8:45 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 476

MARCH 19, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

FAIRBANKS LAND DISTRICT

FAIRBANKS MERIDIAN

T. 9 S., R. 10 E.,
Sec. 8: Lots 4, 5, and 6.

Containing approximately 97.05 acres.

A tract of land located on Hot Springs Slough, Alaska, identified as U. S. Survey No. 2842, containing approximately 5 acres.

A tract of land located on Lake Minchumina, Alaska, in approximate latitude 63°52'45" N., longitude 152°20' W., to be identified as U. S. Survey No. 3069, containing approximately 5 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on April 8, 1952, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-one-day period for preference-right filings.* For a period of 90 days from April 8, 1952, to July 7, 1952, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 19, 1952, to April 7, 1952, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 8, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on July 8, 1952, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from June 18, 1952, to July 7, 1952, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 8, 1952, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, as amended, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Fairbanks, Alaska.

HAROLD T. JORGENSON,
Chief, Division of Land Planning.

[F. R. Doc. 52-3467; Filed, Mar. 26, 1952; 8:45 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 477

MARCH 19, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

A tract of land located on Clover Passage, Alaska, identified as U. S. Survey No. 2899, homesite application of Oral Edward Freeman, Anchorage 018022, containing approximately 2.72 acres.

A tract of land located on Auke Bay, Alaska, identified as Lot 3, U. S. Survey No. 2909, homesite application of Alvin V. Lynch, Anchorage 018033, containing approximately 0.47 acres.

A tract of land located on Tongass Narrows, Alaska, identified as Lot 25, U. S. Survey No. 2604, homesite application of Folke A. Victorson, Anchorage 018082, containing approximately 3.48 acres.

A tract of land located on Clover Passage, Alaska, identified as Lot 2, U. S. Survey No. 2805, homesite application of Arthur Cecil Smith, Anchorage 018084, containing approximately 5 acres.

A tract of land located on Clover Passage, Alaska, identified as Lot 10, U. S. Survey No. 2806, homesite application of Julia Cabarrubias, Anchorage 018245, containing approximately 3.71 acres.

The above described areas aggregate approximately 15.38 acres.

HAROLD T. JORGENSON,
Chief, Division of Land Planning.

[F. R. Doc. 52-3468; Filed, Mar. 26, 1952; 8:45 a. m.]

ALASKA

SHORESPACE RESTORATION NO. 478

MARCH 19, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

BIG DELTA AREA

FAIRBANKS MERIDIAN

T. 10 S., R. 10 E.
Sec. 3: Lot 6,
Sec. 10: Lot 2,
Sec. 11: Lots 4, 11, 12, 13, 15, 16, and W½ SE¼NW¼SW¼.

Containing approximately 139.44 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such

type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on April 8, 1952, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-one-day period for preference-right filings.* For a period of 90 days from April 8, 1952, to July 7, 1952, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 19, 1952, to April 7, 1952, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April, 8, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on July 8, 1952, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from June 18, 1952, to July 7, 1952, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 8, 1952, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, as amended, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Fairbanks, Alaska.

HAROLD T. JORGENSON,
Chief, Division of Land Planning.

[F. R. Doc. 52-3469; Filed, Mar. 26, 1952; 8:46 a. m.]

ALASKA

SHORESPACE RESTORATION NO. 479

MARCH 19, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 47 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), it is hereby determined that the lands described below are not necessary for harborage uses and purposes and that no shorespace reserve in such lands shall now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) by the initiation of claims under the public land laws:

All lands embraced in the following described subdivisions abutting or lying within 80 rods of the right limit of the Delta River, Alaska:

FAIRBANKS MERIDIAN

T. 10 S., R. 10 E.,
Sec. 3: Lots 3 and 4.

HAROLD T. JORGENSON,
Chief, Division of Land Planning.

[F. R. Doc. 52-3470; Filed, Mar. 26, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS: REVISED AREA DESIGNATIONS

MISSISSIPPI

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Mississippi, in alphabetical order, add the county "Sunflower."

In Schedule B, under Mississippi, delete the county "Sunflower."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 24th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3524; Filed, Mar. 25, 1952; 1:18 p. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 9—DPAV-3 (a)]

ADDITION TO AND CORRECTION OF MEMBERSHIP IN OMAHA INDUSTRIES, INC.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the following list of additional member companies is herewith published as additional members of Omaha Industries, Inc., a small business enterprise defense production pool. The original list of participating companies was published on May 12, 1951, at 16 F. R. 4475:

Aero Manufacturing Co., 2100 Holdrege Street, Lincoln, Nebr.

Cornhusker Manufacturing Co., 413 Central Avenue, Nebraska City, Nebr.

Frederickson Building Corp., Twenty-third Street at Twenty-eighth, Columbus, Nebr.

Fuchs Machinery & Supply Co., Fifteenth and Jackson Streets, Omaha, Nebr.

Glantz Manufacturing Co., 626 North Minden Avenue, Minden, Nebr.

Keystone Home Improvement Co., 910 South Saddle Creek, Omaha, Nebr.

Kosch Manufacturing Co., Columbus, Nebr.

Misner Corp., 2333 South Twenty-fourth Street, Omaha, Nebr.

Nebraska City Iron Works, Nebraska City, Nebr.

Omaha Fabricating Co., 220 South Seventy-ninth Street, Omaha, Nebr.

Precision Screw & Tool Co., 5522 South Thirty-sixth Street, Omaha, Nebr.

Rosen Novak Auto Co., 2036 Farnam Street, Omaha, Nebr.

Sidles Co., 508 South Nineteenth Street, Omaha, Nebr.

Thomas Specialty Co., 1200 West South Street, Hastings, Nebr.

Timberlock Corp., 1801 West B Street, Hastings, Nebr.

United Industries, Inc., 1305 Farnam Street, Omaha, Nebr.

Mr. W. Dean Vogel, 1612 Farnam Street, Omaha, Nebr.

Westfall Welsh Manufacturing, 5501 South Thirty-sixth Street, Omaha, Nebr.

The following list of companies was erroneously reported by Omaha Industries, Inc. as members of that defense production pool the names of which appeared in the original publication on May 12, 1951, at 16 F. R. 4475:

Beau Brummell Co., 123 South Nineteenth Street, Omaha, Nebr.

Cook Paint & Varnish Co., 1433 Davenport, Omaha, Nebr.

Crown Products Co., Ralston, Nebr.

Interstate Printing Co., 1307 Howard Street, Omaha, Nebr.

Inland Manufacturing Co., 1108 Jackson Street, Omaha, Nebr.

Kavan Furnace & Sheet Metal Works, 1801 Vinton Street, Omaha, Nebr.

Koutsky-Brennan Vana Co., 2306 N Street, Omaha, Nebr.

J. H. Kaphfer Auto Parts Co., Dennison, Iowa.

Ko-Z-Aire, Red Oak, Iowa.

T. S. McShane Co., 1113 Howard Street, Omaha, Nebr.

Newman Store Planning Service, 4107 South Twenty-fourth Street, Omaha, Nebr.

Omaha Cap Manufacturing Co., 201 South Tenth Street, Omaha, Nebr.
Olson Bros., 2651 St. Mary's Omaha, Nebr.
Rodger Tent & Awning Co., Fremont, Nebr.
Stylecraft Manufacturing Co., 1123 Howard Street, Omaha, Nebr.
Standard Tent & Awning Co., 4525 Military, Omaha, Nebr.

(Sec. 703, 64 Stat. 818, Pub Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: March 25, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-3578; Filed, Mar. 26, 1952; 11:04 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10159, 10160]

VENANGO BROADCASTERS AND OLIVIA T. RENNEKAMP

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Harris G. Breth, William J. Thomas, and LeRoy W. Stauffer, d/b as Venango Broadcasters, Franklin, Pennsylvania, Docket No. 10159, File No. BP-8315; Olivia T. Rennekamp, Corry, Pennsylvania, Docket No. 10160, File No. BP-8346; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of March 1952;

The Commission having under consideration the above-entitled applications requesting construction permits for new standard broadcast stations to operate on 1370 kc, with 500 w power, daytime only, at Franklin and Corry, Pennsylvania, respectively.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be specified by subsequent order upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant and the applicant partnership and its partners to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, which would exist between the service areas of the proposed station at Corry, Pennsylvania, and of Station WKRZ, Oil City, Pennsylvania, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.25 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-3496; Filed, Mar. 26, 1952; 8:48 a. m.]

[Docket Nos. 10161, 10162]

JERRELL A. SHEPHERD AND KMMJ, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Jerrell A. Shepherd, Jefferson City, Missouri, Docket No. 10161, File No. BP-8151; KMMJ, Inc., Columbia, Missouri, Docket No. 10162, File No. BP-8392; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of March 1952;

The Commission having under consideration the above-entitled applications of Jerrell A. Shepherd for construction permit for a new standard broadcast station to operate on 950 kc, with 1 kw power, daytime only, at Jefferson City, Missouri, and KMMJ, Inc., for construction permit for a new standard broadcast station to operate on 950 kc, with 5 kw power, daytime only, at Columbia, Missouri.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant and the corporate applicant, its officers, directors and stockholders to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose, primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station at Columbia, Missouri, would involve objectionable interference with Station WTAD, Quincy, Illinois, and whether the operation of either of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Lee Broadcasting, Inc., licensee of Station WTAD, Quincy, Illinois, is made a party to this proceeding with respect to the application of KMMJ, Inc., only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-3497; Filed, Mar. 26, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1882]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 20, 1952.

On January 28, 1952, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, filed an application, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due

notice of the filing of the application, including publication in the FEDERAL REGISTER on February 12, 1952 (17 F. R. 1377–1378).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing to be held on April 14, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 21, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–3471; Filed, Mar. 26, 1952; 8:46 a. m.]

[Docket No. G–1907]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 20, 1952.

Take notice that on March 3, 1952, Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, filed, pursuant to section 7 of the Natural Gas Act, an application for a certificate of public convenience and necessity authorizing it to construct and operate certain natural gas facilities as hereinafter set forth.

(1) A new gas supply system to bring to Applicant's Gwinville compressor station in Mississippi gas from various fields in South Louisiana and Mississippi, including a new 3,300 hp. compressor station in Louisiana and 8,100 hp. addition to the Gwinville station, and related metering, distillate reduction and dehydration facilities.

(2) Additions to Applicant's existing transmission system consisting of 59 miles of looping of the existing Gwinville-Pickens line, 269 miles of triple loop line on Applicant's North line, 16 miles of loop line to complete the double looping of Applicant's North Line, 214 miles of loop line on Applicant's South Line, additional 4,400 hp. at the Reform compressor station and a new 4,050 hp. compressor station on the South Line.

(3) 30 miles of 12-inch and 14-inch loop lines on Applicant's Yates lateral line and Cedartown lateral line.

(4) Line taps and measuring stations to serve: (a) Certain communities in Applicant's present market area; (b) the Southeast Alabama Gas District for service to various communities in southern Alabama; (c) South Georgia Natural Gas Company, Inc., for service to various communities in southwest Georgia.

(5) 130 miles of 16-inch line from Bass Junction in Georgia to Aiken, South Carolina, in lieu of 14-inch line applied for at Docket No. G–1676, for delivery of gas to South Carolina Electric & Gas Company for service to various communities in South Carolina, including a new 2,400 hp. compressor station at Bass Junction.

(6) 120 miles of 14-inch line from a point on the line described in (5) above to Savannah, Georgia, for the delivery of gas to South Atlantic Gas Company and to certain direct industrial customers.

The delivery capacity of the system would be increased from 670,000 Mcf per day (including the facilities sought at Docket No. G–1676) to 1,020,000 Mcf per day. The facilities herein would be constructed over a three-year period. Applicant estimates the cost of the proposed facilities at $76,317,300, the financing to depend upon the requirements at the various periods of construction.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before 9th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–3476; Filed, Mar. 26, 1952; 8:47 a. m.]

[Docket No. G–1910]

ALLENTOWN-BETHLEHEM GAS CO. ET AL.

NOTICE OF APPLICATION

MARCH 20, 1952.

In the matters of Allentown-Bethlehem Gas Company, Consumers Gas Company, The Harrisburg Gas Company, Lancaster County Gas Company, The United Gas Improvement Company; Docket No. G–1910.

Take notice that the Allentown-Bethlehem Gas Company (Allentown-Bethlehem), Consumers Gas Company (Consumers), The Harrisburg Gas Company, (Harrisburg), and Lancaster County Gas Company (Lancaster), hereinafter sometimes collectively referred to as "Applicants", filed a joint application on March 6, 1952, pursuant to section 7 (b) of the Natural Gas Act for an order of the Commission authorizing the abandonment of certain facilities and services of the Applicants hereinafter described.

The United Gas Improvement Company (U. G. I), also a party to the joint application above referred to seeks a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to acquire and operate the facilities and render the services, the abandonment of which is sought by the Applicants.

The Applicants and the U. G. I. are corporations organized and existing under the laws of the Commonwealth of Pennsylvania and have their principal places of business in the communities below:

Allentown-Bethlehem Gas Company, 516 Hamilton Street, Allentown, Pa.

Consumers Gas Company, 441 Penn Street, Reading, Pa.

The Harrisburg Gas Company, 14 South Market Square, Harrisburg, Pa.

Lancaster County Gas Company, 70 North Duke Street, Lancaster, Pa.

The United Gas Improvement Company, 1401 Arch Street, Philadelphia, Pa.

The facilities and service which Applicants seek to abandon and which was previously authorized in various proceedings before the Commission, is as follows:

Allentown-Bethlehem (Docket No. G–1255). To construct and operate an 8-inch steel pipe approximately 2.3 miles in length, extending from its Didier catalytic cracking plant to the fourteen inch Coatesville-Port Jervis transmission line owned and operated by The Manufacturers Light and Heat Company (Manufacturers), and to sell gas for resale to the City Gas Company of Phillipsburg, New Jersey.

Consumers (Docket No. G–1256). To construct and operate an 8-inch steel lateral line 21 miles in length from Reading to Millway, Pennsylvania, at which point said line connects with three 8-inch lines of Manufacturers, and to sell gas for resale to Lebanon Valley Gas Company.

Harrisburg (Docket No. G–1254). To construct and operate an 8-inch steel pipe line 18 miles in length, extending from its catalytic cracking plant at Steelton, Pennsylvania, to the transmission lines of Manufacturers, and to sell gas for resale to Lebanon Valley Gas Company.

Lancaster (Docket No. G–1253). To construct and operate five noninterconnected lateral lines as follows:

(a) Approximately 3.45 miles of 6-inch pipe from its gas manufacturing plant in Lancaster City to the interstate gas transmission line of Texas Eastern Transmission Corporation, which company has delivered for the account of Manufacturers;

(b) Approximately 2.17 miles of 3-inch steel pipe from the central distribution plant of its Manheim division to the transmission line of Manufacturers;

(c) Approximately 3.22 miles of 4-inch steel pipe from the central distribution plant of its Columbia division to the interstate transmission line of Texas Eastern Transmission Corporation, which company has delivered for the account of Manufacturers;

(d) Approximately 0.133 mile of 3-inch steel pipe from the central distribution plant of its Mount Joy division to the transmission line of Manufacturers; and

(e) Approximately 0.53 mile of 4-inch steel pipe from the central dis-

tribution plant of its Lititz division to the interstate transmission line of Manufacturers.

The application recites that the U. G. I. will continue to operate the jurisdictional facilities described above in exactly the same manner as they are presently being operated.

The above named Applicants, namely Allentown-Bethlehem, Consumers, Harrisburg and Lancaster, all being subsidiaries of U. G. I. will be merged into U. G. I. under the latter company's plan of acquisition, pursuant to the provisions of the Pennsylvania Consolidation and Merger Act of 1909 as amended.

Applicants and U. G. I. request that their joint application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3475; Filed, Mar. 26, 1952; 8:47 a. m.]

[Project No. 1808]

CHESTER O. MILLER ET AL.

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

MARCH 21, 1952.

In the matter of Chester O. Miller, Faye S. Miller, Henry W. Miller, and Betty M. Miller; Project No. 1808.

Notice is hereby given that on January 25, 1952, the Federal Power Commission issued its order entered January 22, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3472; Filed, Mar. 26, 1952; 8:46 a. m.]

[Project No. 2050]

OTTO F. LINK ET AL.

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

MARCH 21, 1952.

In the matter of Otto F. Link, W. E. Seavy, and Henry J. Gelling; Project No. 2050.

Notice is hereby given that on February 8, 1952, the Federal Power Commission issued its order entered February 5, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3473; Filed, Mar. 26, 1952; 8:46 a. m.]

[Project No. 2099]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MARCH 20, 1952.

Public notice is hereby given that The California Oregon Power Company of Medford, Oregon, has made application for preliminary permit for a period of three years pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r) for a hydroelectric development (Project No. 2099) on Squaw Valley Creek and McCloud River in Shasta and Siskiyou Counties, California, affecting lands of the United States with Shasta National Forest. The tentative plans for the proposed hydroelectric development consist of two alternate plans for using available waters of the McCloud River between elevations 3,000 feet and 1,000 feet. Tentative Plan A would consist of two developments, McCloud No. 1 and McCloud No. 2. McCloud No. 1 would consist of a small diversion dam on McCloud River at about elevation 3,000 feet, a canal and tunnel to carry diverted waters to Squaw Valley Creek, a dam on Squaw Valley Creek about 300 feet high creating a reservoir with a maximum reservoir elevation about 2,900 feet, a tunnel about 6 miles long, a short penstock, and a powerhouse containing an installation of 150,000 horsepower. Static head would be about 1,136 feet. McCloud No. 2 would consist of a dam about 260 feet high on McCloud River about one mile downstream from the mouth of Squaw Creek, a reservoir with maximum elevation of 1,764 feet, a tunnel about 6 miles long, a short penstock, and a powerhouse containing an installation of 120,000 horsepower. Static head would be about 664 feet. Tentative Plan B would consist of four developments, McCloud Nos. 2, 3, 4 and 5, all located on McCloud River. McCloud No. 3 would consist of a diversion dam located at same site as McCloud No. 1, a canal about 12 miles long, a short penstock, and a powerhouse. Static head would be about 742 feet. McCloud No. 4 would consist of a dam about 370 feet high located on McCloud River about 3 miles upstream from the McCloud No. 3 powerhouse, a reservoir with a capacity of about 150,000 acre-feet, and a tunnel about 1½ miles long discharging into the powerhouse of McCloud No. 3 development. McCloud No. 5 would consist of a dam about 230 feet high located about two miles downstream from McCloud No. 3 powerhouse, a reservoir with a capacity of about 20,000 acre-feet, a tunnel about 2.6 miles long, and a powerhouse containing an installation of 85,000 horsepower. Static head would be about 466 feet. McCloud No. 2 would be the same as described under Plan A.

Any protest against the approval of this application or request for any action thereon, with reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before May 1, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3474; Filed, Mar. 26, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26906]

GRAIN FROM POINTS IN WYOMING, COLORADO, AND NEW MEXICO TO POINTS IN TEXAS

APPLICATION FOR RELIEF

MARCH 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for The Colorado and Southern Railway Company and other carriers.

Commodities involved: Grain, grain products, seeds, and related articles, carloads.

From: Points in Wyoming, Colorado, and New Mexico.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3941, Supp. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3461; Filed, Mar. 26, 1952; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 38; No. 389]

LAREDO, TEXAS, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

MARCH 26, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of

Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Laredo, Texas, Area. (The area consists of that portion of Webb County, Texas, lying within a 10-mile radius of the Administration Building of the Laredo Air Force Base, including the City of Laredo.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[F. R. Doc. 52-3572; Filed, Mar. 26, 1952; 10:28 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2802]

WEST PENN ELECTRIC CO. AND WEST PENN POWER CO.

ORDER PERMITTING SUBMISSION OF FIRST MORTGAGE BONDS TO COMPETITIVE BIDDING AND SALE OF COMMON STOCK BY A RIGHTS OFFERING

MARCH 21, 1952.

West Penn Electric Company ("Electric"), a registered holding company, and its subsidiary, West Penn Power Company ("Power"), a public utility company and also a registered holding company, having filed a joint application-declaration and amendments thereto pursuant to sections 6, 7, 9, 10 and 12 (d) of the act and Rules U-43, U-44, and U-50 thereunder with respect to the following proposed transactions:

Power proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of __ Percent First Mortgage Bonds, Series O, due 1982. The invitation for bids will provide that each bid shall specify the coupon rate for the bonds, which shall be a multiple of ⅛ percent, and the price to be paid the company, exclusive of accrued interest, which price shall be not less than 100 percent nor more than 102.75 percent of the principal amount of said bonds, plus accrued interest from April 1, 1952.

The bonds will be issued under an Indenture, dated March 1, 1916, between Power and the Equitable Trust Company of New York (now succeeded by The Chase National Bank of The City of New York), as Trustee, as supplemented from time to time, the last supplement being dated October 1, 1949, and to be further supplemented by a Supplemental Indenture to be dated April 1, 1952.

Power also proposes to issue and sell shares of its common stock to its stockholders, including its parent, Electric, which owns approximately 94.6 percent of the common stock of Power, in an amount to produce approximately $8,000,000. Power proposes to offer approximately 5.4 percent of these shares for subscription by the public holders of its outstanding common stock. The rights of the public common stockholders to subscribe will be evidenced by transferable subscription warrants. No fractional shares will be issued; however, the warrant holders may purchase, in the market, additional rights sufficient to make up full shares or sell their rights to acquire fractional shares. The filing states that the subscription price will be set at or below the market price for such stock shortly prior to the time the subscription warrants are to be issued. The total number of shares to be issued and the subscription price per share will be supplied by further amendment.

Electric proposes to purchase at the subscription price approximately 94.6 percent of the common stock to be issued by Power plus all shares of the common stock not subscribed for by the public stockholders. Electric will pledge approximately 94.6 percent of the common stock that is issued by Power as additional collateral security with Chemical Bank & Trust Company, Trustee, as required by the Trust Indenture dated September 1, 1949, securing the outstanding 3½ Percent Sinking Fund Collateral Trust Bonds of Electric.

The net proceeds from the sale of the bonds and the common stock are to be used to retire Power's outstanding bank loans in the amount of $4,500,000 and for construction purposes.

The filing states that the Pennsylvania Public Utility Commission has approved the proposed issuance and sale of bonds and common stock and that the Public Service Commission of Maryland has approved the acquisition of the common stock by Electric.

It is requested that the Commission's order herein become effective upon issuance.

Said joint application-declaration, with amendments thereto, having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further conditions that the proposed issuance and sale of bonds shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record herein, and that the proposed issuance and sale of the common stock shall not be consummated until the total number of shares to be issued and the subscription price per share shall have been made a matter of record herein, and until a further order shall have been entered with respect to such matters, which order may contain further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-3478; Filed, Mar. 26, 1952; 8:47 a. m.]

[File No. 70-2812]

UNITED GAS IMPROVEMENT CO. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO PROPOSED ADVANCES BY HOLDING COMPANY TO ITS SUBSIDIARIES

MARCH 21, 1952.

In the matter of the United Gas Improvement Company, Allentown-Bethlehem Gas Company, the Harrisburg Gas Company, Lancaster County Gas Company; File No. 70-2812.

The United Gas Improvement Company ("UGI"), a registered holding company, and its subsidiaries, Allentown-Bethlehem Gas Company, The Harrisburg Gas Company and Lancaster County Gas Company, having filed a joint declaration with the Commission under the Public Utility Holding Company Act of 1935, particularly section 12 thereof and Rules U-23, U-24 and U-25 thereunder, with respect to the following proposed transactions:

UGI proposes to advance to three of its subsidiaries, named below, on open book account, from time to time on or before December 31, 1952, amounts not exceeding the following:

Allentown-Bethlehem Gas Co	$1,200,000
The Harrisburg Gas Co	1,430,000
Lancaster County Gas Co	770,000
Total	3,400,000

The proposed advances will be made from time to time as funds are needed by the subsidiaries to meet their respective construction needs. The three subsidiaries have a construction budget for the year 1952 in amounts aggregating $4,402,786, of which $330,000 are proposed to be obtained by bank loans of the subsidiaries and the remaining $672,786 from other resources of the subsidiaries, including retained earnings.

It is proposed that the advances bear interest at the rate of 3¼ percent per annum. The declaration states that this rate is the same as that charged by UGI for similar advances previously made, and was determined after giving due consideration to all of the relevant factors

involved. It is proposed that interest will be paid only on such amounts as are actually advanced by UGI.

The declaration states that the advances are to be obtained and used pending consummation of the comprehensive plan of UGI filed under section 11 (e), presently pending before the Commission; under that plan, if consummated, UGI will be merged with its subsidiaries and intercompany indebtedness will be eliminated.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3479; Filed, Mar. 26, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 80, Amdt. 1]

LINDER BROTHERS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 80 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for misses' and women's fur trimmed and untrimmed coats manufactured by Linder Brothers, Incorporated and having the brand name "Shagmoor".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 17, 1952.

Amendatory provisions. Special Order 80 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 12, 1951," insert the words "as supplemented and amended by its application dated March 17, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 17, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 22, 1952.

Effective date. This amendment shall become effective March 21, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

MARCH 21, 1952.

[F. R. Doc. 52-3451; Filed, Mar. 21, 1952; 4:47 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 286, Amdt. 1]

SOUTH BEND BAIT CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 286 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for fishing equipment manufactured by South Bend Bait Company and having the brand name "South Bend."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 27, 1952.

Amendatory provisions. Special Order 286 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 31, 1951," insert the words "as supplemented and amended by its application dated February 27, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 27, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 18, 1952.

Effective date. This amendment shall become effective March 21, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

MARCH 21, 1952.

[F. R. Doc. 52-3453; Filed, Mar. 21, 1952; 4:48 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 668, Amdt. 2]

LUNT SILVERSMITHS

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 668 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for sterling silver flatware manufactured by Lunt Silversmiths, and having the brand name "Lunt Sterling".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 4, 1952.

Amendatory provisions. Special Order 668 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the date "September 26, 1951" insert the following date "March 4, 1952".

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 4, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 22, 1952.

Effective date. This amendment shall become effective March 21, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

MARCH 21, 1952.

[F. R. Doc. 52-3454; Filed, Mar. 21, 1952; 4:48 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 847]

FRANK M. WHITING & CO., DIVISION OF THE ELLMORE SILVER COMPANY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Frank M. Whiting & Company, Division of The Ellmore Silver Company, Inc., 397 West Main Street, Meridan, Connecticut, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which, in the judgment of the Director, indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

This special order, designed to meet the particular requirements of the silverware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order. The pre-ticketing method established by this special order is necessary because the articles covered by the special order are characteristically not adaptable to the usual pre-ticketing method.

The special order contains provisions requiring each article on display to be

marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of Section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of sterling silver flatware manufactured by Frank M. Whiting & Company, Division of The Ellmore Silver Company, Inc., 397 West Main Street, Meriden, Connecticut, having the brand name "Frank M. Whiting & Company", shall be the proposed retail ceiling prices listed by Frank M. Whiting & Company, Division of The Ellmore Silver Company, Inc., in its application dated September 25, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. and supplemented and amended in the manufacturer's application dated December 24, 1951.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 21, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after May 21, 1952, Frank M. Whiting & Company, Division of The Ellmore Silver Company, Inc., must furnish each purchaser for reseale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book and a supply of tags and stickers. Such a sign, a price book, and a supply of tags and stickers shall also be sent, on or before the date of the first delivery of an article covered by paragraph 1 of this special order, subsequent to the effective date of this special order. The sign must contain the following legend:

The retail ceiling prices for Frank M. Whiting & Company, Division of The Ellmore Silver Company, Inc., sterling silver flatware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this Frank M. Whiting & Company, Division of The Ellmore Silver Company, Inc. price book have been approved by OPS under Section 43, CPR 7.

The tags and stickers must be in the following form:

Frank M. Whiting & Company,
Division of The Ellmore Company, Inc.
OPS—Sec. 43—CPR 7
Price $--------

On and after June 20, 1952, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. Prior to June 20, 1952, unless the retailer has received the sign described above and has it displayed so that it may be easily seen, and a copy of the price book described above available for immediate inspection, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order. In addition, the retailer must affix to each article covered by the order and which is on open display a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed. This retail ceiling price must be written on the tag or sticker by the retailer.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 50 day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. dozen. etc.	Terms{net. percent EOM. etc. $-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective March 22, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3455; Filed, Mar. 21, 1952; 4:48 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 848]

ROBINSON REMINDERS

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the

accompanying special order, Robinson Reminders, Westfield, Mass., has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of men's and women's wallets, key cases, billfolds, card cases, purses, memorandum pad holders, and combinations sold through retailers and wholesalers and having the brand name(s) "Robinson Reminders" shall be the proposed retail and wholesale ceiling prices listed by Robinson Reminders, Westfield, Mass., hereinafter referred to as the "applicant" in its application dated October 12, 1951 and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's applications dated February 8, 1952 and March 10, 1952).

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 21, 1952 no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after May 21, 1952, Robinson Reminders must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $----

On and after June 20, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to June 20, 1952, unless the the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90 day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)	(Column 3)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1	Wholesaler's ceiling price for articles listed in column 1
----------	$----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective March 22, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3456; Filed, Mar. 21, 1952; 4:49 p. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 17 NUMBER 62

Washington, Friday, March 28, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10333

FURTHER EXEMPTION OF BERNICE PYKE FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS, in my judgment, the public interest requires that Bernice Pyke, Collector of Customs for Customs Collection District No. 41, with headquarters at Cleveland, Ohio, who was exempted from compulsory retirement for age by Executive Order No. 10225 of March 17, 1951, for an indefinite period of time not extending beyond March 31, 1952, be further exempted from compulsory retirement for age as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), it is ordered that the said Bernice Pyke be, and she is hereby, further exempted from compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, for an indefinite period of time not extending beyond the appointment and qualification of her successor.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 25, 1952.

[F. R. Doc. 52-3647; Filed, Mar. 27, 1952; 11:08 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

PART 361—ROUTINE

AMENDMENT TO CLARIFY STATUS OF STATE AND COUNTY COMMITTEEMEN

Section 361.42 (d) in Title 6, Code of Federal Regulations (13 F. R. 9438), is amended to read as follows:

§ 361.42 *Policies.* * * *

(d) Personnel of the Farmers Home Administration will not perform any of the following functions or services for borrower associations: (1) Serve as officials; (2) perform any administrative or employee functions with respect to any phases of the business; (3) perform clerical services, maintain financial or other records, prepare financial reports or develop operating budgets for the associations. This will not prohibit the necessary training of association Boards of Directors, committees and employees in the performance of their respective duties or the exercise of official duties by Farmers Home Administration employees specifically authorized in individual cases for the protection of the Government's financial interests. This paragraph does not apply to State and County Committeemen who are members but not directors or officers of borrowing associations; however, no such State or County Committeemen may act upon any matters relating to Farmers Home Administration loans to associations in which they hold memberships.

(Secs. 6 (3), 41 (1), 50 Stat. 870, 529, sec. 3, 60 Stat. 1066; 16 U. S. C. 590w (3), 7 U. S. C. 1015 (l))

DERIVATION: § 361.42 (d) contained in FHA Instruction 451.3 II D.

MARCH 3, 1952.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: March 24, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3514; Filed, Mar. 27, 1952; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in

(Continued on p. 2707)

CONTENTS

THE PRESIDENT

Executive Order — Page
Pyke, Bernice, further exemption from compulsory retirement for age ---- 2705

EXECUTIVE AGENCIES

Agriculture Department
See Animal Industry Bureau; Farmers Home Administration; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Allgemeine Waren-Finanzierungs-Gesellschaft m. b. H. -- 2736
Barthelemy, Joseph Richard -- 2738
Bayerische Vereinsbank ---- 2736
Borchers, Hans and Adelheid -- 2737
Hashimoto, Kisaku, et al ---- 2738
Lemberger, Eugen ---- 2737
Overseas Trust Corp. Ltd ---- 2738
Phillip, Karl and Max ---- 2737
Von Opel, Fritz, et al ---- 2738

Animal Industry Bureau
Rules and regulations:
Imported products; countries from which product (meat, meat byproduct, and meat food product) is eligible for importation into the U. S ---- 2712

Commerce Department
See National Production Authority.

Economic Stabilization Agency
See Price Stabilization, Office of.

Farmers Home Administration
Rules and regulations:
Routine; amendment to clarify status of State and County Committeemen ---- 2705

Federal Power Commission
Notices:
Hearings, etc.:
Duke Power Co ---- 2733
Gulf-Michigan Gas Transmission Corp ---- 2733
Jersey Central Power & Light Co ---- 2733

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Lawrenceburg Gas Co. 2733
Minnesota Power & Light Co. 2733
San Diego Gas & Electric Co. 2733
South Jersey Gas Co. and Cities Service Gas Co. 2733

Interstate Commerce Commission
Notices:
Applications for relief:
Commodities, all:
Boston, Mass., and Harlem River, N. Y. 2734
New England and Harlem River, N. Y. 2734

CONTENTS—Continued

Interstate Commerce Commission—Continued Page
Notices—Continued
Applications for relief—Con.
Merchandise, in mixed carloads from Nashville, Tenn., to St. Louis, Mo., and East St. Louis, Ill. 2734
Onions from Racine, Wis., to Mississippi Valley territory 2735
Woodpulp from Natchez, Miss., to Lawrence, Kans. 2735
Railroads serving certain States; rerouting or diversion of traffic 2733
Rules and regulations:
Lease and interchange of vehicles; postponement of effective date of order 2729

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

National Production Authority
Rules and regulations:
Construction; materials for reconstruction or repair of disaster damage (CMP Reg. 6, Dir. 2) 2728

Price Stabilization, Office of
Notices:
Approval of extent of relaxation of credit controls:
Critical defense housing area:
Lawrence-Olathe, Kans. 2730
Midland, Pa., area 2730
Savannah River, Georgia-South Carolina area 2729
Ceiling prices at retail:
American Luggage Works, Inc. 2731
Tuttle Silver Co., Inc. and Smith and Smith Co. 2732
Directors of District Offices, redelegation of authority:
Region II; receive and process notices of parity adjustments 2730
Region IV:
Act under CPR 7 2730
Act under CPR 101 2730
Receive and process notices of parity adjustments 2731
Take certain actions under DR 1 2730
Region VII:
Act under CPR 74 2731
Process statements filed, and to approve, deny, or request further information concerning, filings made 2731
Region XI; take certain actions under DR 1, distribution of livestock and meat 2731
Rules and regulations:
Area milk price adjustments:
Calumet milk marketing area, Ind.; miscellaneous amendments (GCPR, SR 63, AMPR 2) 2719
North Texas milk marketing area, State of Texas (GCPR, SR 63, AMPR 19) 2721

CONTENTS—Continued

Price Stabilization, Office of—Continued Page
Rules and regulations—Continued
Basic alcoholic beverage regulation; distributors of imported and domestic packaged distilled spirits and wines, extension of effective date for retailers and "on-premise licensees" (CPR 78, SR 2) 2714
Ceiling prices of lamb, yearling and mutton products sold at wholesale; indefinite suspension of allocation provision, correction (CPR 92) 2714
Customs smelting and refining of copper, lead and refining of copper, lead and zinc ores and concentrates (GCPR, SR 94) 2727
Fair distribution of livestock and meat; statements, reports, notices, forms, applications or other documents filed (DR 1) 2721
Potatoes, white flesh (CPR 113, Coll. 1) 2715

Production and Marketing Administration
Rules and regulations:
Milk handling, marketing area:
Fall River, Mass. 2709
Greater Boston, Mass. 2705
Lowell-Lawrence, Mass. 2708
Puget Sound, Wash. 2708
Springfield, Mass. 2710
Topeka, Kans. 2710
Worcester, Mass. 2711

Securities and Exchange Commission
Notices:
Hearings, etc.:
Arkansas Power and Light Co. and Middle South Utilities, Inc. 2735
Mississippi Gas Co. 2735
New England Gas and Electric Assn. 2736

Treasury Department
Notices:
Industrial Indemnity Co.; surety company acceptable on Federal bonds 2729

Veterans' Administration
Rules and regulations:
Correction:
National Service Life Insurance 2729
United States Government Life Insurance 2729

Wage and Hour Division
Rules and regulations:
Agriculture, processing of agricultural commodities and related subjects 2712

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
10225 (see EO 10333) 2705
10333 2705

CODIFICATION GUIDE—Con.

Title 6	Page
Chapter III:	
Part 361	2705
Title 7	
Chapter IX:	
Part 904	2705
Part 925	2708
Part 934	2708
Part 947	2709
Part 980	2710
Part 996	2710
Part 999	2711
Title 9	
Chapter I:	
Part 27	2712
Title 29	
Chapter V:	
Part 780	2712
Title 32A	
Chapter III (OPS):	
CPR 78, SR 2	2714
CPR 92	2714
CPR 113	2715
DR 1	2721
GCPR, SR 63, AMPR 2	2719
GCPR, SR 63, AMPR 19	2721
GCPR, SR 94	2727
Chapter VI (NPA):	
CMP Reg. 6, Dir. 2	2728
Title 38	
Chapter I:	
Part 6	2729
Part 8	2729
Title 49	
Chapter I:	
Part 207	2729

addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et. seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendment to the Class I pricing provisions hereinafter set forth be made effective not later than April 1, 1952, so as to reflect current marketing conditions. Any delay beyond April 1, 1952, in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Greater Boston, Massachusetts marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1 1952, the recommended decision having been published in the FEDERAL REGISTER (17 F. R. 2063) March 8, 1952, and the final decision having been executed by the Secretary on March 18, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handler to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (November 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Greater Boston, Massachusetts marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 904.2 (d) by deleting the present language and substituting therefor the following:

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during April, May, or June from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler received nonpool milk during any of the preceding months of July through March except that the term shall not include any person who was a producer-handler during such July–March period.

2. Amend § 904.21 (f) by deleting the present language and substituting therefor the following:

(f) Each of a handler's plants which is a nonpool receiving plant during any of the months of July through March, shall be a nonpool plant in any of the immediately succeeding months of April through June in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during July through March was in the handler's capacity as a producer-handler.

3. Amend § 904.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

4. Amend § 904.40 (e) by deleting the present Class I Price Schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119-125	3.45	3.01	3.89
126-132	3.67	3.23	4.11
133-139	3.89	3.45	4.33
140-146	4.11	3.67	4.55
147-152	4.33	3.89	4.77
153-159	4.55	4.11	4.99
160-166	4.77	4.33	5.21
167-173	4.99	4.55	5.43
174-180	5.21	4.77	5.65
181-187	5.43	4.99	5.87
188-194	5.65	5.21	6.09
195-201	5.87	5.43	6.31
202-208	6.09	5.65	6.53
209-215	6.31	5.87	6.75
216-222	6.53	6.09	6.97
223-229	6.75	6.31	7.19

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

5. Delete § 904.40 (f) and (g) and renumber paragraph (h) in § 904.40 as (f).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c).

Issued at Washington, D. C., this 25th day of March 1952, to be effective on and after the 1st day of April 1952 except amendments to §§ 904.2 (d) and 904.21 (f) which shall be effective on and after the 1st day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3523; Filed, Mar. 27, 1952; 8:48 a. m.]

PART 925—MILK IN THE PUGET SOUND, WASH., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marking area, hereinafter referred to as the "order," it is hereby found and determined that the provisions appearing in § 925.51 (a) of such order which read "through March 1952 and thereafter the basic formula price plus $1.45" do not tend to effectuate the declared policy of the act for the month of April 1952.

A public hearing was held at Seattle, Washington, on March 11-14, 1952, to consider, among other things, a proposal to amend the order for the purpose of continuing the Class I price differential of $1.87, which has been in effect since September 1951, until such time as it might be modified by a "supply-demand mover." Request was made also by proponents of this amendment for the retention of such differential of $1.87 pending action on the proposed amendment. Notice of rule-making regarding a possible suspension action was given to interested parties along with the notice of hearing and was published in the FEDERAL REGISTER on February 22, 1952 (17 F. R. 1665). The notice of rule-making stated that consideration would be given at the hearing to the necessity for suspension action regarding the Class I price provisions pending the issuance of any amendments to such provisions. The evidence received at the hearing indicates that temporary suspension of the automatic decrease in the differential effective as set forth below is necessary to reflect current marketing conditions by encouraging the maintenance of a sufficient supply of pure and wholesome milk for the said marketing area and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. No testimony was offered at the hearing in opposition to a suspension action. The action taken will not result in an increase in the Class I price for April above the level for March.

It is hereby further found and determined that compliance with the effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest. The changes caused by this termination order do not require of persons affected substantial or extensive preparation prior to its effective date.

It is therefore ordered, That the provisions of the order (No. 25) as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area which appear in § 925.51 (a) and read as follows "through March 1952 and thereafter the basic formula price plus $1.45" be and they are hereby suspended for the month of April 1952.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 25th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3521; Filed, Mar. 27, 1952; 8:47 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendment to the Class I pricing provisions hereinafter set forth be made effective not later than April 1, 1952, so as to reflect current marketing conditions. Any delay beyond April 1, 1952 in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Lowell-Lawrence, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, the recommended decision having been published in the FEDERAL REGISTER (17 F. R. 2063) March 8, 1952 and the final decision having been executed by the Secretary on March 18, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (See sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which

is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (February 1952) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended, as follows:

1. Amend § 934.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

2. Delete § 934.40 (f) and (g) and renumber paragraphs (h) and (i) in § 934.40 as (f) and (g).

3. Amend § 934.40 (e) by deleting the present Class I price schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–125	3.97	3.53	4.41
126–132	4.19	3.75	4.63
133–139	4.41	3.97	4.85
140–146	4.63	4.19	5.07
147–152	4.85	4.41	5.29
153–159	5.07	4.63	5.51
160–166	5.29	4.85	5.73
167–173	5.51	5.07	5.95
174–180	5.73	5.29	6.17
181–187	5.95	5.51	6.39
188–194	6.17	5.73	6.61
195–201	6.39	5.95	6.83
202–208	6.61	6.17	7.05
209–215	6.83	6.39	7.27
216–222	7.05	6.61	7.49
223–229	7.27	6.83	7.71

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of March 1952, to be effective on and after the 1st day of April 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F R. Doc. 52-3515; Filed, Mar. 27, 1952; 8:46 a. m.]

PART 947—MILK IN THE FALL RIVER, MASS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 947.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendment to the Class I pricing provisions hereinafter set forth be made effective not later than April 1, 1952, so as to reflect current marketing conditions. Any delay beyond April 1, 1952, in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Fall River, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, the recommended decision having been published in the FEDERAL REGISTER (17 F. R. 2063) March 8, 1952, and the final decision having been executed by the Secretary on March 18, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (See section 4 (c), Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (February 1952) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Fall River, Massachusetts marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 947.50 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Com-

merce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

2. Delete § 947.50 (f) and (g) and renumber paragraphs (h) and (i) in § 947.50 as (f) and (g).

3. Amend § 947.50 (e) by deleting the present Class I price schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119-125	4.26	3.82	4.70
126-132	4.48	4.04	4.92
133-139	4.70	4.26	5.14
140-146	4.92	4.48	5.36
147-152	5.14	4.70	5.58
153-159	5.36	4.92	5.80
160-166	5.58	5.14	6.02
167-173	5.80	5.36	6.24
174-180	6.02	5.58	6.46
181-187	6.24	5.80	6.68
188-194	6.46	6.02	6.90
195-201	6.68	6.24	7.12
202-208	6.90	6.46	7.34
209-215	7.12	6.68	7.56
216-222	7.34	6.90	7.78
223-229	7.56	7.12	8.00

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c).

Issued at Washington, D. C., this 25th day of March 1952, to be effective on and after the 1st day of April 1952.

[F. R. Doc. 52-3520; Filed, Mar. 27, 1952; 8:47 a. m.]

PART 980—MILK IN THE TOPEKA, KANS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 980.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective not later than April 1, 1952. This action is necessary in the public interest in order to reflect current market conditions and to insure an adequate supply of milk. Any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Topeka, Kansas, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held February 21, 1952, and the decision having been executed by the Secretary on March 17, 1952. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Topeka, Kansas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Topeka, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the proviso appearing at the end of § 980.5 (a) (1) and substitute therefor the following: *"Provided,* That for the month of April 1952 such Class I price shall be the price determined pursuant to paragraph (b) of this section plus $1.45."

2. Delete the proviso appearing at the end of § 980.5 (a) (2) and substitute therefor the following: *"Provided,* That for the month of April 1952 the Class II price shall be the Class I price minus 25 cents."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of March 1952 to be effective on and after the 1st day of April 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3522; Filed, Mar. 27, 1952; 8:47 a. m.]

PART 996—MILK IN THE SPRINGFIELD, MASS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 996.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at

such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendment to the Class I pricing provisions hereinafter set forth be made effective not later than April 1, 1952, so as to reflect current marketing conditions. Any delay beyond April 1, 1952, in the effective date of this order amending the order, as amended will seriously threaten the orderly marketing of milk in the Springfield, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, the recommended decision having been published in the FEDERAL REGISTER (17 F. R. 2063) March 8, 1952, and the final decision having been executed by the Secretary on March 18, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (February 1952) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 996.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

2. Delete § 996.40 (f) and (g) and renumber paragraphs (h) and (i) in § 996.40 as (f) and (g).

3. Amend § 996.40 (e) by deleting the present Class I price schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–125	3.97	3.53	4.41
126–132	4.19	3.75	4.63
133–139	4.41	3.97	4.85
140–146	4.63	4.19	5.07
147–152	4.85	4.41	5.29
153–159	5.07	4.63	5.51
160–166	5.29	4.85	5.73
167–173	5.51	5.07	5.95
174–180	5.73	5.29	6.17
181–187	5.95	5.51	6.39
188–194	6.17	5.73	6.61
195–201	6.39	5.95	6.83
202–208	6.61	6.17	7.05
209–215	6.83	6.39	7.27
216–222	7.05	6.61	7.49
223–229	7.27	6.83	7.71

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of March 1952, to be effective on and after the 1st day of April 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–3518; Filed, Mar. 27, 1952; 8:46 a. m.]

PART 999—MILK IN THE WORCESTER, MASS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 999.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendment to the Class I pricing provisions hereinafter set forth be made effective not later than April 1, 1952, so as to reflect current marketing conditions. Any delay beyond April 1, 1952, in the effective date of this order amending the order, as amended, will

seriously threaten the orderly marketing of milk in the Worcester, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, the recommended decision having been published in the FEDERAL REGISTER (17 F. R. 2063) March 8, 1952 and the final decision having been executed by the Secretary on March 18, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (February 1952) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Worcester, Massachusetts marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 999.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

2. Delete § 999.40 (f) and (g) and renumber paragraphs (h) and (i) in § 999.40 as (f) and (g).

3. Amend § 999.40 (e) by deleting the present Class I price schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–125	3.97	3.53	4.41
126–132	4.19	3.75	4.63
133–139	4.41	3.97	4.85
140–146	4.63	4.19	5.07
147–152	4.85	4.41	5.29
153–159	5.07	4.63	5.51
160–166	5.29	4.85	5.73
167–173	5.51	5.07	5.95
174–180	5.73	5.29	6.17
181–187	5.95	5.51	6.39
188–194	6.17	5.73	6.61
195–201	6.39	5.95	6.83
202–208	6.61	6.17	7.05
209–215	6.83	6.39	7.27
216–222	7.05	6.6[illegible]	7.49
223–229	7.27	6.[illegible]3	7.71

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of March 1952, to be effective on and after the 1st day of April 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–3519; Filed, Mar. 27, 1952; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 27—IMPORTED PRODUCTS

AMENDMENT OF REGULATION SPECIFYING COUNTRIES FROM WHICH PRODUCT (MEAT, MEAT BYPRODUCT, AND MEAT FOOD PRODUCT) IS ELIGIBLE FOR IMPORTATION INTO THE UNITED STATES

Pursuant to the authority vested in the Secretary of Agriculture by section 306 of the Tariff Act of June 17, 1930 (19 U. S. C. 1306) and after public notice (17 F. R. 1427) and due consideration of all relevant material presented pursuant thereto, § 27.2 (b) of the regulations in 9 CFR, Chapter I, Subchapter A, as amended, issued under said section, is hereby amended to read as follows, for the purpose of adding Germany (Federal Republic) to the list of countries specified therein from which meat, meat byproduct, and meat food product may be imported into the United States as provided in said regulations:

(b) It has been determined by the Secretary of Agriculture that product from the following foreign countries, covered by foreign meat inspection certificates of the country of origin as required by § 27.6, except fresh, chilled, or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease exists as provided in 9 CFR, Part 94, as amended, is eligible for importation into the United States after inspection and marking as required by this subchapter:

Argentina.	Ireland (Eire).
Australia.	Italy.
Belgium.	Luxembourg.
Brazil.	Madagascar.
Canada	Mexico.
Cuba	Netherlands.
Czechoslovakia.	New Zealand.
Denmark.	Northern Ireland.
Dominican Republic.	Norway.
	Paraguay.
England and Wales.	Poland.
Finland.	Scotland.
France.	Spain.
Germany (Federal Republic).	Sweden.
	Switzerland.
Honduras.	Uruguay.
Iceland.	Venezuela.

(Sec. 306, 46 Stat. 689, 19 U. S. C. 1306)

Effective date. The foregoing amendment shall be effective on March 28, 1952.

Since the amendment relieves restrictions it may properly be made effective under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 25th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–3561; Filed, Mar. 27, 1952; 8:51 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 780—AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES AND RELATED SUBJECTS

SUBPART B—FORESTRY OR LUMBERING OPERATIONS INCIDENT TO OR IN CONJUNCTION WITH FARMING OPERATIONS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended, Reorganization Plan No. 6 of 1950 and General Order No. 45A of the Secretary of Labor, Subpart B is revised to read as follows:

Sec.
780.60 Introductory statement.
780.61 Scope of subpart.
780.62 Statutory provisions considered.
780.63 Forestry or lumbering operations as such not exempt.
780.64 What constitutes forestry and lumbering operations "incident to or in conjunction with" farming operations.
780.65 Exemption not based on number of employees.

AUTHORITY: §§ 780.60 to 780.65 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201.

§ 780.60 *Introductory statement.* (a) Since the enactment of the Fair Labor Standards Act of 1938, the views of the United States Department of Labor as to that portion of section 3 (f) of the act which refers to forestry or lumbering operations have been expressed in interpretations issued from time to time in various forms. The purpose of this subpart is to make available in one place general interpretations of the Department of Labor which will provide "a practical guide to employers and employees as to how the office representing the public interest in enforcement of the law will seek to apply it."[1] The interpretations contained in this subpart indicate, with respect to that portion of section 3 (f) of the Fair Labor Standards Act, as amended,[2] which refers to forestry or lumbering operations, the construction of the law which the Secretary of Labor and the Administrator of the Wage and Hour Division believe to be correct and which will guide them in the performance of their administrative duties under the act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect. The interpretations contained in this subpart are interpretations on which reliance may be placed as provided in section 10 of the Portal-to-Portal Act,[3] so long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect.

(b) All general and specific interpretations issued prior to September 9, 1947, with respect to that portion of section 3 (f) of the Fair Labor Standards Act which refers to forestry or lumbering operations were rescinded and withdrawn by § 780.60 (b) of the general statement on this subject, published in the FEDERAL REGISTER on that date as Subpart B of Part 780. To the extent that interpretations contained in such general statement or in releases, opinion letters and other statements issued on or after September 9, 1947, are inconsistent with the provisions of the Fair Labor Standards Amendments of 1949, they do not continue in effect after January 24, 1950.[4] Effective on the date of its publication in the FEDERAL REGISTER, this Subpart B replaces and supersedes the general statement on this subject previously published in the FEDERAL REGISTER (12 F. R. 5961), as Subpart B of Part 780 of this chapter, which statement is hereby rescinded and withdrawn. All other administrative rulings, interpretations, practices and enforcement policies relating to that portion of section 3 (f) of the act which refers to forestry or lumbering operations are, to the extent that they are inconsistent with or in conflict with the principles stated in this subpart, hereby rescinded and withdrawn.

§ 780.61 *Scope of subpart.* This subpart relates solely to the interpretation of that portion of section 3 (f) of the Fair Labor Standards Act which includes certain forestry or lumbering operations in "agriculture" for purposes of exemptions applicable to employment in agriculture. For interpretations of the exemption provided by section 13 (a) (15) of the act, as amended, with respect to employees employed in certain forestry or logging operations by employers who employ not more than twelve employees in such operations, reference should be made to the interpretative bulletin contained in Part 788 of this chapter. Other interpretative bulletins should be referred to for guidance with respect to the act's general coverage of forestry or lumbering operations based on interstate or foreign commerce or the production of goods for such commerce: The general coverage of the wage and hours provisions is discussed in Part 776 of this chapter; the general coverage of the child labor provisions is discussed in Subpart G of Part 4 of this title.

§ 780.62 *Statutory provisions considered*—(a) *Exemptions for agriculture.* Section 13 (a) (6) of the Fair Labor Standards Act exempts from both the wage and hours provisions "any employee employed in agriculture." Section 13 (c) of the act exempts from the child labor provisions of section 12 "any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed" (see § 4.123 of the interpretative bulletin on child labor, Subpart G of Part 4 of this title).

(b) *Definition of "agriculture".* Agriculture is defined in section 3 (f) as follows:

> "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

(c) *"Forestry or lumbering operations" not defined.* The act does not define the term "forestry or lumbering operations". For present purposes it will be assumed that it refers to the cultivation and management of forests, the felling and trimming of timber, the cutting, hauling, and transportation of timber, logs, bolts, cordwood, lumber, and like products, the sawing of logs into lumber or the conversion of logs into ties, posts, and similar products, and similar operations.

§ 780.63 *Forestry or lumbering operations as such not exempt.* While "agriculture" is sometimes used in a broad sense as including the science and art of cultivating forests, its application has been limited in section 3 (f). The language of that section clearly indicates that forestry and lumbering operations are practices which will be considered agricultural only if "performed by a farmer or on a farm as an incident to or in conjunction with such farming operations." It follows that employees of an employer engaged exclusively in forestry or lumbering operations are not within the exemption of sections 13 (a) (6) and 13 (c).

§ 780.64 *What constitutes forestry and lumbering operations "incident to or in conjunction with" farming operations*—(a) *General test.* The line between forestry or lumbering operations which are "incident to or in conjunction with" the farming operations described in section 3 (f), and those which are not, is not susceptible of precise definition. The agricultural exemptions, however, include forestry or lumbering operations, as they include other "practices" referred to in section 3 (f) (See Subpart A of this part), only when they constitute a subordinate and established part of

[1] Skidmore v. Swift & Co., 323 U. S. 134. Under Reorganization Plan No. 6 of 1950 (15 F. R. 3174), effective May 24, 1950, and pursuant to General Order No. 45A issued by the Secretary of Labor on the same date, interpretations of the provisions (other than the child labor provisions) of the Fair Labor Standards Act, as amended, are issued by the Administrator of the Wage and Hour Division on the advice of the Solicitor of Labor, subject to the general direction and control of the Secretary. See 15 F. R. 3290. Under Reorganization Plan No. 2 of 1946 (11 F. R. 7873), effective July 16, 1946, and pursuant to General Order No. 42 issued by the Secretary of Labor on July 1, 1949, interpretations of the child labor provisions of the Fair Labor Standards Act, as amended, are issued by the Secretary of Labor.

[2] 52 Stat. 1060, as amended by 54 Stat. 611, by Reorganization Plan No. 2 (60 Stat. 1095), effective July 16, 1946, by the Portal-to-Portal Act of 1947 (61 Stat. 84), by the Fair Labor Standards Amendments of 1949 (63 Stat. 910), and by Reorganization Plan No. 6 of 1950 (64 Stat. 1263), effective May 24, 1950.

[3] Public Law 49, 80th Cong., 1st sess. (61 Stat. 84), discussed in Part 790 (statement on effect of Portal-to-Portal Act of 1947). See in this connection Reorganiaztion Plan No. 6 of 1950 (15 F. R. 3174) and footnote 1, above.

[4] Section 16 (c) of the Fair Labor Standards Amendments of 1949 (63 Stat. 910) provides:

> Any order, regulation, or interpretation of the Administrator of the Wage and Hour Division or of the Secretary of Labor, and any agreement entered into by the Administrator or the Secretary, in effect under the provisions of the Fair Labor Standards Act of 1938, as amended, on the effective date of this act, shall remain in effect as an order, regulation, interpretation, or agreement of the Administrator or the Secretary, as the case may be, pursuant to this act, except to the extent that any such order, regulation, interpretation, or agreement may be inconsistent with the provisions of this act, or may from time to time be amended, modified, or rescinded by the Administrator or the Secretary, as the case may be, in accordance with the provisions of this act.

the farming activities. Whether forestry or lumbering operations performed by a farmer are thus subordinate can be determined in any given case only upon an examination of all the relevant facts. Examples of facts which would tend to show such a relationship would be that most of the employees engaged in such operations are normally employed also in farming operations upon the farm, and that the forestry or lumbering operations occupy only a minor portion of the time of the farmer and his employees.

(b) *Operations not part of farming are not included.* (1) It seems clear that the exemptions provided by sections 13 (a) (6) and 13 (c) were not intended to include lumbering operations which constitute the principal or a separate business of the "farmer." Thus, where an employer owns several thousand acres of timberland on which he carries on lumbering operations and cultivates about 100 acres of farm land which are contiguous to such timberland, he would not be entitled to the benefit of the exemptions so far as his forestry or lumbering operations are concerned. While section 3 (f) speaks of forestry or lumbering operations performed "in conjunction with" as well as "incident to" farming operations, it would be an unreasonable construction of the act to hold that lumbering operations were to be regarded as agricultural if the lumber operator did any farming, no matter how little, or resorted to tilling a small acreage for the purpose of qualifying for exemptions.[5]

(2) Where a farmer is engaged in lumbering operations on logs or timber grown on other farms as well as his own, such operations would not be incidental to or in conjunction with his farming operations. In our opinion such operations would not fall within the exemption.[6]

(3) Under section 3 (f) forestry or lumbering operations are within the agriculture exemption when performed by a farmer or on a farm, but only "as an incident to or in conjunction with such farming operations." This excludes from the exemption logging or sawmill operations on a farm undertaken on behalf of the farmer or on behalf of the buyer of the logs or the resulting lumber by a contract logger or sawmill owner, unless it can be shown that these logging or sawmill operations are clearly incidental to farming operations on the farm on which the logging or sawmill operations are being conducted. For example, the clearing of additional land for immediate cultivation by the farmer or the preparation of timber for construction of his farm buildings would appear to constitute operations incidental to "such farming operations."

[5] Ridgeway v. Warren, 60 F. Supp. 363 (M. D. Tenn.); In re Combs, 5 W. H. Cases 595 (M. D. Ga.) 10 Labor Cases (CCH) par. 62802.

[6] Cf. Farmers Irrigation Co. v. McComb, 337 U. S. 755; Bowie v. Gonzalez, 117 F. 2d 11 (C. A. 1).

§ 780.65 *Exemption not based on number of employees.* The fact that the employer employs fewer than a certain number of employees in forestry and lumbering operations incidental to his farming operations does not in itself provide a basis for exemption. The applicability of the act's exemptions for agriculture to employees engaged in forestry or lumbering operations depends on whether such operations are performed by a farmer or on a farm as an incident to or in conjunction with the farming operations described in section 3 (f) of the act, rather than on the employment by the employer of a number of employees which is greater or less than some specified figure. These exemptions are thus to be distinguished from the exemption provided by section 13 (a) (15) (discussed in Part 788 of this chapter) which is limited to employers employing not more than 12 employees in the forestry or logging operations described therein.

Signed at Washington, D. C., this 24th day of March 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-3480; Filed, Mar. 27, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 92, Amdt. 4, Correction]

CPR 92—CEILING PRICES OF LAMB, YEARLING, AND MUTTON PRODUCTS SOLD AT WHOLESALE

INDEFINITE SUSPENSION OF ALLOCATION PROVISION; CORRECTION

Ceiling Price Regulation 92, Amendment 4, Indefinite Suspension of Allocation Provision (17 F. R. 2549), is corrected by changing the issuance and effective dates appearing at the end of the document to read "March 21, 1952."

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 26, 1952.

[F. R. Doc. 52-3621; Filed, Mar. 26, 1952; 4:26 p. m.]

[Ceiling Price Regulation 78, Amdt. 5 to Supplementary Regulation 2]

CPR 78—BASIC ALCOHOLIC BEVERAGE REGULATION

SR 2—DISTRIBUTORS OF IMPORTED AND DOMESTIC PACKAGED DISTILLED SPIRITS AND WINES

EXTENSION OF EFFECTIVE DATE FOR RETAILERS AND "ON-PREMISE LICENSEES"

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to Supplementary Regulation 2 to CPR 78 is hereby issued.

STATEMENT OF CONSIDERATIONS

The provisions of Supplementary Regulation (SR) 2 to Ceiling Price Regulation (CPR) 78 require retailers and certain "on-premise licensees" of packaged distilled spirits and wines to perform extensive calculations to arrive at their ceiling prices and to make a record of those calculations and the resulting ceiling prices. Amendment 4 to SR 2 stipulated that those sellers must have their ceiling prices determined and the necessary records prepared and placed in their files by April 1, 1952. However, a revision of those provisions of SR 2 which apply to retailers and "on-premise licensees" is presently being considered. That revision will radically change the present pricing technique and will eliminate the calculation and record-keeping requirements of the current provisions. It is unlikely, however, that the revision will be completed by April 1, 1952. Therefore, to avoid requiring calculations and preparation of records by the sellers affected, this amendment extends indefinitely the mandatory effective date of SR 2 for retailers and "on-premise licensees" and omits the requirement that OPS Public Forms be prepared for any of their ceiling prices calculated under SR 2. Consequently, until issuance of the contemplated revision a retailer or "on-premise licensee" may determine his ceiling price for each one of his items either under SR 2, without the necessity of preparing OPS Public Forms, or under GCPR (or CPR 31, for imports).

In the formulation of this amendment there was consultation with industry representatives, including trade association representatives, to the extent practicable, and due consideration was given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 2 to Ceiling Price Regulation 78 is amended in the following respects:

1. The phrase "April 1, 1952, or such earlier effective date as you select for the item," which appears in section 54 (a), 55 (a) and 60 (a), is changed to read "the effective date you select for the item".

2. The date "March 31, 1952", which appears in sections 55, 56, 57 and 61, is changed to read "the effective date of this supplementary regulation" and the word "inclusive" is omitted wherever it appears in those sections.

3. The last sentence is omitted from sections 54 (a) (4), 55 (a) (4), 56 (a) (3) and 60 (a) (5).

4. Sections 54 (b), 55 (b), 56 (c) and 60 (b) are omitted in their entirety.

5. Paragraph (b) of section 80 is changed to read as follows:

(b) The mandatory effective date of this supplementary regulation, for retailers and "on-premise licensees", is postponed until further action by the Director of Price Stabilization. If you

are a retailer or "on-premise licensee" you may, however, select any earlier effective date between October 31, 1951, and the date of such further action by the Director for any or all of your items.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3658; Filed, Mar. 27, 1952; 12:21 p. m.]

[Ceiling Price Regulation 113, Revision 1, Collation 1]

CPR 113—WHITE FLESH POTATOES

COLL 1—INCLUDING AMENDMENTS 1–4

Ceiling Price Regulation 113, Revision 1, is republished to incorporate the texts of Amendments 1 through 4, inclusive. Ceiling Price Regulation 113, Revision 1, was issued January 21, 1952 (17 F. R. 696). Statements of Consideration for Ceiling Price Regulation 113, Revision 1, and for Amendments 1–4, inclusive, as previously published, are applicable to this republication. The effective dates of this revised regulation, and of the amendments, are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

Sec.
1. What this revised regulation does.
2. Ceiling prices for country shippers and growers.
3. Ceiling prices for intermediate sellers and shipping point distributors.
4. Grade, size, and packaging differentials.
5. Potato futures.
6. Imports and exports of potatoes.
7. Sales slips and receipts.
8. Treatment of excise taxes.
9. Compliance with this revised regulation.
10. Definitions.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 10 contained in Ceiling Price Regulation 113, Revision 1, January 21, 1952 (17 F. R. 696), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 113, Rev. 1, January 21, 1952, 17 F. R. 696; Amendment 1, February 7, 1952, 17 F. R. 1212; Amendment 2, February 11, 1952, 17 F. R. 1393; Amendment 3, February 21, 1952, 17 F. R. 1683; Amendment 4, March 17, 1952, 17 F. R. 2324.

SECTION 1. *What this revised regulation does*—(a) *Coverage of this revised regulation.* This revised regulation establishes ceiling prices for all sales (except by retailers) of white flesh potatoes except certified and foundation stock seed potatoes. All definitions of major terms used in this regulation are in section 10. As used in this revised regulation, "potatoes" means white flesh potatoes.

(b) *Pricing provisions to be used.* F. o. b. country shipping point ceiling prices for potatoes and ceiling prices for growers are established under section 2 of this revised regulation. Ceiling prices for sales by intermediate sellers are established under section 3 of this revised regulation.

[Paragraph (b) amended by Amdt. 3]

(c) *What this revised regulation supersedes.* For the produce and sellers covered, this revised regulation supersedes the General Ceiling Price Regulation. (16 F. R. 808.)

(d) *Where this revised regulation applies.* This revised regulation applies in the 48 States of the United States and in the District of Columbia.

(e) *Month to be used in computation of ceiling prices.* In making sales of potatoes covered by this regulation, you shall calculate your ceiling prices as if you had purchased the potatoes being priced in the month in which you sell them.

For example: You are a carlot distributor of potatoes and you purchase in February a carlot of U. S. No. 1 potatoes produced in Maine, packed in 100-pound sacks. You sell these potatoes to a primary receiver in the month of March. Assuming that the cost of rail transportation from the country shipping point in Maine to the wholesale receiving point is $1.00 per hundredweight for the potatoes being priced, you calculate your ceiling price as follows:

Primary price under sec. 3 (a): F. o. b. country shipping point base price per hundredweight in Maine during March (although you bought in February)	$3.70
Plus assumed cost of rail transportation plus 6 cents per hundredweight	$1.00
Markup under sec. 3 (b): Your markup for sales per hundredweight of potatoes to other intermediate sellers	.10
Ceiling price: Your ceiling price is	4.80

[Paragraph (e) added by Amdt. 3]

SEC. 2. *Ceiling prices for country shippers and growers.* If you are a country shipper, as defined in section 10, you shall calculate your f. o. b. shipping point ceiling price for potatoes by first determining a "base price". You shall then determine your "adjusted base price" by adding to or subtracting from your base price as indicated, certain grade, size and washing differentials. Finally, you shall adjust the "adjusted base price" for consumer size packaging differentials. Your final result is your f. o. b. country shipping point ceiling price per hundredweight for potatoes prepared for shipment and loaded on a carrier.

If you are a grower who is not a country shipper, as defined in section 10, your ceiling prices for potatoes are determined as provided in paragraph (h) of this section.

[Above paragraphs amended by Amdts. 2 and 3]

(a) *Base price.* You first determine your base price for the producing area and month during which the potatoes being priced are sold as set forth in Table I below:

TABLE I—BASE PRICES FOR WHITE FLESH POTATOES

Producing States	Dollars per hundredweight				
	February	March	April	May	June
Iowa, Minnesota, North Dakota, South Dakota	3.45	3.55	3.60	3.65	3.65
Wisconsin	3.50	3.60	3.65	3.70	3.70
Kansas, Missouri	3.55	3.65	3.70	3.75	[1]3.15
Utah	3.55	3.85	3.90	3.95	3.95
Maine	3.60	3.70	3.75	3.80	3.80
Illinois, Indiana	3.65	3.75	3.80	3.85	[1]3.25
Michigan	3.65	3.75	3.80	3.85	3.85
Alabama, Georgia, Louisiana, South Carolina	3.75	3.85	[1]3.95	3.60	3.55
Arizona	3.75	3.85	3.90	[1]3.50	3.35
Arkansas, Tennessee, Oklahoma	3.75	3.85	3.90	[1]3.60	3.55
Mississippi	3.75	3.85	[1]3.90	3.60	3.55
New Hampshire, Vermont	3.75	3.85	3.90	3.95	3.95
California (other than Modoe and Siskiyou Counties)	3.75	3.85	[1]3.90	3.50	3.35
California (Modoe and Siskiyou Counties only), Nevada, Oregon (other than Malheur, Baker, Union and Wallowa Counties)	3.75	3.85	3.90	3.95	3.95
Colorado	3.75	3.85	3.90	3.95	[1]3.15
Delaware, Kentucky, Maryland, New Mexico	3.75	3.85	3.90	3.95	[1]3.35
North Carolina, Virginia	3.75	3.85	3.90	[1]3.35	3.35
Washington	3.75	3.85	3.90	3.95	[1]3.00
New York (other than Long Island), Pennsylvania	3.80	3.90	3.95	4.00	4.00
Ohio	3.80	3.90	3.95	4.00	[1]3.40
Connecticut, Massachusetts, New Jersey, New York (Long Island only), Rhode Island	3.85	3.95	4.00	4.05	[1]3.45
West Virginia	3.85	3.95	4.00	4.05	4.05
Nebraska, Wyoming	3.95	4.05	4.10	4.15	4.15
Idaho, Oregon (Malheur, Baker, Union and Wallowa Counties only)	4.15	4.25	4.30	4.35	[1]3.15
Montana	4.15	4.25	4.30	4.35	4.35
Florida, Texas	4.75	4.45	4.30	3.60	3.35

[1] Indicates start of "new crop" marketing season. Earlier prices cover the nominal quantities that may be marketed from the "old crop."

[Table I amended by Amdts. 8 and 4]

(b) *Adjusted base price.* To find your adjusted base price, you adjust your base price as determined under paragraph (a) of this section by the grade, size and washing adjustments set forth in Table II below:

[Above paragraph amended by Amdt. 2]

TABLE II—GRADE, SIZE, AND WASHING ADJUSTMENTS

Grade and size	*Amount to be applied per hundredweight*
(a) Grade:	
1. U. S. No. 1 or better	None.
2. Below U. S. No. 1 but U. S. Commercial or better or 85 percent U. S. No. 1	Subtract 25 cents.
3. Below U. S. No. 1 but 60 percent U. S. No. 1 or better	Subtract 50 cents.
4. Idaho Standard Grade (under Idaho Law as of Jan. 1, 1952)	Subtract 50 cents.
5. All other grades (including ungraded)	Subtract $1.
[Paragraph (a) amended by Amdt. 3]	
(b) Size (applies only to U. S. No. 1 grade or better):	
1. Size A 2-inch minimum diameter; or Size A 4-ounce minimum weight	Add 10 cents.
2. Round or intermediate varieties:	
(a) 2¼-inch minimum diameter	Add 25 cents.
(b) 2½-inch minimum diameter	Add 40 cents.
(c) 3-inch minimum diameter	Add 50 cents.
3. Long varieties:	
(a) 6-ounce minimum weight	Add 25 cents.
(b) 8-ounce minimum weight	Add 40 cents.
(c) 10-ounce minimum weight	Add 50 cents.
4. Size B, new crop harvested between Dec. 15 and June 15	Subtract 35 cents.
5. All other sizes	Subtract $1.

[Paragraph (b) amended by Amdt. 3]

(c) Washing (applies to all grades and sizes): Washed potatoes as defined in section 10 (u) of this regulation. This allowance applies to storage potatoes only. "Storage potatoes" are defined in section 10 (v). Amount to be applied per hundredweight: Add 20 cents.

[Paragraph (c) added by Amdt. 2]

NOTE: An additional premium of 15 cents per hundredweight may be added if a maximum not in excess of 1 inch in diameter or 6 ounces in weight over the minimum for the same potatoes is specified. This added premium only applies when such minimum is 2¼ inches in diameter or 6 ounces in weight or more. In order to qualify for the "minimum" adjustment, not more than 5 percent of the potatoes may be smaller than the amount indicated. In order to qualify for the "maximum" adjustment, not more than 15 percent of the potatoes may be larger than the amount indicated. No more than one premium may be added. For example, if you sell long variety potatoes, U. S. No. 1, 6-ounce minimum, you may add only 25 cents per hundredweight. If you sell potatoes which are U. S. No. 1, 6-ounce minimum—10-ounce maximum, you may add only 40 cents per hundredweight. If you sell potatoes which are U. S. No. 1, size A, 2-inch minimum to 2½-inch maximum, you may add only 10 cents per hundredweight.

(c) *Your ceiling price.* (1) Finally, you adjust your adjusted base price, as determined under paragraph (b) of this section, by the packaging adjustments set forth in Table III below:

TABLE III—PACKAGING ADJUSTMENTS

Type of pack	*Amount to be applied per cwt.*
a. Bulk or in containers furnished by purchaser.	Subtract 30 cents.
b. Paper bags:	
50 pounds	Subtract 10 cents.
15 pounds	Add 20 cents.
10 pounds	Add 30 cents.
5 pounds	Add 70 cents.
c. Paper bags (window type):	
15 pounds	Add 30 cents.
10 pounds	Add 40 cents.
5 pounds	Add 90 cents.
d. Cotton, mesh, burlap or transparent film bags:	
50 pounds	Add 15 cents.
25 pounds	Add 30 cents.
15 pounds	Add 50 cents.
10 pounds	Add 70 cents.
5 pounds	Add $1.40.
e. Packed in master containers.	Add 20 cents.
f. Packed in 24-J crates. (For sales to the Armed Forces only.)	Add 85 cents.

[Table III amended by Amdt. 3]

(2) Your base price as adjusted under paragraphs (b) and (c) of this section is your ceiling price per cwt. of white flesh potatoes f. o. b. country shipping point at least graded, sized, packed and loaded on the carrier.

For example: If you are a country shipper and sell during the month of February ungraded potatoes in bulk produced in Maine and packed in used burlap sacks furnished by the purchaser, your ceiling price is $2.30 per hundredweight. (Maine February price of $3.60 minus $1.00 for ungraded potatoes, minus 30 cents for sales in sacks furnished by purchaser).

(d) *Delivered ceiling prices.* If you are a country shipper, your ceiling prices for potatoes delivered to a wholesale receiving point shall be your f. o. b. country shipping point ceiling price for the potatoes being priced plus the cost of rail transportation from the country shipping point to the wholesale receiving point plus 6 cents per hundredweight. "Cost of rail transportation" is defined in section 10 of this regulation.

(e) *Sales to retailers or commercial users*—(1) *Retailer's warehouse.* If you are a country shipper, your ceiling price for sales to a retailer of potatoes delivered to such retailer's warehouse or delivered to a commercial user at such commercial user's factory or delivered to an institution shall be your f. o. b. country shipping point ceiling price for the potatoes being priced plus the cost of rail transportation from the country shipping point to the wholesale receiving point plus 16 cents per hundredweight.

(2) *Retailer's retail store.* If you are a country shipper, your ceiling price for sales to a retailer of potatoes delivered to such retailer's retail store shall be the same as for an intermediate seller under section 3 (f) of this regulation.

(f) *Sales through commission merchants.* If you are a country shipper and you make sales through a commission merchant in less-than-carlot or less-than-trucklot quantities, your ceiling price shall be the same as that for a primary receiver as established under section 3 (c) of this regulation.

[Paragraph (f) amended by Amdt. 1]

(g) *Sales through brokers.* If you are a country shipper and make delivered sales under section 2 (d) of this regulation at a wholesale receiving point through a broker or agent other than a commission merchant, your ceiling price for such sales shall be your delivered ceiling price as calculated under section 2 (d) of this regulation plus such broker's charge (not in excess of that permitted under the provisions of Ceiling Price Regulation 34).

[Paragraph (g) amended by Amdt. 3]

(h) *Ceiling prices for growers who are not country shippers.* If you are a grower who is not a country shipper, as defined in section 10, your ceiling price for the sale of potatoes, whether the sale be of acreage, potatoes in bulk, or otherwise, is the adjusted base price, determined as provided in paragraph (b) of this section, further adjusted as follows:

(1) You must deduct the cost of each of the following services which you do not perform: harvesting, grading, sizing, hauling from the farm to the country shipping point, and loading on the carrier.

(2) If the potatoes are not storage potatoes, as defined in section 10, and you do not wash them, you must deduct the cost of washing.

(3) If you do not pack the potatoes you must deduct the cost of packing in 100-pound new burlap bags.

(4) If you pack the potatoes in a type of container listed in subdivisions b through f of Table III you may add and you must subtract the applicable amount specified in that table.

(5) You must also deduct the country shipper's selling charge.

The cost or charge to be deducted in subparagraphs (1), (2), (3), and (5) of this paragraph is the cost or charge prevailing in the area in which your farm is located.

For example: Assume you are a grower of potatoes and are selling in March unwashed storage potatoes in bulk ex your farm located in Maine. The base price, determined from Table I, is therefore $3.70. You have not graded and sized the potatoes. For that portion which the buyer grades and sizes as U. S. No. 1 2-inch minimum diameter, the adjusted base price under paragraph (b) of section 2 is the base price plus 10 cents, or $3.80. Assume that the prevailing cost of grading, sizing and packing in new 100-pound burlap bags is 55 cents per hundredweight, the prevailing cost of hauling and loading on carrier is 10 cents

per hundredweight, and the prevailing country shipper's selling charge is 10 cents per hundredweight. Your total deductions would therefore total 75 cents per hundredweight and your ceiling price would be $3.05 per hundredweight, that is $3.80 less $0.75. For other grades, sizes and packs of the lot, you determine your ceiling prices in the same manner using the appropriate applicable differentials.

[Paragraph (h) added by Amdt. 3]

(i) *Ceiling prices for sales by growers to ultimate consumers.* If you are a grower and sell not more than 400 pounds of potatoes to an ultimate consumer who has placed his order directly with you and you make delivery of such potatoes to such ultimate consumer, your ceiling price for such a sale is the f. o. b. country shipping point ceiling price for such potatoes plus $1.25 per hundredweight.

[Paragraph (i) added by Amdt. 4]

SEC. 3. *Ceiling prices for intermediate sellers and shipping point distributors.* This section establishes ceiling prices for sales by all intermediate sellers including "carlot distributors", "primary receivers", "secondary jobbers", and "purveyors" as well as for "shipping point distributors". These terms are defined in section 10 of this regulation. In each case a seller finds his ceiling price by adding a specified markup to the "primary price" determined under paragraph (a) of this section. The same person may be one type of seller with respect to one lot of potatoes and a different type of seller with respect to a different lot of potatoes.

[Above paragraph amended by Amdt. 4]

(a) *Primary price.* Your "primary price" is the f. o. b. country shipping point ceiling price for the potatoes being priced plus the cost of rail transportation to the wholesale receiving point plus 6 cents per cwt.

[Paragraph (a) amended by Amdt. 1]

(b) *Sales by carlot distributors.* If you are a carlot distributor and make carlot or trucklot sales at a wholesale receiving point, your ceiling price is your primary price plus 10 cents per hundredweight. "Carlot" or "trucklot sales" are defined in section 10.

(c) *Sales by primary receivers*—(1) *Sales ex-car.* If you are a primary receiver and make sales of potatoes ex-car or ex-truck, your ceiling price shall be your primary price plus 25 cents per hundredweight.

(2) *Sales ex-store.* If you are a primary receiver and make sales of potatoes ex-store or ex-warehouse, your ceiling price shall be your primary price plus 45 cents per hundredweight.

(3) *Delivered sales.* If you are a primary receiver and make delivered sales of potatoes to a buyer's physical premises other than a retail store, your ceiling price shall be your primary price plus 45 cents per hundredweight.

[Subparagraph (3) amended by Amdt. 4]

(d) *Sales by secondary jobbers.* If you are a secondary jobber and make sales of potatoes on a delivered basis to the physical premises of the buyer (in the case of a sale to a retailer, delivered to the retail store where resale is made to ultimate consumers), your ceiling price is your primary price plus 80 cents per hundredweight. If you are a secondary jobber and make sales of potatoes on a nondelivered basis, your ceiling price shall be your primary price plus 60 cents per hundredweight.

(e) *Sales by purveyors.* If you are a purveyor, and make delivered sales to institutional users, your ceiling price shall be your primary price plus 80 cents per hundredweight.

(f) *Sales by intermediate sellers to retailers.* If you are an intermediate seller and you make sales on a delivered basis to a retailer's retail store, your ceiling price shall be your primary price plus 80 cents per hundredweight.

(g) *Long distance delivered sales.* If you are an intermediate seller and make sales of potatoes on a delivered basis to a retailer, delivered to such retailer's retail store or warehouse (including a chain store warehouse), to a commercial user at such commercial user's establishment, or to an institutional user delivered to such institution and the point of delivery of such sales is located beyond a radius of 15 miles from your warehouse you may add to your ceiling price otherwise determined under this revised regulation, an amount for transportation not in excess of 5 cents for each 25 miles beyond this 15-mile radius. In any event, the total amount charged for such transportation may not exceed 30 cents per hundredweight.

Example: Assume the country shipping point ceiling price is $3.60 per hundredweight and freight to the wholesale receiving point is $1.00, then:

The delivered ceiling price is $4.60 plus 6 cents, i. e	$4.66
If you are a carlot or trucklot distributor, your ceiling price is	4.76
If you are a primary receiver and sell ex-car, your ceiling price is	4.91
If you are a primary receiver and sell ex-store, your ceiling price is	5.11
If you are a secondary jobber and sell ex-store, your ceiling price is	5.26
If you are a secondary jobber and deliver to the retail store, your ceiling price is	5.46

[Paragraph (g) amended by Amdt. 4]

(h) *Sales by shipping point distributors.* If you are a shipping point distributor and make carlot or trucklot sales, your ceiling price is your primary price plus 10 cents per hundredweight.

[Paragraph (h) added by Amdt. 4]

SEC. 4. *Grade, size, washing and packaging differentials.* If you are a person other than a "purveyor" as defined in section 10 (p) of this regulation and you grade, size, wash, or package potatoes at a point subsequent to the country shipping point, you may adjust your ceiling price in accordance with Tables II and III of paragraph (c) of section 2 of this regulation provided such differentials have not previously been applied by any seller.

[Section 4 amended by Amdt. 2]

SEC. 5. *Potato futures*—(a) *New York Mercantile Exchange futures contracts.* The ceiling prices per hundredweight at which U. S. No. 1, Size A 2-inch minimum white flesh potatoes covered by futures contracts may be traded in the New York Mercantile Exchange pursuant to the rules of the New York Mercantile Exchange as of January 1, 1952, or delivered pursuant to such contracts are as follows:

TABLE IV—CEILING PRICES FOR POTATOES TRADED ON THE NEW YORK MERCANTILE EXCHANGE

DELIVERY DATE			
February	March	April	May
$4.31	$4.41	$4.46	$4.51

(b) *Chicago Mercantile Exchange futures contracts.* The ceiling prices per hundredweight at which U. S. No. 1, Size A 2-inch minimum white flesh potatoes covered by futures contracts may be traded in the Chicago Mercantile Exchange pursuant to the rules of the Chicago Mercantile Exchange as of November 26, 1951, or delivered pursuant to such contracts are as follows:

TABLE V—CEILING PRICES FOR POTATOES TRADED ON THE CHICAGO MERCANTILE EXCHANGE

DELIVERY DATE			
February	March	April	May
$5.20	$5.30	$5.35	$5.40

[Section 5 amended by Admt. 3]

SEC. 6. *Imports and exports of potatoes.* The ceiling price per hundredweight for white flesh potatoes imported from any country to any wholesale receiving point shall be the ceiling price established under this revised regulation for the most closely similar variety of domestic potatoes at the same point where such imported potatoes are being offered for sale. Sales of potatoes for export are governed by the provisions of Ceiling Price Regulation 61.

SEC. 7. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, invoice, or similar evidence of purchase, you shall continue to do so. Upon request, you shall, regardless of previous custom, give the purchaser a receipt showing the date, your name and address, the type and quantity of potatoes sold, the price received for them, the applicable delivered ceiling price under section 2 (d) of this revised regulation and the ceiling price for the particular sale.

SEC. 8. *Treatment of excise taxes.* If you have customarily separately stated and collected any excise or similar tax, you may continue to collect the current amount of any such tax in addition to your ceiling price. If you did not customarily state and collect separately from the purchase price the amount of tax paid by you, you may not collect the amount of such tax in addition to your ceiling price. In the case of such tax imposed after the effective date of this revised regulation, if at the time you calculate your ceiling price the statute or ordinance imposing the tax does not prohibit you from stating and collecting the tax separately from the purchase price, you may collect in addition

to your ceiling price, the amount of the tax actually paid by you. In every case where the tax is collected from the purchaser, the amount thereof shall be separately stated.

SEC. 9. *Compliance with this revised regulation*—(a) *No selling or buying above ceiling prices.* Regardless of any contract or obligation, no person shall sell or deliver or, in the course of trade, buy or receive any potatoes at a price higher than the appropriate ceiling price established by this revised regulation.

(b) *Evasion.* No person shall evade a ceiling price, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium, or other privilege by tie-in requirement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling or packaging, or in any other way. The ceiling prices and markups established by this regulation may not be exceeded by buyers or sellers by splitting or sharing of markups, pyramiding of services, joint account transactions or otherwise.

[Paragraph (b) amended by Amdt. 3]

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950, as amended.

SEC. 10. *Definitions.* (a) "Broker or agent" means a person who, for a commission or fee, or other charge, represents a principal in the sale or purchase of potatoes. This term includes an auction company. A broker or agent does not customarily warehouse, store, or otherwise distribute potatoes.

(b) "Carlot distributor" means a person, other than a country shipper or a shipping point distributor, who has purchased the potatoes being priced in unbroken carlots or trucklots and sells these potatoes in unbroken carlots or unbroken trucklots.

[Paragraph (b) amended by Amdt. 4]

(c) "Carlot or trucklot sales" mean a quantity of potatoes transported in one car, truck, or other conveyance at one time out of which 75% or more by weight is sold to one person. A pool car or truck, that is, a car or truck containing potatoes owned by more than one seller or sold to more than one purchaser shall be considered a carlot or trucklot.

(d) "Certified seed potatoes" or "foundation stock seed potatoes" means seed potatoes grown, inspected, certified and tagged or labelled as being such class, pursuant to the laws and regulations governing the official certifying agency of the state or foreign country where grown. Such certifying agency includes the Kern County Seed Potato Association, Inc., a California corporation. Seed potatoes of any kind sold or resold for purposes other than planting shall be priced as ordinary white flesh potatoes under this regulation.

(e) "Commercial or institutional users" include potato processing plants, restaurants, ships, hotels, hospitals, governmental users (including the armed forces), and camps.

(f) "Commission merchant" means a person who is the agent in a wholesale receiving point of a country shipper or other seller and receives potatoes in any quantity and distributes them on behalf of his principal in less-than-carlot or less-than-trucklot quantities. To qualify as a commission merchant, a person must also customarily warehouse, store, or otherwise distribute potatoes.

(g) "Cost of rail transportation" means the amount calculated by application of the lowest applicable carlot rate for transportation per cwt. of potatoes by rail. If you ship potatoes in any quantity by rail, truck, or ship owned, leased, chartered, or otherwise engaged by you, you shall, in computing your "cost of rail transportation", use the lowest applicable carlot rate for transportation by rail. However, if you cannot thus compute your cost of rail transportation because rail transportation facilities are not available between the country shipping point and the wholesale receiving point, you may use the actual cost of the available transportation facility employed by you not to exceed the prevailing rate for such transportation. "Cost of rail transportation" also includes the cost of protective services, such as fumigation, preheating, and precooling, actually rendered and charged by the carrier, or, if not rendered and charged by the carrier, the cost of such services not to exceed the applicable ceiling prices for such services established under CPR 34. "Cost of rail transportation" also includes costs of transportation as computed under this paragraph between the "carlot or trucklot receiving market" and the "less-than-carlot or less-than-trucklot receiving market" for potatoes transported between these points. Transportation between a "carlot or trucklot receiving market" and a "less-than-carlot or less-than-trucklot receiving market" does not include transportation between points within city limits or any other geographical area which is generally recognized as a single wholesale distribution area. "Carlot or trucklot receiving market" is defined in paragraph (w) of this section and "less-than-carlot or less-than-trucklot receiving market" is defined in paragraph (x) of this section.

For example: Potatoes are shipped from country shipping points to Boston in carlots or trucklots. They are transshipped in less-than-carlots or less-than-trucklots to Salem for resale in the Salem area. Both Boston and Salem are "wholesale receiving points". Boston is the "carlot or trucklot receiving market", because it is the first place beyond the country shipping point to which the potatoes being priced have been transported and received by an intermediate seller. Salem is the "less-than-carlot or less-than-trucklot receiving market" because it is the first place beyond Boston to which the potatoes being priced have been transported in less-than-carlots or less-than-trucklots. Hence, the cost of transshipment from Boston to Salem computed under this paragraph may be included in the "cost of rail transportation". On the other hand, if the potatoes being priced are hauled from one local warehouse to another local warehouse within Boston or Salem the local hauling charges may not be included in the "cost of rail transportation".

[Paragraph (g) amended by Amdts. 3 and 4]

(h) "Country shipper" means a person, including a grower or grower's agent who makes sales from a farm or other country shipping point to any other person.

(i) "Country shipping point" means a farm or other place in or near the producing area from which potatoes are sold, shipped, delivered, or otherwise transferred to any other person and at which place potatoes are prepared for sale, shipment, delivery, or other transfer to any person. This preparation shall at least include grading, sizing, packing and loading.

(j) "F. o. b. country shipping point ceiling price" means a ceiling price established under section 2 of this revised regulation for potatoes prepared for shipment and loaded on a carrier. This preparation includes at least grading, sizing, packing, and loading.

(k) "Grade" means official grades listed in "United States Standards for Potatoes" published by the United States Department of Agriculture (except in the case of Idaho standard potatoes).

(l) "Grower" means a person who produces potatoes.

(m) "Intermediate seller" means any person other than a retailer or country shipper who purchases white flesh potatoes for the purpose of reselling and who takes title and makes sales to any person who is not an ultimate consumer.

(n) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions and their agencies.

(o) "Primary receiver" means a person who for his own account and profit buys the potatoes being priced in unbroken carlots or unbroken trucklots from any person for resale in less-than-carlots or less-than-trucklots to persons other than ultimate consumers.

(p) "Purveyor" means (1) a person who purchases the potatoes being priced; (2) maintains facilities for and actually does wash, trim, sort, repack, and warehouse; (3) employs salesmen to call on institutional and commercial users; (4) makes less-than-carlots or less-than-trucklot, or less-than-original container sales to institutional users; (5) delivers within the metropolitan area surrounding and including the city, town, village, or other populated area in which his warehouse and selling facilities are located. No seller shall be considered a purveyor when selling unbroken containers.

(q) "Secondary jobber" means a person other than retailer who for his own account and profit purchases the potatoes being priced in less-than-carlots or less-than-trucklots from a primary receiver or any person selling through a commission merchant for resale in any quantity.

(r) "Ultimate consumer" means a person who purchases white flesh potatoes for table use. The term does not

include institutional, industrial, or commercial users or any federal, state or local governmental purchaser.

(s) "Wholesale receiving point" means a "carlot or trucklot receiving market" or a "less-than-carlot or less-than-trucklot receiving market". Where shipments of the potatoes being priced are made directly from a country shipping point, wholesale receiving point includes a retailer's warehouse (including a chain store warehouse), or institutional or commercial user's warehouse.

[Paragraph (s) amended by Amdt. 4]

(t) "You" means any person whose sales of potatoes are covered by this regulation.

(u) "Washed potatoes" means potatoes which have been cleaned by water by special washing equipment either of the spray and brush type or the vat and tumble type and meet the requirements of "generally fairly clean." "Fairly clean" has the meaning ascribed thereto in the U. S. Standards for Potatoes (7 CFR 51.366), and "generally", when used in conjunction with "fairly clean" in this paragraph, means that at least 90 percent of the washed potatoes in each shipment meet the requirements of "fairly clean."

[Paragraph (u) added by Amdt. 2]

(v) "Storage potatoes" means potatoes harvested before December 31, 1951.

[Paragraph (v) added by Amdt. 2]

(w) "Carlot or trucklot receiving market" means the first place beyond the country shipping point to which the potatoes being priced have been transported and received by an intermediate seller and at which the potatoes are for sale without further transportation in the conveyance in which they were transported from the country shipping point.

[Paragraph (w) added by Amdt. 4]

(x) "Less-than-carlot or less-than-trucklot receiving market" means the first place beyond a carlot or trucklot receiving market to which the potatoes being priced have been transported in less-than-carlots or less-than-trucklots by a conveyance other than the one in which they were transported to the carlot or trucklot receiving market from the country shipping point.

[Paragraph (x) added by Amdt. 4]

(y) "Shipping point distributor" means a person who, with respect to a lot of potatoes, performs all the functions of a country shipper and, in addition, made at least 50 percent of the dollar value of his potato sales during the current season up to March 17, 1952, to purchasers located at wholesale receiving points who did not buy through brokers or agents located at the country shipping point. If 25 percent or more of the dollar value of a seller's sales of potatoes for the current season up to March 17, 1952 is made to a single purchaser, such seller is not a shipping point distributor. Furthermore, a person who makes sales of potatoes to country shippers or shipping point distributors is not himself a shipping point distributor.

[Paragraph (y) added by Admt. 4]

ELLIS ARNALL,
Director of Price Stabilization.

By JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-3654; Filed, Mar. 27, 1952; 12:20 p. m.]

[Amdt. 1 to Area Milk Price Regulation 2 Under GCPR, SR 63]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 2—CALUMET MILK MARKETING AREA, INDIANA

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Area Milk Price Regulation 2, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued:

STATEMENT OF CONSIDERATIONS

This amendment, in addition to correcting and clarifying certain provisions of Area Milk Price Regulation No. 2, expands the coverage of that regulation to include additional handlers of milk products for fluid consumption.

It was originally thought that all Area Milk Price Regulations would be numbered consecutively by Region. Thus, certain provisions of the Calumet Area Milk Marketing Regulation refer to Area Milk Price Regulation No. 1. However, because these area regulations are being numbered consecutively on a national basis, all such references to Area Milk Price Regulation No. 1 are changed to Area Milk Price Regulation No. 2.

Through inadvertence, a wholesale store-delivered price was listed in Table A of Area Milk Price Regulation No. 2, as originally issued, for ⅓ quarts of milk. It was subsequently determined that the petitioning dairies did not sell ⅓ quarts of milk to their wholesale store customers during the base period, and that they do not now sell milk in containers of that size to such customers. Thus, references to ⅓ quarts of milk sold at wholesale to stores as listed in Table A of section 4 are deleted.

As originally issued, Area Milk Price Regulation No. 2 excluded sales of milk products for fluid consumption by processors to route delivery vendors, sales by operators of retail stores and sales of raw milk by receiving plant operators to processors. Certain factors dictated the necessity for the inclusion of these sales and sellers in this regulation.

Accordingly, section 3 of Area Milk Price Regulation No. 2 is amended to include these sales and sellers. In addition, in order to avoid the possibility of confusion, section 3 of this amended regulation explicitly provides that while the regulation covers sales of milk products to be delivered to a purchaser located in the area, although the seller is located outside the area, it does not cover sales of milk products to be delivered by a seller from a location within the area to a purchaser located outside the area.

Consideration of the effect of the parity "pass-through" provisions of Supplementary Regulation 63 indicates the need for covering sales by processors to route delivery vendors, sales by operators of retail stores and sales of raw milk by receiving plant operators to processors. Allowing these sales to remain under the provisions of the General Ceiling Price Regulation would mean that as the price of raw milk declines processors would not be required to adjust their prices to reflect this decrease in their sales to route delivery vendors; nor would retail store operators be required to lower their price to consumers in such a situation. Sections 4 (c) and 4 (d) of Area Milk Price Regulation No. 2, as amended, eliminate the possibility of this occurrence by the establishment of ceiling prices for such sales and by imposing the requirement that such ceiling prices be adjusted to reflect decreases in the price of milk.

These and additional considerations also indicate the need for the inclusion of sales of raw milk by operators of receiving plants to processors. It is conceivable that the processors in the Area could be faced with a price squeeze if receiving stations which supply them with raw milk are not covered by the same parity provisions applicable to them. In view of the parity provisions of Supplementary Regulation 63 requiring processors to adjust their prices to reflect any decline in the price of raw milk, it would be inequitable to permit operators of receiving plants to remain under the provisions of the General Ceiling Price Regulation which contains no automatic reduction provision. Accordingly, section 4 (e) of Area Milk Price Regulation No. 2, as amended, corrects this situation by establishing ceiling prices for sales of raw milk by receiving plant operators to processors and by requiring appropriate reductions as the price of raw milk declines.

Section 6 (a) of Area Milk Price Regulation No. 2, as originally issued, provided a method by which processors and distributors of milk products could determine their ceiling prices for milk products as to which ceiling prices could not be determined under section 4 or 5 of the regulation. This amendment applies the same method to operators of retail stores but excepts them from the requirement of submitting a detailed report.

Section 8 of this Area Milk Price Regulation is amended to require rounding of fractions on the basis of all items sold during a billing period rather than rounding of fractions on each sale.

Sections 12 and 13 are added by this amendment to Area Milk Price Regulation No. 2. These sections advise operators of retail stores and distributors how to adjust their prices to reflect increases or decreases in cost occasioned by the parity adjustment of their processors.

Every effort has been made to conform this amendment to existing business practices, cost practices and methods, and means and aids to distribution. Insofar as any provision of this amendment may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the District Director of the Office of Price Stabilization, 188 West Randolph Street, Chicago, Illinois, to be necessary to prevent circumvention or evasion of this amendment.

In the judgment of the District Director of the Office of Price Stabilization, the provisions of this Amendment 1 to Area Milk Price Regulation No. 2 in Region VII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950 as amended by the Defense Production Act amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950 as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950 inclusive; and to all relevant factors of general applicability. The Director has consulted the industry involved to the fullest extent practicable and has given due consideration to its recommendation.

AMENDATORY PROVISIONS

Area Milk Price Regulation No. 2 issued under Supplementary Regulation No. 63 to the General Ceiling Price Regulation is amended in the following respects:

1. References in sections 10 and 11 and in the Statement of Considerations to "Area Milk Price Regulation No. 1" are changed to read "Area Milk Price Regulation No. 2."

2. Section 3 of Area Milk Price Regulation No. 2 is amended to read as follows:

SEC. 3. *Sales and sellers covered by this regulation.* This Area Milk Price Regulation covers all sales of milk products for fluid consumption by all sellers (including sales to route delivery vendors and sales by retail stores and by operators of receiving plants) except that it does not cover sales by operators of retail stores of packaged cottage, pot and baker's cheese. Ceiling prices for sales of packaged cottage, pot and baker's cheese by operators of retail stores shall continue to be subject to Ceiling Price Regulation 15 and 16. This Area Milk Price Regulation also covers sales of milk products for fluid consumption to be delivered to a purchaser located in the Calumet Milk Marketing Area although the seller is located outside the area. The regulation does not, however, cover sales of milk products for fluid consumption to be delivered by the seller from a location within the Calumet Milk Marketing Area to a purchaser located outside the area. Sales of milk products delivered to a purchaser located outside of the Calumet Milk Marketing Area are controlled either by the General Ceiling Price Regulation, without reference to Supplementary Regulation 63 and to this Area Milk Price Regulation, or by the Area Milk Price Regulation applicable to the particular place where delivery is made. "Route delivery vendor" means any person, other than a processor of milk, who is primarily engaged in the business of buying packaged or bottled milk products for fluid consumption and reselling from delivery routes which he operates.

3. Reference in Table A of section 4 (a) to "⅓ of quart" and to the figures ".105" and ".06" are deleted.

4. The word "listed" is deleted in the title of section 4.

5. Sections 4 (a), 4 (b) and 5 (a) are amended by the insertion of the following sentence after the title and immediately preceding the first sentence of each of these sections: "This paragraph applies to you only if you are a processor or distributor of milk products for fluid consumption as those terms are defined in section 3 of Supplementary Regulation 63 and does not apply to sales by receiving plant operators (who are covered by section 4 (e) of this regulation) and sales by operators of retail stores (who are covered by section 4 (d) of this regulation)."

6. To section 4, paragraph (c) is added to read as follows:

(c) *Ceiling Prices for sales of milk products for fluid consumption by processors to route delivery vendors.* If you are a processor (defined in section 3 of Supplementary Regulation 63) of milk products for fluid consumption, your ceiling price for sales of these products to route delivery vendors shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect immediately prior to November 1, 1951 (the effective date of AMPR 2). Your ceiling prices established under this paragraph shall be adjusted in accordance with the provisions of section 8 (a) of Supplementary Regulation 63 and shall vary as the producer paying price set out in section 7 of this regulation increases or decreases.

7. To section 4, paragraph (d) is added to read as follows:

(d) *Ceiling prices for sales of milk products for fluid consumption by operators of retail stores.* If you are the operator of a retail store your ceiling price for the sale of milk products for fluid consumption shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect immediately prior to November 1, 1951 (the effective date of AMPR 2). Your ceiling prices established under this paragraph shall be adjusted in accordance with the provisions of section 8 (a) (2) of Supplementary Regulation 63 and section 12 of this regulation.

8. To section 4, a new paragraph (e) is added to read as follows:

(e) *Ceiling prices for sales of raw milk by operators of receiving plants.* If you are an operator of a receiving plant (as that term is defined in section 3 of Supplementary Regulation 63), your ceiling price for sales of raw milk to processors shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect immediately prior to November 1, 1951 (the effective date of AMPR 2). Your ceiling prices established under this paragraph shall be adjusted in accordance with the provisions of section 8 (a) of Supplementary Regulation 63 and shall vary as the producer paying price set out in section 7 of this regulation increases or decreases.

9. The second sentence of section 6 (a) is amended to read as follows: If you are a processor or distributor, however, you may not continue to sell any such milk product unless within fifteen (15) days from the date of your first sale after the effective date of this regulation you file with the District Director of the Office of Price Stabilization, 188 West Randolph Street, Chicago, Illinois, a statement setting forth the following information:

10. Section 8 is amended to read as follows:

SEC. 8. *Rounding the fractions.* Except as to sales of raw milk by receiving plants to processors, fractions remaining after the computation of the ceiling price for the total number of units of any milk product being sold has been determined (and after giving effect to section 8 (b) of Supplementary Regulation 63) shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more. If, however, you bill any purchaser for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption sold to that purchaser during the preceding month or other billing period has been determined shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

11. A new section 12 is added to read as follows:

SEC. 12. *Parity adjustments for retail stores.* This paragraph applies to you only if (a) you are an operator of a retail store who sells an item of a milk product for fluid consumption; (b) the cost to you of a current customary purchase of an item differs from the highest ceiling price applicable to sales of that item to you from a customary source of supply on October 31, 1951; and (c) the change in the cost to you is due either to an increase granted by section 4 (a) or 4 (b) or to the operation of the provisions of section 7 of this area milk price regulation relating to parity adjustments for processors. In such case, on the first day following the effective change in your cost, you may increase and you must decrease your ceiling prices in effect on October 31, 1951 by the dollars-and-cents difference per item in these costs.

12. A new section 13 is added to read as follows:

SEC. 13. *Parity adjustments for distributors.* This paragraph applies to

you only if (a) you are a distributor of an item of a milk product for fluid consumption; (b) the cost to you of a current customary purchase of the item differs from the highest ceiling price applicable to sales to you from a customary source of supply under section 4 (a) or 4 (b) of this regulation; and (c) the change in cost to you is due to the operation of section 7 of this area milk price regulation relating to parity adjustments for processors. In such case, on the first day following the effective change in your cost you may increase and you must decrease your ceiling prices as established by section 4 (a) and 4 (b) of this regulation by the dollars-and-cents difference per item on these costs.

Effective date. This Amendment No. 1 to Area Milk Price Regulation 2, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, shall become effective March 27, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

B. EMMET HARTNETT,
District Director,
Office of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3655; Filed, Mar. 27, 1952; 12:20 p. m.]

[Distribution Regulation 1, Revision 1, Amdt. 1]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

STATEMENTS, REPORTS, NOTICES, FORMS, APPLICATIONS OR OTHER DOCUMENTS FILED UNDER DISTRIBUTION REGULATION 1

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 1 to Distribution Regulation 1, Revision 1, is hereby issued.

Preamble. On March 17, 1952, the effective date of Distribution Regulation 1, Revision 1, there were on file with the OPS many statements, reports, notices, forms, applications and other documents filed under the provisions of Distribution Regulation 1, issued February 9, 1951. This amendment is being issued to make it clear that all such documents are to be treated as if filed under the corresponding sections of Distribution Regulation 1, Revision 1 and are to be handled accordingly.

AMENDATORY PROVISIONS

Distribution Regulation 1, Revision 1, is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What this revised regulation does.* (a) This revised regulation supersedes Distribution Regulation 1, issued February 9, 1951 ("old Distribution Regulation 1") and all amendments and supplements thereto. However, any statements, reports, notices, forms, applications or other documents filed under the provisions of the old Distribution Regulation 1 or under any amendment or supplement thereto shall be treated as if filed under the corresponding section of this revised regulation and dealt with accordingly.

(b) If you wish to slaughter any species of livestock (cattle, calves, sheep and lambs, or swine) or if you wish to have any species of livestock slaughtered for you, you are required to determine under this revised regulation whether the slaughter of such livestock by you or for you is permitted at all, and if so the conditions under which such slaughter is permitted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

Effective date. This amendment shall become effective on March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3657; Filed, Mar. 27, 1952; 12:21 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 19]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 19—NORTH TEXAS MILK MARKETING AREA, STATE OF TEXAS

Pursuant to the Defense Production Act of 1950, as amended Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Delegation of Authority No. 41 (16 F. R. 12679), this Area Milk Price Regulation pursuant to Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at all levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective permitting adjustments of ceiling prices for fluid milk products in individual marketing areas upon petition or upon the initiative of the appropriate District or Regional Director. In accordance with the provisions of Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation, this area milk price regulation is being issued adjusting ceiling prices for the North Texas milk marketing area on sales of fluid milk products within that area by processors, processor-distributors, distributors, and operators of retail stores.

During the period from the start of the Korean conflict until the effective date of the General Ceiling Price Regulation, processors and distributors of milk products were free to raise their prices as much as competition would permit. Since the effective date of that regulation, milk processors have been allowed to pass through automatically to consumers all increased costs of agricultural raw materials, but have not been able to take into account other cost increases.

Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation provides for the writing of area milk price regulations which will establish the pre-Korean margins between raw material costs and selling prices, plus the increases in the following categories of expense which have occurred since that time: (1) direct labor (including distribution labor and commissions); and (2 cost of cans, cases, and containers. Prices calculated under Supplementary Regulation 63 will be higher or lower than adjusted General Ceiling Price Regulation prices, dependent upon whether over-all price increases since the pre-Korean base period have more or less than compensated for the increases in costs of raw materials and allowable expenses.

Seven major processors and processor-distributors petitioned for ceiling price adjustments under Supplementary Regulation 63 to the General Ceiling Price Regulation. In order to process data from a reliable sample, the Regional Director determined that additional processors should be included. Consequently, the Regional Office secured data from seven additional processors.

The data submitted by all fourteen petitioners were carefully analyzed for completeness and were checked mathematically for internal consistency. In most instances, errors were corrected through personal interview and audit of company records. The sample of fourteen petitioners was subsequently reduced to ten because of incompleteness of data submitted by two petitioners, and the internal inconsistency of data submitted by two others.

A chronological summary of events in processing the petition is as follows:

1. November 8, 1951, petition received from seven processor-distributors.
2. December 20, 1951, final data for month of Septemebr, 1951, received.
3. December 29, 1951, final processing completed.
4. January 2, 1952, petitioners requested delay in issuance of the regulation.
5. January 25, 1952, petitioners submitted raw material data for new current period of October, 1951.
6. February 15, 1952, several major processors announced reductions in producer prices without corresponding reductions in selling prices of milk products.

The petitioners requested an area milk price regulation covering the same geographic area as the marketing area already existing under the jurisdiction of the Market Administrator of the North Texas Marketing Area. In determining the appropriate area to be covered by this area milk price regulation, the Regional Director gave due consideration to all relevant factors. These factors include: (1) places where milk is processed and utilized; (2) places were milk in the area originates; (3) customary selling practices and prices in the area as compared with those of adjacent

areas; and (4) the practical facility of administration. Based on these considerations, it was determined that the petitioners' request was sound and feasible. Consequently, the area covered by this area milk price regulation coincides with the marketing area established by the Production and Marketing Administration under Federal Order No. 43 (16 F. R. 8420). The Regional Director has determined that the area covered by this regulation is a homogeneous one, and that the issuance of a regulation for this area will not unduly disturb competitive prices and trade practices in other areas.

This area milk price regulation has been issued on the basis of data found to be representative of the operations in the marketing area which it covers. The statistical data were obtained from a representative sample of ten processors and processor-distributors, located in five cities in the marketing area. The petitioners, representative of large, medium, and small sellers, constitute approximately one-third of the processors and distributors, and account for approximately three-fourths of the sales volume in the area. As a general rule, the smaller processors do not keep sufficiently accurate and extensive records for the statistical analyses and calculations which this type of regulations requires. However, accurate data were obtained from several medium and small processors and included in the analysis. Although these data showed certain expected variations, they were generally consistent with the cost increase patterns found in the data submitted by the larger processors. In the judgment of the Regional Director, the data yield accurate and adequate information from a representative portion of the processors and distributors in the area.

This regulation provides uniform adjustments in ceiling prices determined under section 3 of the General Ceiling Price Regulation. The uniform adjustments are based upon increased costs which processors and distributors have incurred between a specified pre-Korean base period of operations and a selected current period. The pre-Korean base period specified by Supplementary Regulation 63, as amended, covers operations from January 1, 1950, through June 30, 1950. The original current period selected by the petitioners covered operations from September 1, 1951, through September 30, 1951. However, the following difficulties arose which pointed to the need for selecting another current period: (1) September was a pilot period for the operations of this market under a Federal Milk Marketing Order; (2) during September a major change occurred in the producer price of milk; and (3) several large processors failed to submit an adequate breakdown on raw material costs for their September operations. Because of the peculiarities of this market, the petitioners felt that the use of October, 1951, would be more favorable to them, and submitted new raw material data for that month.

A study of conditions as they exist in the North Texas Marketing Area reveals certain factors peculiar to this market. Local production of fluid Grade A milk has failed to keep pace for the last several years with demand, largely because of the growth in population of the cities of Dallas and Fort Worth, and partly because some processors have expanded their trade territory beyond the limits of this market area. For this reason, it is necessary for most processors to import some fluid milk, mainly from Wisconsin and Missouri, in more or less regularly scheduled shipments from August through December or January. Skim milk solids in the form of condensed skim milk or skim milk powder are purchased, mostly from out-of-state sources, for the manufacture of buttermilk during all but the months of local flush production. Because of these shortages much emphasis has been given to the stimulation of local production, and since the general price freeze on January 26, 1951, the producer price for raw milk has advanced a total of $1.06 per cwt. in two increases.

During the pre-Korean base period, the processors purchased milk on a base-surplus plan and were not under the control of a federal marketing order. In the months of March, April, May, and June of this period they reported that they purchased surplus milk from their producers at current manufacturing prices, part of which was used for fluid bottled cream and buttermilk manufacture.

For the current period of October, 1951, the situation was entirely different. The area went under the control of a Federal Marketing Order effective September 1st. Because of a shortage of locally-produced milk during the month, the producer price was $6.91 per cwt., which was $0.835 per cwt. higher than the price established by the Market Administrator. The prices reported for imported milk, f. o. b. the processors' docks, ranged from $7.76 to $8.43 per cwt. Practically all buttermilk was manufactured from reconstituted skim milk solids.

The two periods used are highly favorable to the petitioners, because of the fact that the base period was one of seasonal high production and the current period was one of scarcity. As might be expected, the spring season normally brings flush production and relatively low producer prices of milk, while the fall and winter months are characterized by lower production, higher producer prices, and importation of out-of-state milk at high cost.

The ceiling price adjustments granted by this regulation have been determined by: (1) Computing the changes of (i) raw material costs for each product, and (ii) allowable expenses per sales point; (2) computing the increases in selling prices of each product between the specified base period and the selected current period; and (3) computing the amount by which the increased costs differ from increased selling prices. These computations have been appropriately weighted in order to reflect the relative sales volume and changes in the butterfat content of the various milk products. Sound cost accounting procedure calls for raw material costs to be allocated to the skim milk and butterfat components of each fluid milk product. Hence, this procedure was followed.

Thorough study and detailed analysis of increased costs and increased prices have shown that processors and processor-distributors in this marketing area have taken abnormally high price increases in relation to cost on certain milk products, while price increases in other products have been relatively modest. Consequently, the effect of the ceiling price adjustments established by this regulation, based on a producer price of $6.91 per cwt., is to permit minor price increases on certain milk products and to require decreases on others.

Because of slight differences in prices which are customarily charged within the marketing area, it was found desirable to use uniform adjustments rather than a flat dollar-and-cents ceiling price technique. The regulation sets forth the specific adjustments allowed on certain basic milk product items. Each seller covered applies this uniform adjustment to his GCPR base period ceiling prices. Methods are also provided for determining ceiling prices for items not listed.

This regulation sets forth a specific producer price for raw milk upon which the ceiling price adjustments granted are based. The specified producer price is $6.91 per cwt. for Class I milk of 4 per cent butterfat test. Future parity adjustments made within the geographic jurisdiction of this regulation will be made on the basis of this specified producer price.

The milk products covered by this regulation are "milk products for fluid consumption". The definition of this term as well as other key terms will be found in a special section of this regulation. Sales of all milk products not covered by this regulation remain subject to the General Ceiling Price Regulation.

The Regional Director of the Office of Price Stabilization has given due consideration to the National effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended, to prices prevailing during the periods from January 1, 1950, to June 30, 1950, inclusive, and to all other relevant factors of general applicability.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the customary business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Regional Director of the Office of Price Stabilization to be necessary in order to prevent circumvention or evasion.

In the judgment of the Regional Director of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The Regional Director has consulted with industry representatives and has given due consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sales and sellers covered by this area milk price regulation.
4. How you determine your ceiling prices.
5. Ceiling prices for milk products for fluid consumption.
6. Use of competitor's ceiling prices to establish your ceiling prices.
7. Sellers who cannot price under other sections of this regulation.
8. Modifications of proposed ceiling prices by the Regional Director of Price Stabilization.
9. Customary price differentials.
10. Parity adjustments in ceiling prices.
11. Rounding.
12. Transfers of business or stock in trade.
13. Records.
14. Reports.
15. Sales slips and receipts.
16. Prohibitions.
17. Charges lower than ceiling prices.
18. Evasion.
19. Violations.
20. Petitions for amendment.
21. Definitions.

AUTHORITY: Sections 1 to 21 issued under sec. 704, 64 Stat. 816, as amended; 50 U .S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803 as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation is issued under the authority of Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation and Delegation of Authority No. 41 (16 F. R. 12679). It establishes ceiling prices for sales and deliveries of "milk products for fluid consumption" in the North Texas Milk Marketing Area as that area is defined in section 2 of this regulation. The General Ceiling Price Regulation will hereinafter be referred to as GCPR. The term "milk products for fluid consumption" is defined in section 21 of this regulation. This area milk price regulation provides for uniform adjustments to be applied by each seller to his ceiling prices established during the GCPR base period, December 19, 1950, through January 25, 1951. The ceiling prices established by this regulation supersede those ceiling prices established by the General Ceiling Price Regulation.

SEC. 2. *Where this area milk price regulation applies.* This area milk price regulation applies to the North Texas Milk Marketing Area. The North Texas Milk Marketing Area is identical with the North Texas Marketing Area established by Federal Order No. 43 (16 F. R. 8420) of the Production and Marketing Administration of the United States Department of Agriculture. The North Texas Milk Marketing Area is composed of the following Texas counties:

Cooke.	Hopkins.
Collin.	Hunt.
Dallas.	Johnson.
Delta.	Kaufman.
Denton.	Lamar.
Ellis.	Parker.
Fannin.	Rockwell.
Grayson.	Tarrant.

SEC. 3. *Sales and sellers covered by this area milk price regulation.* This area milk price regulation covers all sales of milk products for fluid consumption where such sales are made in the North Texas Milk Marketing Area. This area milk price regulation also covers sales of milk products to be delivered to a purchaser located in this area, although the seller is located outside of this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area.

SEC. 4. *How you determine your ceiling prices.* Sections 5, 6, and 7 of this regulation establish methods for determining ceiling prices. You determine your ceiling prices for all milk products for fluid consumption under the first of these sections applicable to you. Your ceiling prices established under this regulation may be increased and must be decreased in accordance with section 10 if, and when, changes occur in the cost to you of customary purchases of raw milk used in your milk products.

SEC. 5. *Ceiling prices for milk products for fluid consumption.* Ceiling prices for processors, processor-distributors, and distributors are determined under paragraphs (a) through (e) of this section. Ceiling prices for operators of retail stores are determined under paragraph (f) of this section.

(a) If you are a processor, a processor-distributor, or a distributor, your ceiling prices for milk products for fluid consumption shall be determined in the following manner:

You may add to your GCPR base period ceiling price to each class of purchaser and for each type of container the uniform adjustment opposite each product listed in the table below.

[In cents]

Product	Container size				
	½ pint	1 pint	1 quart	¼ gallon	Gallon and per gallon in bulk
Regular milk	0.75	1.5	3	6	12
Homogenized milk	.75	1.5	3	6	12
Half-and-half	.75	1.5	3	6	12
Light cream, 18–31 percent butterfat	1.5	3	6	12	24
Heavy cream, above 31 percent butterfat	2.5	5	10	20	40
Chocolate milk	.75	1.5	3	6	12
Chocolate drink made from skim milk	.75	1.5	3	6	12
Buttermilk	0	0	0	0	0

(b) Reserved.

(c) For products not listed in paragraph (a) of this section, you determine your ceiling prices in the following manner: (1) You determine the item listed in paragraph (a) which is most similar to the item you wish to price. A listed item is most similar to the unlisted item (i) which has the same sales point or fraction of sales point ("sales point" is defined in section 21); (ii) which has physical characteristics most like the unlisted item; and (iii) which is nearest equal in butterfat content. (2) To the ceiling price of the item as determined under paragraph (a) you apply the typical differential between the price of the listed item and the price of the unlisted item. "Typical differential" as used in this paragraph means the dollars-and-cents difference between your GCPR base period ceiling price of the most similar listed item and your GCPR base period ceiling price of the unlisted item. (3) You determine ceiling prices for your other items in the same manner as indicated in steps one and two immediately above. Ceiling prices for all items you sell must be determined for each class of purchaser to whom each item is sold. Ceiling prices for products in container sizes other than those conforming to the sales point classification should be computed in direct proportion to the applicable sales point.

Example No. 1: You wish to determine your ceiling price for a pint of sour cream. Your comparison item for sour cream is a pint of light cream. Your GCPR base period ceiling price for a pint of light cream is 32 cents and your GCPR base period ceiling price for a pint of sour cream is 28 cents. Hence, your typical differential is 4 cents. Your adjusted ceiling price determined under paragraph (a) of this section for a pint of light cream is 35 cents. Your ceiling price for one pint of sour cream is 35 cents minus the typical differential of 4 cents. Hence, your adjusted ceiling price for a pint of sour cream is 31 cents.

(d) The specific producer price upon which the ceiling prices of this regulation are based is $6.91 per cwt. for raw milk of 4 percent butterfat test. The producer price for raw milk is the delivered price per cwt. including all premiums and discounts.

(e) For any products you sell, the percentage of butterfat content prevailing during October of 1951 shall not be decreased without a corresponding decrease in your ceiling price.

(f) If you are an operator of a retail store who sells an item of a milk product, your adjusted ceiling price for each item of a milk product must maintain the dollar-and-cents difference between your ceiling price and the net cost of acquisition of each item which existed immediately prior to the effective date of this regulation.

(g) If you are a processor or a processor-distributor, you must report, in accordance with section 14, your ceiling prices determined under this section. Distributors and operators of retail stores are not required to report under section 14.

SEC. 6. *Use of competitor's ceiling prices to establish your ceiling prices.* (a) *How you determine your ceiling price.* If you cannot determine a ceiling price under section 5, your ceiling price for the sale of any milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same milk product in the same size and type of container by your most closely competitive seller of the same class (as defined in section 21 of this regulation) to the same class of purchaser.

(b) *When you may sell at your competitor's ceiling price.* You shall not sell any such milk product until you have sent the report required by paragraph (c) by registered mail, return receipt requested, to the Regional Director of the Office of Price Stabilization, Dallas, Texas. After you receive your return

postal receipt showing that OPS has received your report, you may sell the product at your proposed ceiling price unless you are notified by the Regional Director that your proposed ceiling price has been disapproved or that more information is required.

(c) *Report required when you use your competitor's ceiling price.* Your report shall state the name and address of your company; the name, address, and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; and if you are starting a new business, a statement indicating whether you or the principal owner of your business has been engaged at any time during the past 12 months, in any capacity, in the same or similar business at any other establishment, and, if so, the trade name and address of each such establishment. Your report should also include the following:

(1) If you are a processor: A description of the product you are pricing; the processing involved in the production of that product; the classes of purchasers to whom you will be selling; the ceiling price of your nearest competitor; and your proposed ceiling price to each class of purchaser.

(2) If you are a distributor: A description of the product you are pricing; your net invoice cost of the product being priced; the names and addresses of your sources of supply; the function performed by them (e. g., processing, distributing, etc.), and the class of purchasers to whom they customarily sell; the classes of purchasers to whom you plan to sell; the ceiling price of your most closely competitive seller; your proposed ceiling price to each class of purchaser; and a statement that your proposed ceiling prices will not exceed the ceiling price your customers paid to their customary sources of supply. A report under this section may be filed on OPS Public Form 122 which may be obtained from the Regional Office of the Office of Price Stabilization, Dallas, Texas.

(3) If you operate a retail store: A description of the product you are pricing; your net invoice cost of the product being priced; and your proposed ceiling price.

SEC. 7. *Sellers who cannot price under other sections of this regulation—*(a) *How you obtain your ceiling price.* If you cannot determine a ceiling price under sections 5 or 6, you must apply to the Regional Director of the Office of Price Stabilization, Dallas, Texas, for the establishment of a ceiling price for sales by you of that milk product for fluid consumption. The Director will, as soon as possible after the receipt of the application or the receipt of such additional information as he may request, issue a letter order establishing a ceiling price for the sale by you of that product at the various levels of distribution, and specifying a producer price for milk from which parity adjustments will be computed. You may not sell the milk product until the Director has issued a letter order establishing your ceiling price for the sale of the product.

(b) *What your application must contain.* An application under the provisions of this section must contain the following information: An explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the product and the nature of your business such as indicated in section 6 (c) (1) or 6 (c) (2); a description of the product, its butterfat content, the type and size of container in which it will be sold and the class of purchaser to whom you intend to sell; your proposed ceiling price and the method used by you to determine it, including the producer price upon which it is based; and the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

SEC. 8. *Modification of proposed ceiling prices by the Regional Director of Price Stabilization.* The Regional Director of Price Stabilization may at any time disapprove or revise downward the ceiling prices reported or proposed under this regulation, so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 9. *Customary price differentials.* Ceiling prices established pursuant to section 5 must be modified by price differentials which existed between your ceiling prices determined under section 3 of GCPR and which resulted from, among others, discounts, allowances, premiums, extras, location of purchasers, and terms and conditions of sale or delivery.

SEC. 10. *Parity adjustments in ceiling prices*—(a) *Processors and operators of receiving plants.* If you are a processor, or a processor-distributor of a milk product for fluid consumption, or an operator of a receiving plant, and if the producer price for a current customary purchase of milk differs from the producer price specified in section 5 (d) of this regulation, you may increase and you must decrease your ceiling prices established under this regulation in accordance with the requirements of the following paragraphs.

All parity adjustments in ceiling prices established under this regulation must be computed from the producer price specified in section 5 (d) of this regulation. When any increase in your most recent customary purchase is incurred, you may make the following recalculations to determine whether or not you are entitled to increase your ceiling prices for your milk product items. When a decrease in your most recent customary purchase is incurred, you must make the following recalculations to determine whether or not you are required to decrease your ceiling prices for your milk product items.

(1) Determine for each item of a milk product you sell the equivalent per unit of the dollars-and-cents amount by which the producer price incurred for your most recent customary purchase differs from the producer price specified in section 5 (d) of this regulation;

(2) Apply the rounding provisions of section 11 to the result obtained in (1) immediately above;

(3) If your new producer price is more than the producer price specified in section 5 (d) of this regulation, add the result obtained in (2) immediately above to each item's ceiling price as determined under section 5 of this regulation. If your new producer price is less than the producer price specified in section 5 (d) of this regulation, subtract the result obtained in (2) immediately above from each item's ceiling price as determined under section 5 of this regulation. The result obtained for each item is your new ceiling price for that item.

Example No. 1: You are a processor of fluid milk in quart containers. The producer price is later reduced from $6.91 per cwt., to $6.45 per cwt. On the basis of 46½ quarts of bottled milk per cwt., you must decrease your ceiling price, as determined under this regulation by .989 cents per quart. However, by applying the rounding provisions of section 11, you must decrease your ceiling price by 1 cent per quart.

Example No. 2: Suppose this regulation provides a ceiling price of 26 cents per quart for milk when the specified producer price is $6.91 per cwt. The producer price is reduced 23 cents per cwt. This reduction amounts to a decrease of 0.495 cents per quart. According to Table A, section 11, this amount is rounded to ½ cent. This decrease of ½ cent is subtracted from the established ceiling price of 26 cents per quart. Hence, the processor's new ceiling price will be 25½ cents per quart. If the producer price is further reduced to $6.38 the amount of this decrease is determined by subtracting $6.38 from $6.91. The new calculations are made on the basis of this total decrease of 63 cents per cwt. This decrease of 63 cents amounts to 1.355 cents per quart, which, according to Table A, section 11, is rounded to 1½ cents. This amount of 1½ cents is subtracted from the originally established ceiling price of 26 cents per quart. This results in a new ceiling price of 24½ cents per quart.

Example No. 3: Suppose the specified producer price of $6.91 per cwt. results in a ceiling price of 26 cents per quart of milk. Subsequently, the producer price is increased 36 cents per cwt., making a total price of $7.27 per cwt. This increase amounts to 0.774 cents per quart of milk. According to Table A, section 11, this amount is rounded to 1 cent, which is added to the established ceiling price of 26 cents per quart. This results in a new ceiling price of 27 cents per quart. Subsequently, the producer price is reduced 50 cents per cwt. making a new producer price of $6.77 per cwt. In determining the new ceiling price per quart of milk, $6.77 is subtracted from the original producer price of $6.91, the difference amounting to a decrease of 14 cents per cwt. This decrease amounts to 0.301 cents per quart of milk. According to Table A, section 11, this amount is rounded to ½ cent, which is subtracted from the originally established ceiling price of 26 cents per quart. This results in a new ceiling price of 25½ cents per quart.

The producer price shall be deemed to have been incurred upon the date of an announcement of a change in price made by the Market Administrator under the Federal Order if the change is retroactive; in all other cases of changes announced by such Market Administrator, upon the effective date of such changes; or upon the effective date of a change in price announced to the dairy farmer by the processor or the operator of a receiving plant.

A producer-processor or a producer-owned cooperative processor who does

not customarily purchase milk from independent producers shall use as the "producer price" paid for his most recent customary purchase the producer price (with adjustment for differences in delivery costs) paid for a customary purchase by his nearest competitor. The competitor must be one who receives delivery of the same quality of the commodity at firm prices for processing.

Adjustments in ceiling prices of milk products based on changes in prices of agricultural commodities other than milk may be made in the same manner as the adjustments based on changes in the producer prices of milk. Increases in ceiling prices under this section may be made only on the basis of increases in producer prices up to parity or other legal minima prescribed by the Defense Production Act of 1950, as amended.

If you determine your ceiling price under section 6 of this regulation, your parity adjustments will be the same as those of your most closely competitive seller.

In determining parity adjustments under this section, you may not increase the ceiling prices for two or more co-products obtained from the same whole milk, when the combined increases exceed the increase in the cost of the whole milk, except for the latitude in rounding fractions permitted by section 11 of this regulation.

Example No. 4: You incur a raw milk producer price increase of 36 cents per cwt., and you process the items listed below which have a butterfat content. This entitles you to only the following ceiling price increases:

	Cents
1. Homogenized Milk (all grades between 3.5 and 6 percent butterfat inclusive), per quart	1
2. Half-and-half (between 10 and 18 percent butterfat), per pint	1
3. Light Cream (between 18 and 31 percent butterfat), per half-pint	1
4. Heavy Cream (32 percent or over butterfat), per half-pint	2
5. Chocolate Milk (not drink), per quart	1

Adjustments for different sizes shall be computed in direct proportion to the sizes listed above. If increases are taken as in example No. 2 immediately above, no increase is permissible on the remaining skim milk by-products. It is permissible, however, to allocate the allowable ceiling price increase between your skim milk products and your milk products containing butterfat.

Upward adjustments under this section may not be made before the processor or the operator of a receiving plant deposits in the mail a registered letter to the Director of the Regional Office of Price Stabilization, Dallas, Texas, specifying the information required by section 14 (b) of this regulation. A report is also required by section 14 when any reduction in the producer price is incurred.

(b) *Distributors and operators of retail stores.* If you are a distributor, or the operator of a retail store who sells a milk product item, and if the cost to you of a current customary purchase of a milk product item from a customary source of supply changes from the ceiling price established by this regulation for such an item, you may increase and you must decrease your ceiling prices established under this regulation by the dollars-and-cents difference per item in these costs. Any reduction in price must be put into effect on the first day following the change in the price charged by your supplier.

SEC. 11. *Rounding.* (a) In computing a parity adjustment under section 10 of this regulation, you shall apply the rounding provisions of this paragraph. (1) If in computing an adjusted ceiling price you arrive at a unit price which involves a fraction of a cent, you may increase and you must decrease it in accordance with the following tables:

TABLE A—MILK AND MILK PRODUCTS

(Excluding cream)

Increase or decrease in producer price (cents per quart)	*Increase or decrease in ceiling price (cents per quart)*
0.0—0.250	0
0.251—0.750	½
0.751 and over	1

TABLE B—CREAM

Increase or decrease in producer price (cents per ½ pint)	*Increase or decrease in ceiling price (cents per ½ pint)*
0.0—0.250	0
0.251—0.750	½
0.751 and over	1

(2) For the purpose of rounding fractions, you must calculate your parity adjustment from the producer price specified in section 5 of this regulation. Examples are given in section 10 which illustrate rounding after cost changes. (3) Ceiling prices for container sizes smaller or larger than those provided above for milk products may be increased, but must be decreased, in direct proportion to the adjustments specified in Tables A and B of this section. (4) Processors and processor-distributors must send notices of increases or decreases due to parity adjustments under this section in accordance with the reporting requirements of paragraphs (b) and (c) of section 14.

(b) In computing your ceiling prices under section 5 of this regulation, or in computing a final ceiling price after having rounded your parity adjustment under paragraph (a) of this section, you shall apply the following rounding provisions to determine your ceiling price for a particular sale of an item: (1) If you are selling a single unit of an item and your computation for that item results in an amount per unit that includes a fraction less than a half-cent, your ceiling price for that single unit shall be the amount of the computation less the fraction; if the amount includes a fraction of a half-cent or more, your ceiling price for that single unit may be increased to the next higher cent. (2) If you are selling a number of items, fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more. (3) If, however, you have customarily billed any particular purchaser or any class of purchasers for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption so sold during the preceding month or other billing period shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 12. *Transfers of business or stock in trade.* If the business assets or stock in trade of a processor or distributor is sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in milk products for fluid consumption in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject under this area milk price regulation if no such sale or transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall preserve and make available to the transferee all records of transactions prior to the sale or transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 13. *Records.* (a) With respect to milk products covered by this regulation, the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect, insofar as they apply to the preparation and preservation of "base period records" and such "current records" as were required to be made with reference to sales between January 26, 1951, and the effective date of this regulation.

(b) You must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, and keep available for examination by the Office of Price Stabilization, all records showing prices and material and labor costs in the base period between January 1, 1950, and June 30, 1950, inclusive; records showing cost, prices, and sales for the other applicable periods and dates referred to in Supplementary Regulation 63, as amended; and records necessary to determine whether you have computed your ceiling prices correctly under this regulation. The records to be preserved under this paragraph must include appropriate work sheets. The work sheets may be in any convenient form so long as they include all data and calculations required to determine your ceiling prices.

(c) If you sell milk products covered by this area milk price regulation, you must prepare and keep available for examination by the Office of Price Stabilization for a period of two years, records of the kind which you customarily keep which show the prices you charge for such products.

SEC. 14. *Reports* (a) Within five days after the effective date of this regulation, if you are a processor or a processor-distributor, you must deposit in the mail a registered letter to the Regional Director of the Office of Price Stabilization, Dal-

las, Texas notifying the Director of (1) your General Ceiling Price Regulation base period ceiling price for each item of a milk product for fluid consumption; and, (2) your ceiling prices, as determined under section 5 of this regulation, for each item of a milk product for fluid consumption. This report shall be filed on OPS Public Form No. 124, which may be obtained from the Regional Office of Price Stabilization, Dallas, Texas. Your price lists in effect during any part or all of the General Ceiling Price Regulation base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Regional Director. You shall not sell at the ceiling prices computed pursuant to section 5 until the Regional Director of the Office of Price Stabilization has received the report required by this paragraph, as shown by your return postal receipt.

(b) If you are a processor or processor-distributor you may not increase your ceiling price under section 10 of this regulation unless and until you first notify the Regional Director of the Office of Price Stabilization, Dallas, Texas, by registered mail. Your notification to the Regional Director must specify: (1) the place in which your processing plant is located; (2) your ceiling price for each item of a milk product for fluid consumption as determined under this regulation; (3) the producer price on which your new ceiling price is based; and (4) the readjusted ceiling price of each milk product item under section 10 of this regulation.

(c) If and when a reduction occurs in the producer price of your most recent customary purchase, if you are a processor or processor-distributor, you must notify the Regional Director by registered mail within five days. Your notification to the Director must set forth the information specified in paragraph (b) of this section.

(d) If you determine your ceiling prices under section 6 of this regulation, you must file your ceiling prices with the Regional Director in accordance with the requirements of section 6.

SEC. 15. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, you shall continue to do so. Upon request from a purchaser, regardless of previous custom, you shall give the purchaser a receipt showing the date, your name and address, the name of each item sold, and the price received for it.

SEC. 16. *Prohibitions.* After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product for fluid consumption at a price exceeding the ceiling price established under this regulation.

SEC. 17. *Charges lower than ceiling prices.* Prices lower than ceiling, of course, may be charged, demanded, paid, or offered.

SEC. 18. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this area milk price regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings.

SEC. 19. *Violation*—(a) *Civil and criminal action.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950, as amended.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director may issue an order fixing ceiling prices for the milk products such a person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 20. *Petitions for Amendment.* Any protest, petition for amendment of this regulation or an amendment thereto, or request for interpretation of this regulation or an amendment thereto, may be filed in accordance with the provisions of the Price Procedural Regulation 1, Revised.

SEC. 21. *Definitions*—(a) *Customary purchase.* A customary purchase covers the receipt of all raw milk secured from your established and scheduled producer sources the purchases of which are subject to regulation by the Market Administrator of the North Texas Marketing Area.

(b) *Distributor.* A distributor is a person who purchases packaged milk products in the same form in which he sells them. A processor may also be a distributor.

(c) *Item.* An item is each grade and each container size and type of milk product list in paragraph (d) of this section, by class of purchaser.

(d) *Milk products for fluid consumption.* This term means standard milk, homogenized milk; vitamin and mineral fortified milk, highfat milks; milks of special curd tensions and other milks with special dietary qualities and properties; buttermilk; chocolate milk; skim milk, plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate drink; half-and-half; and cream of various percentages of butterfat, including sour cream. This regulation covers milk products whether they are to be sold at retail or wholesale, and regardless of whether these products are to be sold in glass, paper, or other types of containers, or in bulk. It is not intended, however, for the definition of milk products for fluid consumption, to include milk, cream, skim milk or whey when such products are exempt from GCPR or to include ice cream or ice cream mix, canned, evaporated or condensed milk, milk powder, butter or other manufactured products not used for fluid consumption. This definition also does not include cottage, pot or bakers cheese, butter cream, filled cream, cream mixed with other ingredients or gases used as whipping cream, and other similar specialized fluid cream products. Neither is it intended to include sales of concentrated frozen fresh milk sold by wholesalers, since such sales are covered by Ceiling Price Regulation 14. This definition applies only to milk, and products therefrom, produced by cows.

(e) *Most closely competitive seller of the same class.* Your most closely competitive seller of the same class is the seller with whom you are in most direct competition, even though he may perform a different function with regard to the commodity (for example, if you are a distributor of a milk product, your most closely competitive seller may be a processor). You are in direct competition with another seller who sells the same type of products to the same classes of purchasers in similar quantities, on similar terms and who supplies approximately the same amount of service.

(f) *North Texas Milk Marketing Area.* This term is defined in section 2.

(g) *Person.* This term includes any individual, corporation or a division or unit thereof, partnership, association, or any other organized group of persons or legal successors or representatives thereof, and the United States Government or any other government or its political subdivisions or agencies conducting business within the marketing area.

(h) *Processor.* A processor is any person who pasteurizes, blends, treats, compounds, manufactures, or packages milk products for fluid consumption. A processor may also be a distributor.

(i) *Producer price.* This term is defined in section 5 (d).

(j) *Purchasers of the same class and purchasers of different classes.* This term refers to the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, shopper, retailer, Government Agency, public institutions or individual consumer) or for purchasers located in different areas, or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery. Where a seller in the GCPR base period charged the same price to two different customers in sales made at the same time, the two customers are to be considered as purchasers of the same class, in spite of the fact that the two different customers may differ functionally. Where a seller in the base period customarily charged different prices to two different customers in sales made at the same time, each of such customers is to be considered as a

different class of purchaser in view of the seller's pricing practice, in spite of the fact that the two different customers may not differ functionally. In such a situation, the seller's ceiling price for sales to each of such customers would be the highest price at which he delivered the commodity to that particular customer during the base period.

(k) *Sales point.* A quart of milk product sold (except cream and half-and-half) is equal to one sales point; sales points for all other sizes of containers are related to the quart unit in direct proportion to the size of the container sold. In the case of cream (of all kinds), a one-half pint sold is equal to one sales point; sales points for all other sizes of containers are related to the one-half pint unit in direct proportion to the size of the container sold. A pint of half-and-half containing 10–18 percent fat and less fat than cream shall be considered one sales point, and all other size containers shall be calculated in direct proportion thereto.

(l) *Typical differential.* This term is defined in section 5 (c).

(m) *You.* The pronoun "you" means any person who is subject to this area milk price regulation.

Effective date of this regulation. This area milk price regulation issued under Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation shall become effective April 14, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ALFRED L. SEELYE,
Regional Director, Region X,
Office of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3656; Filed, Mar. 27, 1952, 12:20 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 94]

GCPR, SR 94—CUSTOM SMELTING AND REFINING OF COPPER, LEAD AND ZINC ORES AND CONCENTRATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to the General Ceiling Price Regulation, is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation permits smelting and refining companies who entered into long-term service contracts prior to January 26, 1951 to process copper, lead and zinc ores, concentrates and other intermediate metal forms for sellers of these refined metals to collect higher charges incurred on and after July 1, 1951 under those contracts, where such charges were made dependent upon stated variations in costs. Contracts renewed since January 26, 1951 upon the same terms, may also reflect added costs incurred since July 1, 1951. Ceiling prices for services in all new contracts, or renewals upon new terms when charges are made dependent upon stated variations in costs may reflect added costs incurred since July 1, 1951, but ceiling prices must be in line with charges made prior to January 26, 1951.

A number of smelting and refining companies, in addition to treating ores and concentrates for their own account, conduct a custom smelting and refining business handling ores and concentrates for various producers. These producers are generally the largest mining companies who are in a position to sell their own refined metal. Large tonnages of copper, lead and zinc ores, concentrates, and other intermediate metal forms are handled under this type of contract. One such smelter treats approximately 28 percent of the domestic mine production of copper at one plant under this type of service contract.

A large segment of the industry has historically operated under this type of contract. These toll or service contracts are long term agreements in which the charge is a fixed sum or on large tonnages a weighted average cost per ton. The major costs to the smelter or refiner are labor and certain fuel costs and, to cover any changes in these expenses over the life of the contract, these contracts contain an escalator clause wherein the charge per ton for servicing varies with the changing costs of these major expenses. In this manner the producers, smelters and refiners have historically shared among themselves the distribution of increased costs occuring over long term contracts. Because of these adjustment factors, the earnings margin is both small and constant.

The General Ceiling Price Regulation froze the prices of these services without allowing for changes under the terms of these contracts.

The principal custom smelting and refining companies have been subject to a number of labor disputes and strikes occurring since January 26, 1951. Substantial direct wage increases have been approved by the Wage Stabilization Board, and added "fringe" benefits, are being negotiated. The increases granted have been made retroactive to July 1, 1951, resulting in increased costs that cannot be absorbed in the limited earnings margin provided in these long-term contracts. The major producers pointed out the effect of their increases to this agency early in 1951.

The sellers of refined metal who process their own ores have experienced like increases in costs resulting in higher costs of processing to them. Sellers of metal who were under contract to have their ores processed by others have obtained an advantage since July 1, 1951 because the smelters were unable to collect the added costs under the escalator clauses, which the sellers of the refined metal would have incurred had they done their own processing. To place all sellers in the same relative position, this regulation allows the escalator clause to be effective as to all services rendered since July 1, 1951, thus the cost of processing their ores will affect all sellers of the refined metal in like manner from the effective date of the major labor cost increases.

The ceiling price of refined metal is fixed under the General Ceiling Price Regulation and this regulation does not effect any change in the ceiling price of these metals. This regulation allowing the producer and refiner to adjust their costs among themselves as they have done historically, will not affect the ultimate price to the consumer of refined lead, copper, or zinc, nor the general level of prices.

In the judgment of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Title IV of the Defense Production Act of 1950, as amended. In formulating this supplementary regulation, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable, and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjustment provisions.
3. Definitions.
4. Incorporation of GCPR provisions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat., 816, Pub. Law 96, 82d Cong., 50 U. S. C., App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, Pub. Law 96, 82d Cong., 50 U. S. C., App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation grants permission to smelters and refiners of copper, lead or zinc ores, concentrates, matte, speiss, slimes, bullion or blister, who contracted in writing prior to January 26, 1951, for a period of one year or more, to perform services of smelting or refining such materials for sellers of refined metals, to adjust their prices to reflect added costs incurred since July 1, 1951, where such contracts contain provisions for increased charges based upon increased costs. The same increases in costs incurred on and after July 1, 1951, are permitted under such contracts which have been extended or renewed since January 26, 1951. Clauses in contracts made since January 26, 1951, which provide for increased prices based upon increased costs may reflect added costs incurred since July 1, 1951, but the service charges in the contracts must be in line with service charges under contracts made prior to January 26, 1951.

SEC. 2. *Adjustment provisions.* (a) If you are a smelter or refiner and prior to January 26, 1951, you entered into a written conversion contract for a period of one year or more with a seller of refined metals to perform services of smelting or refining with respect to copper, lead, or zinc ores, concentrates, matte, speiss, slimes, bullion or blister, and such contract provided that adjustments in the price of such services could be made in accordance with certain variations in costs, your ceiling price may reflect cost increases incurred since July 1, 1951 and you may charge and collect prices determined in accordance

with the terms of your contract reflecting such increases for all services subsequent to July 1, 1951.

(b) If any contract described in paragraph (a) of this section was extended or renewed after January 26, 1951 with out a change in its pricing terms, you may charge and collect prices determined in accordance with the terms of such contract reflecting increases in costs since July 1, 1951 for all services subsequent to July 1, 1951.

(c) If you make or made a new conversion contract in writing after January 26, 1951, with a seller of refined metal to perform services of smelting or refining copper, lead, or zinc ores, concentrates, matte, speiss, slimes, bullion or blister, for a period of one year or more, your ceiling price for these conversion services is the price provided in the contract and may be based upon changes in costs incurred since July 1, 1951 if (1) the price does not reflect any cost factors not reflected in a similar contract entered into by you prior to January 26, 1951 and (2) the price does not reflect a rate or dollars amount of margin over costs in excess of the rate or dollars amount provided for in a similar contract entered into by you prior to January 26, 1951.

SEC. 3. *Definitions.* When used in this regulation the term:

(2) "Seller of refined metal" means a person regularly and customarily engaged in the sale of refined copper, lead or zinc, to consumers for fabrication and end-use.

(b) "Conversion contract" means a contract which requires the smelter or refiner to return processed metal to the person who supplies the ores, concentrates, matte, speiss, slimes, bullion or blisters.

SEC. 4. *Incorporation of GCPR provisions.* Any person subject to this supplementary regulation is also subject to all provisions of the GCPR not inconsistent with the provisions of this regulation.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3659; Filed, Mar. 27, 1952; 12:21 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[Revised CMP Regulation No. 6, Direction 2 as Amended March 27, 1952]

CMP REG. No. 6—CONSTRUCTION

DIR. 2—MATERIALS FOR RECONSTRUCTION OR REPAIR OF DISASTER DAMAGE

This amended direction under Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Direction 2 to Revised CMP Regulation No. 6 is hereby amended in the following respects:

1. By eliminating the specific references to the disaster which occurred in 1951 in the States of Kansas, Missouri, and Oklahoma;

2. By conforming the cross references to Revised CMP Regulation No. 6, and by eliminating the cross references to NPA Order M-4A (which was revoked on March 6, 1952); and

3. By substituting the definition of "owner" from Revised CMP Regulation No. 6 in place of the definition of "prime contractor" which was in the original direction.

As amended, Dir. 2 to Revised CMP Regulation No. 6 reads as follows:

Sec.
1. What this direction does.
2. Definitions.
3. Use of allotment number and rating.
4. Certification.
5. Reports.
6. Filing applications.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this direction does.* This direction authorizes any business enterprise, Government agency, or institution, located in any area which has been or is hereafter designated by the President under Pub. Law 875, 81st Cong., as a major disaster area, to obtain material for the reconstruction or repair of damage caused by any such disaster to any building, structure, or project, except a building, structure, or project of a type specified in Table I of Revised CMP Regulation No. 6. It permits the limited placing of authorized controlled material orders and DO rated orders for such purposes, notwithstanding certain restrictions established by CMP Regulation No. 5, Revised CMP Regulation No. 6, and other NPA regulations and orders. It does not apply to repair or replacement of equipment or supplies, since such repair or replacement is covered by Direction 2 to CMP Regulation No. 5.

SEC. 2. *Definitions.* As used in this direction:

(a) "Reconstruction" means restoring to substantially the same size and condition, on the same site, any building, structure, or project which has been damaged by storm, fire, flood, or other disaster, or by act of God.

(b) "Repair" means such work as is necessary to rehabilitate a building, structure, or project, or any portion thereof, when the same has been rendered unsafe or unfit for service by storm, fire, flood, or other disaster, or by act of God.

(c) "Project" has the meaning specified in section 2 of Revised CMP Regulation No. 6.

(d) "Owner" means the person who owns the building, structure, or project being constructed, or who will own it upon its completion. If a claimant agency will have title to a completed project, then the person under a direct contract with that claimant agency covering construction of that particular project shall also be considered the owner for the purposes of this direction.

SEC. 3. *Use of allotment number and rating.* (a) Any owner which is a business enterprise, Government agency, or institution, located in any area which, as the result of a disaster has been or is hereafter designated by the President under Pub. Law 875, 81st Cong., as a major disaster area, may use the allotment number X4 on delivery orders for controlled materials including materials for Class A products, and the rating DO-X4 on delivery orders for building equipment, building materials other than controlled materials, production machinery, and production equipment required as a result of damage caused by such disaster, in order to reconstruct or repair any building, structure, or project destroyed in whole or in part through such a disaster, except a building, structure, or project of a type specified in Table I of Revised CMP Regulation No. 6. However, such allotment number shall not be used to procure more than the following quantities of controlled materials (including materials for Class A products): Steel, 25 tons; copper and copper-base alloys, 2,000 pounds; aluminum, 1,000 pounds. Further, no person shall use the rating DO-X4 except as permitted by section 9 of Revised CMP Regulation No. 6.

(b) Such allotment number or DO rating may be used only on purchase orders placed within 180 days after the occurrence of the damage necessitating the reconstruction or repair.

(c) A purchase order bearing the allotment number X4 and certified as provided in section 4 of this direction shall constitute an authorized controlled material order for the purpose of all NPA regulations and orders. A delivery order bearing the rating DO-X4 and certified as provided in section 4 of this direction shall constitute a rated order with an allotment number for the purpose of all NPA regulations and orders.

(d) Any person who obtains materials or products pursuant to this direction may do so in addition to any materials or products obtained pursuant to CMP Regulation No. 5, and Revised CMP Regulation No. 6, and the directions thereunder.

(e) Except as provided in paragraph (d) of this section, any person who is entitled under any other NPA order (such as, but not limited to: M-46, M-46B, M-50, M-70, M-73, M-77, and M-78) to obtain materials and products for MRO or construction, shall obtain such materials and products under the provisions of such order or by applying to the appropriate claimant agency or to NPA, as the case may be, and shall not use in the allotment number X4 or the rating DO-X4.

(f) Any product or material obtained with the use of the allotment number

X4 or the rating DO–X4 may be used only for the purposes and subject to the conditions specified in this direction.

SEC. 4. *Certification.* Every purchase order bearing the allotment number X4 or the rating DO–X4 must contain a certification in the following form:

Certified under Direction 2 to Revised CMP Regulation No. 6

Such certification shall be signed as provided in section 12 of Revised CMP Regulation No. 6. Further, the provisions of paragraphs (f) and (g) of section 12 of Revised CMP Regulation No. 6 shall apply to all persons who certify purchase orders under this section.

SEC. 5. Reports. Any person who uses the allotment number X4 or the rating DO–X4 to place purchase orders for materials or products in any one calendar month exceeding a total cost of $1,000 to him, must inform NPA by letter of such purchase orders, specifying separately the total cost of controlled materials ordered and the total cost of products and materials other than controlled materials ordered. In addition, reports on purchase orders for controlled materials, including materials for Class A products, shall show quantities of (a) carbon steel (including wrought iron), (b) alloy steel (except stainless steel), (c) stainless steel, (d) copper and copper-base alloy brass mill products, (e) copper wire mill products, (f) copper and copper-base alloy foundry products and powder, and (g) aluminum, in each case without further breakdown. Reports on all purchase orders placed within any one calendar month must be mailed within 10 days after the end of that month. All such letters, as well as other communications concerning this direction, shall be addressed to the National Production Authority, Washington 25, D. C., Ref: Dir. 2 to Revised CMP Regulation No. 6.

SEC. 6. *Filing applications.* If any person requires controlled materials for reconstruction or repair in quantities greater than permitted herein, he shall apply on Form CMP–4C and file his application with the appropriate claimant agency at the address indicated in Table IV of Revised CMP Regulation No. 6.

NOTE: All record-keeping and reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

This direction as amended shall take effect March 27, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–3648; Filed, Mar. 27, 1952; 11:11 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 51–15187, appearing at page 12982 of the issue for Thursday, December 27, 1951, the following changes should be made:

1. In the first sentence of § 6.170 the phrase "$500 or not less than $1,000" should read "$500 and not less than $1,000."
2. In the second sentence of § 6.170 the word "minimum" should be "premium."
3. In the 23d line of § 8.77 (b) (2) the words "elect to refund" should read "elect a refund."

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC–43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

POSTPONEMENT OF EFFECTIVE DATE

Upon further consideration of the record in the above-entitled proceeding, and of an injunction entered by the United States District Court for the Southern District of Indiana, Indianapolis Division, in Eastern Motor Express, Inc., et al., plaintiffs, v. U. S. and I. C. C., defendants, Civil Action No. 2825, dated March 6, 1952, enjoining the Commission's order of May 8, 1951, in this proceeding, "until the final disposition by the Supreme Court of the United States of the appeal of said petitioners heretofore allowed herein, and until the further order of this court";

It is ordered, That the order entered in said proceeding on May 8, 1951, which was subsequently modified to become effective April 1, 1952, be and it is hereby, further modified to become effective upon further order of the Commisison, following the termination in the Supreme Court of the appeal referred to in the Court's order of March 6, 1952.

(49 Stat. 546, as amended; 49 U. S. C. 304)

Dated at Washington, D. C., this 20th day of March A. D. 1952.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52–3528; Filed, Mar. 27, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1952, 74th Supp.]

INDUSTRIAL INDEMNITY CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MARCH 22, 1952.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $433,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52–3508; Filed, Mar. 27, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination 2, Amdt. 1]

SAVANNAH RIVER, GEORGIA-SOUTH CAROLINA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the (Acting) Secretary of Defense and the Director of Defense Mobilization, dated March 21, 1952 (17 F. R. 2582), that the Savannah River, Georgia-South Carolina, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 2 (17 F. R. 1363), is hereby amended to apply to the area described as:

Savannah River, Georgia-South Carolina, Area. (The area consists of Aiken, Allendale and Barnwell Counties in South Carolina; Richmond County, Columbia County, and McDuffie County, and District 81-Wrens (including Wrens Town) in Jefferson County, in Georgia.)

ROSS S. SHEARER,
Acting Administrator.

MARCH 21, 1952.

[F. R. Doc. 52–3576; Filed, Mar. 26, 1952; 12:37 p. m.]

[Determination 83, Amdt. 1]

MIDLAND, PENNSYLVANIA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the (Acting) Secretary of Defense and the Director of Defense Mobilization, dated March 21, 1952 (17 F. R. 2582), that the Midland, Pennsylvania, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 83 (17 F. R. 1375), is hereby amended to apply to the area described as:

Midland, Pennsylvania, Area. (The area consists of (1) that part of Beaver County North and East of the Ohio River, except the following: the Townships of Economy and Harmony, the Boroughs of Ambridge, Baden, and Conway and that portion of the Borough of Ellwood City which lies within Beaver County; and (2) the townships of Potter and Center and the Borough of Monaca, Beaver County; all in Pennsylvania.)

ROSS S. SHEARER,
Acting Administrator.

MARCH 21, 1952.

[F. R. Doc. 52-3575; Filed, Mar. 26, 1952; 12:37 p. m.]

[Determination 98]

LAWRENCE-OLATHE, KANSAS, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574, and 880, 81st Cong.; and Pub. Laws 8, 69, and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9, of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Director of Defense Mobilization, dated March 19, 1952, that the Lawrence-Olathe, Kansas, Area. (This area consists of Douglas County, Kansas, including the Cities of Baldwin, Eudora and Lawrence; the Townships of Olathe, Monticello, Spring Hill, Gardner, McCamish and Lexington, including the Cities of De-Soto, Edgerton, Gardner, Olathe and Spring Hill, all in Johnson County; and the City of Bonner Springs, and Delaware Township, including the City of Edwardsville, in Wyandotte County; all in the State of Kansas) is a critical defense housing area, and in view of the defense housing program announced for the said area on March 19, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Lawrence-Olathe, Kansas, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROSS S. SHEARER,
Acting Administrator.

MARCH 21, 1952.

[F. R. Doc. 52-3577; Filed, Mar. 26, 1952; 12:37 p. m.]

Office of Price Stabilization

[Region II, Redelegation of Authority 30]

DIRECTORS OF DISTRICT OFFICES, REGION II

REDELEGATION OF AUTHORITY TO RECEIVE AND PROCESS NOTICES OF PARITY ADJUSTMENTS PURSUANT TO SECTION 11 (f) AND (g) OF THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 57 (17 F. R. 2349), this redelegation of authority is hereby issued.

Authority to act under section 11 (f) and (g) of General Ceiling Price Regulation. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and the Newark and Trenton, New Jersey Offices of Price Stabilization to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and, if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively, pursuant to section 11 (g) of said regulation. In processing such notices, the District Directors may obtain any relevant additional information.

This redelegation of authority shall take effect on March 26, 1952.

JAMES G. LYONS,
Director of Regional Office No. II.

MARCH 25, 1952.

[F. R. Doc. 52-3553; Filed, Mar. 25, 1952; 4:45 p. m.]

[Region IV, Redelegation of Authority No. 14, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Amendment 1 to Delegation of Authority No. 38 (17 F. R. 1784), this Amendment 1 to Region IV, Redelegation of Authority No. 14 (17 F. R. 1199) is hereby issued.

Region IV, Redelegation of Authority No. 14 is amended by inserting a new paragraph 2 to read as follows:

2. Authority to act under section 12 of CPR 101, as amended. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV to act under section 12 of CPR 101, as amended.

This redelegation of authority is effective April 1, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

MARCH 25, 1952.

[F. R. Doc. 52-3554; Filed, Mar. 25, 1952; 4:45 p. m.]

[Region IV, Redelegation of Authority No. 27]

DIRECTORS OF DISTRICT OFFICES, REGION IV

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 8 OF SR 1 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 54 (17 F. R. 1831), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority is effective April 1, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

MARCH 25, 1952.

[F. R. Doc. 52-3555; Filed, Mar. 25, 1952; 4:45 p. m.]

[Region IV, Redelegation of Authority No. 28]

DIRECTORS OF DISTRICT OFFICES, REGION IV

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 11, Revision 1 (17 F. R. 2145), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV:

(a) To request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under section 9 (a), 12 (f) or 17 (b), or with respect to certificates filed under section 12 (e), of Distribution Regulation 1, Revision 1.

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under section 15, 16, or 19 of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

(c) To grant, deny, request further information or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under section 9, 13 or 14 of Distribution Regulation 1, Revision 1.

(d) To grant, deny, request further information or take other appropriate action with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

(e) To grant relief, pursuant to section 19 of Distribution Regulation 1, Revision 1, in the form of registration as a Class 2 slaughterer, to a person who, prior to December 16, 1951, filed an application under section 4 of the old Distribution Regulation 1, issued February 9, 1951, and who meets the criteria for registration specified in that section.

(f) To take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b), and 20 (d) of Distribution Regulation 1, Revision 1.

This redelegation of authority is effective April 1, 1952.

W. F. Bailey,
Director of Regional Office No. IV.

March 25, 1952.

[F. R. Doc. 52-3556; Filed, Mar. 25, 1952; 4:45 p. m.]

[Region IV, Redelegation of Authority No. 29]

Directors of District Offices, Region IV

Redelegation of authority to receive and process notices of parity adjustments pursuant to section 11 (f) and (g) of the general ceiling price regulation

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV pursuant to Delegation of Authority No. 57 (17 F. R. 2349), this redelegation of authority is hereby issued.

Authority to act under section 11 (f) and (g) of General Ceiling Price Regulation. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively, pursuant to section 11 (g) of said regulation. In processing such notices, the District Directors may obtain any relevant additional information.

This redelegation of authority is effective April 1, 1952.

W. F. Bailey,
Director of Regional Office No. IV.

March 25, 1952.

[F. R. Doc. 52-3557; Filed, Mar. 25, 1952; 4:45 p. m.]

[Region VII, Redelegation of Authority No. 28]

Directors of District Offices, Region VII

Redelegation of authority to process statements filed pursuant to sections 6 and 12 of CPR 92, and to approve, deny, or request further information concerning, filings made pursuant to section 42 (b) and section 42 (c) (5) and (6) of CPR 92

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region VII, pursuant to the provisions of Delegation of Authority No. 27, dated November 8, 1951 (16 F. R. 11468), this redelegation of authority is hereby issued:

Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII to process statements filed under sections 6 and 12 of Ceiling Price Regulation 92, and to approve, deny, or request further information concerning, filings made pursuant to section 42 (b) or section 42 (c) (5) and (6) of Ceiling Price Regulation 92 and filings made pursuant to section 46 (b) of Ceiling Price Regulation 92.

This redelegation of authority shall take effect March 26, 1952.

Michael J. Howlett,
Director of Regional Office No. VII.

March 25, 1952.

[F. R. Doc. 52-3558; Filed, Mar. 25, 1952; 4:45 p. m.]

[Region VII, Redelegation of Authority No. 29]

Directors of District Offices, Region VII

Redelegation of authority to act under CPR 74

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region VII, pursuant to the provisions of Delegation of Authority No. 32, dated November 23, 1951 (16 F. R. 11891), this redelegation of authority is hereby issued:

Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII to act under sections 12, 43 (a) and (b), 44 (a) and (b), 45 (a) and (b), 46, 47, 49, 50 and 60 (c) of Ceiling Price Regulation 74.

This redelegation of authority shall take effect March 26, 1952.

Michael J. Howlett,
Director of Regional Office No. VII.

March 25, 1952.

[F. R. Doc. 52-3559; Filed, Mar. 25, 1952; 4:45 p. m.]

[Region XI, Redelegation of Authority No. 34]

Directors of all District Offices, Region XI

Redelegation of authority to take certain actions under DR 1, Revision 1, Distribution of Livestock and Meat

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority II, Revision 1 (17 F. R. 2145), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region XI:

(a) To request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under section 9 (a), 12 (f) or 17 (b), or with respect to certificates filed under section 12 (e), of Distribution Regulation 1, Revision 1.

(b) To deny, request further information, or take such other action as the National Office or this Regional Office may direct with respect to applications made under section 15, 16 or 19 of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

(c) To grant, deny, request further information or take such other action as the National Office or this Regional Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under section 9, 13, or 14 of Distribution Regulation 1, Revision 1.

(d) To grant, deny, request further information or take other appropriate action with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

(e) To grant relief, pursuant to section 19 of Distribution Regulation 1, Revision 1, in the form of registration as a Class 2 slaughterer, to a person who, prior to December 16, 1951, filed an application under section 4 of the old Distribution Regulation 1, issued February 9, 1951, and who meets the criteria for registration specified in that section.

(f) To take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b), and 20 (d) of Distribution Regulation 1, Revision 1.

This redelegation of authority shall take effect as of March 20, 1952.

George F. Rock,
Director of Regional Office No. XI.

March 25, 1952.

[F. R. Doc. 52-3560; Filed, Mar. 25, 1952; 4:45 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 207, Amdt. 2]

American Luggage Works, Inc.

Ceiling prices at retail

Statement of considerations. Special Order 207 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for luggage manufactured by American Luggage Works, Inc., and hav-

ing the brand name "American Tourister."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 6, 1952.

Amendatory provisions. Special Order 207 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's application dated April 18, 1951," insert the words "as supplemented and amended by its applications dated August 9, 1951 and February 6, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 6, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

Effective date. This amendment shall become effective March 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3452; Filed, Mar. 21, 1952; 4:47 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 849]

TUTTLE SILVER CO., INC., AND SMITH & SMITH CO., A SUBSIDIARY

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary, 46 Pine Street, Attleboro, Massachusetts, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which, in the judgment of the Director, indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

This special order, designed to meet the particular requirements of the silverware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order. The preticketing method established by this special order is necessary because the articles covered by the special order are characteristically not adaptable to the usual preticketing method.

The special order contains provisions requiring each article on display to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of sterling silver flatware and hollowware manufactured by Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary, 46 Pine Street, Attleboro, Massachusetts, having the brand name "Tuttle" designated by a pinetree shilling, shall be the proposed retail ceiling prices listed by Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary in its application dated November 9, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than April 21, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after May 21, 1952, Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary, must furnish each purchaser for resale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book and a supply of tags and stickers. Such a sign, a price book and a supply of tags and stickers shall also be sent, on or before the date of the first delivery of an article covered by paragraph 1 of this special order, subsequent to the effective date of this special order. The sign must contain the following legend:

The retail ceiling prices for Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary, sterling silver flatware and hollowware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary, price book have been approved by OPS under Section 43, CPR 7.

The tags and stickers must be in the following form:

Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary
OPS—Sec. 43—CPR 7
Price $--------

On and after June 20, 1952, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. Prior to June 20, 1952, unless the retailer has received the sign described above and has it displayed so that it may be easily seen, and a copy of the price book described above available for immediate inspection, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order. In addition, the retailer must affix to each article covered by the order and which is on open display a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed. This retail ceiling price must be written on the tag or sticker by the retailer.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60-day period unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to

whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our Price to retailers	Retailer's ceilings for articles of cost listed in column 1
------ per ------ {unit. dozen. etc.} Terms {net. percent EOM. etc.}	$------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective March 22, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3457; Filed, Mar. 21, 1952; 4:49 p. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1228, G-1832]

JERSEY CENTRAL POWER & LIGHT CO.

NOTICE OF FINDINGS AND ORDER

MARCH 24, 1952.

Notice is hereby given that on March 20, 1952, the Federal Power Commission issued its order entered March 18, 1952, issuing certificate of public convenience and necessity and modifying prior certificate authorization (14 F. R. 6073) in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3536; Filed, Mar. 27, 1952; 8:49 a. m.]

[Docket No. G-1652]

GULF-MICHIGAN GAS TRANSMISSION CORP.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION, VACATING ORDER FIXING DATE OF HEARING, AND TERMINATING PROCEEDING

MARCH 24, 1952.

Notice is hereby given that on March 20, 1952, the Federal Power Commission issued its order entered March 19, 1952, permitting withdrawal of application without prejudice, vacating order fixing date of hearing, and terminating proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3537; Filed, Mar. 27, 1952; 8:49 a. m.]

[Docket Nos. G-1858, G-1877]

SOUTH JERSEY GAS CO. AND CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDERS

MARCH 24, 1952.

Notice is hereby given that on March 20, 1952, the Federal Power Commission issued its orders entered March 18, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3538; Filed, Mar. 27, 1952; 8:49 a. m.]

[Docket No. IT-5743]

SAN DIEGO GAS & ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO, SUPERSEDING PREVIOUS AUTHORIZATION, AND RELEASING PRESIDENTIAL PERMIT

MARCH 24, 1952.

Notice is hereby given that on March 21, 1952, the Federal Power Commission issued its order entered March 18, 1952, in the above-entitled matter, authorizing transmission of electric energy to Mexico; superseding previous authorization (13 F. R. 7373), and releasing Presidential Permit in Docket No. E-6374.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3539; Filed, Mar. 27, 1952; 8:49 a. m.]

[Docket No. IT-5832]

DUKE POWER CO.

NOTICE OF FINDINGS AND ORDER

MARCH 24, 1952.

Notice is hereby given that on March 21, 1952, the Federal Power Commission issued its order entered March 18, 1952, terminating proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3540; Filed, Mar. 27, 1952; 8:49 a. m.]

LAWRENCEBURG GAS CO.

NOTICE OF ORDER EXTENDING TIME FOR FILING RECLASSIFICATION AND ORIGINAL COST STUDIES

MARCH 24, 1952.

Notice is hereby given that on March 20, 1952, the Federal Power Commission issued its order entered March 18, 1952, extending time for filing reclassification and original cost studies in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3541; Filed, Mar. 27, 1952; 8:50 a. m.]

[Project No. 346]

MINNESOTA POWER & LIGHT CO.

NOTICE OF ORDER APPROVING REVISED EXHIBIT DRAWINGS AND IMPOSING ANNUAL LAND CHARGE

MARCH 24, 1952.

Notice is hereby given that on March 21, 1952, the Federal Power Commission issued its order entered March 18, 1952, approving revised exhibit drawings and imposing annual land charge in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3542; Filed, Mar. 27, 1952; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 66]

RAILROADS SERVING CERTAIN STATES

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the railroads serving the States of Arkansas, Missouri, Kentucky, Ten-

nessee, Mississippi, Alabama and Georgia are unable to transport traffic routed over their lines, due to tornados and high water. *It is ordered*, That:

(a) Rerouting traffic: Railroads serving the States of Arkansas, Missouri, Kentucky, Tennessee, Mississippi, Alabama and Georgia unable to transport traffic in accordance with shippers' routing, because of tornados and high water, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a. m., March 23, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., April 5, 1952, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., March 23, 1952.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 52-3529; Filed, Mar. 27, 1952; 8:48 a. m.]

[4th Sec. Application 26907]

MOTOR-RAIL-MOTOR RATES BETWEEN POINTS IN NEW ENGLAND AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

MARCH 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Cardinale Trucking Corporation.

Commodities involved: All commodities.

Between: Boston, Mass., Providence, R. I., New Haven, Conn., and Springfield, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3530; Filed, Mar. 27, 1952; 8:48 a. m.]

[4th Sec. Application 26908]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

MARCH 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Lowell Trucking Corporation.

Commodities involved: All commodities.

Between: Boston, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3531; Filed, Mar. 27, 1952; 8:48 a. m.]

[4th Sec. Application 26909]

MERCHANDISE IN MIXED CARLOADS FROM NASHVILLE, TENN., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

MARCH 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Chicago, Burlington & Quincy Railroad Company and other carriers.

Commodities involved: Merchandise, in mixed carloads.

From: Nashville, Tenn.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers and motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1073, Supp. 74.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3532; Filed, Mar. 27, 1952; 8:48 a. m.]

[4th Sec. Application 26910]

WOODPULP FROM NATCHEZ, MISS., TO LAWRENCE, KANS.

APPLICATION FOR RELIEF

MARCH 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spanger's tariff I. C. C. No. 1260.

Commodities involved: Woodpulp, carloads.

From: Natchez, Miss.

To: Lawrence, Kans.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1260, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3533; Filed, Mar. 27, 1952; 8:49 a. m.]

[4th Sec. Application 26911]

ONIONS FROM RACINE, WIS., TO MISSISSIPPI VALLEY TERRITORY

APPLICATION FOR RELIEF

MARCH 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 699.

Commodities involved: Onions (without tops), carloads.

From: Racine, Wis.

To: Points in Mississippi Valley Territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Scheduled filed containing proposed rates: R. G. Raasch's tariff I. C. C. No. 9, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3534; Filed, Mar. 27, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2815]

ARKANSAS POWER AND LIGHT CO. AND MIDDLE SOUTH UTILITIES, INC.

ORDER PURSUANT TO RULE U-23 REGARDING SALE BY SUBSIDIARY TO PARENT OF COMMON STOCK FOR CASH CONSIDERATION

MARCH 24, 1952.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, and one of its electric utility subsidiaries, Arkansas Power and Light Company ("Arkansas"), having filed an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, 9 (a), 10 and 12 (f) thereof, and Rule U-43 of the rules and regulations promulgated thereunder with respect to the following:

Arkansas has authorized 5,000,000 shares of $12.50 per share par value common stock of which 3,060,000 shares are outstanding, all of which are owned by Middle South. Arkansas proposes to issue and sell and Middle South proposes to acquire 800,000 additional shares of the Arkansas common stock at the par value thereof, resulting in an aggregate cash consideration of $10,000,000 to be paid to Arkansas by Middle South. Proceeds from the sale of the stock will be used by Arkansas to finance, in part, its construction program. Additional funds necessary to finance the construction program will be raised from the sale of such other securities as may be appropriate, and which will be the subject of further application before this Commission.

Said application-declaration having been filed on March 4, 1952, an amendment thereto having been filed on March 20, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the issuance and sale of the common stock of Arkansas have been expressly authorized by the Arkansas Public Service Commission, the State Commission of the State in which Arkansas was organized and is doing business; that the sale of said stock is for the purpose of financing the business of Arkansas as a public utility; and that the acquisition of said stock by Middle South has the tendency required by section 10 of the act, and that no adverse findings are necessary thereunder; and the Commission deeming it appropriate to grant said application and to permit said declaration, as amended, to become effective without the imposition of terms and conditions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions contained in Rule U-24, that the said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3505; Filed, Mar. 27, 1952; 8:45 a. m.]

[File No. 70-2824]

MISSISSIPPI GAS CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

MARCH 24, 1952.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Mississippi Gas Company ("Mississippi"), a subsidiary of Southern Natural Gas Company ("Southern"), a registered holding company. Declarant has designated section 7 of the act as being applicable to the proposed transaction.

Notice is further given that any interested person may, not later than April 11, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 11, 1952 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Mississippi proposes the issuance and sale of its First Mortgage Bonds ___ Percent Series, due 1972, to mature 20 years

from the date thereof in the principal amount of $1,000,000 to be sold at private sale. After negotiations with prospective purchasers, Mississippi will file an amendment to its declaration setting forth the interest rate and other provisions of said First Mortgage Bonds. The proceeds of the sale of said bonds are to be used for the payment in full of its presently outstanding $860,000 of notes and for construction of additions to its property and to reimburse its treasury for working capital used prior to January 1, 1952, for construction of additions to its property.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3507; Filed, Mar. 27, 1952; 8:46 a. m.]

[File No. 70-2830]

NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF PROPOSED AMENDMENT TO DECLARATION OF TRUST WITH RESPECT TO RESIDENCE REQUIREMENTS FOR TRUSTEES AND CERTAIN OTHER MATTERS

MARCH 24, 1952.

Notice is hereby given that New England Gas and Electric Association ("NEGEA"), a registered holding company, has filed a declaration pursuant to sections 6 (a) (2) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-62 promulgated thereunder with respect to the transaction which is summarized below:

Section 6 of NEGEA's Declaration of Trust provides, among other things, that all of the company's Trustees, the number of which is fixed at nine, shall be residents of Massachusetts, and that the shareholders shall at any annual meeting, or any special meeting held in lieu thereof, fix the number of Trustees within the limits above specified and elect Trustees to the number so fixed.

NEGEA proposes to amend section 6 of its Declaration of Trust so that it will provide, among other things, that at least two-thirds of the Company's nine Trustees shall be residents of Massachusetts and each of the remaining Trustees shall be residents of one of the New England States, and to further amend said section so as to eliminate the language referred to hereinabove which appears to confer authority upon the shareholders to fix the number of Trustees within certain limitations.

NEGEA also proposes, in connection with the annual meeting of shareholders to be held on May 6, 1952, to solicit proxies from its shareholders with respect to the election of Trustees and for the purpose of amending section 6 of the Declaration of Trust in the manner indicated hereinabove.

The declaration states that the proposed amendment of the residence requirements has been occasioned by the recent change of residence of a Trustee, John Fox, from Brookline, Massachusetts, to Fairfield, Connecticut, coupled with belief of the other Trustees that Fox should, if possible, remain as a Trustee. The other Trustees also believe that the broadened ownership of NEGEA's shares in the other New England States might appropriately be recognized by the proposed amendment. The declaration also indicates that amendment of the Declaration of Trust as proposed will eliminate certain obsolete wording which is no longer effective. The declaration further states that in order to amend the Declaration of Trust, it is necessary to obtain the consent of the holders of a majority of the outstanding common shares and of the holders of a majority of the outstanding preferred shares. A copy of the solicitation material which NEGEA proposes to send to its shareholders has been filed with the Commission as an exhibit to the company's declaration.

Notice is further given that any interested person may, not later than April 1, 1952 at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3506; Filed, Mar. 27, 1952; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18806]

ALLGEMEINE WAREN-FINANZIERUNGS-GESELLSCHAFT M. B. H.

In re: Bank account owned by Allgemeine Waren - Finanzierungs - Gesellschaft m. b. H. F-28-747-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Allgemeine Waren-Finanzierungs-Gesellschaft m. b. H., the last known address of which is Schliessfach 12, Berlin W 56, Germany, is a corporation, partnership, association or other business organization, which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Allgemeine Waren-Finanzierungs-Gesellschaft m. b. H., by The New York Trust Company, 100 Broadway, New York 15, New York, arising out of an Inactive Unpaid Foreign Draft Account in the name of Allgemeine Waren Finanzierungs Gesellschaft, maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Allgemeine Waren-Finanzierungs-Gesellschaft m. b. H., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-3544; Filed, Mar. 27, 1952; 8:50 a. m.]

[Vesting Order 18807]

BAYERISCHE VEREINSBANK

In re: Bank account owned by Bayerische Vereinsbank. F-28-1133-E-5.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Bayerische Vereinsbank the last known address of which is Munich Germany, is a corporation, partnership association or other business organization, which on or since December 11

1941, and prior to January 1, 1947, was organized under the laws of and had its principal places of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Bayerische Vereinsbank by The New York Trust Company, 100 Broadway, New York 15, New York, arising out of an Inactive Unpaid Foreign Draft Account in the name of Bayerische Vereinsbank, maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bayerische Vereinsbank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3545; Filed, Mar. 27, 1952; 8:50 a. m.]

[Vesting Order 18808]

HANS BORCHERS AND ADELHEID BORCHERS

In re: Debt owing to Hans Borchers and Adelheid Borchers. D-28-96.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hans Borchers and Adelheid Borchers, each of whose last known address is Germany, on or since December 11, 1951, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hans Borchers and Adelheid Borchers, by C. B. Richard & Co., 60 Beaver Street, New York 4, New York, representing dividends and rights on six hundred (600) shares of stock of Anchor Post Fence Co., and Anchor Post Products, Inc., on deposit in an Unclaimed Dividend Account at said C. B. Richard & Co., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Borchers and Adelheid Borchers, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3546; Filed, Mar. 27, 1952; 8:50 a. m.]

[Vesting Order 18809]

EUGEN LEMBERGER

In re: Stock owned by Eugen Lemberger. F-28-23169-A-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Eugen Lemberger, whose last known address is Neckaroniger Strasse, Ossweil, Ludwigsburg, Wttbg., Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany)

2. That the property described as follows: Three (3) shares of no par value common capital stock of Detroit & Canada Tunnel Corporation, 200 Bates Street, Detroit, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by a certificate numbered 2982, registered in the name of Eugen Lemberger, together with all declared and unpaid dividends thereon, and any and all rights of exchange for $10.00 par value stock of the aforesaid corporation on a three for one basis,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eugen Lemberger, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3547; Filed, Mar. 27, 1952; 8:50 a. m.]

[Vesting Order 18810]

KARL AND MAX PHILLIP

In re: Securities owned by and debt owing to Karl Phillip and Max Phillip. F-28-23577-E-1; A-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Ex-

ecutive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Karl Phillip and Max Phillip, who on or since December 11, 1941, and prior to January 1, 1947, were citizens and residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain Diversey Hotel Corporation 6 percent first and general mortgage income bonds due June 1, 1947, of $1,000 aggregate face value said bonds presently in the custody of the Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, in a safekeeping account in the name of Karl or Max Phillip, numbered 27862, together with any and all rights thereunder and thereto,

b. Those certain Lincoln Forty-Second Street Corporation 20 year Sinking fund 6½ percent gold debentures due June 1, 1948, of $2,000.00 aggregate face value, said debentures presently in the custody of the Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, in a safekeeping account in the name of Karl or Max Phillip, numbered 27862, together with any and all rights thereunder and thereto,

c. Twenty (20) shares of no par value common stock of Lincoln Forty-Second Street Corporation, evidenced by a certificate or certificates presently in the custody of the Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, in a safekeeping account in the name of Karl or Max Phillip, numbered 27862, together with all declared and unpaid dividends thereon,

d. Ten (10) shares of no par value common stock of 208 South La Salle Street Corporation, evidenced by a certificate or certificates presently in the custody of the Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, in a safekeeping account in the name of Karl or Max Phillip, numbered 27862, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation owing to Karl Phillip and Max Phillip by the Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, arising out of a blocked Savings Account, in the name of Karl or Max Phillip, numbered 298823, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karl Phillip and Max Phillip, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3548; Filed, Mar. 27, 1952; 8:50 a. m.]

[Vesting Order 14826, Amdt.]

FRITZ VON OPEL ET AL.

In re: Debt owing to Fritz von Opel, Elinor von Opel Sachs and Marta von Opel.

Vesting Order 14826, dated June 26, 1950, is hereby amended as follows and not otherwise:

By deleting from subparagraph 3 of said Vesting Order 14826 the date "May 16, 1931" and substituting therefor the date "March 16, 1931".

All other provisions of said Vesting Order 14826 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3549; Filed, Mar. 27, 1952; 8:51 a. m.]

[Vesting Order 18789, Amdt.]

KISAKU HASHIMOTO ET AL.

In re: Securities owned by Kisaku Hashimoto, and others.

Vesting Order 18789, dated, March 3, 1952, is hereby amended as follows and not otherwise:

By deleting from subparagraph 3 of the aforesaid Vesting Order 18789 the name, "The Consolidated Mines Company", and substituting therefor the name, "The Goldfield Consolidated Mines Company",

All other provisions of said Vesting Order 18789, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3550; Filed, Mar. 27, 1952, 8:51 a. m.]

JOSEPH RICHARD BARTHELEMY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Joseph Richard Barthelemy, Monte Carlo, Monaco; Claim No. 41877; $57.80 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature relating to the musical compositions "Caresse de Papillon, Triste Ritorno" and "Visions Blanches," as listed in Exhibit A of Vesting Order No. 3552 (9 F. R. 6464, June 9, 1944) to the extent owned by Joseph Richard Barthelemy immediately prior to the vesting thereof by Vesting Order No. 3552.

Executed at Washington, D. C., on March 21, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3551; Filed, Mar. 27, 1952; 8:51 a. m.]

OVERSEAS TRUST CORP., LTD.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following

roperty, subject to any increase or de-
rease resulting from the administra-
on thereof prior to return, and after
dequate provision for taxes and con-
ervatory expenses:

laimant, Claim No., Property, and Location

Overseas Trust Corporation, Ltd., Johan-
esburg, South Africa; Claim No. 26697; 50 shares of $100 par value common capital stock of Central American Plantations Corporation, a Delaware corporation, registered in the name of the Attorney General of the United States, currently in the safe-keeping of the Comptroller's Branch of the Office of Alien Property, 120 Broadway, New York, N. Y.; $3,650 in the Treasury of the United States returnable to the claimant.

Executed at Washington, D. C., on March 21, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3552; Filed, Mar. 27, 1952; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 63

Washington, Saturday, March 29, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10334

EXEMPTION OF FREDERICK C. MAYER FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS Mr. Frederick C. Mayer, Organist and Choirmaster at the United States Military Academy, will, during the month of March 1952, become subject to compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, unless exempted therefrom by Executive order; and

WHEREAS, in my judgment, the public interest requires that the said person be exempted from such compulsory retirement as provided below:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), I hereby exempt the said Frederick C. Mayer from compulsory retirement for age for an indefinite period of time.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 26, 1952.

[F. R. Doc. 52-3689; Filed, Mar. 27, 1952; 4:55 p. m.]

EXECUTIVE ORDER 10335

DESIGNATING THE PROVISIONAL INTERGOVERNMENTAL COMMITTEE FOR THE MOVEMENT OF MIGRANTS FROM EUROPE AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), and having found that the United States participates in the Provisional Intergovernmental Committee for the Movement of Migrants from Europe under the authority of the Mutual Security Appropriation Act, 1952, approved October 31, 1951 (65 Stat. 730), making an appropriation for such participation, I hereby designate the Provisional Intergovernmental Committee for the Movement of Migrants from Europe as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the said International Organizations Immunities Act.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 28, 1952.

[F. R. Doc. 52-3712; Filed, Mar. 28, 1952; 11:55 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE; IMMIGRATION AND NATURALIZATION SERVICE

Effective upon publication in the FEDERAL REGISTER, § 6.108 (f) (3) is amended to read as follows:

§ 6.108 *Department of Justice.* * * *

(f) *Immigration and Naturalization Service.* * * *

(3) Pilot Engineers in Puerto Rico and the Virgin Islands.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-3632; Filed, Mar. 28, 1952; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 729—PEANUTS

REVISION OF APPORTIONMENT TO STATES OF NATIONAL ACREAGE ALLOTMENT FOR 1952 CROP

Basis and purpose. The purpose of this regulation is to revise the apportion-

(Continued on p. 2743)

CONTENTS

THE PRESIDENT

Executive Orders Page

Designating the Provisional Intergovernmental Committee for the movement of migrants from Europe as a public international organization entitled to enjoy certain privileges, exemptions and immunities 2741

Mayer, Frederick C., exemption from compulsory retirement for age 2741

EXECUTIVE AGENCIES

Agriculture Department

See Commodity Credit Corporation; Production and Marketing Administration.

Army Department

Rules and regulations:
Claims against the U. S.; consideration, adjustment and settlement of claims for relief by contractor against the Department 2749

Civil Aeronautics Administration

Rules and regulations:
First-aid kits:
Certification and operation rules for scheduled air carriers operating outside the continental limits of the U. S 2748
Irregular air carrier and off-route rules 2748
Scheduled air carrier rules 2749

Civil Aeronautics Board

See Civil Aeronautics Administration.

Civil Service Commission

Rules and regulations:
Exceptions from the competitive service; Immigration and Naturalization Service 2741

Commerce Department

See Civil Aeronautics Administration; International Trade, Office of; National Production Authority.

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(For use during 1952)

The following Supplements are now available:

Title 3 (full text) ($3.50)
Titles 10–13 ($0.35)
Title 17 ($0.30)
Title 18 ($0.35)
Titles 22–23 ($0.40)
Title 25 ($0.30)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Commodity Credit Corporation Page
Notices:
Warehouse-storage loans made under 1951 price support programs; final date of redemption of grains and related commodities 2790

Customs Bureau
Rules and regulations:
Vessels in foreign and domestic trades; records of entry and clearance of vessels 2749

Defense Department
See Army Department.
Notification to the Department and General Services Administration of placement of procurement in areas (*see* Defense Mobilization, Office of) (3 documents).

Defense Mobilization, Office of Page
Notices:
Notification to Department of Defense and General Services Administration of placement of procurement; areas:
Bay City, Mich 2798
Muncie, Ind 2799
Port Huron, Mich 2799

Defense Production Administration
Notices:
Aircraft-Marine Products, Inc., and Ashtabula Bow & Socket Co.; additional companies accepting request to participate in the activities of an Army Ordnance Integration Committee on rockets 2793

Economic Stabilization Agency
See also Price Stabilization, Office of; Salary Stabilization Agency.
Notices:
Laredo, Texas, area; critical defense housing area, approval of extent of relaxation of credit controls 2793

Education, Office of
Rules and regulations:
Construction of school facilities in areas affected by Federal activities; deadline for applications for payments and order of certifications from funds available for fiscal year 1952; correction 2764

Federal Communications Commission
Rules and regulations:
Frequency allocations and radio treaty matters, general rules and regulations; miscellaneous amendments 2766

Federal Housing Administration
Notices:
Insurance Fund Debentures:
2½ Percent Mutual Mortgage, Series K 2798
2½ Percent War Housing, Series H 2798
2¾ Percent Mutual Mortgage, Series E 2797
Rules and regulations:
Class 1 and Class 2 property improvement loans; eligible expenditures 2749

Federal Power Commission
Notices:
Hearings, etc.:
Blankenship, Olive Beryl 2797
Central Illinois Public Service Co 2794
East Tennessee Natural Gas Co 2796
Northern Natural Gas Co 2795
Northwest Natural Gas Co. (2 documents) 2794, 2795
Olsen, Fred C 2797
Public Utility District No. 1 of Lewis County, Washington 2797

Federal Power Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Tennessee Gas Transmission Co 2796
Tennessee Gas Transmission Co., and Niagara Gas Transmission, Ltd 2795
Trans-Northwest Gas, Inc. (2 documents) 2796
Westcoast Transmission Co., Inc. (3 documents) 2794, 2795
Windsor Locks Canal Co 2797

Federal Security Agency
See Education, Office of.

General Services Administration
See also Public Buildings Service.
Notification to Department of Defense and the Administration of placement of procurement in areas (*see* Defense Mobilization, Office of) (3 documents).
Notices:
Disposition of quartz materials held in the national stock pile 2797

Housing and Home Finance Agency
See also Federal Housing Administration.
Rules and regulations:
Relaxation of residential credit controls; regulation governing process and approval of exceptions and terms for critical defense housing areas 2764

Indian Affairs Bureau
Rules and regulations:
Warm Springs Unit; operation and maintenance charges 2749

Interior Department
See Indian Affairs Bureau.

International Trade, Office of
Notices:
International Marketers, Ltd. et al.; revocation and denial of license privileges 2792
Marton Distributors, Inc. et al.; denial of export privileges 2793

Interstate Commerce Commission
Notices:
Applications for relief:
Grain between Leavenworth, Kans., and Illinois, Iowa, Minnesota, Missouri and South Dakota 2803
Salt from Michigan to Chicago, Ill 2803
Consolidated freight classification; class rate investigation (2 documents) 2803, 2804
Rules and regulations:
Car service:
Embargo of lake-cargo coal; appointment of agent 2765
Lumber; restrictions on reconsigning 2764
Railroad operating regulations for freight car movement 2765

CONTENTS—Continued

Interstate Commerce Commission—Continued Page

Rules and regulations—Continued
- Car service—Continued
  - Requirements for loading of lumber and lumber products 2765
  - Use of refrigerator cars for certain commodities prohibited 2765

National Production Authority

Notices:
- M & B Metal Products Co. et al.; suspension order 2791

Rules and regulations:
- Aluminum foil, converted (M–67) 2762

Price Stabilization, Office of

Rules and regulations:
- Area milk price adjustments:
  - Philadelphia milk marketing area, Area No. 1, State of Pennsylvania (GCPR, SR 63, AMPR 20) 2757
  - Suburban Philadelphia milk marketing area, Area No. 1A, State of Pennsylvania (GCPR, SR 63, AMPR 21) 2759
- Ceiling prices for eating and drinking establishments (CPR 134) 2750
- Exemption of certain food and restaurant commodities; domestic copra slab cake, copra oil meal and copra pellets (GOR 7) 2761
- Interim pricing for flaxseed feed products (GCPR, SR 95) 2761
- Used industrial and construction machinery and related equipment; ceiling prices for sales in the Teritory of Alaska (CPR 105) 2749

Production and Marketing Administration

Proposed rule making:
- Tobacco; handling of Type 62 shade-grown cigar-leaf produced in designated production area of Florida and Georgia 2779

Rules and regulations:
- Limitation of shipments:
  - Lemons grown in California and Arizona 2747
  - Oranges, grapefruit and tangerines grown in Florida (3 documents) 2745, 2746
- Milk handling, marketing areas:
  - Greater Kansas City 2745
  - Oklahoma City, Okla 2744
- Peanuts; revision of apportionment to States of the national acreage allotment for 1952 crop 2741
- Raisins produced from raisin variety grapes grown in California; modification of reserve and surplus percentages for 1951–52 crop year 2747

Public Buildings Service

Notices:
- Fern Ridge Reservoir, Lane County, Oregon; transfer of portion of property to State of Oregon 2797

Salary Stabilization Board Page

Rules and regulations:
- Extension of time for filing documents and reports 2762

Securities and Exchange Commission

Notices:
- Hearings, etc.:
  - Albert M. Greenfield & Co. and Bankers Securities Corp 2800
  - International Hydro-Electric System 2802
  - Ohio Power Co 2801
  - Oklahoma Gas and Electric Co 2800
  - Standard Gas and Electric Co. et al 2801

Treasury Department

See Customs Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page

Chapter II (Executive orders):
- 10334 2741
- 10335 2741

Title 5

Chapter I:
- Part 6 2741

Title 7

Chapter VII:
- Part 729 2741

Chapter IX:
- Part 905 2744
- Part 913 2745
- Part 933 (3 documents) 2745, 2746
- Part 953 2747
- Part 983 (proposed) 2779
- Part 989 2747

Title 14

Chapter I:
- Part 41 2748
- Part 42 2748
- Part 61 2749

Title 19

Chapter I:
- Part 4 2749

Title 24

Chapter II:
- Part 201 2749

Title 25

Chapter I:
- Part 130 2749

Title 32

Chapter V:
- Part 536 2749

Chapter VII:
- Part 836 (see Part 536) 2749

Title 32A

Chapter III (OPS):
- CPR 105 2749
- CPR 134 2750
- GCPR, SR 63, AMPR 20 2757
- GCPR, SR 63, AMPR 21 2759
- GCPR, SR 95 2761
- GOR 7 2761

Chapter IV:
- Subchapter A (SSB):
  - GSO 9 2762

CODIFICATION GUIDE—Con.

Title 32A—Continued Page

Chapter VI (NPA):
- M–67 2762

Chapter XVII (HHFA):
- CR 3 2764

Title 45

Chapter I:
- Part 104 2764

Title 47

Chapter I:
- Part 2 2766

Title 49

Chapter I:
- Part 95 (5 documents) 2764, 2765

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ment of the 1952 national peanut acreage allotment among the several peanut producing States which was made on November 29, 1951 (16 F. R. 11991). This revision is necessary because the reserve of 8,366 acres set aside for establishing 1952 peanut acreage allotments for new farms was in excess of requirements for this purpose and the unused acreage, which is 3,333 acres, is now available for apportionment. The additional acreage is being apportioned to the States on exactly the same basis as the 1952 national acreage allotment was previously apportioned to the States.

Farmers in the southernmost areas of the United States have already begun the planting of their 1952 crop of peanuts and farmers in the other peanut producing areas of the nation are completing their plans for the production of peanuts in 1952. In order that the State and county Production and Marketing Administration committees may apportion the additional acreage provided herein at the earliest possible date, it is essential that this regulation be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the regulations contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 729.303 of the regulations for the 1952 crop of peanuts (16 F. R. 11991) is amended to read as follows:

§ 729.303 *Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1952.* The national peanut acreage allotment proclaimed in § 729.302 is hereby apportioned as follows:

State:	*1952 State peanut acreage allotment*
Alabama	226,961
Arizona	747
Arkansas	4,393
California	979
Florida	57,038
Georgia	546,263
Louisiana	2,044
Mississippi	7,869
Missouri	256
New Mexico	5,110
North Carolina	175,780
Oklahoma	142,991
South Carolina	14,310

State:	1952 State peanut acreage allotment
Tennessee	3,712
Texas	369,719
Virginia	109,897
Total apportioned for old farms	1,668,069
Total apportioned for new farms	5,033
Total, United States	1,673,102

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies Sec. 358, 55 Stat. 88, as amended, 65 Stat. 29; 7 U. S. C. 1358)

Issued at Washington, D. C., this 26th day of March 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3633; Filed, Mar. 28, 1952; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 905—MILK IN THE OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 905.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective not later than April 1, 1952. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair orderly marketing of milk in the Oklahoma City, Oklahoma, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held March 3-4, 1952, and the decision having been executed by the Acting Secretary on March 18, 1952. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Oklahoma City, Oklahoma, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (January 1952), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Oklahoma City, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 905.51 (a) delete the second proviso and substitute therefor the following: "*And provided further,* That the price shall be the basic formula price plus $1.85 for April 1952, and plus $1.65 for May and June 1952, except that such price shall not be more than that for the preceding month."

2. Delete § 905.51 (b) and substitute therefor the following:

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

American Foods Company, Miami, Okla.
Gilt Edge Dairy, Norman, Okla.
Page Milk Company, Coffeyville, Kans.
Pet Milk Company, Siloam Springs, Ark.

3. Delete § 905.42 (b) and substitute therefor the following:

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk that is not to be allocated pursuant to § 905.46 (a) (2).

4. Delete § 905.46 (a) (2), substitute therefor the following as § 905.46 (a) (2) and (3), and renumber § 905.46 (a) (3), (4), and (5) as § 905.46 (a) (4), (5), and (6), respectively:

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in other source milk received in bottles or other consumer-type packages from the approved plant of a producer-handler which is located in the marketing area and disposed of as Class I milk in the same package and under the label of such producer-handler without further processing or packaging;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the remaining pounds of skim milk in other source milk;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 27th day of March 1952 to be effective on and after the 1st day of April 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3667; Filed, Mar. 28, 1952; 8:52 a. m.]

PART 913—MILK IN THE GREATER KANSAS CITY MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective not later than April 1, 1952. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay beyond this time, in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Greater Kansas City marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held on February 18–19, 1952, and the decision having been executed by the Secretary on March 17, 1952. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Greater Kansas City marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1952) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the second proviso appearing at the end of § 913.51 (a), and substitute therefor the following: *"And provided further,* That for the delivery period of April 1952 such Class I price shall be the basic formula price for the preceding delivery period plus $1.45."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 27th day of March 1952 to be effective on and after the 1st day of April 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3666; Filed, Mar. 28, 1952; 8:52 a. m.]

[Tangerine Reg. 124]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.572 *Tangerine Regulation 124*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time, and good cause exists for making the provisions hereof effective not later than March 31, 1952. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 15, 1951, and will so continue until March 31, 1952; the recommendation and supporting information for continued regulation subsequent to March 30 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 25; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 31, 1952, and ending at 12:01 a. m., e. s. t., April 14, 1952, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of March 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-3649; Filed, Mar. 28, 1952; 8:51 a. m.]

[Orange Reg. 214]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.571 *Orange Regulation 214*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 31, 1952. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 15, 1951, and will so continue until March 31, 1952; the recommendation and supporting information for continued regulation subsequent to March 30 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 25; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 31, 1952, and ending at 12:01 a. m., e. s. t., April 14, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or in Regulation Area II which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II. which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of March 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-3650; Filed, Mar. 28, 1952; 8:51 a. m.]

[Grapefruit Reg. 158]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.570 *Grapefruit Regulation 158*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 31, 1952. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 17, 1951, and will so continue until March 31, 1952; the recommendation and supporting information for continued regulation subsequent to March 30 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 25; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 31, 1952, and ending at 12:01 a. m., e. s. t., April 14, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any white seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section "handler," "variety," "ship" and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2 Russet," "standard pack" and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of March 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-3651; Filed, Mar. 28, 1952; 8:51 a. m.]

[Lemon Reg. 428]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.535 *Lemon Regulation 428*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 26, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 30, 1952, and ending at 12:01 a. m., P. s. t., April 6, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 427 (17 F. R. 2483) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of March 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-3635; Filed, Mar. 28, 1952; 9:09 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF RESERVE AND SURPLUS PERCENTAGES FOR 1951-52 CROP YEAR

Pursuant to the marketing agreement and order (7 CFR Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, hereinafter referred to as the "order", effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and upon the basis of information supplied by the Raisin Administrative Committee established under the order, and other available information, it is hereby found by me on behalf of the Secretary of Agriculture that to modify the reserve and surplus tonnage percentages as hereinafter provided will tend to effectuate the declared policy of the act.

The change which will be effected by this document will be to decrease the existing reserve percentage designation for natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1951-52 crop year from 20 percent to 18.5 percent and to increase the surplus percentage designation for that same varietal type for the same crop year from 15 percent to 16.5 percent. On the basis of presently available information, it seems clear that the combined free and reserve tonnages of such varietal type which would result from the application of the existing free and reserve percentages for this crop year would result in a supply which would be in excess of the quantity which may reasonably be expected to be needed in the normal market channels for raisins. Under the terms of the raisin order, excess reserve tonnage would automatically become surplus on June 1, 1952, in any event. The presently proposed action would merely serve to transfer to surplus a portion of this excess at an earlier date. A contract for the sale from the surplus tonnage of a large quantity of this varietal type has been executed, and the quantity of this varietal type now in such surplus is not sufficient in that regard. Such deficiency would be met by the proposed action. Therefore, the proposed action will be for the benefit of the producers from the standpoint of increasing their net returns from the surplus pool, as well as increasing their over-all returns for raisins. Accordingly, it is concluded that the presently proposed action will tend to effectuate the declared policy of the act.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this document more than three days after the date of its publication in the FEDERAL REGISTER (see Section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that, insofar as previous acquirements of raisins are concerned, the handlers are holding the reserve and surplus tonnages for the account of the Raisin Administrative Committee, the administrative agency for program operations, and such change would merely entail a transfer by them, respectively, of the appropriate tonnages from the reserve to the surplus holding; and, insofar as subsequent acquirements are concerned, such handlers will merely need to apply the changed percentages to such acquisitions and withhold accordingly. That is to say, such change will not require any more advance notice than is

proposed to be given for handlers to prepare for compliance with such change. In addition, the contractual arrangement referred to above is such that delivery thereunder should be made as soon as is reasonably practicable.

Therefore, § 989.204 (16 F. R. 10725; 17 F. R. 1255, 1267), fixing the free, reserve, and surplus tonnage percentages for the 1951–52 crop year, is hereby amended to read as follows:

§ 989.204 *Free, reserve, and surplus tonnage regulation for the 1951–52 crop year.* The percentages of each varietal type of raisins acquired by handlers during the crop year beginning August 15, 1951, and ending August 14, 1952, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are designated as follows: (a) Natural (sun-dried) Thompson Seedless raisins; free tonnage percentage, 65 percent; reserve tonnage percentage, 18.5 percent; and surplus tonnage percentage, 16.5 percent; (b) natural (sun-dried) Muscat raisins; free tonnage percentage, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent; (c) natural (sun-dried) Sultana raisins; free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (d) natural (sun-dried) Zante Currant raisins; free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (e) artificially dehydrated Sultana raisins; free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (f) artificially dehydrated Zante Currant raisins; free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (g) Layer Muscat raisins; free tonnage percentage, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent; (h) Golden Bleached raisins; free tonnage percentage, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent; (i) Sulphur Bleached raisins; free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (j) Soda Dipped raisins; free tonnage percentage, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent; and (k) Valencia raisins; free tonnage percentage, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of March 1952, to become effective on the fourth day after the publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52–3634; Filed, Mar. 28, 1952; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 14]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIERS OPERATING OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

FIRST-AID KITS

The following new policies are hereby adopted:

§ 41.23–1 *First-aid kits (CAA policies which apply to § 41.23).* Each first-aid kit should be dust and moisture proof, should contain only materials which meet Federal Specifications GGK 391, as revised, and should include at least the following items or their equivalent:

(a) *No. 1 kit for aircraft of 1–5 passengers.*

1 Adhesive bandage compresses, 1" (16 per unit).
1 Antiseptic swabs, 10 mm. (10 per unit).
1 Ammonia inhalants, 6 mm. (10 per unit).
1 Ammonia, aromatic spirits, 2 cc. with drinking cups (4 each per unit).
1 2" Bandage compresses (4 per unit).
1 4" Bandage compress (1 per unit).
1 Triangular bandage compressed, 40" (1 per unit).
1 Burn compound, ⅛ oz. (6 per unit).
1 Tourniquet, forceps, and scissors (1 each per double unit container).

(b) *No. 2 kit for aircraft of 5–25 passengers.*[1]

2 Adhesive bandage compresses, 1" (16 per unit).
2 Antiseptic swabs, 10 mm. (10 per unit).
1 Ammonia inhalants, 6 mm. (10 per unit).
2 Ammonia, aromatic spirits, 2 cc. with drinking cups (4 each per unit).
2 2" Bandage compresses (4 per unit).
2 4" Bandage compresses (1 per unit).
1 Triangular bandage compressed, 40" (1 per unit).
1 Burn compound, ⅛ oz. (6 per unit).
1 Tourniquet, forceps, and scissors (1 each per double unit container).
1 Eye dressing packet (3 each per unit) (ophthalmic ointment, ⅛ oz.; eye pads; eye strips).

(c) *No. 3 kit for aircraft of 25-up passengers.*

4 Adhesive bandage compresses, 1" (16 per unit).
2 Antiseptic swabs, 10 mm. (10 per unit).
2 Ammonia inhalants, 6 mm. (10 per unit).
2 Ammonia, aromatic spirits, 2 cc. with drinking cups (4 each per unit).
3 2" Bandage compresses (4 per unit).
3 4" Bandage compresses (1 per unit).
3 Triangular bandage compressed, 40" (1 per unit).
2 Burn compound, ⅛ oz. (6 per unit).
1 Tourniquet, forceps, scissors (1 each per double unit container).
1 Eye dressing packet (3 each per unit) (ophthalmic ointment, ⅛ oz.; eye pads; eye strips).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 604, 52 Stat. 1010; 49 U. S. C. 554)

[1] Kit No. 2 in canvas may also be used for life rafts.

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–3562; Filed, Mar. 28, 1952; 8:45 a. m.]

[Supp. 11]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

FIRST-AID KITS

Rules regarding first-aid kits were published as § 42.24–2 on November 22, 1949 in 14 F. R. 7034. The following policies revise and supersede those rules:

§ 42.24–2 *First-aid kits (CAA policies which apply to § 42.24).* Each first-aid kit should be dust and moisture proof, should contain only materials which meet Federal Specifications GGK 391, as revised, and should include at least the following items or their equivalent:

(a) *No. 1 kit for aircraft of 1–5 passengers.*

1 Adhesive bandage compresses, 1" (16 per unit).
1 Antiseptic swabs, 10 mm. (10 per unit).
1 Ammonia inhalants, 6 mm. (10 per unit).
1 Ammonia, aromatic spirits, 2 cc. with drinking cups (4 each per unit).
1 2" Bandage compresses (4 per unit).
1 4" Bandage compress (1 per unit).
1 Triangular bandage compressed, 40" (1 per unit).
1 Burn compound, ⅛ oz. (6 per unit).
1 Tourniquet, forceps and scissors (1 each per double unit container).

(b) *No. 2 kit for aircraft of 5–25 passengers.*[1]

2 Adhesive bandage compresses, 1" (16 per unit).
2 Antiseptic swabs, 10 mm. (10 per unit).
1 Ammonia inhalants, 6 mm. (10 per unit).
2 Ammonia, aromatic spirits, 2 cc. with drinking cups (4 each per unit).
2 2" Bandage compresses (4 per unit).
2 4" Bandage compresses (1 per unit).
1 Triangular bandage compressed, 40" (1 per unit).
1 Burn compound, ⅛ oz. (6 per unit).
1 Tourniquet, forceps and scissors (1 each per double unit container).
1 Eye dressing packet (3 each per unit). (ophthalmic ointment, ⅛ oz.; eye pads; eye strips).

(c) *No. 3 kit for aircraft of 25-up passengers.*

4 Adhesive bandage compresses, 1" (16 per unit).
2 Antiseptic swabs, 10 mm. (10 per unit).
2 Ammonia inhalants, 6 mm. (10 per unit).
2 Ammonia, aromatic spirits, 2 cc. with drinking cups (4 each per unit).
3 2" Bandage compresses (4 per unit).
3 4" Bandage compresses (1 per unit).
3 Triangular bandage compressed, 40" (1 per unit).
2 Burn compound, ⅛ oz. (6 per unit).
1 Tourniquet, forceps, scissors (1 each per double unit container).
1 Eye dressing packet (3 each per unit) (ophthalmic ointment, ⅛ oz.; eye pads; eye strips).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 604, 52 Stat. 1010, 49 U. S. C. 554)

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-3563; Filed, Mar. 28, 1952; 8:45 a. m.]

[Supp. 20]

PART 61—SCHEDULED AIR CARRIER RULES

FIRST-AID KITS

The following new policies are hereby adopted:

§ 61.61-1 *First-aid kits (CAA policies which apply to § 61.61).* Each first-aid kit should be dust and moisture proof, should contain only materials which meet Federal Specifications GGK 391, as revised, and should include at least the following items or their equivalent:

(a) *No. 1 kit for aircraft of 1-5 passengers.*

1 Adhesive bandage compresses, 1" (16 per unit).
1 Antiseptic swabs, 10 mm. (10 per unit).
1 Ammonia inhalants, 6 mm. (10 per unit).
1 Ammonia, aromatic spirits, 2 cc. with drinking cups (4 each per unit).
1 2" Bandage compresses (4 per unit).
1 4" Bandage compress (1 per unit).
1 Triangular bandage compressed, 40" (1 per unit).
1 Burn compound, ⅛ oz. (6 per unit).
1 Tourniquet, forceps and scissors (1 each per double unit container).

(b) *No. 2 kit for aircraft of 5-25 passengers.*[1]

2 Adhesive bandage compresses, 1" (16 per unit).
2 Antiseptic swabs, 10 mm. (10 per unit).
1 Ammonia inhalants, 6 mm. (10 per unit).
2 Ammonia, aromatic spirits, 2 cc with drinking cups (4 each per unit).
2 2" Bandage compresses (4 per unit).
2 4" Bandage compresses (1 per unit).
1 Triangular bandage compressed, 40" (1 per unit).
1 Burn compound, ⅛ oz. (6 per unit).
1 Tourniquet, forceps and scissors (1 each per double unit container).
1 Eye dressing packet (3 each per unit) (ophthalmic ointment, ⅛ oz.; eye pads; eye strips).

(c) *No. 3 kit for aircraft of 25-up passengers.*

4 Adhesive bandage compresses, 1" (16 per unit).
2 Antiseptic swabs, 10 mm. (10 per unit).
2 Ammonia inhalants, 6 mm. (10 per unit).
2 Ammonia, aromatic spirits, 2 cc. with drinking cups (4 each per unit).
3 2" Bandage compresses (4 per unit).
3 4" Bandage compresses (1 per unit).
3 Triangular bandage compressed, 40" (1 per unit).
2 Burn compound, ⅛ oz. (6 per unit).
1 Tourniquet, forceps, scissors (1 each per double unit container).
1 Eye dressing packet (3 each per unit) (ophthalmic ointment, ⅛ oz.; eye pads; eye strips).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 604, 52 Stat. 1007, 1010, 49 U. S. C. 551, 554)

[1] Kit No. 2 in canvas may also be used for life rafts.

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-3564; Filed, Mar. 28, 1952; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52958]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

RECORDS OF ENTRY AND CLEARANCE OF VESSELS

In order to remove from the regulations references to certain forms formerly printed especially for and used at the port of New York for records of entry and clearance of vessels and to authorize the use of short forms, in appropriate instances, for such records, § 4.95 of the Customs Regulations of 1943 (19 CFR 4.95) is amended by deleting the first two sentences and substituting the following: "Permanent records shall be prepared in duplicate at each customhouse of all entries of vessels on customs Form 1400 and of all clearances and permits to proceed on customs Form 1401.[130] When the number of transactions is small, such records may be prepared on the short forms (customs Forms 1400-A and 1401-A). Whenever a vessel is diverted, as provided for in § 491 (a) or (b), customs Form 1401 or 1401-A shall be amended to show the new destination."

(R. S. 161, 251, sec. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

As customs Forms 1400-A and 1401-A (short forms) may be used at all ports where the number of transactions is small, the notation "(for use at New York only)" now appearing at the end of the titles to such forms in the Catalogue of Customs Forms shall be deleted.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: March 21, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3571; Filed, Mar. 28, 1952; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

ELIGIBLE EXPENDITURES

Section 201.7 *Eligible expenditures,* is hereby amended by striking out paragraph (f) thereof.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup. 1703)

Issued at Washington, D. C., March 24, 1952.

[SEAL] FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 52-3566; Filed, Mar. 28, 1952; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

WARM SPRINGS UNIT; CHARGES

On January 23, 1952, notice of intention to amend § 130.105 was published in the daily issue of the FEDERAL REGISTER (17 F. R. 701). Interested persons were thereby given opportunity to participate in the preparing of the amendment by submitting data or arguments within thirty (30) days of the date of publication of the notice. No data or arguments were submitted, therefore, the said section is hereby amended and promulgated, insofar as it refers to the Warm Springs Unit so as to provide for an annual payment of $2.00 per acre commencing with the calendar year 1952 and for each succeeding calendar year until further order.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

E. MORGAN PRYSE,
Area Director.

[F. R. Doc. 52-3565; Filed, Mar. 28, 1952; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

CONSIDERATION, ADJUSTMENT AND SETTLEMENT OF CLAIMS FOR RELIEF BY CONTRACTOR AGAINST DEPARTMENT OF THE ARMY

Sections 536.85 and 536.86 are hereby revoked.

[Cir. 83, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 52-3615; Filed, Mar. 28, 1952; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 105, Amdt. 1]

CPR 105—USED INDUSTRIAL AND CONSTRUCTION MACHINERY AND RELATED EQUIPMENT

CEILING PRICES FOR SALES IN THE TERRITORY OF ALASKA

Pursuant to the Defense Production Act of 1950, as amended, Executive Or-

der 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 105 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 105 provides a method for determining ceiling prices of used industrial and construction machinery and related equipment for sellers located in the Territory of Alaska.

With the coming of the spring season, construction and mining operations in Alaska will increase materially, and the purchase of considerable used machinery will be necessary. Practically all used construction and mining machinery and related equipment used in Alaska is shipped into the Territory from the continental United States. Freight charges paid on such machinery by dealers have customarily been passed through to the buyer and have been reflected in subsequent sales by users. Ceiling Price Regulation 105 does not provide for the pass-through of freight charges. Alaskan dealers in these kinds of machinery are thereby placed in the position of having to absorb the freight charges, a situation in which their businesses cannot in most cases continue to be operated at a profit.

This amendment will enable sellers of used machinery in Alaska to take into consideration a portion of the freight charges paid by them as part of the purchase price of such machinery by allowing them to include current charges for transportation of the item from point of production to point of sale in Alaska in the "base price" used to determine their ceiling price.

This amendment also provides an optional method of determining ceiling prices of such machinery sold in Alaska by dealers, who may arrive at their ceiling price by first computing the ceiling price of the item at Seattle, including in the "base price" the current charge for normal transportation of the item from point of production to Seattle, and adding to the ceiling price thus computed at Seattle, the amount of separately stated freight charges for normal methods of shipping, actually incurred in shipping the item from Seattle to the point of delivery in Alaska. These methods will, in effect, be a continuation of the business practice in Alaska of treating the cost of transporting a commodity such as used industrial and construction machinery to Alaska as part of the capital expenditure for that commodity.

In the formulation of this amendment, special circumstances such as the urgent need for relief have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

1. Ceiling Price Regulation 105 is amended by adding, at the end of section 2, the following new paragraph:

(f) *Sales in the Territory of Alaska.* (1) If you are a seller in Alaska of any item of used equipment covered by this regulation and which you have used in your business, you may, in arriving at your ceiling price for such item, add to the "base price" of such item, as determined under paragraph (c) of this section, the current charge for normal transportation of the item from the point of production to the point of sale in Alaska.

(2) If you are a dealer in Alaska and bring in any item of used equipment covered by this regulation from other points in the United States or its territories and possessions for resale in Alaska, you may arrive at your ceiling price by first computing the ceiling price of such item at Seattle, including in the "base price" of the item, as determined under paragraph (c) of this section, the current charge for normal transportation of such item from point of production to Seattle. You may then add to the ceiling price at Seattle thus computed, the amount of separately stated freight charges, for normal methods of shipping, actually incurred by you in shipping such item from Seattle to the point of delivery in Alaska. This new figure then becomes your ceiling price for sales in Alaska.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 105 is effective April 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 28, 1952.

[F. R. Doc. 52-3717; Filed, Mar. 28, 1952; 12:11 p. m.]

[Ceiling Price Regulation 134]

CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended by Public Law 96 (82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 134 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation supersedes Ceiling Price Regulation 11 for most eating and drinking establishments and establishes ceiling prices for meals, food items or beverages served by them.

Background of the regulation. Restaurant prices were originally controlled under the General Ceiling Price Regulation (GCPR). While the selling prices charged by eating and drinking establishments were frozen under the GCPR, the parity provisions of the Defense Production Act of 1950, as amended, and other factors prevented effective control of the cost of many foods purchased by restaurants. As a result, the costs of many foods were subject to the possibility of substantial increases, which could cause inequities and hardship in the restaurant industry. It became necessary, therefore, to issue as soon as possible a regulation tailored to the specific needs of the industry. Accordingly, Ceiling Price Regulation 11 (CPR 11) was issued effective April 1, 1951 to provide temporarily a method of price control calculated to prevent such inequities and which would be more adaptable to the needs of the industry than the general freeze technique used by the GCPR.

CPR 11 utilized a type of price control based on controlling the gross markup over the cost of food and expressed in the phrase widely known to the industry: "food cost per dollar of sales." This phrase means the ratio between the total cost of food and beverages consumed and the total sales for a given period. Using this type of price control, CPR 11 required every operator of an eating and drinking establishment to fix his prices so as to maintain during each four month period a food cost per dollar of sales no lower than the ratio experienced in a specified base period. Thus, while establishments subject to the provisions of CPR 11 were permitted to reflect increases in the cost of food purchased by them, they were not allowed a higher percentage markup than the markup experienced during their particular base period. The base period, except for new operators, was a pre-Korean period.

With experience, it has been recognized that this gross margin technique, while largely unavoidable in this area as a temporary measure, is insufficient, standing by itself, to do the job. The very nature of this technique limits public participation in the program. The customer has no way of knowing whether the menu prices of a particular restaurant properly reflect the operator's base period food cost ratio or are at, above, or below the allowable level. Since it is physically impossible for the enforcement staff of the Office of Price Stabilization to check the records of approximately 500,000 eating and drinking establishments to ascertain if they are in compliance, exclusive reliance on the gross margin technique magnifies the problem of enforcement. An equally important deficiency of this technique from an enforcement viewpoint is that the compliance status of eating and drinking establishments can be determined only as of the end of an extended period rather than at any given time during that period. On the other hand, it was recognized when CPR 11 was issued that, despite its defects, the food cost per dollar of sales technique could be an effective aid in enforcing a dollars-and-cents regulation whenever it became appropriate to issue one, by providing a method of controlling the quality and quantity of food and beverages served.

The Director of Price Stabilization has determined that it is now feasible to issue a dollars-and-cents regulation for eating and drinking establishments. Some agricultural commodities have reached parity and the prices of most foods purchased by most restaurants have been relatively stabilized. Moreover, the price of meat, which accounts for approximately 45 percent of the cost of food purchased by restaurants, has been brought under firm control. This regulation, therefore, is being issued in order to provide a more effective and enforceable method of controlling the prices charged by most eating and drinking establishments. For the remainder, CPR 11 will continue in effect.

Specific nature of this regulation. Under the new regulation, almost all menu prices in effect during the week of February 3 through 9, 1952, will be frozen as of that week and a large majority of eating and drinking establishments will be required to post the ceiling prices of their principal food and beverage items. This type of control will permit more active public participation in the enforcement of the regulation since the customer will now be able to tell whether or not he is being charged more than the ceiling price. The only meals or food items the prices of which will not be frozen at this time are those served by railway dining car operators, those served by operators who furnish food and lodging for a combined charge, and those served by specialized establishments (e. g., hospitals) exempt from control.

The menu prices frozen under this regulation are the prices established under CPR 11, which generally permitted operators to fix their ceiling prices so as to maintain their pre-Korean percentage markup. Available data indicate that in general food costs have increased since the outbreak of the Korean war to a greater extent than the wages of restaurant employees. Since CPR 11 allowed restaurants to increase their selling prices by the percentage of any increases in their food costs, the permitted price increases have been sufficient generally to take account of the wage increases that have occurred up to this time.

Accordingly, in the judgment of the Director of Price Stabilization, the ceiling prices fixed by this regulation meet the requirements of the Defense Production Act of 1950, as amended.

Although the prices charged by railway dining car operators are not being frozen, operators of this kind will continue to be subject to the food cost per dollar of sales requirement of CPR 11. Sales of food and beverage items in railway dining cars present special problems. These problems arise from the peculiar conditions under which restaurant operations are carried on by railroads. It has, therefore, been determined that special provisions should be written to cover sales by railway dining car operators. This will be done in a supplementary regulation.

All eating and drinking establishments subject to the fixed ceiling price provisions of this regulation will be required to post their ceiling prices for 40 principal meals, food items or beverages which they customarily serve so the customer can ascertain the highest price which the operator can charge for those meals, food items or beverages. They must also post their ceiling prices for 20 alcoholic beverages if they sell beverages of that kind. In addition, they will be required to keep available at their places of business their menus or price lists showing the prices charged for meals, food items or beverages during the week of February 3 through 9, 1952.

As already indicated, the general level of prices, at the present time, is fairly well stabilized and the monthly Wholesale Food Price Index issued by the Bureau of Labor Statistics during the past several months has not risen. Therefore, this regulation is not likely to cause significant margin squeezes. Nevertheless, provision is made for the issuance from time to time of adjustment factors so as to keep the regulation constantly attuned to changes in food and labor costs. These factors will be published in supplements to the regulation and will be based in part on significant movements in the Wholesale Food Price Index of the Bureau of Labor Statistics. Consideration will also be given to other data, including data on labor costs. When a supplement is published it will state the adjustment factor or factors, to what types of meals they are to be applied and when they are to be applied. This technique will make it possible not only to make adjustments for particular items where they are warranted (as against adjustments across the board covering all items), but in addition it will permit adjustments for various special types of restaurants peculiarly affected by cost changes not generally felt.

While these provisions are considered generally adequate, it is recognized that the prices of items consisting principally of fresh or frozen chicken, fish or shellfish may require special handling. The price of chicken can increase substantially before reaching parity and fresh and frozen fish and shellfish are not under control. As a consequence, the possibility of sharp fluctuations in the prices of these commodities is greater than in the prices of other commodities used by eating and drinking establishments. In case of any significant future increases in the cost of these commodities, the Office of Price Stabilization will issue special factors to be used in adjusting the ceiling prices of items consisting principally of these commodities.

Since these adjustment factors will be applied to sales prices, which are composed not only of food costs but labor and other costs as well, the permitted increase in ceiling prices will permit operators generally to maintain their gross operating margins. At the same time the consumer will be equally protected since supplements will be issued to cause downward adjustments in prices to reflect reduced cost levels as evidenced by drops in the Index and other data.

The agency does not wish to penalize those operators who have absorbed some of the increased cost of food and have not increased their selling prices as much as permitted by CPR 11. This regulation, therefore, permits operators to increase their ceiling prices where selling prices are frozen at levels below the prices permitted by CPR 11. Operators whose food cost ratio for their four month compliance period immediately preceding the effective date of this regulation is higher than the base period ratio will have until June 1, 1952, to redetermine their ceiling prices by an amount necessary to reflect the difference in the two ratios.

This regulation contains ample provision to assure that eating and drinking establishments will be able to maintain reasonable operating margins. It permits the calculation of ceiling prices which fully reflect a percentage markup over current food costs and it provides for adjustment by general and special indexes should food or other costs increase disproportionately. There is no reason to believe that these adjustment factors will be inadequate to protect members of the restaurant industry from substantial hardship. If, however, it should appear in the future that despite these adjustment provisions a substantial number of operators are subjected to serious hardship, consideration will be given to the issuance of a provision for special adjustment.

The main reliance of this regulation is on the posted dollars-and-cents ceiling prices which will enable the customer to readily determine that he is not being charged over ceiling prices. Establishments are also required to maintain at least the same quantity and quality of servings in all meals, food items and beverages in order to prevent indirect overcharges. The decrease in quality or quantity of the food or beverage serving is as much a violation of ceiling price regulations as a direct overcharge.

However, the very nature of the commodities sold by eating and drinking establishments is such that, within broad limits, evasions may be practiced unless means are found for reducing the opportunity to do so. Consequently, the Director has determined that for effective control of restaurant prices it is necessary, as far as practicable, to require the operator to keep records of his food costs and sales for current periods as well as for his base period. A significant reduction in the ratio of food costs to sales, in the absence of other explanation, will be a basis for finding that there has been a reduction in quantity or quality in violation of the regulation. Thus, the requirement that the operator keep records of his food costs and sales will aid in determining whether quality or quantity of the food or beverages served is being maintained.

The requirement that inventory records of food and beverages be kept will be applicable to eating and drinking establishments accounting for an estimated 80 percent of the total volume of the industry. Since the agency's experience has shown that this requirement, however desirable, cannot be effectively or equitably applied to many small establishments principally because of the lack of adequate records, this requirement will not be applicable to small sellers who account for the remaining 20 percent of the industry's dollar volume. This will relieve small business operators, who account for approximately 40 percent of the total number of eating and drinking establishments in this country, from as many record keeping requirements as possible. Establishments of this type will, of course, be subject to express prohibitions against reductions in quality or quantity and to the requirement that they maintain their costs and sales records.

If the Director finds that reductions in quality and quantity cannot be dealt with adequately under this regulation or if inflationary pressures should be heightened, a requirement of maintenance of a base period food cost per dollar of sales will be reimposed.

The question of the coverage of the sales of soft drinks, candy, coffee and

other miscellaneous food and beverage items in theatre lobbies, office buildings, gasoline stations and in similar places, has been resolved by specifically exempting these sales from this regulation. The ceiling prices for the sale of these food items and beverages will be established under the General Ceiling Price Regulation or other applicable regulations. Establishments making only such sales are not "restaurants" or "eating and drinking establishments" as those terms are commonly conceived. The situation is obviously different where sales of soft drinks, candy, etc., do not stand alone, but are sold in conjuction with meals or other food items of the kind usually sold by restaurants, taverns, etc. In that case, this regulation will be applicable to the whole operation. Vending machine sales of miscellaneous food items or beverages likewise are exempt from this regulation if the sales made from the machines are the only sales of food items or beverages made by the establishment.

FINDINGS OF THE DIRECTOR

In formulating this regulation, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, and has given full consideration to their recommendations. This consultation included discussions with the Industry Advisory Committee. While many recommendations received as a result of this consultation have been adopted, the Director has not found it possible to accept all of their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Coverage of this regulation.
3. Sales not covered.
4. Exemptions.
5. Where this regulation applies.
6. Establishments in operation during the week of February 3 through 9, 1952.
7. Establishments which open after February 3, 1952.
8. Quality and quantity.
9. Seasonal operators.
10. Authorized redetermination of your ceiling prices.
11. General adjustment in ceiling prices.
12. What statements must be filed.
13. Posting.
14. Ceiling prices for service charges.
15. Taxes.
16. Transfers.
17. Establishments owned or operated as a group.
18. Records.
19. Rounding of fractions.
20. Customary accounting practice.
21. Modification of ceiling prices by the Director of Price Stabilization.
22. Interpretations.
23. Petitions for amendment.
24. Supplementary regulations.
25. Prohibitions.
26. Evasions.
27. Definitions and explanations.

AUTHORITY: Sections 1 to 27 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 C. F. R., 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes ceiling prices for the sale of meals, food items and beverages served by eating and drinking establishments (meals, food items and beverages are defined in section 27). For the items and establishments covered, these ceiling prices supersede those established by Ceiling Price Regulation 11 and any other regulation.

SEC. 2. *Coverage of this regulation.* Generally, this regulation applies to you if you own or operate an eating and drinking establishment which sells meals, food items and beverages primarily for consumption on or about the premises. Sections 3 and 4 list some exceptions to this general rule. "Eating and drinking establishments" include but are not limited to restaurants, hotels (including room service), taverns, cafes, cafeterias, soda fountains, boarding houses, catering establishments, field kitchens, lunch wagons and delicatessens. It covers establishments such as hot dog stands at athletic events even when they are only temporarily at a particular location.

SEC. 3. *Sales not covered*—(a) *Theater lobbies, gasoline stations, etc.* This regulation does not apply to an establishment which sells candy bars, nuts, gum, potato chips, pretzels, packaged confections, cookies or crackers, ice cream cones, prepacked individual portions of ice cream, coffee, fruit juice, or soft drinks (other than drinks containing ice cream) for consumption on or about the premises, if these items are the only food items or beverages sold by the establishment. Ceiling prices for these sales are fixed by the General Ceiling Price Regulation or other applicable regulations, other than CPR 11.

(b) *Vending machine sales.* This regulation does not apply to sales of food items or beverages by means of coin-operated machines if the sales made from the machines and sales covered by paragraph (a) of this section are the only sales of food items or beverages made by the establishment, unless meals are also served by the establishment. Ceiling prices for these sales are fixed by the General Ceiling Price Regulation or other applicable regulations, other than CPR 11.

(c) *Incidental sales.* If you own or operate an eating and drinking establishment which, in addition to selling meals, food items and beverages, also sells other products, commodities or services, the ceiling prices of those other products, commodities or services are not fixed by this regulation but are fixed by the General Ceiling Price Regulation or other applicable regulations.

Example. In addition to serving meals, food items and beverages for on premise consumption, you also sell cigarettes and cigars. The ceiling prices of cigarettes and cigars are not fixed by this regulation but are fixed by the General Ceiling Price Regulation.

(d) *Railroad dining cars.* Sales of meals, food items and beverages made by railroad dining cars, cafe cars, club cars or other similar vehicles to passengers are not covered by this regulation but are covered by Ceiling Price Regulation 11.

(e) *Boarding houses, American Plan hotels.* If you own or operate an American plan hotel, boarding house or similar type establishment furnishing food and lodging for a combined charge, your ceiling prices for meals for which no separate charge is made are established under Ceiling Price Regulation 11. If you also serve meals, food items or beverages for which you charge a separate price, your ceiling prices for those meals, food items and beverages are fixed by this regulation. However, the sales of meals, food items or beverages made by summer camps for children as defined in SR 12 to Ceiling Price Regulation 34 are subject to that regulation.

SEC. 4. *Exemptions.* (a) Sales of meals, food items or beverages when made by the following establishments are specifically exempt from the provisions of this or any other regulation issued by the Office of Price Stabilization:

(1) Hospitals, nursing or convalescent homes;

(2) Establishments which are operated by a school, college, university or other educational institution or a student fraternity or other student organization or association primarily for the convenience or accommodation of students and faculty and not for profit as a commercial or business enterprise or undertaking;

(3) Establishments owned or operated by corporations, community chests, funds or foundations organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, recognized as such by the Bureau of Internal Revenue and exempt from the payment of income tax under section 101 (6) of the Internal Revenue Code, where no part of the net earnings of the eating and drinking operations inures to the benefit of any private shareholder or individual, and the net profits, if any, are devoted to such purposes;

(4) Cooperatives formed by personnel of the Armed Forces (as, for example, Officer's Mess, noncom and enlisted men's mess) operated without profit;

(5) Boarding houses and similar type establishments which, prior to the effective date of this regulation, made a combined charge for food and lodging and which have accommodations for the furnishing of food and lodging for compensation to no more than four persons;

(6) Bona fide non-profit membership clubs which file with their OPS District Office an application stating:

(i) The club is a non-profit organization, recognized as such by the Bureau of Internal Revenue and exempt from the payment of income tax by reason thereof, where no part of the net earnings of

its eating and drinking operations inures to the benefit of any private shareholder or individual; and the net profits, if any, are devoted to the purposes of the club;

(ii) It sells meals, food items or beverages only to members for themselves and for their bona fide guests (a guest is a bona fide guest if the member is responsible for the payment of the check);

(iii) Its members are elected to membership by a governing board, membership committee or other body; and

(iv) It is operated primarily as a nonprofit club for one or more of the purposes specified in Section 101 of the Internal Revenue Code and not primarily as an eating or drinking establishment.

Bona fide clubs are exempt as soon as they have mailed an application in accordance with this paragraph. This exemption will be revoked if OPS, upon review, finds that the club does not satisfy all of the requirements of this paragraph. However, no club organized after the effective date of this regulation is exempt until it has filed a complete application for exemption with its OPS District Office and until OPS has notified the club that it is exempt. (Bona fide clubs which filed an application under CPR 11 need not refile.)

SEC. 5. *Where this regulation applies.* This regulation applies to eating and drinking establishments located in the 48 States of the United States and in the District of Columbia.

SEC. 6. *Establishments in operation during the week of February 3 through 9, 1952.* (a) If the eating and drinking establishment which you are now operating was in operation during the week of February 3 through 9, 1952, your ceiling price for any meal, food item or beverage is the highest price at which you offered (see section 27 for a definition of "offer") the same meal, food item or beverage during that week.

(1) If, however, during that week you charged a higher price for any meal, food item or beverage by reason of its being offered on a particular day of the week or a particular time of day or by reason of its being offered in different rooms of the same establishment, you will have separate ceiling prices for that meal, food item or beverage for each time, day, or room with respect to which you charged a different price.

Example. During that week you charged $2.00 for a roast beef dinner on Sunday and you charged $1.50 for the same roast beef dinner on other days of the week. You will have a ceiling price of $2.00 for a roast beef dinner served on Sunday and a ceiling price of $1.50 for roast beef dinner served on other days of the week.

Example. During that week you charged 60 cents for ham, eggs, toast and coffee when served as breakfast and 85 cents when served as luncheon. You will have a ceiling price of 60 cents for that meal when it is served as breakfast and a ceiling price of 85 cents for that meal when served as luncheon.

(2) If you charged during that week a higher price for any meal, food item or beverage by reason of its being served for a special event or occasion, such as a banquet, a wedding party, a special group luncheon, or a private party, you will have separate ceiling prices for that meal, food item or beverage for each special event or occasion for which you charged a higher price.

(3) Despite the other provisions of this section, you may on any of the following holidays charge for any meal, food item or beverage the price you charged for it on the most recent identical holiday: New Years Day, Easter, Passover, Thanksgiving Day, Christmas Day and New Years Eve.

(b) If the eating and drinking establishment which you are now operating was in operation during the week of February 3 through 9, 1952, but a particular meal, food item or beverage (including those served for a special event or occasion) which you now wish to offer was not offered during that week, you must fix your ceiling price for it as follows:

(1) If the particular meal, food item or beverage was offered at any time during the period from April 1, 1951, to February 3, 1952, your ceiling price is the highest price at which you offered that particular meal, food item or beverage during that period. If, however, during that period you charged a higher price for any meal, food item or beverage by reason of its being offered on a particular day of the week or a particular time of the day or by reason of its being offered in different rooms of the same establishment, or on the listed holidays or other special events or occasions, you will have separate ceiling prices for that meal, food item or beverage for each time or day or room or holiday or other special event or occasion with respect to which you charged a different price.

(2) If the particular meal, food item or beverage was not offered at any time from April 1, 1951, to February 3, 1952, your ceiling price for that meal, food item or beverage is the same as the ceiling price for the most comparable meal, food item or beverage having a current raw food cost the same as or lower than the current raw food cost of the new meal, food item or beverage.

(c) If you cannot establish your ceiling price for a particular meal, food item or beverage under paragraph (a) or (b) of this section, you may apply on OPS Public Form No. 135 to your OPS District Office for a ceiling price for that particular meal, food item or beverage. You may sell or serve the particular meal, food item or beverage at your proposed price as soon as you have mailed your application.

(d) If the food cost per dollar of sales experienced by you during your CPR 11 four month compliance period immediately preceding the effective date of this regulation was lower than your base period food cost per dollar of sales established under CPR 11, you must, no later than May 1, 1952, adjust downward your ceiling prices as fixed under paragraph (a) of this section. In making the downward adjustment use the procedure set out in section 10 (c) (1). You may, however, apply to your OPS District Office for permission to use as your ceiling prices the prices charged by you during the week of February 3 through 9, 1952, if you can show that your lower food cost per dollar of sales was not in fact due to increased prices but was due to improvements in the methods of controlling purchases of food, installation of new equipment resulting in a reduction of the quantity of food purchased in relation to the quantity of food sold, use of methods or techniques of controlling food waste or pilferage, substantial change in type of operation, seasonality, decrease in food costs, unrepresentative base period or to other special factors.

SEC. 7. *Establishments which open after February 3, 1952.* (a) If the eating and drinking establishment which you are operating was not in operation during the entire week of February 3 through 9, 1952, your ceiling prices are the same as the ceiling prices of your nearest comparable establishment. (See section 27, *Definitions.*) Section 12 will tell you how and when to file your ceiling prices.

(b) If the comparable establishment whose ceiling prices you are adopting does not offer a particular meal, food item or beverage which you offer or wish to offer, use section 6 (b) (2) to determine your ceiling price for that meal, food item or beverage.

(c) If you cannot fix your ceiling prices under paragraph (a) or (b) of this section, you may apply on OPS Public Form No. 135 to your OPS District Office to fix them for you. You may not sell at your proposed ceiling prices until ten days after mailing the form. If, however, your establishment was in operation on the effective date of this regulation but not during the week of February 3 through 9, 1952, you may sell at your proposed ceiling prices as soon as you have mailed it.

SEC. 8. *Quality and quantity.* You must maintain at least the same quality and quantity of servings in all of your meals, food items and beverages and the same number of courses in your meals. You may not vary the entree of a meal for which a ceiling price has been established by this regulation, but you may vary the vegetable or other items in the meal so long as you maintain at least the same standard of quality and quantity.

Example. If during the freeze week you sold an 8 oz. glass of whole milk for 12 cents, you cannot now sell for 12 cents a 6 oz. glass of whole milk nor an 8 oz. glass of skim milk.

SEC. 9. *Seasonal operators.* (a) If you were in business on or before April 1, 1951, and 80 percent or more of the annual dollar volume of business of your establishment for the twelve months ending April 1, 1952, was done in a seasonal period of not more than six months, the following rules apply to you:

(1) If you were open for business during the week of February 3 through 9, 1952, and that week occurred during your seasonal period, your ceiling prices for meals, food items and beverages are fixed under section 6.

(2) If you were not open for business during the week of February 3 through 9, 1952, or, you were open for business during that week but it did not occur during your seasonal period, your ceiling prices for meals, food items and bever-

ages are the highest prices you charged for them during the last month of your prior corresponding seasonal period.

(b) If you started in business after April 1, 1951, the following rules apply to you:

(1) If you were open during the week of February 3 through 9, 1952, and that week occurred during your seasonal period, your ceiling prices for meals, food items and beverages are fixed under section 6.

(2) If you were not open during the week of February 3 through 9, 1952, your ceiling prices for meals, food items and beverages are the highest prices you charged for them during the last month of your prior corresponding seasonal period.

(3) If you were open for business during the week of February 3 through 9, 1952, but your prices during that period were seasonally low, you may apply to your OPS District Office for an adjustment of your ceiling prices as fixed under section 6. To obtain an adjustment you must state that you have been operating in the same manner as seasonal operators generally, or that you started in business during the off season with the intention of charging substantially higher prices when the seasonal period began. The adjustment will be allowed only if you can show that your prices were seasonally low because of factors related to the seasonal type of operation of your establishment. In adjusting your ceiling prices, OPS will consider the prices you charged in your prior corresponding seasonal period if you have one. If you do not have one, it will adjust your ceiling prices in line with those fixed under this regulation for comparable establishments.

(4) For the purposes of this paragraph, a "seasonal period" is any period of not more than six consecutive months during which you charge substantially higher prices than during other parts of the year. If you started in business and then went out of operation with the intention of reopening for a similar period, the period you were in operation is also a "seasonal period".

(c) You may not charge prices as a seasonal operator under paragraph (a) (2) or paragraph (b) (2) of this section until you have mailed to your OPS District Office in addition to the statements required to be filed under section 12, a statement of the opening and closing dates of your seasonal period. If you are determining your ceiling prices under paragraph (a) (2), you must also state the dollar volume of your establishment for the twelve months ending April 1, 1952 and the dollar volume of your establishment for your prior corresponding seasonal period.

(d) In determining your highest prices under paragraphs (a) (2) and (b) (2) of this section, follow the rules in seetion 6 regarding different prices for times of day, days of the week, different rooms in your establishment, holidays and special events.

SEC. 10. *Authorized redetermination of your ceiling prices*—(a) *When you may redetermine.* If the food cost per dollar of sales actually experienced by you during your CPR 11 four month compliance period immediately preceding the effective date of this regulation exceeds your base period food cost per dollar of sales established under CPR 11, you may no later than June 1, 1952, redetermine your ceiling prices as provided in paragraph (c) (1) or apply for redetermination as provided in paragraph (c) (2). If you are a seasonal operator as defined in section 9 and you are not in operation for at least thirty days between the effective date of this regulation and June 1, 1952, you may redetermine your ceiling prices as fixed under section 9 (a) (2) or (b) (2) not later than thirty days after the beginning of your seasonal period.

(b) *Basis for redetermination.* The amount by which your ceiling prices may be increased will be based on the difference between the food cost per dollar of sales for your base period established under CPR 11 and for the four month compliance period immediately preceding the effective date of this regulation.

(c) *Alternative methods to be used.* You may redetermine your ceiling prices on a flat percentage basis as provided in subparagraph (1) of this paragraph or you may obtain permission to apply a higher percentage to a limited number of items as provided in subparagraph (2) of this paragraph. Use of one method precludes your use of the alternative method.

(1) *Across the board method.* To make the calculation necessary to redetermine your ceiling prices by this method you first divide your food cost per dollar of sales for the four month compliance period immediately preceding the effective date of this regulation by your base period food cost per dollar of sales to find the factor you are to use in redetermining your ceiling prices. Then multiply your present ceiling price for each meal, food item or beverage by this factor. You then round any fractions as provided in section 19. The result will be your new ceiling price for that meal, food item or beverage.

Example. The food cost per dollar of sales for your base period established under CPR 11 is 40%. Your food cost per dollar of sales for the four month compliance period immediately preceding the effective date of this regulation is 42%. .42÷.40=1.05. You sell a dinner which has a ceiling price of $1.00. $1.00×1.05=$1.05 your new ceiling price for that dinner.

You must mail to your OPS District Office a listing of the new ceiling prices to be placed on your poster as a result of the use of this method, together with a statement of the food costs per dollar of sales figures used to determine the factor by which you increase your prices. You may use OPS Public Form No. 133 to submit this information.

(2) *Use of a higher percentage on a limited number of items.* You may obtain permission to apply a higher percentage to a limited number of items if you can present adequate data showing that the over-all increase in your ceiling prices which you propose will not decrease your food cost per dollar of sales below your base period ratio. To show this data and to obtain this permission you must mail OPS Public Form No. 134 to your OPS District Office. OPS will notify you of the factor to be used in redetermining your ceiling prices under this method. To obtain your new ceiling prices, multiply your present ceiling price for each meal, food item or beverage covered by your application by the authorized factor. You then round any fractions as provided in section 19. The result will be your new ceiling price for that meal, food item or beverage.

(d) *Posting of redetermined ceiling prices.* If before you redetermine your ceiling prices, you have posted your ceiling prices as required by section 13, you must obtain a new OPS Official Poster from your OPS District Office. You must list on the new poster the required items with the new ceiling prices for each item. The new poster will have to be displayed as required in section 13. You may not charge your redetermined ceiling prices until you display your poster.

SEC. 11. *General adjustment in ceiling prices.* From time to time the Director of Price Stabilization may publish in a supplement to this regulation a factor to be used in adjusting (upward or downward) your ceiling prices for meals, food items and beverages. The adjustment factor will be based primarily on significant changes in the monthly Wholesale Food Price Index compiled and published by the Bureau of Labor Statistics. However, consideration also will be given to other pertinent data such as data on changes in sales volume and in labor costs. The supplement, in addition to specifying the factor you will use in adjusting your ceiling prices, will also specify the meals, food items or beverages to which the factor will be applicable and the date when your new ceiling prices will become effective.

SEC. 12. *What statements must be filed.* (a) If you own or operate an eating and drinking establishment which was in operation during the entire week of February 3 through 9, 1952, you must, within fifteen days after the effective date of this regulation, file with your OPS District Office the information specified below. You may use OPS Public Form No. 133 to file this information.

(1) A statement listing the ceiling prices of any special charges, such as cover, minimum, bread and butter, service, corkage, entertainment, checkroom, and parking; and

(2) A statement listing 40 of the principal meals, food items and non-alcoholic beverages you sell which have ceiling prices fixed under section 6, 9 or 10 of this regulation. You must also show the ceiling price for each item listed. If you sell alcoholic beverages, you must also list your ceiling prices for 20 alcoholic beverages which you sell, including the number of ounces of alcoholic and malt beverages served in each drink. The items you list must be the principal ones which you customarily sell and your list must not include those which you sell only occasionally. They are the items you will post in your establishment. (See section 13.) In listing your principal meals, list the entree and then indicate the type of meal, for example, steak dinner, pork dinner, vege-

table plate luncheon and ham loaf luncheon. If you do not offer as many as 40 meals, food items or beverages, or as many as 20 alcoholic beverages, list on the statement all that you do offer.

(b) If your eating and drinking establishment first came into operation after February 3, 1952, or if you were not open during all of the week of February 3 through 9, 1952, you must file with the OPS District Office within two weeks after the first seven day period of your operation or within two weeks after the effective date of this regulation if you were open on that date, a copy of each of the documents listed in paragraph (a) of this section as applied to your establishment. In addition, you must file a statement giving the name and address of the comparable establishment whose ceiling prices you are adopting and the reasons why that establishment is your nearest comparable establishment as defined in section 27.

(c) Each statement you file with the OPS District Office must be dated and signed by you or your authorized agent and must also contain the name and address of your establishment. You must prepare and keep available at your place of business for examination by OPS or by your customers during business hours a copy of each statement filed under this section, a copy of each menu or price list used by you during the week of February 3 through 9, 1952, or during the last month of your prior corresponding seasonal period if you are fixing your ceiling prices under section 9 (a) (2) or (b) (2), and a list of your current ceiling prices for all meals, food items and beverages offered.

(d) If you are required to fix your ceiling prices under this regulation and the base period report required under section 4 of CPR 11 for your establishment has not been filed, you must file that report with your OPS District Office within fifteen days after the effective date of this regulation. This requirement is not applicable to you if your establishment comes into operation after that date.

SEC. 13. *Posting.* (a) After the effective date of this regulation, each menu you use must have clearly and plainly written on it, or attached to it, the following statement:

All prices are our OPS ceiling prices or lower. A list showing our ceiling price for each item is available for your inspection.

If you do not use menus, you must write the statement on or attach it to a price list where it can be easily seen and read by your customers.

(b) You must list in the appropriate column on an official OPS poster the meals, food items and beverages with the ceiling price for each item as listed on the statement which you filed with your OPS District Office. You may obtain an official OPS poster from your OPS District Office.

(c) Not later than April 25, 1952, or within ten days after you receive the official OPS poster if you are covered by section 12 (b), you must place the poster near the main entrance of your establishment or in a place where it will be plainly visible to your customers. If you operate more than one public room in which food or beverages are sold, you must place a poster in each room where it can easily be seen and read by your customers.

(d) If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your OPS District Office. Erasures or changes in prices listed on the poster except as authorized by OPS are prohibited.

SEC. 14. *Ceiling prices for service charges.* Your ceiling prices for service charges are determined as follows:

(a) If, during 1951, you had in effect any cover, minimum, bread and butter, service, corkage, parking, entertainment, checkroom, or any other special service charge, your ceiling price for any charge of this kind is the highest price in effect for that charge during 1951. You may make no charges of this kind if they were not in effect during 1951.

(b) If you made a charge for entertainment on only certain days of the week or at certain times of the day during 1951, you may make an entertainment charge on other days of the week or other times of the day for the same type of entertainment as long as that charge is no higher than the highest charge made for that type of entertainment during 1951.

(c) If, during 1951, you varied your charge for entertainment in accordance with the type of entertainment offered, you may continue this practice provided the charge you make for any given type of entertainment does not go above the highest charge made for that type of entertainment during 1951.

(d) You may apply to your OPS District Office for permission to institute or increase an entertainment charge in the following circumstances:

(1) If you did not offer entertainment during 1951, and you now wish to do so and to make a charge for it; or

(2) If you offered entertainment but did not make a charge for it during 1951, and you now wish to replace the entertainment offered during 1951 with another type of entertainment and, by reason of the change, to institute an entertainment charge; or

(3) If you offered entertainment for which you made a charge during 1951, and you now wish to replace the entertainment previously offered with another type of entertainment and, by reason of the change, to increase your entertainment charge.

(e) Your application under paragraph (d) of this section must contain the name and address of your establishment, the reason you are requesting permission to institute or increase an entertainment charge and your proposed ceiling price for such a charge. You must also submit a copy of the contract with the person furnishing the entertainment and the terms and conditions of employment. OPS will consider the type of entertainment you propose to offer, the terms and conditions of the contract, and whether the institution or increase of an entertainment charge is bona fide and not for the purpose of evasion. If OPS finds that you qualify under this section, it will grant you permission to institute or increase an entertainment charge in an amount necessary to cover the cost or the increased cost of the entertainment.

(f) If the eating and drinking establishment which you are operating comes into operation after December 31, 1951, your ceiling prices for service charges, other than for entertainment charges, are fixed in the same way as ceiling prices for meals, food items and beverages under section 7. Your ceiling prices for entertainment charges will be fixed under paragraph (d) of this section.

(g) As used in this section, "type of entertainment" refers to the cost of the entertainment. Whenever you have to determine whether the entertainment for which you wish to make a charge is the same type of entertainment, compare the cost of the two. If the present entertainment costs as much or more than the entertainment you offered before, then it is considered as the same type of entertainment.

SEC. 15. *Taxes.* In addition to your ceiling price, you may collect the amount of any tax on the sale of food or beverage (or on the business of selling food or beverages if the tax was measured by the number or the price of the meals, food items or beverages) or any excise or similar taxes paid by you only if during the week of February 3 through 9, 1952, you stated and collected such taxes separately from your selling price. If any law imposing any tax of this kind or any increase in a tax of this kind becomes applicable as to you after February 9, 1952, you may collect the amount of the tax actually paid by you, in addition to your ceiling price, if not prohibited by the tax law and if you state separately the amount of the tax.

SEC. 16. *Transfers.* (a) If after the effective date of this regulation, you lease or acquire a substantial part of the business, assets or stock in trade of any eating or drinking establishment and carry on the business of that establishment, your ceiling prices are the same as those to which the transferor would have been subject if no such transfer had taken place. You must maintain at least the same quantity and quality and you must keep records sufficient to verify the ceiling prices. The transferor must preserve and upon or prior to the transfer turn over to you all records, invoices and menus (or price lists) which are necessary to enable you to comply with the record-keeping and filing provisions of this regulation.

(b) If records sufficient to verify the transferer's prices have been lost, destroyed or otherwise become unavailable prior to the transfer to you, you may apply to your OPS District Office to fix ceiling prices for you. OPS may require you or the transferor to submit an affidavit explaining why the records are unavailable and certifying that you have no practicable means of obtaining the information necesary to determine your ceiling prices. If OPS finds that you have shown that the records are unavailable, it will authorize you to determine your ceiling prices in the same way as

the operator of a new establishment determines his ceiling prices.

SEC. 17. *Establishments owned or operated as a group.* If you own or operate more than one eating and drinking establishment, you must treat each establishment separately for the purposes of this regulation.

SEC. 18. *Records.* (a) You must maintain and keep for inspection by the Office of Price Stabilization for the life of the Defense Production Act of 1950, as amended, and for two years thereafter the following records:

(1) All of your invoices and other records necessary to determine your food cost per dollar of sales for your base period under CPR 11.

(2) A copy of each menu or price list used by you during the week of February 3 through 9, 1952, or during the last month of your prior corresponding seasonal period if you are fixing your ceiling prices under section 9 (a) (2) or (b) (2).

(b) You must prepare and preserve for inspection by the Office of Price Stabilization for a period of two years the following records:

(1) All of your invoices and other records necessary to determine your food cost per dollar of sales for any compliance period fixed under CPR 11.

(2) Records such as invoices, purchase records, cashier register tapes, etc., which are necessary to determine your food cost per dollar of sales for each current period under this regulation. (You are not required to maintain individual guest checks as part of your records if you have adequate records of your sales.) A record of your inventory of food and beverages as of the end of each current period, if your gross sales for 1951 were $24,000 or more, or an average of $2,000 or more a month if you were not open throughout 1951.

(3) A copy of each menu used by you each day. If you do not use menus, a record of the prices charged by you each day. If you generally used menus during the four-month period prior to the effective date of this regulation, you must continue to use them.

SEC. 19. *Rounding of fractions.* (a) If, after recomputing your ceiling prices under section 10 or 11, you find that any of your recomputed prices are not in multiples of five cents and are two and one-half cents or more above the nearest lower five cents, you may round those prices to the next highest five cents. However, if you elect to round, you must round (downward) to the nearest five cents all of your adjusted ceiling prices which are less than two and one-half cents above the nearest five cents.

(b) If you do not elect to round out to the nearest nickel under paragraph (a) of this section, you must apply the following rule in determining your adjusted ceiling prices:

(1) Fractions of a cent remaining after you have determined your adjusted prices must be dropped if less than a half cent and may be increased to the nearest higher cent if a half cent or more. However, if any meal, food item or beverage has a ceiling price of 50 cents or less before you make the adjustment, you may round any fraction of a cent to the next higher cent if the fraction is at least one-fourth of a cent.

SEC. 20. *Customary accounting practice.* Whenever a three calendar month or a quarterly period is referred to in this regulation you may, in accordance with your customary accounting practice substitute a period of twelve or thirteen weeks. Similarly, whenever a calendar month is referred to in this regulation, you may substitute a period of four or five weeks.

SEC. 21. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices determined, reported or proposed under this regulation if he finds that for any reason they were not properly fixed or are not in line with the level of ceiling prices established by this regulation.

SEC. 22. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of the proper OPS District Office for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 23. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 24. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or supplementing this regulation as he deems appropriate.

SEC. 25. *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports, required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action and action for damages provided for by the Defense Production Act of 1950, as amended.

SEC. 26. *Evasions.* (a) Any means or device which results in obtaining directly or indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes the omission from records of true data and the inclusion in records of false data.

(b) The following are specifically, but not exclusively, among the devices prohibited by paragraph (a) of this section and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made in this industry under the general provisions:

(1) You may not increase your price for a meal, food item or beverage because of an improvement in the quality or increase in the quantity of the food or beverage served or the addition or substitution of side dishes.

(2) You may not reduce the quantity or quality of any meal, food item or beverage. (See section 8).

(3) You may not require, as a condition of selling meals, food items or beverages, the purchase of other meals, food items or beverages, unless expressly required to do so by State or local laws.

SEC. 27. *Definitions and explanations.* When used in this regulation,

(a) "Beverage" means an individual serving or drink of an alcoholic or nonalcoholic beverage sold by an eating and drinking establishment to be consumed on the premises or to be taken out for consumption without change in form or additional preparation. However, an individual serving or drink of a beverage in the original container when sold as a separate item for off premise consumption and not as part of a meal is not a "beverage" under this definition.

(b) "Current period" means the three calendar month period beginning April 1, 1952, and every three consecutive calendar month period thereafter. If, however, you keep your records on a fiscal year basis, current period means your first quarterly period after March 31, 1952 and every quarterly period thereafter.

(c) "Food cost per dollar of sales" means:

(1) The ratio between the total cost of food (including nonalcoholic beverages) consumed and total sales; or

(2) If separate records of the cost and sales of alcoholic beverages are kept or if only alcoholic beverages are sold, the ratio between the total cost of alcoholic beverages consumed and the total sales; or

(3) If separate records for alcoholic beverages are not kept, the ratio between the total cost of food (including nonalcoholic beverages) and alcoholic beverages consumed and total sales.

(d) "Food item" means an individual portion or serving of food sold by an eating and drinking establishment to be eaten on the premises or to be taken out for consumption without change in form or additional preparation. It may include two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Meal" means a combination of food items sold at a single price.

(f) "Nearest comparable establishment" means an establishment located in the same area as your establishment and which has approximately the same seating capacity, similar physical characteristics and serves the same type of meals, food items or beverages with the same type of service.

(g) "Offer" means offer for sale and includes the listing or posting of prices for meals, food items or beverages.

(h) "OPS District Office" or "District Office" means the District Office of the Office of Price Stabilization for the district in which your establishment is located.

(i) "Sell", "sale", etc. include the service of food or beverage for a consideration for consumption on or about the premises.

(j) "You" and "yours" refer to any individual, corporation, association or other person who owns or operates an eating and drinking establishment and include the United States, any agent thereof, any other government, or any of its subdivisions, and any agency of the foregoing.

Effective date. This Ceiling Price Regulation 134 shall become effective April 7, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 28, 1952.

[F. R. Doc. 52-3718; Filed, Mar. 28, 1952; 12:11 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 20]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 20—PHILADELPHIA MILK MARKETING AREA, AREA NO. 1, STATE OF PENNSYLVANIA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this area milk price regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 63 to the General Ceiling Price Regulation, issued September 19, 1951, authorizes district directors of the Office of Price Stabilization to issue area milk price regulations fixing ceiling prices for milk products for particular milk marketing areas within their districts. Such orders may be issued in response to petitions or upon a district director's own initiative wherever in his judgment, after verification if deemed desirable, he has accurate and adequate information from a representative portion of the processors and distributors in the area, and where this information indicates that an area regulation would be appropriate.

This area milk price regulation establishes ceiling prices for sales by processors, distributors, and retail stores of certain milk products for fluid consumption affecting the area designated as the Philadelphia Milk Marketing Area, Area No. 1. In general, sales are covered by this regulation if the purchaser is located in this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area. Products covered by this regulation are "milk products for fluid consumption" as this term is defined herein. Ceiling prices for products not covered by this regulation remain subject to the General Ceiling Price Regulation.

In determining whether an area milk price regulation should be issued OPS is required to consider the historical marketing pattern determining the precise marketing area involved, cost increases or decreases sustained by processors and distributors serving the area and a fair and equitable margin for such processors and distributors in accordance with the Defense Production Act of 1950, as amended.

On January 4, 1951, pursuant to an order issued by the Pennsylvania Milk Control Commission, the price paid to producers of milk of 4.0 percent butterfat content supplying processors and distributors within the Philadelphia Milk Marketing Area, Area No. 1 was $5.84 per hundredweight. In the same order, the Commission granted an increase of one-half cent per quart in the price charged to the ultimate consumer within this area.

On July 1, 1951, the Pennsylvania Milk Control Commission allowed a further increase in the producer's price from $5.84 per hundredweight to $6.04 per hundredweight, an increase of $.20 per hundredweight. Under the provisions of section 11 of the General Ceiling Price Regulation an increase in the price paid to the producer of milk is permitted to be passed through the various levels of distribution to the consumer. Thus the $.20 increase of July 1, 1951, promptly resulted in an additional increase of one-half cent per quart payable by the consumer.

On October 1, 1951, the Federal Marketing Administrator granted for Federal Marketing Area Number 61 an increase to the producer of $.40 per hundredweight, bringing the producer's price in this area to $6.44 per hundredweight. On October 11, 1951, the Pennsylvania Milk Control Commission ordered an increase in its minimum price to producers for the Philadelphia Milk Marketing Area, Area No. 1, to correspond with the Federal Marketing Order of October 1st. These orders resulted in a further increase of one cent per quart payable by consumers in the areas affected, bringing the total increase in the price of milk at the consumer level, since January 4, 1951, to one and one-half cents per quart.

A seasonal reduction of $.20 per hundredweight in the producer's price was ordered by the Pennsylvania Milk Control Commission, effective January 1, 1952. This date, however, coincided with the effective date of a general wage increase instituted by the milk industry within the Philadelphia area. Upon consultation with representatives of the industry the Philadelphia District Director of OPS was convinced that to require any reduction in the resale prices of milk at that time would impose a serious financial hardship upon the sellers affected, a result inconsistent with the intention and purposes of Supplementary Regulation 63.

A new and further reduction, amounting to $.40 per hundredweight has been announced by the Pennsylvania Milk Control Commission, to become effective April 1, 1952. This will reduce the producer price in this area to $5.84 per hundredweight for milk of 4.0 percent butterfat content. In the absence of an Area Milk Price Regulation, processors, distributors and retail stores would not be required to make a corresponding downward adjustment in their own selling prices to pass on to the consumer the benefit of this reduction.

As of its effective date this regulation establishes ceiling prices for sales by processors, and resellers which are identical with those now established under the General Ceiling Price Regulation. By incorporating the parity adjustment provisions of Supplementary Regulation 63, however, the regulation will automatically effect a reduction in the price to the consumer whenever the price paid to the producer of milk is reduced by order of a State or Federal regulatory body or otherwise.

The regulation will thus provide an effective means of maintaining an equitable relationship between the prices paid by processors, distributors and retail stores and the ceiling prices for their own sales. It is intended that the regulation remain flexible and it is probable that it will be subject to amendment and modification from time to time to adjust for changing conditions within the dairy industry in this area. Such modifications may result from petitions filed by persons described in Supplementary Regulation 63 and in accordance with procedures prescribed therein or by the Office of Price Stabilization upon its own initiative.

The Office of Price Stabilization has examined the cost and pricing structures of a representative number of resellers of fluid milk within the Philadelphia area on the basis of information available to it. Computations relating to cost of direct labor, containers and raw materials were based upon the latest data available, and the District Director is satisfied that there has been no significant change in such data between the period represented thereby and the present. Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the District Director of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the District Director of the Philadelphia District Office of the Office of Price Stabilization, the provisions of this area milk pricing regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951.

The District Director gave due consideration to the national effort to achieve

maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sellers and sales covered by this regulation.
4. Ceiling prices.
5. Producer prices upon which ceiling prices are based.
6. Rounding of fractions.
7. Applicability of other ceiling price regulations.
8. Prohibitions.
9. Violations.
10. Definitions.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, establishes ceiling prices for fluid milk products in the Philadelphia Milk Marketing Area, Area No. 1 for sales by processors and distributors and for sales by operators of retail stores. It provides that ceiling prices determined hereunder shall be the same as the ceiling prices determined by such sellers under the GCPR immediately prior to the effective date of this area milk price regulation. It provides further that ceiling prices so determined may be adjusted upward, and must be adjusted downward, in accordance with future variations in the price paid to producers of milk.

SEC. 2. *Where this area milk price regulation applies.* The area to which this regulation applies is that defined by the Pennsylvania Milk Control Commission in its Official General Order Number A–361 as "Philadelphia Milk Marketing Area, Area No. 1". The said area embraces most of the territory within the boundaries of the city and county of Philadelphia and certain portions of the counties of Delaware and Montgomery, all in the State of Pennsylvania.

SEC. 3. *Sellers and sales covered by this regulation.* This area milk price regulation covers sales in this marketing area of milk products for fluid consumption by processors, distributors and operators of retail stores. A processor is any person who pasteurizes, blends, treats, compounds, manufactures, or packages milk products for fluid consumption. A distributor is a person other than the operator of a retail store who buys packaged milk products in the same form in which he sells them. The operator of a retail store is any person, other than a distributor, who buys packaged milk products and resells them in the same form, through a retail outlet, to ultimate consumers primarily for consumption off the premises. For purposes of this regulation a person may be a processor of some items or some quantities of an item of milk product and a distributor or operator of a retail store as to other items or quantities of an item of milk product.

SEC. 4. *Ceiling prices.* (a) The ceiling price for your sale of a milk product for fluid consumption shall be your ceiling price determined for such product under the General Ceiling Price Regulation immediately prior to the effective date of this area milk price regulation.

(b) After determining your ceiling prices under section 4 (a) you may increase, and you must decrease, the ceiling prices so determined by the parity adjustments provided for in section 8 (a) of Supplementary Regulation 63 to the GCPR.

Example No. 1. You are a processor of fluid milk in quart containers. The specified producer price in this area regulation is $6.24 per hundredweight. Thereafter the producer price is reduced to $5.84 per hundredweight. Reference to section 8 (a) of Supplementary Regulation 63 will disclose that on the basis of 46½ quarts of milk, bottled from 100 pounds of milk, you must decrease your ceiling price as determined under this Area Milk Price Regulation by 0.86 cent per quart. However, this price is also subject to "rounding off" pursuant to section 8 (b) of Supplementary Regulation 63.

Example No. 2. You are the operator of a retail store. After the effective date of this regulation you make a customary purchase of a milk item at a price which has been reduced one cent per quart by your supplier through the operation of section 8 (a) of Supplementary Regulation 63. On the first day following effective reduction in your cost you must decrease your ceiling price for the item by the dollars and cents amount of such reduction to you, namely, one cent per quart.

SEC. 5. *Producer prices upon which ceiling prices are based.* (a) The specific producer price for raw milk upon which ceiling prices established under this regulation are based is $6.24 per hundredweight for milk containing 4.0 percent butterfat.

(b) The producer price specified in section 5 (a) must be used as the basis for computing parity adjustments of ceiling prices in accordance with section 8 (a) of Supplementary Regulation 63.

SEC. 6. *Rounding of fractions.* (a) If in computing an adjusted ceiling price you arrive at a unit price which involves a fraction of a cent, you may increase and you must decrease it in accordance with the provisions of section 8 (b) of Supplementary Regulation 63. Among other provisions that section sets forth the following table for the rounding of fractions in the unit prices of milk and milk products:

TABLE A—MILK AND MILK PRODUCTS

(Excluding cream)

Increase or decrease in producer price (cents per quart)	*Increase or decrease in ceiling price (cents per quart)*
0.0–0.250	0
0.251–0.750	½
0.751 and over	1

(b) Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product sold in a particular transaction, after rounding of fractions in unit prices as provided in section 6 (a), shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 7. *Applicability of other ceiling price regulations.* Except as provided in this area milk price regulation you shall remain in all respects subject to the provisions of Supplementary Regulation 63 and to the provisions of the General Ceiling Price Regulation. The record-keeping and reporting requirements of those regulations are specifically incorporated in this area milk price regulation by reference and shall remain in full force and effect.

SEC. 8. *Prohibitions.* After the effective date of this regulation, regardless of any contract or obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 9. *Violation*—(a) *Civil and criminal action.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950, as amended.

(b) *Violation of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for an adjustment of a ceiling price, if he is required to do so, the District Director may issue an order fixing ceiling prices for the milk products such person sells. Any ceiling prices fixed in this manner will be in line with ceiling prices established by this regulation. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 10. *Definitions*—(a) *Milk products for fluid consumption.* This term means standard milk, homogenized, vitamin and mineral fortified milk, high fat milks, milks of special curd tensions and other milks with special dietary qualities and properties; buttermilk, chocolate milk; skim milk, plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate drinks; and any other milk variation of the foregoing sold whether such products are to be sold at retail or wholesale, and regardless of whether such products are to be sold in glass, paper, or other type of containers, or in bulk. For purposes of this regulation, however, this term does not include half and half; cream of various percentages of butterfat, including sour cream; cottage, pot and bakers cheese; butter cream, filled cream, cream mixed with

other ingredients or gases used as a whipping cream, and other specialized fluid cream products. This definition also is not intended to include milk, cream, skim milk or whey when such products are exempt from the General Ceiling Price Regulation or to include ice cream or ice cream mix, canned, evaporated or condensed milk, milk powder, butter or other manufactured products not used for fluid consumption. Neither is it intended to include sales of concentrated frozen fresh milk sold by wholesalers, such sales being governed by Ceiling Price Regulation 14. This regulation applies only to milk, and products therefrom, produced by cows.

(b) *You.* The pronoun "you" as used in this area milk price regulation indicates the person subject thereto.

Effective date. This area milk price regulation is effective March 29, 1952.

NOTE. The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOHN F. O'NEILL,
Acting District Director,
Philadelphia District.

MARCH 28, 1952.

[F. R. Doc. 52-3715; Filed, Mar. 28, 1952; 12:11 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 21]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 21—SUBURBAN PHILADELPHIA MILK MARKETING AREA, AREA NO. 1A, STATE OF PENNSYLVANIA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this area milk price regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 63 to the General Ceiling Price Regulation, issued September 19, 1951, authorizes district directors of the Office of Price Stabilization to issue area milk price regulations fixing ceiling prices for milk products for particular milk marketing areas within their districts. Such orders may be issued in response to petitions or upon a district director's own initiative wherever in his judgment, after verification if deemed desirable, he has accurate and adequate information from a representative portion of the processors and distributors in the area, and where this information indicates that an area regulation would be appropriate.

This area milk price regulation establishes ceiling prices, for sales by processors, distributors, and retail stores of certain milk products for fluid consumption affecting the area designated as the Suburban Philadelphia Milk Marketing Area, Area No. 1A. It is being issued simultaneously with Area Milk Price Regulation 1, covering the Philadelphia metropolitan milk marketing area (Area No. 1). In general, sales are covered by this regulation if the purchaser is located in this Area No. 1A, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area. Products covered by this regulation are "milk products for fluid consumption" as this term is defined herein. Ceiling prices for products not covered by this regulation remain subject to the General Ceiling Price Regulation.

In determining whether an area milk price regulation should be issued OPS is required to consider the historical marketing pattern determining the precise marketing area involved, cost increases or decreases sustained by processors and distributors serving the area and a fair and equitable margin for such processors and distributors in accordance with the Defense Production Act of 1950, as amended.

On January 4, 1951, pursuant to an order issued by the Pennsylvania Milk Control Commission, the price paid to producers of milk of 4.0 percent butterfat content supplying processors and distributors within the Suburban Philadelphia Milk Marketing Area, Area No. 1A was $5.69 per hundredweight. In the same order, the Commission granted an increase of one-half cent per quart in the price charged to the ultimate consumer within this area.

On July 1, 1951, the Pennsylvania Milk Control Commission allowed a further increase in the producer's price from $5.69 per hundredweight to $5.89 per hundredweight, an increase of $0.20 per hundredweight. Under the provisions of Section 11 of the General Ceiling Price Regulation an increase in the price paid to the producer of milk is permitted to be passed through the various levels of distribution to the consumer. Thus the $0.20 increase of July 1, 1951, promptly resulted in an additional increase of one-half cent per quart payable by the consumer.

On October 11, 1951, the Pennsylvania Milk Control Commission ordered an increase in its minimum price to producers for the Suburban Philadelphia Milk Marketing Area, Area No. 1A, of $0.40 per hundredweight, bringing the producer's price in this area to $6.29 per hundredweight. This order resulted in a further increase of one cent per quart payable by consumers in the area affected, bringing the total increase in the price of milk to the consumer level, since January 4, 1951, to one and one-half cents per quart.

A seasonal reduction of $0.20 per hundredweight in the producer's price was ordered by the Pennsylvania Milk Control Commission, effective January 1, 1952. This date, however, coincided with the effective date of a general wage increase instituted by the milk industry within the Philadelphia area. Upon consultation with representatives of the industry the Philadelphia District of OPS was convinced that to require any reduction in the resale prices of milk at that time would impose a serious financial hardship upon the sellers affected, a result inconsistent with the intention and purposes of Supplementary Regulation 63.

A new and further reduction, amounting to $0.40 per hundredweight has been announced by the Pennsylvania Milk Control Commission, to become effective April 1, 1952. This will reduce the producer price in this area to $5.69 per hundredweight for milk of 4.0 percent butterfat content. In the absence of an area milk price regulation, processors, distributors and retail stores would not be required to make a corresponding downward adjustment in their own selling prices to pass on to the consumer the benefit of this reduction.

As of its effective date this regulation establishes ceiling prices for sales by processors, and resellers which are identical with those now established under the General Ceiling Price Regulation. By incorporating the parity adjustment provisions of Supplementary Regulation 63, however, the regulation will automatically effect a reduction in the price to the consumer whenever the price paid to the producer of milk is reduced by order of a State or Federal regulatory body or otherwise.

The regulation will thus provide an effective means of maintaining an equitable relationship between the prices paid by processors, distributors and retail stores and the ceiling prices for their own sales. It is intended that the regulation remain flexible and it is probable that it will be subject to amendment and modification from time to time to adjust for changing conditions within the dairy industry in this area. Such modifications may result from petitions filed by persons described in Supplementary Regulation 63 and in accordance with procedures prescribed therein or by the Office of Price Stabilization upon its own initiative.

The Office of Price Stabilization has examined the cost and pricing structures of a representative number of resellers of fluid milk within the suburban Philadelphia area on the basis of information available to it. Computations relating to cost of direct labor, containers and raw materials were based upon the latest data available, and the District Director is satisfied that there has been no significant change in such data between the period represented thereby and the present. Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the District Director of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the District Director of the Philadelphia District Office of the Office of Price Stabilization, the provisions of this Area Milk Pricing Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Pro-

duction Act of 1950, as amended by the Defense Production Act Amendments of 1951.

The District Director gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sellers and sales covered by this regulation.
4. Ceiling prices.
5. Producer prices upon which ceiling prices are based.
6. Rounding of fractions.
7. Applicability of other ceiling price regulations.
8. Prohibitions.
9. Violation.
10. Definitions.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, establishes ceiling prices for fluid milk products in the Suburban Philadelphia Milk Marketing Area, Area No. 1A for sales by processors and distributors and for sales by operators of retail stores. It provides that ceiling prices determined hereunder shall be the same as the ceiling prices determined by such sellers under the GCPR immediately prior to the effective date of this area milk price regulation. It provides further that ceiling prices so determined may be adjusted upward, and must be adjusted downward, in accordance with future variations in the price paid to producers of milk.

SEC. 2. *Where this area milk price regulation applies.* The area to which this regulation applies is that defined by the Pennsylvania Milk Control Commission in its Official General Order Number A–362 as "Suburban Philadelphia Milk Marketing Area, Area No. 1A". The said area embraces certain portions of the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, all in the State of Pennsylvania.

SEC. 3. *Sellers and sales covered by this regulation.* This area milk price regulation covers sales in this marketing area of milk products for fluid consumption by processors, distributors and operators of retail stores. A processor is any person who pasteurizes, blends, treats, compounds, manufactures, or packages milk products for fluid consumption. A distributor is a person other than the operator of a retail store who buys packaged milk products in the same form in which he sells them. The operator of a retail store is any person, other than a distributor, who buys packaged milk products and resells them in the same form, through a retail outlet, to ultimate consumers primarily for consumption off the premises. For purposes of this regulation a person may be a processor of some items or some quantities of an item of milk product and a distributor or operator of a retail store as to other items or quantities of an item of milk product.

SEC. 4. *Ceiling prices.* (a) The ceiling price for your sale of a milk product for fluid consumption shall be your ceiling price determined for such product under the General Ceiling Price Regulation immediately prior to the effective date of this area milk price regulation.

(b) After determining your ceiling prices under section 4 (a) you may increase, and you must decrease, the ceiling prices so determined by the parity adjustments provided for in section 8 (a) of Supplementary Regulation 63 to the GCPR.

Example No. 1. You are a processor of fluid milk in quart containers. The specified producer price in this area regulation is $6.09 per hundredweight. Thereafter the producer price is $5.69 per hundredweight. Reference to section 8 (a) of Supplementary Regulation 63 will disclose that on the basis of 46½ quarts of milk, bottled from 100 pounds of milk, you must decrease your ceiling price as determined under this area milk price regulation by 0.86 cent per quart. However, this price is also subject to "rounding off" pursuant to section 8 (b) of Supplementary Regulation 63.

Example No. 2. You are the operator of a retail store. After the effective date of this regulation you make a customary purchase of a milk item at a price which has been reduced one cent per quart by your supplier through the operation of section 8 (a) of Supplementary Regulation 63. On the first day following effective reduction in your cost you must decrease your ceiling price for the item by the dollars-and-cents amount of such reduction to you, namely, one cent per quart.

SEC. 5. *Producer prices upon which ceiling prices are based.* (a) The specific producer price for raw milk upon which ceiling prices established under this regulation are based is $6.09 per hundredweight for milk containing 4.0 percent butterfat.

(b) The producer price specified in section 5 (a) must be used as the basis for computing parity adjustments of ceiling prices in accordance with section 8 (a) of Supplementary Regulation 63.

SEC. 6. *Rounding of fractions.* (a) If in computing an adjusted ceiling price you arrive at a unit price which involves a fraction of a cent, you may increase and you must decrease it in accordance with the provisions of section 8 (b) of Supplementary Regulation 63. Among other provisions that section sets forth the following table for the rounding of fractions in the unit prices of milk and milk products:

TABLE A—MILK AND MILK PRODUCTS

(Excluding cream)

Increase or decrease in producer price (cents per quart)	*Increase or decrease in ceiling price (cents per quart)*
0.0–0.250	0
0.251–0.750	½
0.751 and over	1

(b) Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product sold in a particular transaction, after rounding of fractions in unit prices as provided in section 6 (a), shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 7. *Applicability of other ceiling price regulations.* Except as provided in this area milk price regulation you shall remain in all respects subject to the provisions of Supplementary Regulation 63 and to the provisions of the General Ceiling Price Regulation. The recordkeeping and reporting requirements of those regulations are specifically incorporated in this area milk price regulation by reference and shall remain in full force and effect.

SEC. 8. *Prohibitions.* After the effective date of this regulation, regardless of any contract or obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 9. *Violation*—(a) *Civil and criminal action.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950, as amended.

(b) *Violation of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for an adjustment of a ceiling price, if he is required to do so, the District Director may issue an order fixing ceiling prices for the milk products such person sells. Any ceiling prices fixed in this manner will be in line with ceiling prices established by this regulation. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 10. *Definitions*—(a) *Milk products for fluid consumption.* This term means standard milk, homogenized, vitamin and mineral fortified milk, high fat milks, milks of special curd tensions and other milks with special dietary qualities and properties; buttermilk, chocolate milk; skim milk, plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate drinks; and any other milk variation of the foregoing sold whether such products are to be sold at retail or wholesale, and regardless of whether such products are to be sold in glass, paper, or other type of containers, or in bulk. For purposes of this regulation, however, this term does not include half and half; cream of various percentages of butterfat, including sour cream; cottage, pot and bakers cheese; butter cream, filled cream, cream mixed with other ingredients or

gases used as a whipping cream, and other specialized fluid cream products. This definition also is not intended to include milk, cream, skim milk or whey when such products are exempt from the General Ceiling Price Regulation or to include ice cream or ice cream mix, canned, evaporated or condensed milk, milk powder, butter or other manufactured products not used for fluid consumption. Neither is it intended to include sales of concentrated frozen fresh milk sold by wholesalers, such sales being governed by Ceiling Price Regulation 14. This regulation applies only to milk, and products therefrom, produced by cows.

(b) *You.* The pronoun "you" as used in this area milk price regulation indicates the person subject thereto.

Effective date. This area milk price regulation is effective March 29, 1952.

NOTE. The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOHN F. O'NEILL,
Acting District Director,
Philadelphia District.

MARCH 28, 1952.

[F. R. Doc. 52-3716; Filed, Mar. 28, 1952; 12:11 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 95]

GCPR, SR 95—INTERIM PRICING FOR FLAXSEED FEED PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 95 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Prices of flaxseed feed products, gluten feeds, distillers' dried grains and soybean meal, all high protein feeds, were frozen by the General Ceiling Price Regulation (GCPR) and Supplementary Regulation (SR) 18 to the GCPR. Since that time, while the ceiling prices of gluten feeds have been increased by SR 86 to the GCPR, the ceiling prices of distillers' dried grains by SR 90 to the GCPR, and soybean meal by SR 3 to the GCPR, the ceiling prices of flaxseed feed products have remained unchanged. Thus, the price relationship of all of these feed products is now distorted and the ceiling price of flaxseed feed products is depressed in relation to the ceiling prices of the competing feeds.

A "tailored" regulation, providing adjustments of flaxseed feed products ceiling prices to levels more representative of normal price relationships, is in the process of preparation. The information so far available, however, indicates that processors' ceilings should be increased by $5.50 per ton.

Accordingly, pending issuance of the tailored regulation, this supplementary regulation authorizes an increase of $5.50 per ton for processors of flaxseed feed products.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended. So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950, as amended, to prices prevailing during the periods named in section 402 of the act, and to relevant factors of general applicability.

In the formulation of this regulation, there was consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration was given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Coverage.
2. Ceiling prices.
3. Applicability of Supplementary Regulation 18, Revision 1 to the General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage.* This supplementary regulation applies to all sales by a processor of the following feed products derived from the processing of flaxseed: Linseed oil cake; linseed oil chips; linseed oil flakes; linseed oil meal; linseed cubes; linseed pellets; linseed feed and flaxseed screenings oil feed.

SEC. 2. *Ceiling prices.* A processor's ceiling price for any flaxseed feed product listed in section 1 shall be his ceiling price for such product in effect on March 30, 1952, plus $5.50 per ton.

SEC. 3. *Applicability of SR 18, Rev. 1 to the GCPR.* All provisions of SR 18, Rev. 1 to the GCPR not inconsistent with the provisions of this supplementary regulation remain in full force and effect.

Effective date. This Supplementary Regulation 95 to the General Ceiling Price Regulation is effective March 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 28, 1952.

[F. R. Doc. 52-3719; Filed, Mar. 28, 1952; 4:00 p. m.]

[General Overriding Regulation 7, Amdt. 13]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

DOMESTIC COPRA SLAB CAKE, COPRA OIL MEAL, AND COPRA PELLETS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 13 to General Overriding Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7 exempts from price control the following commodities produced in the United States: Copra slab cake, copra oil meal, and copra pellets.

These commodities are by-products made from the residue remaining after the extraction of the oil from the dried meat of the coconut, more commonly known as copra. They are high protein feed concentrates used chiefly in feeds for feeder cattle, dairy cows and poultry. Domestic production and imports are restricted largely to the Pacific Coast and consumption is confined mainly to that area.

Since there is no domestic production of copra, all of the copra which is domestically processed must be imported from points outside the United States, principally from the Philippines. Therefore, domestic crushers must purchase supplies of their raw material on the world market in competition with foreign processors who are not limited in regard to prices for which they can sell their oil and meal. Under existing ceiling prices for these by-products, domestic crushers have been unable to pay the prices for copra prevailing on the world market. Consequently, they have been unable to compete with foreign crushers in obtaining necessary supplies of the raw material. As a result, although Philippine copra production has been increasing, Philippine copra exports to the United States have declined from 282,900 long tons in the last six months of 1950 to 177,900 long tons in the last six months of 1951. The United States received only 49.5 per cent of the total Philippine exports of copra in 1951 as compared with 63.5 per cent in 1950 and 67.4 per cent in 1949. On the other hand, imports of copra meal have increased approximately 17 per cent, from 58,300 tons in 1950 to 68,000 tons in 1951. Because of their inability to pay world market prices for copra, domestic crushers are in danger of losing the domestic oil and meal market to foreign processors.

Production of these copra by-products is small in relation to the total supply of oil meals. During the 1950-51 crop year, total U. S. production was only 137,000 tons, as compared to production of 8,613,000 tons of all oil meals. Thus, these by-products represent about 1.5 percent of the domestic oil meal supply. Domestic production during the years 1946-51 has averaged only 151,000 tons a year. Moreover, these copra by-products sell in competition with linseed meal, cottonseed meal and soybean meal, the principal high protein feeds used in this country. Since ceiling prices for linseed, cottonseed and soybean meal bear a reasonably normal relationship to prices of other feeds, this competition should deter any substantial increase in copra meal prices. In addition, decontrol of meal, cake and pellets should permit domestic crushers to compete on a more equal basis with foreign producers for supplies of copra.

Under these circumstances, it is believed that decontrol of these products will have little or no effect upon the cost of living and that the advantages to be

derived from decontrol outweigh the desirability of continued regulation.

In the formulation of this amendment, there has been extensive consultation with members of the industry, including trade association representatives, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the exemption provided by this amendment will not defeat or impair the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISION

General Overriding Regulation 7 is amended by adding a new section to read as follows:

SEC. 14. *Domestic copra slab cake, copra oil meal and copra pellets.* No ceiling price regulation issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales of the following commodities produced in the United States: Copra slab cake, copra oil meal and copra pellets.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.)

Effective date. This amendment shall become effective April 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 28, 1952.

[F. R. Doc. 52-3720; Filed, Mar. 28, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Order 9, Amdt. 1]

GSO 9—EXTENSION OF TIME FOR FILING DOCUMENTS AND REPORTS UNDER GENERAL SALARY STABILIZATION REGULATION 4

AMENDATORY PROVISIONS

1. Section 1 of General Salary Order 9 is amended by striking the words "March 31" and substituting therefor the words "April 30".

2. Section 2 of General Salary Order 9 is amended by striking the words "June 30" and substituting therefor the words "July 31".

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interprets or applies Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.)

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By order of the Salary Stabilization Board.

JUSTIN MILLER,
Chairman.

MARCH 21, 1952.

Approved: March 26, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-3665; Filed, Mar. 27, 1952; 1:07 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-67, as Amended March 28, 1952]

M-67—ALUMINUM FOIL, CONVERTED

This amended order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation in advance of the issuance of this amended order with representatives of all affected trades and industries was rendered impracticable because of the substantial number of trades and industries affected.

NPA Order M-67, as last amended July 27, 1951, is hereby amended in the following respects:

1. The explanatory references to NPA Order M-26 which appeared in sections 1 and 4 have been deleted.

2. Section 2 (c) is amended by deleting the words "retail sales" and substituting the word "resale," and a new paragraph (e) is added defining "authorized production schedule."

3. Section 3 is amended by designating the previously existing provisions as paragraph (a), and by adding, as paragraph (b), a statement to the effect that the provisions of such paragraph (a) do not constitute an affirmative authorization to convert aluminum foil, an affirmative authorization being conferred only by an authorized production schedule.

4. A new section 4 is added, the general effect of which is to require that a converter of aluminum foil, when his allotment of controlled material is not enough to enable him to fill all his orders, shall first fill those orders representing essential uses. The section permits such a converter to fill a stated percentage of his orders for consumer-type items, but prevents his exceeding that stated percentage until he has made provision for filling the orders for items classed as essential.

5. The previous section 4 is redesignated section 5 (a). It is amended by deleting the reference to NPA Order M-26, as stated in paragraph 1 above.

6. A new paragraph (b) is added to section 5 as redesignated, as an additional exception which permits a converter of aluminum foil to make provision during a calendar quarter for a seasonal increase in the demand for foil for a particular use or product, so long as he keeps his total quarterly use and total annual use within the prescribed limits by making appropriate reductions in the quantity of foil converted for other uses and in other calendar quarters.

7. The previous section 5 is redesignated section 6.

8. A new section 7 is added, providing that all adjustments and exceptions made or allowed under the order prior to December 1, 1951, shall terminate on April 30, 1952.

9. The sections previously designated 6, 7, 8, and 9 are redesignated 8, 9, 10, and 11, respectively, and are amended to conform their provisions with the comparable provisions in more recent orders of the National Production Authority.

10. Schedule I is changed in format and in context to establish higher levels for permitted operations, and also to establish maximums which may not be exceeded until the converter has met certain requirements as specified.

11. In addition, changes of an editorial nature have been made in section 1, and in paragraph (b) of section 2.

As amended, NPA Order M-67 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on amount of aluminum foil that may be converted.
4. Conditions subject to which permitted quantity of aluminum foil may be converted.
5. Exceptions.
6. Restrictions on inventory.
7. Termination of existing adjustments.
8. Request for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* This order places restrictions upon the amount of aluminum foil to be converted, but does not apply to aluminum foil, converted or to be converted, for insulation, for aluminum cap liners, or for other packaging closures. Schedule I appearing at the end of this order specifies quantity limitations upon the conversion of aluminum foil for uses other than for insulation, for aluminum cap liners, or for other packaging closures. These limitations vary according to the end use of the converted aluminum foil.

SEC. 2. *Definitions.* As used in this order:

(a) "Aluminum foil" means plain coiled aluminum foil as produced by a foil-rolling mill, rolled to a thickness of 0.005 inch or less, of either domestic or foreign origin.

(b) "Base period" means the 6-month period ended December 31, 1950.

(c) "Convert" means to put into process or otherwise fabricate, change, or alter, aluminum foil by physical means. It includes cutting into sheets, and also includes the packaging of aluminum foil for resale.

(d) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(e) "Authorized production schedule" means an authorized production schedule as the term is defined and used in CMP Regulation No. 1.

SEC. 3. *Restrictions on amount of aluminum foil that may be converted.* (a) Commencing with the second calen-

dar quarter of 1952, but subject to the exceptions in section 5 of this order, no person shall convert a greater quantity by weight of aluminum foil in any one quarter for any particular use specified in Schedule I of this order, or for any particular class of product specified in Schedule I, than that quantity by weight of aluminum foil determined by applying the percentage listed in column (3) of Schedule I opposite that particular use or class of product against the average quarterly quantity by weight of aluminum foil which he converted for that particular use or for that particular class of product during the base period. In computing such average quarterly quantity, a person shall exclude the quantity by weight of aluminum foil which he converted during the base period for (1) insulation, (2) material on orders having a DO rating, and (3) aluminum foil cap liners and other packaging closures.

(b) The provisions of paragraph (a) of this section shall not be construed as an affirmative authorization to convert any quantity of aluminum foil whatever. A person may convert in any calendar quarter only that quantity by weight of aluminum foil permitted by his authorized production schedule for that quarter, and may convert such quantity only in accordance with the restrictions imposed by paragraph (a), subject to the further restrictions imposed by section 4 of this order.

SEC. 4. *Conditions subject to which permitted quantity of aluminum foil may be converted.* (a) For purposes of paragraph (b) of this section, the terms "high level" and "low level" mean, respectively, as to any item in Schedule I, (1) the maximum quantity by weight of aluminum foil which a person may convert in a particular calendar quarter in accordance with the restrictions of section 3 of this order for uses and products specified in connection with that item, and (2) the maximum quantity which, on the basis of the percentage listed in column (2) opposite that item, instead of on the basis of the percentage listed in column (3), the same person may convert in the same quarter for the same uses and products.

(b) In filling his orders for aluminum foil to be converted for uses and products specified in connection with the particular items in Schedule I, no person shall convert aluminum foil in excess of his low level for item 2 until he has made provision for filling all his reasonably anticipated orders for item 1; he shall not exceed his low level for item 3 until he has made provision for filling all his reasonably anticipated orders for item 1 and has also made provision for filling all his reasonably anticipated item 2 orders, but not in excess of his high level for item 2; he shall not exceed his low level for item 4 until he has made provision for filling all his reasonably anticipated item 1 orders and has also made provision for filling all his reasonably anticipated orders for items 2 and 3, but not in excess of his high level for either item; and he shall not exceed his low level for item 5 until he has made provision for filling all his reasonably anticipated orders for item 1 and has also made provision for filling all his reasonably anticipated orders for items 2, 3, and 4, but not in excess of his high level for any item.

SEC. 5. *Exceptions.* (a) In addition to the limited conversion of aluminum foil authorized by section 3 of this order, there is permitted the conversion thereof (1) for insulation, (2) to fill an order for aluminum foil for cap liners or other packaging closures, and (3) for material required to fill an order that is rated under the priority system established by NPA Reg. 2, or to meet any other mandatory order of NPA.

(b) To allow for seasonal variations, a person may, in any calendar quarter, convert for uses and products specified in Schedule I in connection with any single item a quantity by weight of aluminum foil not exceeding 160 percent of the quantity by weight permitted for that quarter by the provisions of paragraph (a) of section 3: *Provided, however,* That (1) the aggregate quantity by weight of aluminum foil converted during four consecutive calendar quarters for all uses and products specified in Schedule I in connection with such single item shall not exceed four times the quantity permitted by the provisions of paragraph (a) of section 3 to be converted during a single calendar quarter for uses and products specified in Schedule I in connection with such single item, (2) the aggregate quantity by weight of aluminum foil converted during that quarter for all uses and products specified in Schedule I in connection with all items shall not exceed the aggregate quantity by weight permitted for that quarter by the provisions of paragraph (a) of section 3 for all uses and products specified in Schedule I in connection with all items, and (3) the requirements of section 4 as to making provision for orders with respect to any other item or items are fulfilled.

SEC. 6. *Restrictions on inventory.* No person who converts aluminum foil shall accept delivery of any aluminum foil if his inventory thereof is, or by such receipt would become, in excess of the quantity necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

SEC. 7. *Termination of existing adjustments.* All adjustments, exceptions, grants, and waivers allowed, made, or approved under NPA Order M-67 prior to December 1, 1951, and not otherwise expired or terminated, shall expire and terminate April 30, 1952, and thereafter no person shall rely upon, claim the benefit of, or use any such expired or terminated adjustment, exception, grant, or waiver. However, no person shall be required to wait until April 30, 1952, to request, in accordance with the provisions of section 8 of this order, the same or a comparable adjustment, exception, grant, or waiver for the period beginning May 1, 1952.

SEC. 8. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-67.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under

priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Schedule I is hereto attached and made a part of this order.

Except as otherwise provided herein, this order, as amended, shall take effect April 1, 1952.

Issued March 28, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I, NPA ORDER M-67—ALUMINUM FOIL CONVERTED

Item No.	Use or class of product (1)	Low level—Permitted percentage of average quarterly quantity by weight of aluminum foil used during the base period, as stated in sec. 4. (2)	High level—Permitted percentage of average quarterly quantity by weight of aluminum foil used during the base period, as stated in sec. 3. (3)
1	Antibiotics	Unlimited	Unlimited.
2	Hygroscopic drugs, medical supplies; photographic films, and photographic supplies, requiring protection from light or humidity; and food products for human consumption, as defined in memorandum of agreement between NPA Administrator and Administrator of Production and Marketing Administration, United States Department of Agriculture (16 F. R. 3410), including uncooked bakery goods and including food products for human consumption to be stored in home freezers, but excluding food products for human consumption listed in item 4 of this schedule.	70 percent	100 percent.
3	Locker plant use only. Material rolled to a thickness of 0.0015 inch (subject to usual manufacturing variation), and in rolls not less than 25 pounds nor more than 50 pounds.	65 percent	90 percent.
4	Bakery goods (excluding uncooked goods), chewing gum, confectious, ice cream, cigarettes, tobacco, and other products (not included in items 1, 2, or 3) in connection with which aluminum foil is used in containers or packaging material for protective purposes.	50 percent	80 percent.
5	Household (except for home freezers), carton (except for purposes of protective packaging), florist, gift wrapping, seal, label, and other uses not included in items 1, 2, 3, or 4.	25 percent	65 percent.

[F. R. Doc. 52-3710; Filed, Mar. 28, 1952; 11:54 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Amdt. 8 to Appendix]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESS AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP.—CRITICAL DEFENSE HOUSING AREAS

This Amendment 8 amends the Appendix to CR 3 initially published in the FEDERAL REGISTER November 20, 1951 (16 F. R. 11731), which Appendix was revised and published in the FEDERAL REGISTER January 30, 1952 (17 F. R. 893) and last amended by Amendment 7 published March 15, 1952 (17 F. R. 2281), as follows:

1. The geographical descriptions of critical defense housing areas numbered 82 and 125 and designated respectively as New London, Connecticut; and Midland, Pennsylvania, are amended to read as follows:

82. New London, Connecticut, Area. (The towns of East Lyme, Groton, Ledyard, Lyme, Montville, New London, North Stonington, Norwich, Old Lyme, Salem, Stonington and Waterford in New London County.

* * * * *

125. Midland, Pennsylvania, Area. ((1) That part of Beaver County north and east of the Ohio River, except the following: the townships of Economy and Harmony, the boroughs of Ambridge, Baden and Conway and that portion of the borough of Ellwood City which lies within Beaver County; and (2) the townships of Potter and Center and the borough of Monaca, Beaver County.)

2. The Appendix to CR 3 is further amended by adding the following additional critical defense housing areas to the areas already designated under CR 3:

157. Laredo Air Force Base, Texas, Area. (That portion of Webb County within a 10-mile radius of the Administration Building of the Laredo Air Force Base, including the City of Laredo), March 29, 1952.

158. Port Lavaca, Texas, Area. (All of Calhoun County), March 29, 1952.

159. Yerington, Nevada, Area. (Mason Valley Township including Yerington City, in Lyon County), March 29, 1952.

160. Williamsport, Pennsylvania, Area. (The townships of Anthony, Armstrong, Bastress, Brady, Clinton, Eldred, Fairfield, Hepburn, Limestone, Loyalsock, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Old Lycoming, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf and Woodward; also the boroughs of Duboistown, Hughesville, Jersey Shore, Montgomery, Montoursville, Muncy, Picture Rocks, Salladasburg, and South Williamsport; and the city of Williamsport, all in Lycoming County), March 29, 1952.

161. New Brunswick-Perth Amboy, New Jersey, Area. (The townships of Piscataway, Raritan, Woodbridge, East Brunswick and North Brunswick; the boroughs of Dunellen, South Plainfield, Middlesex, Metuchen, Highland Park, Carteret, South River, Milltown, and Sayreville; the cities of Perth Amboy, New Brunswick, and South Amboy, all in Middlesex County), March 29, 1952.

162. Bangor, Maine, Area. (The cities of Bangor and Brewer, the town of Orono including the unincorporated community of Orono; also the town of Veazie, all in Penobscot County), March 29, 1952.

(Sec. 704, 64 Stat. 816, as amended; Pub. Law 139, 82d Cong.; 50 U. S. C. App. Sup. 2154)

B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

[F R. Doc. 52-3636; Filed, Mar. 28, 1952; 8:51 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 104—CONSTRUCTION OF SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

SUBPART B—DEADLINE FOR APPLICATIONS FOR PAYMENTS AND ORDER OF CERTIFICATIONS FROM FUNDS AVAILABLE FOR FISCAL YEAR 1952

Correction

In F. R. Doc. 51-12347, appearing at page 10558 of the issue for Tuesday, October 16, 1951, the word "usable" in the 21st line of § 104.14 (a) (1) should read "unusable."

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 858, Amdt. 8]

PART 95—CAR SERVICE

LUMBER; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1952.

Upon further consideration of Service Order No. 858 (15 F. R. 5050, 5434; 16 F. R. 819, 2005, 1284, 1678, 4550, 9901, 13102), and good cause appearing therefor: It is ordered, that:

Section 95.858 *Lumber; restrictions on reconsigning,* of Service Order No. 858 be, and it is hereby further amended by substituting paragraph (f) hereof for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., September 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective 11:59 p. m., March 31, 1952.

It is further ordered, that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3594; Filed, Mar. 28, 1952; 8:47 a. m.]

[Rev. S. O. 866, Amdt. 2]

PART 95—CAR SERVICE

RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1952.

Upon further consideration of the provisions of Revised Service Order No. 866 (15 F. R. 6198, 6256, 6573; 16 F. R. 2894, 13102), and good cause appearing therefor: It is ordered, that:

Section 95.866 *Railroad operating regulations for freight car movement,* of Revised Service Order No. 866 be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., March 31, 1952; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3592; Filed, Mar. 28, 1952; 8:47 a. m.]

[S. O. 869, Amdt. 5]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CERTAIN COMMODITIES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1952.

Upon further consideration of Service Order No. 869 (15 F. R. 8824, 9109; 16 F. R. 2040, 3619, 10994), and good cause appearing therefor: It is ordered, that:

Section 95.869 *Use of refrigerator cars for certain commodities prohibited,* of Service Order No. 869 be, and it is hereby amended by substituting the following paragraph (f) hereof for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., September 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., March 31, 1952, and that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3596; Filed, Mar. 28, 1952; 8:48 a. m.]

[S. O. 875, Amdt. 2]

PART 95—CAR SERVICE

EMBARGO OF LAKE-CARGO COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1952.

Upon further consideration of the provisions of Service Order No. 875 (16 F. R. 3133, 9900), and good cause appearing therefor: It is ordered, That:

Section 95.875 Service Order No. 875, *Embargo of Lake-cargo coal; appointment of agent* be, and it is hereby, amended by substituting the following paragraph (k) hereof for paragraph (k) thereof:

(k) *Expiration date.* This section shall expire at 11:59 p. m., December 9, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., April 9, 1952, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3593; Filed, Mar. 28, 1952; 8:47 a. m.]

[Rev. S. O. 876, Amdt. 2]

PART 95—CAR SERVICE

REQUIREMENTS FOR LOADING OF LUMBER AND LUMBER PRODUCTS

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1952.

Upon further consideration of the provisions of Revised Service Order No. 876 (16 F. R. 3620, 4276, 9900), and good cause appearing therefor: It is ordered, that:

Section 95.876 Revised Service Order No. 876, *Requirements for loading of lumber and lumber products* be, and it is hereby, amended by substituting the following paragraph (h) hereof for paragraph (h) thereof:

(h) *Expiration date,* This section shall expire at 11:59 p. m., August 31, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m,. March 31, 1952; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3595; Filed, Mar. 28, 1952; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 6651]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 2 of the Commission's rules and regulations to include a table of frequency allocations for frequencies between 10 and 25,000 kc; Docket No. 6651.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of March 1952:

The Commission having under consideration a proposal to amend § 2.104 (a) of the Commission's rules to include a table of frequency allocations below 25 Mc in accordance with the Atlantic City table of frequency allocations (1947) and procedures to permit the movement of stations into the appropriate Atlantic City bands in accordance with the Agreement reached at the Extraordinary Administrative Radio Conference (Geneva, 1951), and to make appropriate amendments to §§ 2.1, 2.101, and 2.104 (c) (1), (2), and (5); and

It appearing, that § 2.104 (a) of the Commission's rules and regulations presently contains a Table of Frequency Allocations for frequencies above 24,990 kc and for the band 1750–2000 kc; and

It further appearing, that § 2.104 (b) of the Commission's rules now states that the international table of frequency allocations in force below 27.5 Mc is stipulated by the provisions of paragraphs 1076 and 1077 of the Atlantic City Radio Regulations; and

It further appearing, that Part 2 of the Commission's rules and regulations does not contain a table of frequency allocations for frequencies below 25 Mc and that it would be in the public interest for such a table to be included in Part 2; and

It further appearing, that the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) contains provisions for making assignments in accordance with the Atlantic City table prior to the effective date for putting the various parts of that table into effect, and

It further appearing, that in order to carry out the Commission's obligation under the EARC agreement, the Commission's table of frequency allocations below 25 Mc should contain provisions which permit the Commission to:

(1) Continue assignment of stations in accordance with the Cairo Table of Frequency Allocations until such time as the Atlantic City table comes in effect;

(2) Start immediately assigning stations in accordance with the Atlantic City Table; and

(3) Make assignments on a temporary basis which are not in accordance with either the Atlantic City or Cairo Tables, in order to facilitate the clearing of and movement into bands of frequencies in the Atlantic City Table; and

It further appearing, that, in order to fulfill the international obligations assumed by the United States, it is necessary that a table of frequency allocations below 25 Mc, which lists the bands of frequencies contained in both the Cairo and Atlantic City Tables, be placed in the Commission's rules at the earliest possible time and that therefore notice of proposed rule making in accordance with section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest; and

It further appearing, that for the reasons set forth above, and also because the effect of this amendment will be to permit assignment of stations in frequency bands not now authorized under the Commission's rules, thereby relieving an existing restriction, this amendment should be made effective immediately; and

It further appearing, that authority for the proposed amendment is contained in sections 303 (c), (d), (f), and (r) of the Communications Act of 1934, as amended.

It is ordered, That effective immediately, §§ 2.1, 2.101, 2.104 (a) and 2.104 (c) (1), (2) and (5) of the Commission's rules and regulations are amended to include the Table of Frequency Allocations below 25 Mc set forth below, and

It is further ordered, That the proceedings in Docket 6651 are hereby closed.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: March 21, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Part 2 of the Commissions rules and regulations is amended in the following respects.

1. Section 2.1 *Definitions*, is amended by adding the following definitions:

Standard broadcast station (BCS). A broadcasting station operated on a frequency in the band 535–1605 kilocycles.

Interzone station (FXY). A fixed station in the public safety (police) radio service using radiotelegraphy (A1 emission) for communication with zone stations within the zone and with interzone stations in other zones.

Zone station (FXZ). A fixed station in the public safety (police) radio service using radiotelegraph (A1 emission) for communication with other similar stations in the same zone and with an interzone station.

2. Section 2.101 *Station symbols*, is amended by adding the following:

BCS	Standard broadcast station.
FXY	Interzone station.
FXZ	Zone station.

3. Section 2.104 (a) is amended to read as follows:

§ 2.104 *Frequency allocations*—(a) *Table of frequency allocations.* (1) In the table of frequency allocations below 25 Mc, the authority extended to stations in the fixed service, unless otherwise specified, extends only to those stations in the following categories of service:

(i) Aeronautical fixed;

(ii) Fixed (in Territories);

(iii) International fixed public;

(iv) Fixed service which, as of January 1, 1952, has station assignments on the frequencies 2848, 4245, 5365, 7625, and 7690 kc.

(2) In the table of frequency allocations between 5000 and 25,000 kc, the authority extended to stations in the mobile service, unless otherwise specified, extends only to those stations in the following categories of service:

(i) Aeronautical mobile;

(ii) Maritime mobile.

(3) In the table of frequency allocations below 25,000 kc (25 Mc):

(i) Stations in the service(s) shown in columns 2 or 3 which are not in the service(s) shown in column 8, may continue to be authorized to use the frequencies in the bands indicated in column 1 only until the Atlantic City table of frequency allocations comes into force.

(ii) Stations in the service(s) shown in column 8, which are not in the services shown in column 2 or 3 may be authorized to use the frequencies shown in column 7 prior to the date upon which the Atlantic City table of frequency allocations comes into force on the condition that the provisions with respect to non-interference contained in paragraph 79 of the Cairo, 1938 Radio Regulations are observed.

(iii) The Commission may authorize on a temporary basis only, the use of a frequency not in accordance with the table below for the special purpose of assisting the implementation of the Atlantic City, 1947 Radio Regulations. Stations which may be so authorized shall observe the non-interference conditions of paragraph 79 of the Cairo, 1938 Radio Regulations or paragraph 88 of the Atlantic City, 1947, Radio Regulations, depending upon which international allocation is in effect for the frequency so authorized.

(4) The effective dates of the Atlantic City table of frequency allocations are as follows:

Frequency Band (kc):	*Effective date*
14–15	Aug. 15, 1952
55–150	Aug. 15, 1952
150–200	Dec. 1, 1952
200–535	Nov. 1, 1952
535–1605	Dec. 1, 1952
1605–2000	Jan. 1, 1952
2000–25,000	[1]

[1] Date to be determined.

(5) The following is the table of frequency allocations.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature {OF SERVICES / of stations
	Service	Service	Service	Service	Service					
1	2	3	4	5	6 (a)	7	8	9	10	11
10–14	Fixed.		Radionavigation.		Radionavigation.	10–14	Radionavigation.	a. Radionavigation land. b. Radionavigation mobile.		RADIONAVIGATION.
14–70	Fixed.		a. Fixed. b. Maritime mobile. (110)			14–70 (NG1)	Fixed. (NG27)	Fixed.		INTERNATIONAL FIXED PUBLIC.
70–90	Fixed.			a. Fixed. b. Maritime mobile. (110)		70–90 (NG1)	Fixed. (NG27)	Fixed.		INTERNATIONAL FIXED PUBLIC.
90–100	Fixed.		a. Fixed. b. Maritime mobile. (110) c. Radionavigation. (112)			90–100	a. Fixed. (NG27) b. Maritime mobile. c. Radionavigation.	a. Coast. b. Fixed. c. Radionavigation land. d. Radionavigation mobile.		a. Fixed (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy). d. RADIONAVIGATION.
100–110	a. Fixed. b. Mobile.		a. Fixed. b. Maritime mobile. (110) c. Radionavigation. (112)			100–110	a. Fixed. (NG27) b. Maritime mobile. c. Radionavigation.	a. Coast. b. Fixed. c. Radionavigation land. d. Radionavigation mobile.		a. Fixed (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy). d. RADIONAVIGATION.
110–125	Mobile.			a. Fixed. b. Maritime mobile.		110–125 (NG1)	a. Fixed. (NG 27) b. Maritime mobile.	a. Coast. b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
125–130	Maritime mobile. (C94)			a. Fixed. b. Maritime mobile.		125–130 (NG1)	a. Fixed. (NG 27) b. Maritime mobile.	a. Coast. b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
130–150	Maritime mobile. (C94)			a. Fixed. (116) b. Maritime mobile.		130–150 (NG1)	a. Fixed. (NG 27) b. Maritime mobile.	a. Coast. b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
150–160	Mobile.			a. Fixed. b. Maritime mobile.	a. Fixed. b. Maritime mobile.	150–160 (NG1)	a. Fixed. (NG 27) b. Maritime mobile.	a. Coast. b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
160–200		a. Aeronautical. b. Fixed. c. Mobile.		Fixed. (124)	Fixed. (124) (AR1)	160–200 (NG1)	Fixed. (NG 27)	Fixed.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC.
200–285		a. Aeronautical. b. Mobile except commercial ship stations.		a. Aeronautical mobile. b. Aeronautical radionavigation. (125)	a. Aeronautical mobile. b. Aeronautical radionavigation. (125)	200–285 (NG1)	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31) (NG 36)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
285–290		Radiobeacons (Maritime radiobeacons shall have priority). (C100)		Maritime radionavigation (Radiobeacons). (127)	Maritime radionavigation (Radiobeacons). (127)	285–290	Maritime radionavigation. (US31)	Radionavigation land.		MARITIME RADIONAVIGATION.

(110) Limited to coastal telegraph stations using unmodulated emission (A1 only).

(112) The development of long distance radionavigation system is authorized in this band which will become exclusively allocated wholly or in part for the use of any one such system as soon as it is internationally adopted. Other considerations being equal, preference should be given to the system requiring the minimum bandwidth for world-wide service and causing the least harmful interference to other services. If a pulse radionavigation system is employed, the pulse emissions nevertheless must be confined within the band, and must not cause harmful interference outside the band to stations operating in accordance with the Regulations.

During the experimental period prior to the international adoption of any long distance radionavigation system in this band, the rights of existing stations operating in this band will continue to be recognized.

(116) The fixed service is authorized, provided no harmful interference is caused to ship telegraphy in the North Atlantic and the Mediterranean areas.

(124) Priority is given to the aeronautical fixed service in northern areas which are subject to auroral disturbances.

(125) Priority is given to the aeronautical radionavigation service in Region 2, China, India and Pakistan.

(127) In Region 2, the aeronautical radionavigation service is permitted in the band 285–325 kc provided that no harmful interference is caused to the maritime radionavigation service.

(C94) The frequency of 143 kc is the calling frequency of mobile stations using long continuous waves.

(C100) A band of 30 kc of width, included between the limits of 285 and 320 kc, shall be allocated in each region to the radiobeacon service. In the European region, this band shall be reserved solely for maritime radiobeacons.

(AR1) The aeronautical fixed service shall have priority in the areas subject to auroral disturbances.

(US31) Navigation aids in U. S. and possessions between 200 and 415 kc are normally operated by the U. S. Government. However, authorizations may be made by the Commission for nongovernment operation in this band subject to the conclusion of appropriate arrangements between the Commission and the government agencies concerned and upon special showing of need for service which the government is not yet prepared to render.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio: (2) contract developmental stations, and (3) export developmental stations.

(NG27) In cases where adequate land line facilities are not available and where radio propagation characteristics do not permit the use of frequencies above 25,000 kc, fixed stations in the Domestic Fixed Service may be authorized to use frequencies in this band only on the condition that the communications concern the safety of life or property.

(NG36) Stations in the fixed service in Alaska may continue to be authorized the use of frequencies in this band on the condition that the provisions of Paragraph 88 of the Atlantic City, 1947, Radio Regulations are observed.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2	Service	Band (kc)	Service	Class of station	Frequency (kc)	Nature of services of stations
	Service	Service	Service	Service						
1	2	3	4	5	6 (a)	7	8	9	10	11
290–315	Radiobeacons. (C100)	(Maritime radiobeacons shall have priority).		Maritime radionavigation (Radiobeacons. (127)	Maritime radionavigation (Radiobeacons). (127)	290–315	Maritime radionavigation. (US31) (US28)	Radionavigation land.		MARITIME RADIONAVIGATION.
315–320		Aeronautical. (C100)		Maritime radionavigation (Radiobeacons). (127)	Maritime radionavigation (Radiobeacons). (127)	315–320	Maritime radionavigation. (US31) (US28)	Radionavigation land.		MARITIME RADIONAVIGATION.
320–325		a. Aeronautical. b. Mobile (not open to public correspondence).		Maritime radionavigation (Radiobeacons). (127)	Maritime radionavigation (Radiobeacons). (127)	320–325	Maritime radionavigation. (US31) (US28)	Radionavigation land.		MARITIME RADIONAVIGATION.
325–345	Aeronautical. (C102)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)	325–345 (NG1)	a. Aeronautical mobile. h. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
345–365		a. Aeronautical. h. Mobile (not open to public correspondence).	a. Aeronautical mobile. h. Aeronautical radionavigation. (129)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)	345–365 (NG1)	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
365–380	a. Mobile (provided it does not interfere with radio direction finding). b. Radio direction finding.		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)	365–380 (NG1)	a. Acronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
380–385		a. Mobile (provided lt does uot interfere with direction finding). b. Radio direction finding.	a. Aeronautical mobile. b. Aeronautical radionavigation. (129)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)	380–385	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
385–400		a. Aeronautical b. Mobile (maritime services shall have priority).	a. Aeronautical mobile. h. Aeronautical radionavigation. (129)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)	385–400	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
400–405		Mobile.	a. Aeronautical mohlle. b. Aeronautical radionavigation. (129)		a. Aeronautical mehile. b. Aeronautical radionavigation. (129)	400–405	a. Aeronautical mohile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
405–415		Mobile.		a. Aeronautical. b. Aeronautical radionavigation. c. Maritime radionavigation (radiodirection finding). (133) (137)	a. Aeronautical. b. Aeronautical radionavigation. c. Maritime radionavigation (radiodirection finding). (137) (AR2)	405–415	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31) c. Maritime radionavigation (radio direction finding). (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land. d. Radionavigation mobile.	410	Radio direction finding.

(127) In Region 2, the aeronautical radionavigation service is permitted in tbe band 285–325 kc provided that no harmful interference is caused to the maritime radionavigation service.

(129) The aeronautical radionavigation service has priority except in New Zealand.

(133) The frequency 410 kc is designated for the maritime radionavigation service (radio direction-finding). Other services sball not causo barmful interference to radio direction finding.

(137) In Region 2, in addition to the provisions of Note 133, tbe aeronautical radionavigation service has priority over the aeronautical mohile service.

(AR2) The radionavigation service (radio direction finding) shall bave priority for emissions confined to the carrier frequency 410 kc with a band of emission not to exceed 2.1A2. The aeronautical radionavigation and aeronautical mobile services sball not cause harmful interference to such direction finding.

(C100) A band of 30 kc of width, included between the limits of 285 and 320 kc, sball be allocated in each region to the radioheacon service. In tbe European region, tbis hand shall he reserved solely for maritime radioheacons.

(C102) The frequency of 333 kc is the general calling frequency for the aircraft stations working within the band 325-345 kc, except where regional agreements provide otherwise.

(US28) Airdrome control stations may continue to be authorized to use frequencies in this hand on the condition that barmful interference will not he caused to services operating in accordance witb the table of frequency allocations.

(US31) Navigation aids in U. S. and possessions hetween 200 and 415 kc are normally operated by tbe U. S. Government. However, autborizations may be made by the Commission for non-government operation in this band subject to the conclusion of appropriate arrangements between the Commission and the government agencies concerned and upon special sbowing of necd for service whicb the government is not yet prepared to render.

(NG1) On the condition tbat harmful inferference will not be caused to services operating in accordance witb the table of frequency allocations, tbc following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not rclated to an cxisting or proposed service nor intended to develop a proposed service or specific use of radio; (2) contract developmental stations, and (3) cxport developmental stations.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2	Service	Band (kc)	Service	Class of station	Frequency (kc)	Nature of services of stations
	Service	Service	Service	Service						
1	2	3	4	5	6 (a)	7	8	9	10	11
415–460	Mobile.		Maritime mobile. (139)		Maritime mobile. (139)	415–460 (NG1)	Maritime mobile.	a. Coast. b. Ship.		MARITIME MOBILE (telegraphy).
460–485	Mobile (A1 and A2 only) (except aeronautical.		Maritime mobile. (139)		Maritime mobile. (139)	460–485 (NG1)	Maritime mobile.	a. Coast. b. Ship.		MARITIME MOBILE (telegraphy).
485–490	Mobile (distress, calling, etc.). (C106)		Maritime mobile. (139)		Maritime mobile. (139)	485–490 (NG1)	Maritime mobile.	a. Coast. b. Ship.		MARITIME MOBILE (telegraphy).
490–510	Mobile (distress, calling, etc.). (C106)		Mobile (distress and calling). (140)		Mobile (distress and calling).	490–510	Mobile.	a. Coast. b. Mobile.	500	Distress and Calling.
510–515	Mobile (distress, calling, etc.). (C106)			Mobile.	Mobile.	510–515 (US26)				
515–535	(Not open to public correspondence, A1 and A2 only).			Mobile.	Mobile.	515–535 (US26)				
535–550	(Not open to public correspondence, A1 and A2 only).		Broadcasting.		Broadcasting. (AR4)	535–550 (US27) (NG24)	Broadcasting.	Broadcasting.		Standard Broadcast.
550–1500	Broadcasting. (C109)		Broadcasting.		Broadcasting. (AR4)	550–1500 (NG24)	Broadcasting.	Broadcasting.		Standard Broadcast.
1500–1600		a. Fixed. b. Mobile. c. Broadcasting.	Broadcasting.		Broadcasting. (AR4)	1500–1600 (NG24)	Broadcasting.	Broadcasting.		Standard Broadcast.
1600–1605		a. Fixed. b. Mobile.	Broadcasting.		Broadcasting. (AR4)	1600–1605 (NG24)	Broadcasting.	Broadcasting.		Standard Broadcast.
1605–1715		a. Fixed. b. Mobile.		a. Aeronautical radionavigation. b. Fixed. c. Mobile.	a. Aeronautical radionavigation. b. Fixed. c. Mobile.	1605–1715 (NG1)	a. Aeronautical radionavigation. (NG25) b. Fixed (NG27) c. Land mobile. d. Maritime mobile.	a. Base. b. Mobile. c. Fixed. d. Land mobile. e. Radionavigation land.	1638 1708	a. AERONAUTICAL FIXED. b. AERONAUTICAL RADIONAVIGATION. Radionavigation land. Do. c. FIXED (in Alaska). d. INDUSTRIAL. e. INTERNATIONAL FIXED PUBLIC. f. MARITIME MOBILE. g. PUBLIC SAFETY. h. Remote pickup broadcast base. i. Remote pickup broadcast mobile.
1715–1750		a. Amateur. b. Fixed. c. Mobile.		a. Aeronautical radionavigation. b. Fixed. c. Mobile.	a. Aeronautical radionavigation. b. Fixed. c. Mobile.	1715–1750 (NG1)	a. Fixed. (NG27) b. Land mobile. c. Maritime mobile.	a. Base. b. Mobile. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.

(139) Limited to telegraphy.

(140) The frequency 500 kc is the international distress and calling frequency. The conditions for its use are prescribed in Article 33 (of the Radio Regulations, Atlantic City, 1947).

(C106) The frequency of 500 kc shall be the international calling and distress frequency. The use of this frequency is defined in articles 19, 22 and 30.

(C109) The mobile services may use the band of 550 to 1,300 kc on the condition that they will not interfere with the services of a country which uses that same band exclusively for broadcasting.

(AR4) In order to do everything possible to protect the safety of life at sea and in the air, broadcasting stations, particularly those assigned the frequency 540 kc, shall not cause harmful interference to the services which utilize the international distress and calling frequency 500 kc. Broadcasting stations shall use frequencies so separated from the limits of this band as not to cause harmful interference to the services to which the frequency bands immediately adjoining are allocated.

(US26) This frequency band is not available to non-government stations.

(US27) The use of the frequency 540 kc is subject to the conditions that no harmful interference is caused to the services operating on 500 kc, and in the band 510–535 kc.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposedservice nor intended to develop a proposed service or specific use of radio; (2) contract developmental stations, and (3) export developmental stations.

(NG24) For conditions which apply to the use of this band, refer to the North American Regional Broadcasting Agreement.

(NG25) The aeronautical radionavigation service may be authorized the use of the frequencies 1638 kc and 1708 kc only.

(NG27) In cases where adequate land line facilities are not available and where radio propagation characteristics do not permit the use of frequencies above 25,000 kc, fixed stations in the Domestic Fixed Service may be authorized to use frequencies in this band only on the condition that the communications concern the safety of life or property.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature {OF SERVICES / of stations
	Service	Service	Service	Service	Service					
1	2	3	4	5	6 (a)	7	8	9	10	11
1750–1800		a. Amateur. b. Fixed. c. Mobile.		a. Aeronautical radionavigation. h. Fixed. c. Mohile.	a. Fixed. h. Mobile.	1750–1800 (NG1) (NG21)	a. Fixed. b. Mobile. c. Radiolocation.	a. Fixed. b. Land. c. Mohile.		a. DISASTER. b. RADIOLOCATION.
1800–2009		a. Amateur. h. Fixed. c. Mohile.		a. Amateur. b. Fixed. c. Mobile except aeronautical mohile. d. Radionavigation. (147)	a. Amateur. h. Fixed. c. Mohile except aeronautical mobile. d. Radionavigation. (147)	1800–2000 (NG23)	a. Amateur. b. Radionavigation.	a. Amateur. b. Loran.		a. Amateur. b. Loran.
2000–2027		a. Fixed. h. Mobile.		a. Fixed. h. Mohile.	a. Fixed. b. Mobile.	2000–2027 (NG1)	Maritime mobile.	a. Coast. h. Sbip.		MARITIME MOBILE.
2027–2065		a. Fixed. h. Mohile.		a. Fixed. b. Mobile.	a. Fixed. b. Mobile.	2027–2065 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
2065–2105		a. Fixed. b. Mohile.		Maritime mohile. (115, 269)	Maritime mohile. (AR 5)	2065–2105 (NG1)	Maritime mobile.	Ship.	2091	Ship (telegrapby) calling frequency.
2105–2107		a. Fixed. b. Mobile.		a. Fixed. b. Mohile. (151)	a. Fixed. h. Mobile.	2105–2107 (NG1)	Maritime mohile.	Sbip.		Ship (telegraphy).
2107–2170		a. Fixed. h. Mohile.		a. Fixed. b. Mohile. (151)	a. Fixed. b. Mobile.	2107–2170 (NG1)	a. Fixed. (NG26) h. Land mohile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land. mohile. e. Sbip.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast hase. b. Remote pickup broadcast mobile.
2170–2194		a. Fixed. h. Mobile.		a. Fixed. h. Mohile. (148, 151)	a. Fixed. b. Mobile.	2170–2194 (NG1)	Maritime mobile.	a. Coast. b. Ship.	2182	MARITIME MOBILE, (telephony) Distress and Calling frequency.
2194–2300		a. Fixed. b. Mobile.		a. Fixed. b. Mobile. (151)	a. Fixed. h. Mobile.	2194–2300 (NG1)	a. Fixed. b. Land. mohile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mohile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. b. Remote pickup broadcast mobile.

(115) Limited to ship stations (telegraphy exclusively).

(147) In any particular area the Loran system of radionavigation operates either on 1850 or 1950 kc, the hand occupied being 1800–1900 kc or 1900–2000 kc. Any of the authorized services may employ whichever of these two hands is not required for Loran on the condition that they do not cause harmful interference to Loran.

(148) The frequency 2182 kc is the distress and calling frequency for the maritime mohile service (telephony). The interested administrations will insure by special arrangement where nceessary, that an adequate guard-band is provided. The conditions for the use of this frequency are prescribed in article 34 of the Radio Regulations, (Atlantic City, 1947).

(151) In Region 2, provision will be made for coastal telegrapby in the maritime mohile service by special arrangement.

(269) In Region 2, the frequency band 2088.5–2093.5 kc ls reserved exclusively for calling (telegraphy only).

(AR5) The frequency 2091 kc is designated as tbe calling frequency assignable to ship radio telegraph stations operating in this hand.

(NG1) On the condition that harmful interference will not he caused to services operating in accordanee with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio: (2) contract developmental stations, and (3) export developmental stations.

(NG21) For radiolocation activities of the petroleum industry only, land radiopositioning stations and mobile radiopositioning stations may be authorized to use frequencies in this band, provided that sueh use (a) shall he limited to locations within 150 miles of the shorcline of the Gulf of Mexico, (b) shall be subject, internationally, to the provisions of paragraph 88 of tbe Atlantic City, 1947, Radio Regulations and to the use-in-derogation provisions of Article 7 of the Cairo General Radio Regulations, (c) shall not cause harmful interference to stations in the Disaster Communieations Service between the times at New Orleans of sunset and sunrise or at any time during an actual or imminent disaster in any area. Stations in the Disaster Communications Service shall not cause harmful interference to radiopositioning stations between the times at New Orleans of sunrise and sunset except during an actual or imminent disaster in any area.

(NG23) (a) The amateur service may use, in any area, whichever hands, 1800–1825 and 1875–1900 kc, or 1900–1925 and 1975–2000 kc, are not required for Loran in that area, in accordance with the following conditions:

(i) The use of these frequencies hy the amateur service sball not be a bar to the expansion of the radionavigation (Loran) service;

(ii) The amateur service shall not cause barmful interference to tbe radionavigation (Loran) service;

(iii) Only types A1, A3, emission shall be employed;

(iv) Amateur operation sball be limited to:

Area	Band, (kc)	DC plate input power (watts)	
		Day	Nigbt
Mississippi River to East Coast U. S. (except Florida and states hordering Gulf of Mexico).	1800–1825 1875–1900	500	200
Mississippi River to West Coast U. S. (except States hordering Gulf of Mexico).	1900–1925 1975–2000	* 500	* 200
Florida and States hordering Gulf of Mexico	1800–1825 1875–1900	200	(1)
Puerto Rico and the Virgin Islands	1900–1925 1975–2000	500	50
Hawaiian Islands	1900–1925 1975–2000	500	200

* Exeept in State of Washington where daytime power limited to 200 watts and night time power to 50 watts.

[1] No operation.

(b) The provisions of (a), above, shall be considered as temporary in the sense that they sball remain suhject to cancellation or to revision, in whole or in part, by order of the Commission whenever the Commission shall deem such cancellation or revision to be necessary or desirahle in the light of the priority within this hand of tbe Loran system of radionavigation.

(NG26) In cases where adequate land line facilities are not available, and where radio propagation characteristics do not permit the use of frequencies above 25,000 kc, fixed stations in the Domestic Fixed Service the communications of whicb concern tbe safety of life or property, and fixed stations the communications of which are with coast station facilities authorized in the fixed service on a secondary hasis, may be authorized to use frequencies in this hand.

Band (kc)	Cairo		Atlantic City		FIAR		Federal Communications Commission			
	World wide	Region 2	World wide	Region 2						
	Service	Service	Service	Service	Service	Band (kc)	Service	Class of station	Frequency (kc)	Nature of services of stations
1	2	3	4	5	6 (a)	7	8	9	10	11
2300–2335		a. Broadcasting. b. Fixed. c. Mobile.		a. Broadcasting. (150) b. Fixed. c. Mobile. (151)	a. Fixed. b. Mobile.	2300–2335 (NG1)	a. Fixed. (NG26) b. Land mobile. c. Maritime mobile. (NG33)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
2335–2495		a. Broadcasting. b. Fixed. c. Mobile.		a. Broadcasting (150) b. Fixed. c. Mobile. (151)	a. Broadcasting inside Tropical Zone. (AR6, AR8) b. Fixed outside Tropical Zone. (AR7) c. Mobile outside Tropical Zone. (AR7)	2335–2495 (NG1)	a. Fixed (NG26) b. Land. mobile. c. Maritime mobile. (NG33)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. b. Remote pickup broadcast mobile.
2495–2500		a. Broadcasting. b. Fixed. c. Mobile.		Standard frequency. (152)	Standard frequency.	2495–2505 (NG1)	Standard frequency.	Standard frequency.	2500	Standard frequency.
2500–2505		a. Fixed. b. Mobile.		Standard frequency. (152)	Standard frequency.					
2505–2850		a. Fixed. b. Mobile.		a. Fixed. b. Mobile.	a. Fixed. b. Mobile (AR9)	2505–2850 (NG1)	a. Fixed. h. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.	2638 2738 2804 2808 2812	a. AERONAUTICAL FIXED. b. FIXED (In Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. Intership (telephony). Do. f. PUBLIC SAFETY Zone and interzone police. Do. Do. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
2850–3025		a. Fixed. b. Mobile.	Aeronautical mobile (R) (149)			2850–3025 (NG1)	Aeronautical mobile (R)	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
3025–3155		a. Fixed. b. Mobile.	Aeronautical mobile (OR) (149)			3025–3155 (NG1)	Aeronautical mobile (OR)	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
3155–3200		a. Fixed. b. Mobile.	a. Fixed. b. Mobile except aeronautical mobile (R) (149)		a. Fixed. b. Mobile except aeronautical mobile (R)	3155–3200 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (In Alaska and Puerto Rico). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. b. Remote pickup broadcast mobile.

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(150) For the conditions of use of this band by the broadcasting service see 243, 244 and 250–254 (in article 5 of the Radio Regulations, Atlantic City, 1947).

(151) In Region 2, provision will be made for coastal telegraphy in the maritime mobile service by special arrangement.

(152) The standard frequency is 2500 kc.

(AR6) See paragraphs 90, 243, 244, 250, 251, 252 and 254 of the Radio Regulations (Atlantic City, 1947).

(AR7) See paragraphs 90 and 254 of the Radio Regulations (Atlantic City, 1947).

(AR8) The administrations of the countries in the Tropical Zone as defined in Chapter III of the Radio Regulations (Atlantic City, 1947) shall make assignments for broadcasting within this band as follows:

Kc	*Kc*	*Kc*	*Kc*	*Kc*
2340	2370	2400	2430	2460
2350	2380	2410	2440	2470
2360	2390	2420	2450	2480
				2490

(AR9) The frequencies 2638 and 2738 kc are designated for communications in the maritime mobile (telephony) service, primarily for intership working. The frequencies 2804, 2808 and 2812 kc are designated for interzone police communications.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio: (2) contract developmental stations, and (3) export developmental.

(NG26) In cases where adequate land line facilities are not available, and where radio propagation characteristics do not permit the use of frequencies above 25,000 kc, fixed stations in the Domestic Fixed Service the communications of which concern the safety of life or property, and fixed stations the communications of which are with coast station facilities authorized in the fixed service on a secondary basis, may be authorized to use frequencies in this band.

(NG33) As a special condition placed upon the use of frequencies in this band, the authority contained in 2.104 (a) (3) does not extend to stations in the broadcasting service.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature of services of stations
	Service	Service	Service	Service	Service					
1	2	3	4	5	6 (a)	7	8	9	10	11
3200–3230		a. Fixed. b. Mobile.	a. Broadcasting (150) b. Fixed. c. Mobile except aeronautical mobile (R) (149)		a. Fixed. b. Mobile except aeronautical mobile (R)	3200–3230 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land, mobile. e. Sbip.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. b. Remote pickup broadcast mobile.
3230–3240		a. Fixed. b. Mobile.	a. Broadcasting. (150) b. Fixed. c. Mobile except aeronautical mobile.		a. Fixed. b. Mobile except aeronautical mobile.	3230–3240 (NG1)	a. Fixed. (NG27) b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Sbip.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. b. Remote pickup broadcast mobile.
3240–3300		a. Fixed. b. Mobile.	a. Broadcasting. (150) b. Fixed. c. Mobile except aeronautical mobile.		a. Broadcasting inside Tropical Zone. (AR6, AR10) b. Fixed outside Tropical Zone. (AR7) c. Mobile outside Tropical Zone. (AR7)	3240–3300 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed d.Land mobile. e. Sbip.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. b. Remote pickup broadcast base.
3300–3400		a. Broadcasting. b. Fixed. c. Mobile.	a. Broadcasting. (150) b. Fixed. c. Mobile except aeronautical mobile.		a. Broadcasting inside Tropical Zone. (AR6, AR10) b. Fixed outside Tropical Zone. (AR7) c. Mobile outside Tropical Zone. (AR7)	3300–3400 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile. (NG33)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Sbip.		a. AERONAUTICAL FIXED. b. Fixed (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. b. Remote pickup broadcast mobile.
3400–3500		a. Broadcasting. b. Fixed. c. Mobile.	Aeronautical mobile. (R) (149)			3400–3500 (NG1)	Aeronautical mobile. (NG33)	a. Aeronautical b. Aircraft.		AERONAUTICAL MOBILE.
3500–4000		a. Amateur. b. Fixed. c. Mobile.		a. Amateur. b. Fixed. c. Mobile except aeronautical mobile. (R) (149)		3500–4000	Amateur.			AMATEUR.
4000–4063		a. Fixed. b. Mobile.	Fixed.			4000–4063 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.

(149) For the explanation of the terms "Aeronautical mobile (r)" and "Aeronautical mobile (OR)" see 256 and 257.

(150) For the conditions of use of this band by the broadcasting service, see 243, 244 and 250–254 (in article 5 of the Radio Regulations, Atlantic City, 1947).

(AR6) See paragraphs 90, 243, 244, 250, 251, 252 and 254 of the Radio Regulations (Atlantic City, 1947).

(AR7) See paragraphs 90 and 254 of the Radio Regulations (Atlantic City, 1947).

(AR10) The administrations of the countries in the Tropical Zone as defined in Chapter III of the Radio Regulations (Atlantic City, 1947) shall make assignments for broadcasting as follows:

Kc	*Kc*	*Kc*	*Kc*
3245	3285	3325	3365
3255	3295	3335	3375
3265	3305	3345	3385
3275	3315	3355	3395

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio; (2) contract developmental stations, and (3) export developmental stations.

(NG27) In cases where adequate land line facilities are not available and where radio propagation characteristics do not permit the use of frequencies above 25,000 kc, fixed stations in the Domestic Fixed Service may be authorized to use frequencies in this band only on the condition that the communications concern the safety of life or property.

(NG33) As a special condition placed upon the use of frequencies in this band, the authority contained in § 2.104 (a) (3) does not extend to stations in the broadcasting service.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature of services of stations
	Service	Service	Service	Service	Service					
1	2	3	4	5	6 (a)	7	8	9	10	11
4063–4438		a. Fixed. b. Mobile. (C180)	Maritime mobile. (155) (239)			4063–4133 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						4133–4177 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						4177–4187 (NG1)	Maritime mobile.	Ship.		Ship Calling (telegraphy).
						4187–4238 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						4238–4368 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						4368–4438 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
4438–4650		a. Fixed. h. Mobile. (C180)		a. Fixed. h. Mobile except aeronautical mobile. (R) (149)		4438–4650 (NG1)	a. Fixed. h. Mobile.	a. Base. h. Fixed. c. Mobile.		a. AERONAUTICAL FIXED. h. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC.
4650–4700		a. Fixed. h. Mobile.	Aeronautical mobile. (R) (149)			4650–4700 (NG1)	Aeronautical mobile.	a. Aeronautical. h. Aircraft.		AERONAUTICAL MOBILE.
4700–4750		a. Fixed. h. Mobile.	Aeronautical mobile. (OR) (149)			4700–4750 (NG1)	Aeronautical mobile.	a. Aeronautical. h. Aircraft.		AERONAUTICAL MOBILE.
4750–4770		a. Fixed. h. Mobile.		a. Broadcasting. (150) h. Fixed.		4750–4770 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. h. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4770–4850		a. Broadcasting. h. Fixed. c. Mobile.		a. Broadcasting. (150) h. Fixed.		4770–4850 (NG1)	Fixed. (NG33)	Fixed.		a. AERONAUTICAL FIXED. h. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4850–4965		a. Broadcasting. h. Fixed. c. Mobile.		a. Broadcasting. (150) h. Fixed. c. Land mobile.		4850–4965 (NG1)	Fixed. (NG33)	Fixed.		a. AERONAUTICAL FIXED. h. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4965–4995		a. Fixed. h. Mobile.		a. Broadcasting. (150) h. Fixed. c. Land mobile.		4965–4995 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. h. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4995–5005		a. Fixed. h. Mobile.	Standard frefrequeney. (156)			4995–5005	Standard frequency.	Standard frefrequency.	5000	Standard frequeney.
5005–5060		a. Fixed. h. Mobile.	a. Broadcasting. (150) h. Fixed.			5005–5060 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. h. FXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
5060–5250		a. Fixed. h. Mobile.	Fixed.			5060–5250 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. h. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC. d. Zone and interzone police.
5250–5450		a. Fixed. h. Mobile.		a. Fixed. h. Land mobile.		5250–5450 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. h. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
5450–5480		a. Fixed. h. Mobile.		Aeronautical mobile. (R) (149)		5450–5480 (NG1)	Aeronautical mobile.	a. Aeronautical. h. Aircraft.		AERONAUTICAL MOBILE.

(149) For the explanation of the terms "Aeronautical mobile (R) and "Aeronautical mobile (OR)" see 256 and 257.

(150) For the conditions of use of this band by the broadcasting service see 243, 244, and 250–254 (in article 5 of the Radio Regulations, Atlantic City, 1947).

(155) The band 4063–4438 kc may be used, exceptionally and on the essential condition that harmful interference is not caused to the maritime mobile service, by fixed stations of mean power not exceeding 50 watts communication only within the national boundaries of the countries concerned. At the time of notification of these cases the attention of the International Frequency Registration Board is drawn to the above condition.

(156) The standard frequency is 5000 kc/s.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City, 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(C180) See paragraphs 180 through 189 (General Radio Regulations, Cairo, 1938) for conditions of use of the band by the maritime mobile service.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio: (2) contract developmental stations, and (3) export developmental stations.

(NG33) As a special condition placed upon the use of frequencies in this band, the authority contained in § 2.104 (a) (3) does not extend to stations in the broadcasting service.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2	Service	Band (kc)	Service	Class of station	Frequency (kc)	Nature of services (of stations)
	Service	Service	Service	Service						
1	2	3	4	5	6 (a)	7	8	9	10	11
5480–5500		a. Fixed. b. Mobile.	Aeronautical mobile. (R) (149)			5480–5500	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5500–5640	Mobile.		Aeronautical mobile. (R) (149)			5500–5640	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5640–5680	Aeronautical.		Aeronautical mobile. (R) (149)			5640–5680	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5680–5700	Aeronautical.		Aeronautical mobile. (OR) (149)			5680–5700 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5700–5730	Fixed.		Aeronautical mobile. (OR) (149)			5700–5730 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5730–5950	Fixed.		Fixed.			5730–5950 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (iu Alaska). c. INTERNATIONAL FIXED PUBLIC.
5950–6000	Fixed.		Broadcasting.			5950–6000 (NG1)	Broadcasting.	International broadcasting		International Broadcasting.
6000–6200	Broadcasting.		Broadcasting.			6000–6200	Broadcasting.	International broadcasting.		International Broadcasting.
6200–6525	Mobile. (C123, C124, C180)		Maritime mobile. (157, 239)			6200.0–6265.5 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						6265.5–6280.5 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						6280.5–6357.0 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy);
						6357–6525 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
6525–6675	Mobile (C123, C124, C180)		Aeronautical mobile (R). (149)			6525–6675 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
6675–6685	Fixed.		Aeronautical mobile (R). (149)			6675–6685 (NG1)	Aeronautical mobile.	a. Aeronautical b. Aircraft.		AERONAUTICAL MOBILE.
6685–6765	Fixed.		Aeronautical mobile (OR) (149)			6685–6765	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE
6765–7000	Fixed.		Fixed.			6765–7000 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
7000–7100	Amateur.		Amateur.			7000–7100	Amateur.			AMATEUR.
7100–7200	Amateur.			Amateur.		7100–7200	Amateur.			AMATEUR.
7200–7300	a. Amateur. b. Broadcasting.			Amateur.		7200–7300	Amateur.			AMATEUR.
7300–8195	Fixed.		Fixed.			7300–8195 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC. d. Zone and interzone police
8195–8200	Fixed.		Maritime mobile. (239, 277)			8195–8200 (NG1)	Maritime mobile.	Ship.		Ship (telephony).

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(157) The band 6200–6525 kc/s may be used, exceptionally and on the essential condition that harmful interference is not caused to the maritime mobile service by fixed stations of mean power not exceeding 50 watts communicating only within the national boundaries of the countries concerned. At the time of notification of these cases the attention of the International Frequency Registration Board is drawn to the above condition.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City, 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(277) The frequency 8364 kc is designated for the use of survival craft equipped to transmit on frequencies between 4000 and 23,000 kc and wishing to establish, with stations of the maritime mobile service, communications relating to search and rescue.

(C123) For use of this band by the Aeronautical Services see paragraphs 149 through 160 of the General Radio Regulations, Cairo Revision 1938.

(C124) The frequency 6210 kc shall be the general calling frequency for aircraft stations working in the band included between 6000 and 25,000 kc except where regional agreements provide otherwise.

(C180) For use of this band by the maritime mobile service see paragraphs 180 through 189 of the General Radio Regulations, Cairo Revision 1938.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use the frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio: (2) contract developmental stations, and (3) export developmental stations.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature of services (of stations)
	Service	Service	Service	Service	Service					
1	2	3	4	5	6 (a)	7	8	9	10	11
8200–8550	Mobile. (CI23, CI80)		Maritime mobile. (239, 277)			8200–8265 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						8265–8354 (NG1	Maritime mobile.	Ship.		Ship (telegraphy).
						8354–8374– (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						8374–8476 (NG1)	Maritime mobile	Ship		Ship (telegraphy).
						8476–8550 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
8550–8815	a. Fixed. b. Mobile. (C123, CI80)		Maritime mobile. (239, 277)			8550–8745 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						8745–8815 (NGI)	Maritime mobile.	Coast.		Coast (telegraphy).
8815–8900	a. Fixed. b. Mobile. (C123, C180)		Aeronautical mobile (R). (149)			8815–8900 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
8900–8965	Fixed.		Aeronautical mobile (R). (149)			8900–8965 (NGI)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
8965–9040	Fixed.		Aeronautical mobile (OR). (I49)			8965–9040 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
9040–9500	Fixed.		Fixed.			9040–9500 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
9500–9700	Broadcasting.		Broadcasting.			9500–9700	Broadcasting.	International broadcasting.		International Broadcasting
9700–9775	Fixed.		Broadcasting.			9700–9775 (NGI)	Broadcasting.	International broadcasting.		International Broadcasting
9775–9995	Fixed.		Fixed.			9775–9995 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. h. INTERNATIONAL FIXED PUBLIC.
9995–10005	Fixed.		Standard frequency. (161)			9995–10005	Standard frequency.	Standard frequency.	10000	Standard frequency.
10005–10100	Fixed		Aeronautical mobile (R). (149)			10005–10100 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
10100–11000	Fixed.		Fixed.			I0100–11000 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
11000–11175	Mobile. (C123, C180)		Fixed.			11000–11175 (NGI)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
11175–11275	Mobile. (C123, C180)		Aeronautical mobile (OR). (149)			11175–11275 (NGI)	Aeronautical mobile.	a. Aeronautical. h. Aircraft.		AERONAUTICAL MOBILE.
11275–11400	Mohile. (C123, C180)		Aeronautical Mohile (R). (149)			11275–11400 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
11400–11700	Fixed.		Fixed.			11400–11700 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(161) The standard frequency is 10,000 kc.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(277) The frequency 8364 kc is designated for the use of survival craft equipped to transmit on frequencies between 4000 and 23,000 kc and wishing to establish, with stations of the maritime mobile service, communications relating to search and rescue.

(CI23) For use of this band hy the Aeronautical Services see paragraphs 149 through 160 of the General Radio Regulations, Cairo Revision 1938.

(C180) For use of this band by the Maritime mohile service see paragraphs 180 through 189 of the General Radio Regulations, Cairo Revision 1938.

(NG1) On the condition that harmful interference will not he caused to services operating in accordance with the table of frequency allocations the following classes of stations may ho authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio; (2) contract developmental stations, and (3) export developmental stations.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2	Service	Band (kc)	Service	Class of station	Frequency (kc)	Nature {OF SERVICES of stations
	Service	Service	Service	Service						
1	2	3	4	5	6 (a)	7	8	9	10	11
11700–11900	Broadcasting.		Broadcasting.			11700–11900	Broadcasting.	International broadcasting.		International broadcasting.
11900–11975	Fixed.		Broadcasting.			11900–11975 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
11975–12300	Fixed.		Fixed.			11975–12300 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
12300–12330	Mobile. (C123, C180)		Fixed.			12300–12330 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
12330–12825	Mobile. (C123, C180)		Maritime mobile. (163) (239)			12330–12400 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						12400–12531 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						12531–12561 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						12561–12714 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						12714–12825 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
12825–13200	a. Fixed. b. Mobile. (C123, C180)		Maritime mobile. (163) (239)			12825–13130 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						13130–13200 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
13200–13260	a. Fixed. b. Mobile. (C123, C180)		Aeronautical mobile (OR). (149)			13200–13260 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
13260–13350	a. Fixed. b. Mobile. (C123, C180)		Aeronautical mobile (R). (149)			13260 13350 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
13350–13360	Fixed.		Aeronautical mobile (R). (149)			13350–13360 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
13360–14000	Fixed.		Fixed. (164)			13360–14000 (NG1)	Fixed.	Fixed.	13560	a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC. Industrial, scientific and medical equipment.
14000–14350	Amateur.		Amateur.			14000–14350	Amateur.			AMATEUR.
14350–14400	Amateur.		Fixed.			14350–14400 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
14400–14990	Fixed.		Fixed.			14400–14990 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
14990–15010	Fixed.		Standard frequency. (166)			14990–15010	Standard frequency.	Standard frequency.	15000	Standard frequency.
15010–15100	Fixed.		Aeronautical mobile (OR). (149)			15010–15100 (NG1)	Aeronautical mobile.	a. Aeronautical h. Aircraft.		AERONAUTICAL MOBILE.
15100–15350	Broadcasting.		Broadcasting.			15100–15350	Broadcasting.	International broadcasting.		International broadcasting.

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" sec 256 and 257.

(163) Between 12,925 and 13,200 kc the U. S. S. R. will meet their special requirements for the fixed service with due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference with the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.), with a view to minimizing the possibility of harmful interference with the fixed service in the U. S. S. R. The International Frequency Registration Board will be consulted regarding these arrangements.

(164) The frequency 13,560 kc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05% of this frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(166) The standard frequency is 15,000 kc.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City, 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(C123) For use of this band by the Aeronautical Services see paragraphs 149 through 160 of the General Radio Regulations, Cairo Revision, 1938.

(C180) For use of this band by the Maritime mobile service see paragraphs 180 through 189 of the General Radio Regulations, Cairo Revision 1938.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio; (2) contract developmental stations, and (3) export developmental stations.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature of services (of stations
	Service	Service	Service	Service	Service					
1	2	3	4	5	6 (a)	7	8	9	10	11
15350–15450	Fixed.		Broadcasting.			15350–15450 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
15450–16400	Fixed.		Fixed.			15450–16400 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
16400–16460	Mobile. (C180)		Fixed.			16400–16460 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
16460–17100	Mobile. (C180)		Maritime mobile. (167, 239)			16460–16530 (NG1)	Maritime mobile.	Sbip.		Ship (telephony).
						16530–16708 (NG1)	Maritime mobile.	Ship.		Ship (telegrapby).
						16708–16748 (NG1)	Maritime mobile.	Ship.		Sbip calling (telegraphy).
						16748–16952 (NG1)	Maritime mobile.	Sbip.		Shlp (telegrapby).
						16952–17100 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
17100–17360	a. Fixed. b. Mobile. (C123, C180)		Maritime mobile. (167, 239)			17100–17290 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						17290–17360 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
17360–17700	a. Fixed. b. Mobile. (C123, C180)		Fixed.			17360–17700 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. h. INTERNATIONAL FIXED PUBLIC.
17700–17750	a. Fixed. b. Mobile. (C123, C180)		Broadcasting.			17700–17750 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
17750–17850	Broadcasting.		Broadcasting.			17750–17850	Broadcasting.	International broadcasting.		International broadcasting.
17850–17900	Fixed.		Broadcasting.			17850–17900 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
17900–17970	Fixed.		Aeronautical mobile. (R) (149)			17900–17970 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
17970–18030	Fixed.		Aeronautical mobile. (OR) (149)			17970–18030 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
18030–19990	Fixed.		Fixed.			18030–19990 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
19990–20010	Fixed.		Standard frequency. (168)			19990–20010	Standard frequency.	Standard frequency.		Standard frequency.
20010–21000	Fixed.		Fixed.			20010–21000 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
21000–21450	Fixed.		Amateur.			21000–21450	Amateur.			AMATEUR.
21450–21750	Broadcasting.		Broadcasting.			21450–21750	Broadcasting.	International broadcasting.		International broadcasting

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(167) Between 17,160 and 17,360 kc, the U. S. S. R. will meet their special requirements for the fixed service with due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference with the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference with the fixed service in the U. S. S. R. The International Frequency Registration Board will be consulted regarding these arrangements.

(168) The standard frequency is 20,000 kc.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City, 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4,000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(C123) For use of this band by the Aeronautical Services see paragraphs 149 through 160 of the General Radio Regulations, Cairo Revision 1938.

(C180) For use of this band by the maritime mobile service see paragraphs 180 through 189 of the General Radio Regulations, Cairo Revision 1938.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio: (2) contract developmental stations, and (3) export developmental stations.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2	Service	Band (kc)	Service	Class of station	Frequency (kc)	Nature of services of stations
	Service	Service	Service	Service						
1	2	3	4	5	6 (a)	7	8	9	10	11
21750–21850	Mobile. (C180)		Fixed.			21750–21850 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
21850–22000	Mobile. (C180)		a. Aeronautical fixed. b. Aeronautical mobile.			21850–22000 (NG1)	a. Aeronautical fixed. b. Aeronautical mobile.	a. Aeronautical. b. Aeronautical fixed. c. Aircraft.		a. AERONAUTICAL FIXED. b. AERONAUTICAL MOBILE.
22000–22300	Mobile. (C180)		Martime mobile. (239)			22000–22070 (NG1)	Maritime mobile.	Sbip.		Ship (telepbony).
						22070–22220	Maritime mobile.	Sbip.		Ship (telegrapby).
						2220–22270 (NG1)	Maritime mobile.	Sbip.		Ship calling (telegrapby).
						22270–22300 (NG1)	Maritime mobile.	Ship.		Ship (telegrapby).
22300–22729	a. Fixed. b. Mobile. (C123)		Maritime mobile. (239)			22300–22400 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						22400–22650 (NG1)	Maritime mobile.	Coast.		Coast (telegrapby).
						22650–22720 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
22720–23200	a. Fixed. b. Mobile. (C123)		Fixed.			22720–23200 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
23200–23350	a. Fixed. b. Mobile. (C123)		a. Aeronautical fixed. b. Aeronautical mobile. (OR) (149)			23200–23350 (NG1)	a. Aeronautical fixed. b. Aeronautical mobile.	a. Aeronautical. b. Aeronautical fixed. c. Aircraft.		a. AERONAUTICAL FIXED. b. AERONAUTICAL MOBILE.
23350–24600	a. Fixed. b. Mobile. (C123)		a. Fixed. b. Landmobile. (169)			23350–24600 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
24600–24990	Mobile.		a. Fixed. b. Landmobile. (169)			24600–24990 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(169) Inter-sbip telegrapby in the maritime mobile service is permitted in tbe band 23350–24000 kc.

(239) In certain cases, for wbich provision is made in articles 33 and 34 (of tbe Radio Regulations, Atlantic City, 1947), aircraft stations are autborized to use frequencies in tbe maritime mobile bands between 4000 and 23,000 kc for tbe purpose of entering into communication witb stations of the maritime mobile service.

(C123) For use of this band by the Aeronautical Services see paragrapbs 149 througb 160 of tbe General Radio Regulations, Cairo Revision 1938.

(C180) For use of tbis band by tbe Maritime mobile service see paragrapbs 180 through 189 of tbe General Radio Regulations, Cairo Revision 1938.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance witb the table of frequency allocations, the following classes of stations may be autborized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or tecbnical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio; (2) contract developmental stations, and (3) export developmental stations.

4. Section 2.104 (c) is amended as follows:

(c) *Explanation and instructions regarding use of table.* (1) (i) Below 25 Mc, columns 2 and 3 of the table of frequency allocations are those stipulated in the Cairo Revision of the General Radio Regulations (1938), columns 4 and 5 of the table of frequency allocations are those stipulated in the Atlantic City Radio Regulations (1947) and column 6 (a) of the table of frequency allocations is that stipulated in the Inter-American Radio Agreement of Washington (1949).

(ii) Above 25 Mc, columns 1, 2, 3 and 4 of the table of frequency allocations are those stipulated in the Atlantic City Radio Regulations.

(2) In column 6 (above 25 Mc) the letter G means Federal Government radio stations, i. e., those belonging to and operated by the United States. The symbol NG means other than Federal Government radio stations, i. e., those whose frequencies are assigned by the Commission.

* * * * *

(5) The following symbols are used to designate footnotes in the table of frequency allocations.

(i) Any footnote consisting only of digits, e. g. (170), denotes a paragraph in the Atlantic City (1947) Radio Regulations.

(ii) Any footnote consisting of the letter C followed by three digits, e. g. (C102) denotes a paragraph in the Cairo Revision, General Radio Regulations (1938).

(iii) Any footnote consisting of the letters AR followed by one or more digits, e. g. (AR2), denotes a stipulation of the allocation table notes in the Inter-American Radio Agreement of Washington (1949).

(iv) Any footnote consisting of the letters US followed by one or more digits, e. g., US1, denotes a stipulation the application of which is not limited to non-government stations.

(v) Any footnote consisting of the letters NG followed by one or more digits, e. g., NG1, is a stipulation applicable to the use of a band by non-Government stations.

[F. R. Doc. 52–3498; Filed, Mar. 28, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 983]

[Docket No. AO 239]

HANDLING OF TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO PRODUCED IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of Type 62 shade-grown cigar-leaf tobacco produced in a designated production area of Florida and Georgia. Such marketing agreement and order would be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., not later than the close of business on the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed marketing agreement and order were formulated, was held at Quincy, Florida, beginning on February 12, 1952, pursuant to notice thereof published in the FEDERAL REGISTER (17 F. R. 773). It was initiated at the request of Florida and Georgia growers and handlers of Type 62 shade-grown cigar-leaf tobacco for a hearing on a proposed marketing agreement and order regulating the handling of such tobacco.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance.

(2) The need for the proposed regulatory program to effectuate the declared purpose of the Agricultural Marketing Agreement Act of 1937, as amended.

(3) The provisions which should be incorporated in the proposed marketing agreement and order, such as:

(a) Defining such terms as "Secretary", "act", "person", "tobacco", "production area", "grower; producer", "handler; packer", "handle: pack", "top", "prime", "field", "fiscal period", and "control committee; committee";

(b) Establishing and maintaining a committee to administer the program operations, the granting of powers to and prescribing of duties for such committee, and provisions with respect to its manner of conducting business;

(c) Providing for operational expenses, and assessments for defraying such expenses;

(d) Requiring the Committee to submit a marketing policy report to the Secretary with its recommendations, within prescribed limits, for regulation of the handling of Type 62 shade-grown cigar-leaf tobacco (hereinafter at times referred to as Type 62 tobacco) as to quantity of leaves, and the grade and quality of the leaves, or either thereof, deemed by it advisable to be handled, which may be on the basis of the number of stalk leaves and their location on the tobacco plant and which may contain different limitations with regard to leaves that are primed from tobacco plants that were topped and leaves that are primed from plants that were not topped;

(e) Providing for the issuance of regulations, including the establishment of initial regulations, by the Secretary on the basis of the recommendations and information received from the Committee or on the basis of other available information, such regulations being subject to the same limitations as are applicable to recommendations by the Committee; prescribing limits on the handling of Type 62 tobacco by handlers; providing for the certification of Type 62 tobacco and the issuance of appropriate handling certificates; requiring the identification of Type 62 tobacco by handlers; and authorizing the issuance of exemption certificates to growers under certain conditions;

(f) Requiring handlers to keep books and records and to submit reports with respect to their handling of Type 62 tobacco;

(g) Requiring compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(h) Providing for certain additional provisions, as set forth in §§ 983.62 to 983.72, both inclusive, as published in the FEDERAL REGISTER (17 F. R. 773), which are common to marketing agreements and orders, namely, those relating to: Amendments, duration of immunities, agents, derogation, personal liability, separability, effective time, termination, proceedings after termination, effect of termination or amendment; and additional provisions which are in the marketing agreement only, namely, those relating to: counterparts, additional parties, and request for order.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) It is intended that the handling of all Type 62 shade-grown cigar-leaf tobacco, produced within the designated production area, be regulated.

The production area consists of the following counties or portions thereof bordering the Georgia-Florida State line and lying between the Suwannee River on the east and the Flint and Apalachicola Rivers on the west: Decatur, Grady, Thomas, Brooks, Lowndes, and Echols in Georgia; and Gadsden, Leon, Jefferson, Madison, and Hamilton in Florida. This is the only area in which Type 62 tobacco is produced. The primary and predominant use of such tobacco is as cigar wrappers (i. e., the outermost cigar cover). There is no other profitable outlet for such tobacco for producers.

Type 62 tobacco enters the current of commerce very early. In some cases, a single farm, and, in fact, a single crop of tobacco, lies across the Florida-Georgia State line. The tobacco that is grown in one of these states is quite often packed in the other state, used as a cigar wrapper in yet another state or country, distributed to several states and countries, and consumed in all states and many countries. The record bears out that it is impracticable to maintain the identity of the origin of the tobacco in the end product, i. e., the cigar. A relatively small amount of Type 62 tobacco is produced, packed, manufactured, and consumed in the state in which grown. Such tobacco is, during the packing process, rarely, if ever, earmarked or otherwise designated for such intrastate manufacture and consumption. Further, any Type 62 tobacco initially intended for local manufacture and consumption may be ultimately marketed or manufactured or consumed other than in the state where grown. Therefore, all such Type 62 tobacco is inextricably intermingled with other Type 62 tobacco that enters into the current of interstate or foreign commerce. In addition, since the entire available supply of Type 62 tobacco is the major source from which locally manufactured cigars draw wrapper leaves, all handling of such tobacco should be regulated without differentiation. It is found, therefore, that all handling, except to the extent hereinafter indicated, of Type 62 tobacco is either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(2) It is concluded that a marketing agreement and order is necessary to regulate the handling of Type 62 tobacco, grown in the production area, to establish and maintain such orderly marketing conditions therefor as will tend to establish parity prices for such tobacco. Marketing difficulties have been a major factor in the low producer returns from Type 62 tobacco. In 1950, parity for Type 62 tobacco was $2.08 per pound, and the crop averaged $2.00 per pound. The difference between parity and the seasonal average price received was not

so marked for the 1950 crop as it apparently is for the 1951 crop. The parity price for the 1951 crop is $2.30 per pound, whereas according to the record producers received well under $2.00 per pound for such crop. Further, such marketing difficulties were caused primarily by the presence, from the 1951 tobacco crop, of a considerable amount of low quality tobacco consisting preponderantly of the top leaves (at times called "tops"), which operated as a price depressant. This was the view of growers, handlers or packers, and manufacturers. One of the larger cigar manufacturers pointed out that, while his company is currently in the market for good wrappers, he has on hand tops of Type 62 tobacco of the 1951 and prior years' crops which he desires to sell but for which he has been unable to obtain an offer.

It was brought out at the hearing that the leaves of tobacco nearest the top of the plant are, as a general rule, relatively dark in color, low in quality, poor in texture, poor burning, poor or bitter in taste, and on the whole undesirable for use as wrappers. The evidence adduced is to the effect that the cigar-smoking public generally demands a light-colored wrapper; and bitterness of taste is highly objectionable. The handling of extremely undesirable tobacco and, therefore, its presence in the available supply of Type 62 tobacco, constitutes a threat to the cigar industry and is a basic factor, as a price depressant, causing poor returns to producers of Type 62 tobacco. Testimony of growers, growner-handlers, handlers, and cigar manufacturers indicates a unanimity of opinion that efforts should be made to correct such disorderly and uneconomic marketing system.

By prohibiting the handling of the top leaves, the remaining tobacco that is handled and made available to cigar manufacturers would be of acceptable qualities, and would include adequate quantities of lower grade tobacco which is present to a limited extent in all primings (as hereinafter defined) and for which there is normally a moderate demand. It was urged at the hearing that the pressure to which large quantities of undesirable tobacco subject the prices for desirable grades of tobacco would be largely dissipated by the removal of the top leaves from the market, and there would result a concomitant betterment of prices to the growers and more acceptable cigars to the consumers at no increase in price. There is some indication of expectation by growers of sufficiently higher prices for the 1952 crop fully to compensate for the failure to market the top leaves. However, it also appears that while the price for desirable tobacco would, in the long run, offset losses referable to top leaves, such occurrence may require more than a year to materialize.

The evidence adduced and testimony offered indicate a consensus that there is no price realistically offerable that would net the producer anything for the top leaves. Many growers, recognizing this, have already adopted the policy of not marketing, and hence not harvesting, their top leaves. This has been increasingly true for the past few crops due to the fact that exports of low grade tobacco, which were made possible under the ECA program, have practically ceased. There are apparently no prospects in sight for an export program that would make it profitable for producers to market their top leaves.

The evidence brings out that in addition to the direct benefit of a potential increase in price to the producer for desirable tobacco, several indirect, but nevertheless tangible, benefits are closely associated with leaving the tops unharvested or in the field. Lesser amounts of insecticides will be required; less labor will be required; less string to support the tobacco plants and for stringing the harvested leaves will be required; the cheese cloth, i. e., the shade, could be removed sooner, thereby reducing the total amount of sun injury to the cloth; and cover crops could be planted earlier. Furthermore, by leaving unharvested the top leaves, more space would be available in the curing barn for curing harvested tobacco of desirable grade and quality. In many cases, because of the short intervals during which the tobacco leaves are primed and brought to the curing barn, sufficient space is not available to permit proper curing of previously harvested tobacco leaves. This is due to the necessity of overcrowding the leaves in the barn in order to get all of them into the limited barn space. Tobacco leaves must be harvested when they reach the proper degree of maturity, and any undue delay in severing them from the plant and starting the curing process is detrimental. Crowding leaves into the barn prevents adequate air circulation and often causes pole burn which adversely affects the use of the tobacco as cigar wrappers. According to testimony, when top leaves are to be harvested and cured, the primings of the other leaves are often rushed before such leaves are sufficiently ripe so that such leaves may be cured and moved out of the curing space so as to make room for subsequent primings. Also, even though the earlier primings may have been sufficiently cured, if they must be taken down from the curing space while there is too much moisture on or in the leaves or if such leaves have not been sufficiently cured, then much damage to the tobacco will be sustained when it is packed, with consequent financial loss to the producer.

Neither Type 62 tobacco, nor Type 61 shade-grown cigar-leaf wrapper tobacco which is produced in Connecticut and Massachusetts, is covered by the Agricultural Adjustment Act of 1938, as amended. Therefore, the Secretary of Agriculture would be precluded from proclaiming a National Marketing Quota for such tobacco even though the total supply were such as to warrant such action. The testimony at the hearing, as well as the statistical information contained in the exhibits, shows that the disappearance of Type 62 tobacco is not keeping pace with production and accumulation of stocks. The total supply includes all stocks of Type 62 tobacco in dealers' hands and the estimated production of the 1951 crop. The per capita consumption of cigars is shown, by such testimony and exhibits, to be of a downward trend. As brought out heretofore, the testimony indicated general agreement that the top leaves contained in the total supply of tobacco acts as a price depressant on the other tobacco contained in the total supply. It was pointed out that, in any event, the keeping from market of top leaves would tend to stop the faling of the price and the lessening of the grower's returns which he had been receiving during the past several years.

As brought out in the hearing, and as reflected by the exhibits, some Type 62 tobacco (mostly of low grade) was exported in recent years under ECA programs. No consequential exports have been made for several months, and no export programs are known to be contemplated which would result in any substantial exports of Type 62 tobacco.

In view of the non-coverage of Type 62 tobacco by the Agricultural Adjustment Act of 1938, as amended, mandatory loans are not applicable to Type 62 tobacco; and no permissive loans on it have been made. The recommended marketing agreement and order would not change in any way the applicability of the price support provisions of the Agricultural Adjustment Act of 1938, as amended, under which Type 62 tobacco is eligible only for consideration for permissive loans as "other commodities" and not as "tobacco" or as a "designated non-basic" commodity.

According to the record, there is little likelihood that the marketing agreement and order would, if made effective, cause expansion of production of Type 62 tobacco outside of the production area due to the high capital investment required. Estimates range upward from a minimum capital investment of $2,250.00 per acre and a minimum production cost of $1,750.00 per acre. Type 62 tobacco, it was brought out, was grown to a limited extent many years ago outside the production area. It was the consensus of those testifying that the only expansion that may occur would most probably be limited to a possible increase within the production area by some growers who are already in the business of growing Type 62 tobacco.

(3) Certain terms applying to specific individuals, agencies, legislation, concepts, or things, are used throughout the recommended marketing agreement and order. Those terms should be defined for the purpose of designating specifically their applicability, and establishing approximate limitations of their respective meanings wherever they are used.

(a) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead. The definition of "act" merely gives the correct legal citation for the statute pursuant to which the proposed regulatory program is to be

operative and shortens the reference thereto whenever it is used. The definition of "person" follows closely the definition of that term as set forth in the act.

"Tobacco" should be defined as all Type 62 shade-grown cigar-leaf tobacco, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30), that is grown in the production area and harvested after the effective date of the marketing agreement and order. This identifies the kind of tobacco referred to in the marketing agreement and order, as distinguished from other kinds of tobacco. All Type 62 tobacco currently being produced is grown entirely within the production area. Should any Type 62 tobacco be produced at any time outside the production area, such tobacco would not be subject to regulation under the marketing agreement and order. The term "tobacco" does not include Type 61 shade-grown cigar-leaf tobacco (as classified in said Service and Regulatory Announcement No. 118) which is also used for cigar wrappers but which is grown in Connecticut and Massachusetts.

The term "production area" is incorporated in the marketing agreement and order as the means of specifying the area within which Type 62 tobacco must be produced before the handling thereof is subject to regulation. The definition of such term is such as to include those counties or portions thereof bordering the Florida-Georgia State line and lying between the Suwannee River on the east and the Flint and Apalachicola Rivers on the west. This region is the only one in which commercial production of Type 62 tobacco occurs. Although Type 62 tobacco is not grown in some counties or portions thereof in this region, and especially since there is land in such counties or portions thereof on which such tobacco could be grown, it will facilitate administration of the program for the production area to consist of a single unbroken area. The production area, as defined, is the smallest regional production area found practicable, consistently with carrying out the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

As hereinbefore indicated, Type 62 tobacco undergoes initial curing in the curing barn. After such initial curing, such tobacco is received at a tobacco packing house within the production area for performance of one or more of the functions incident to preparation of such tobacco for market. At the packing house, the tobacco is bulked, i. e., arranged in rectangular bulks approximately 12 feet wide by 16 feet long containing approximately 4,000 pounds of tobacco leaves. The tobacco is sweated in such bulks which are torn down and rebuilt after about 7 days. This sweating process is repeated until the tobacco has been turned several times in bulk. After about three sweats, the tobacco is sorted and selected for grade and quality with undesirable tobacco leaves being withdrawn from the lot. Sweating is then resumed and completed, whereupon it is then pressed into bales about 32 inches long and wide and 14 inches thick. The baled tobacco is then ready for marketing. Each of the foregoing activities is a handling function in the current of commerce with respect to Type 62 tobacco, and should be subject to regulation under the marketing agreement and order. It is practical to limit the impact of regulation under the program to the performance of such functions since they occur at the earliest phase of the entrance of the tobacco into the current of commerce; and it is immaterial whether the person performing any of such functions is the grower of the tobacco.

The term "grower" should be synonomous with "producer" and should be defined to mean any person who is engaged in the commercial production of Type 62 tobacco and who has a proprietary interest therein. Such definition would, for example, exclude wage hands. Such term would also serve to indicate the persons who are eligible for membership on the Control Committee, for exemptions, and for handling certificates.

The term "handler" should be synonomous with "packer" and should be defined to mean the first person, including any grower, who handles tobacco on his own behalf or on behalf of others after harvest and farm curing (initial drying from the green state). The proponents of the program stated that it is necessary for normal trade practices in moving tobacco into consumption channels to continue uninterrupted. Hence, the regulation of the handling of any particular quantity of Type 62 tobacco should be limited to the first person who performs any handling function with respect to such tobacco.

The term "top" should be defined to mean to remove the terminal bud and three stalk leaves from any tobacco plant by severing the stalk below the seedhead prior to the time the third priming is made. The words "and three stalk leaves" were added to the original definition contained in the notice of hearing for the purposes of (i) preventing sharp practices and (ii) equalizing the number of leaves which under regulation should not be marketed if primed from tobacco plants that were topped as compared with leaves primed from tobacco plants that were not topped.

The term "prime" should be defined to mean to pick tobacco leaves as they ripen, beginning at the bottom of the tobacco stalk, and removing a few leaves at a time. Such term describes the way in which Type 62 tobacco leaves are harvested. Common usage of the term "prime" in the industry is such that no problem should arise with respect to its meaning as set forth.

The term "field" should be defined to mean a field of tobacco within the confines of a single shade covering. Such term is used in the recommended marketing agreement and order and will indicate the acreage on which a particular quantity of Type 62 tobacco is grown.

The term "fiscal period" should be defined to mean the 12-month period beginning on February 1 and ending on January 31 of the following year, both dates inclusive, provided that the first fiscal period should begin on the effective date of the regulatory program. Such period commences well in advance of the harvesting season and ends after substantially all of the crop has been handled, and is appropriate for operations on a seasonal basis.

The term "Control Committee" should be defined to mean the Control Committee established to administer the terms and provisions of the regulatory program. The use of either the term "Control Committee" or the term "Committee", which terms should be synonomous, will shorten subsequent references to this administrative agency.

(b) It is necessary to establish an agency to act in administering the proposed marketing agreement and order under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Control Committee" or "Committee" is a proper identification of the agency and reflects the administrative character thereof. It should be comprised of 11 members. Such membership will be sufficiently small to enable the Committee to operate in an efficient manner, and, at the same time, will be of sufficient size to give adequate representation for the industry as a whole, especially in view of the division of the production area into designated areas and the requirements of specific representation therefor. For each member of the Committee there should be an alternate member who should have the same qualifications as the member because circumstances may arise when it will be impossible for a member, or members, to attend meetings, or a vacancy may occur in the Committee membership, or for other reasons. Unless otherwise specified, all provisions of the proposed marketing agreement and order applicable to a member should be applicable to his alternate. This will tend to insure full representation at all Committee meetings and foster expression of the respective views of growers and handlers throughout the production area. Five members should be growers who are not handlers; and of such members at least: One should be a grower in, and resident of, Gadsden County, Florida; one should be a grower in, and resident of, Madison County, Florida; one should be a grower in, and resident of, Decatur County, Georgia; and one should be a grower in, and resident of Grady County, Georgia. Each of such counties is a major producing area and should be represented on the Committee by a resident grower of the respective county to assure that local problems regarding Type 62 tobacco are brought to the attention of the Committee. With respect to the remainder of the production area, one member will be adequate therefor. It should be permissible for any such member to be an officer, employee, or agent of the respective grower, since his interests would be, in the main, those of the grower. His knowledge of Type 62 tobacco production and marketing problems would be, for all practical purposes, the same as that of the grower and he would therefore be qualified to represent grower interests. Four members should be growers who are also handlers, and any such member should be permitted to be an officer, employee or agent of the respective grower.

Two members should be handlers who are not growers, and any such member may be an officer, employee, or agent of the respective handler. It is not inconsistent with grower interest to provide for handler representation on the Committee. Rather, it tends to give balance to the Committee and an opportunity for presentation of handling and marketing views and problems from the packers' standpoint.

The initial members of the Committee should be selected by the Secretary and should serve through the first fiscal period. The term of office of each successor member should be two consecutive fiscal periods. In the event a successor to any such member has not been selected and has not qualified by the end of the term of office of the respective member, such member should continue to serve until his successor is selected and has qualified. This will permit a continuation of Committee activities even though some of the new members had not been selected or had not yet indicated that they will serve. Each member should commence to serve on the date on which he qualifies. The initial term of office for a 1-year period is such as to permit adjustment of Committee membership based on experience gained by the industry during the first year of operations under the regulatory program. Thereafter, a 2-year term of office will serve best to utilize knowledge and experience gained by virtue of Committee membership.

The Secretary should be permitted to select the initial members of the Committee without regard to any nomination; however, nominations for eligible members may be submitted to him not later than the effective date of the marketing agreement and order for his consideration in selecting such initial members. The reason for this special provision with respect to selection of initial members is that there may not be sufficient time between the effective date, if any, of the marketing agreement and order and the beginning of operations for the 1952 crop marketing season, to permit the procedure for selecting successor members to be applicable. It will be necessary to have the Committee appointed and organized for action as soon as practicable after the aforesaid effective date, which should not be later than May 1, 1952. The nominations for initial grower members may be made by growers, the nominations for initial grower-handler members by grower-handlers, and the nominations for initial handler members who are not growers by handlers who are not growers. Such nominations may be made by virtue of elections conducted by the three respective groups.

Prior to November 15 of each year in which successor members are to be selected by the Secretary, the Committee should hold or cause to be held a meeting of growers who are not handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are not handlers. Likewise, the Committee should hold, or cause to be held, prior to November 15 of each year in which successor members are to be selected by the Secretary, a meeting of handlers who are not growers for the purpose of designating nominees from among whom the Secretary may select grower members who are also handlers. Also, the Committee should hold, or cause to be held, prior to November 15 of each year in which successor members are to be selected by the Secretary, a meeting of handlers who are not growers for the purpose of designating nominees from among whom the Secretary may select handler members who are not growers. The November 15 deadline would afford the Committee adequate time within which to furnish the Secretary, not later than December 1, nominations for successor members. The Committee should be required to perform the foregoing function since it will be acquainted with the proper time for scheduling and conducting nomination meetings.

The Committee should give adequate notice of each such meeting to all growers and handlers who may be eligible to participate in the respective nominations. Although the Secretary may prescribe additional rules and regulations, not inconsistent with the provisions of the proposed marketing agreement and order, relative to the election of nominees for members on the Committee, such action may be pursuant to recommendations of the Committee.

At each such meeting held to nominate members on the Committee, those eligible to participate therein should elect a chairman and secretary therefor. The chairman should announce the name of each person for whom a vote has been cast, and the number of votes received by each should be recorded in the minutes of such meeting. This provision would insure free expression of views as to nominees and a record thereof. It should also be provided that only those eligible persons who are in attendance at any such meeting may participate in the designation of, and voting for, nominees. It should be provided, as an equitable and fair method, also, that each such person be entitled to cast but one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each member position for which he is eligible to participate in the designation and voting. The Secretary should be furnished lists of nominations for members not later than December 1 of the year in which the respective meeting was held, in such manner and form as he may prescribe. If for any reason a nomination for a member is not available by December 1, the Secretary should not be precluded from selecting a member to fill such position, so that full membership will be insured. Such date is sufficiently in advance of the next fiscal period to permit the necessary selection. A member should be permitted to succeed himself provided he is eligible for selection for a succeeding term. Each person selected by the Secretary as a member of the Committee should, prior to serving on the Committee, be required to qualify by filing a written acceptance with the Secretary within 15 days after being notified of such selection. Without such provision the Secretary would not know whether the appointees were willing to serve. An appointee who does not have sufficient interest in the program to accept promptly may not have sufficient interest to serve as a member. Provision should be made whereby an alternate for a member of the Committee should, in the event of the member's absence, act in the place and stead of that member; and, in the event of the member's removal, resignation, disqualification, or death, such alternate should act in the place and stead of such member until a successor for the unexpired term of said member is selected and has qualified. Provision should be made whereby, in the event the alternate who is authorized to act in the place and stead of a member is unable, or fails, to attend a meeting of the Committee, such member may designate any other alternate for a member of the same group as that represented by the absent member to act in his place and stead, and, pending such designation, the Secretary may designate such substitute. It is desirable that, so far as it may be practicable, a qualified person be available to serve on the Committee so that if it becomes necessary to act in the place of the active member, an alternate may take over the duties at once and be able to carry them out properly. An alternate should be selected for each member so as to facilitate full membership attendance at meetings. In the case of a vacancy which occurs by reason of the failure of any person, selected as a member of the Committee to file a written acceptance of appointment, or the death, removal, resignation, or disqualification of a member, a successor for his unexpired term of office should be selected by the Secretray. It should be provided that nominations may be submitted to the Secretary for his consideration in making such selection, and that designation of nominees from among whom the Secretary may select a successor be in accordance with the provisions of the proposed marketing agreement and order applicable to the designation of nominees for successors to members of the Committee, and also that in the event such nominations are not submitted to the Secretary within 30 days after the beginning of the vacancy the Secretary may select a successor without regard to such nomination. It is desirable to take prompt action in filling vacancies and 30 days is sufficient time to allow for making nominations.

Members of the Committee should serve without compensation, but should be reimbursed for reasonable expenses necessarily incurred in the performance of their duties as prescribed in the marketing agreement and order. Members of the Committee should not be considered as salaried employees. They are representatives serving the industry and, in most cases, are recommended by the industry. Although they are charged with, and accept, the duties and responsibilities specified in the marketing agreement and order, it would not be equitable that they should be required to defray out of their own funds such reasonable expenses as may necessarily be incurred by them in the discharge of their duties and responsibilities. The prohibition against compensation should extend only to the services of a member in his capacity as such.

The Committee should be given those specific powers which are set forth in the act as those which may be granted an administrative agency of the proposed nature, and they are essential for the Committee so that it may discharge its duties under the marketing agreement and order.

The Committee should be given, among others, certain specific duties. It should act as intermediary between the Secretary and any grower or handler. It is logical that the Committee, composed of growers and handlers, should act in this capacity. It is not intended, however, that the Committee be the exclusive channel of communication between the Secretary and the industry.

The Committee should select, from among its membership, a chairman and such other officers as may be necessary; select subcommittees composed of Committee members; and adopt such rules and regulations for the conduct of its business as it deems advisable. It is proper that the Committee have these duties since expeditious performance of its work will require a chairman, subcommittees, and the adoption of rules and regulations for the conduct of its business. These duties closely parallel those customarily associated with Committees of this nature.

The Committee should be authorized to appoint such employees as it may deem necessary and to determine the salaries and define their duties. Since the Committee has responsibility in connection with the administration of the provisions of the marketing agreement and order, it is logical to give it the authority to employ such persons as it deems advisable, and, further, to specify the duties of such employees, and to fix their compensation.

The Committee should keep minutes, books, and other records which will clearly reflect all of its acts and transactions and which should be subject at any time to examination by the Secretary or his representative. This is necessary so that the Secretary may have opportunity to be apprised at all times of the extent to which and the manner in which the regulatory program is being administered.

The Committee should furnish the Secretary information as to all of its activities, including a copy of the minutes of each meeting and such other information as the Secretary may request. The specific information required should be furnished to the Secretary by the Committee in the regular performance of its duties. The Committee should also furnish to the Secretary such other available information as it, or he, may deem appropriate. Minutes of each meeting should be furnished to the Secretary for his information and for his use in reviewing Committee deliberations. Further information which the Committee may possess may be desired by the Secretary, in which event it should be furnished at his request.

The Committee should cause its books and other records to be audited by one or more competent accountants at least once each fiscal period and at such other times as it may deem necessary or as the Secretary may request, which report shall show the receipt and expenditure of funds collected pursuant to the proposed marketing agreement and order; and a copy of each such report should be furnished the Secretary. This is necessary and desirable for the information of the Committee and the Secretary, and is in accordance with sound business practice. If necessary for any reason, an audit should be made at any time. It is proper and necessary that the Secretary receive a copy of each audit report in view of his responsibility in connection with the program.

The Secretary should be given the same notice of meeting of the Committee as is given to the members of the Committee. This assures the Secretary or his representative of an opportunity to attend Committee meetings and be familiar with its deliberations.

The Committee should be authorized to issue, with approval of the Secretary, such regulations as may be necessary and appropriate for the carrying out of the provisions of the proposed marketing agreement and order. The Committee should supervise the regulation of the handling of Type 62 tobacco pursuant to the marketing agreement and order. It is necessary for an agency in the area to give close supervision to the operation of a program of this kind under the general direction of the Secretary, and this is a proper duty for the Committee.

It should also be provided that the Committee may, upon the selection and qualification of nine of its members, organize and commence to function. This is proper in view of the fact that such number will, as hereafter stated, constitute a quorum. It should hold meetings only after due notice to its members in order to facilitate as large an attendance thereat as may be possible. The Secretary should be authorized to designate the time and place of the initial meeting of the Committee. It should be provided that a quorum will consist of nine members, including alternate and substitute members then serving in the place and stead of any members, in attendance at the meeting; and all decisions of the Committee should require not less than seven concurring votes of the members who are present at such meeting. The quorum of nine members is a fair and reasonable proportion of the membership, and prevents action from being taken when there is a very small attendance. The requirement that all decisions of the Committee should be made by not less than seven affirmative votes assures that a majority of the entire Committee favors the action taken.

It may not always be practicable or economically feasible to convene the Committee when matters that are to be handled do not permit of delay in their disposition. In such an instance, mail and telegraph voting should be permitted. However, it is intended that such voting would not be used at an assembled meeting to obtain votes from absent members. When any proposition is submitted for polling by such method, one dissenting vote should prevent its adoption. Any member who does not favor or understand a proposition which is being voted on by mail or telegraph could, by voting negatively, prevent its adoption until considered at an assembled meeting.

It should be provided that each member and alternate member of the Committee, and each agent and employee appointed or employed by the Committee, be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, and other act of the Committee should be subject to the continuing right of the Secretary to disapprove the same at any time. Upon such disapproval, the disapproved action of the said Committee should be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. Congress delegated the administration of programs, which might become effective under the act, to the Secretary. In order for the Secretary to be able to perform his duties and responsibilities efficiently, it is necessary that he have these powers.

(c) All funds received by the Committee pursuant to the provisions of the proposed marketing agreement and order should be used for the purposes authorized therein. The funds should be collected specifically for use in administering the marketing agreement and order, and should be used only for this purpose. The Committee should be authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during the then current fiscal period for its maintenance and functioning. It should further be provided that, not later than 30 days after the beginning of each fiscal period, the Committee will prepare and submit to the Secretary a budget of its proposed expenses for such fiscal period and a proposed rate of assessment, together with a report thereon. The funds to cover such expenses should be acquired by levying assessments upon handlers as provided in the marketing agreement and order. A budget is generally a statement of reasonable expenses likely to be incurred. Under this provision, if the Committee submits a budget, and the Secretary finds that the expenses set forth in the budget are reasonable and likely to be incurred, he should authorize the Committee to incur such expenses during the fiscal period for which the budget was submitted. The Secretary is, under the act, responsible for the proper administration of a program of this kind and should therefore approve Committee expenses for each fiscal period early in such period.

As authorized by the act, funds to defray Committee expenses are to be raised by levying assessments on handlers. In keeping with definition of the term "handler," such assessment would be made, therefore, on the first person to receive, bulk, sweat, sort, select, bale, or otherwise prepare tobacco for market, or to market tobacco. It is equitable that handlers be assessed on the basis of the ratio between the total quantity of tobacco handled by the respective handler as the first handler thereof during the applicable fiscal period and the total quantity of tobacco handled by all handlers as the first handlers thereof during the same fiscal period. This method of

pro-rating the total assessment among the handlers is fair and equitable, and testimony of handlers indicates that they so consider such method. Handlers should be permitted to make advance payments of assessments in order to enable the Committee to commence to function. This provision should be included because the Committee will need funds to set up office, employ personnel, and begin to function immediately after the effective date of the marketing agreement and order and before sufficient funds have become available from assessments. However, this provision should not require any handler to make an advance payment. Since many handlers have indicated they favor the proposed program, it is probable that advance payments of anticipated assessments will be made. Any such advance payment by a handler should be credited to his account.

The Secretary should, in accordance with the applicable provisions of the act, fix or approve the rate of assessment to be paid by handlers; and such action should be fixed after consideration of the Committee's recommendations or other available information applicable thereto. The Secretary should be authorized to increase the rate of assessment at any time during a fiscal period in order to secure sufficient funds to cover any later finding of the Secretary relative to the expenses of the Committee. If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, refunds should be made to handlers and credited against the operations of the following fiscal period. Upon demand by the handler, payment thereof should be made to him.

It should be provided that the Committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, legal action against any handler for the collection of such handler's pro rata share of the aforesaid expenses. The authority granted in this provision is contained in the act. The Committee should be permitted to initiate a suit for collection of assessments but only with the approval of the Secretary. In some instances, it may be more feasible and effective for the Secretary to bring such action, in which case he will withhold approval of action by the Committee.

It should be provided that the Secretary may at any time require the Committee, its members, employees, agents, and all other persons to account for all receipts and disbursements for which they are responsible. Whenever any person ceases to be a member of the Committee, he should account to his successor, to the Committee, or to such person as the Secretary may designate, for all receipts, disbursements, funds, books and records, and other property (in his possession or under his control) pertaining to the activities of the Committee for which he is responsible, and should execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, the Committee, or person designated by the Secretary the right to all of such funds and property and all claims vested in such person. This would insure that the successor will be promptly and properly vested with the right to all property, funds, or claims vested in such prior member.

(d) At the beginning of each fiscal period the Committee should consider, prepare, and submit to the Secretary, a proposed policy, including a report thereon, for the handling of Type 62 tobacco during such period. In developing its marketing policy, the Committee should investigate relevant supply and demand conditions for such tobacco. In such investigation, the Committee should give appropriate consideration to the estimated supply of and demand for such tobacco after considering carry-over, production, disappearance, and like factors; market price of tobacco by grade and quality at the grower-level and the handler-level; the trend and level of consumer income; and other relevant factors. The Committee should be aided in such investigation by the Department's most recent estimate of Type 62 tobacco production and its stocks reports. The market price could be determined locally. It should also be provided that, in the event it becomes advisable to deviate from such marketing policy, because of changed supply and demand conditions, the Committee should formulate a new or revised marketing policy in the manner heretofore indicated and should submit such marketing policy, including a report thereon, to the Secretary. It is possible that unusual growing conditions or a change in export demands may make it necessary to revise the policy and report. The Committee should notify all growers and handlers of the contents of each such report, and may also publish such report in newspapers, selected by the Committee, of general circulation in each county in which Type 62 tobacco is produced. This procedure will enable growers and handlers to plan their operations accordingly.

It should be provided that whenever the Committee deems it advisable to limit, during any specified period or periods, the handling of Type 62 tobacco pursuant to the marketing agreement and order, it should recommend to the Secretary the quantity of tobacco leaves, and the grade or quality of the leaves, or either thereof, deemed by it advisable to be handled. The Committee should be authorized to make such recommendation on the basis of the number of stalk leaves and their location on the tobacco plant. This is the most practical way of describing the various grades or qualities of leaves that may not be handled. Such recommendations should be permitted to contain different limitations with regard to leaves that were primed from tobacco plants that had been topped and leaves that were primed from plants that had not been topped. In making such recommendation, the Committee should take into account the factors involved in the marketing policy and report thereon. It should be provided that the Committee submit such recommendation to the Secretary together with the information on which the recommendation was based. In recognition of the fact that situations change, and sometimes quickly, it should be provided that the Committee may recommend the modification, suspension, or termination of any regulation pursuant to the marketing agreement and order whenever it finds that to do so will tend to effectuate the declared policy of the act. Such administrative flexibility is needed in the regulatory program to effectuate the declared policy of the act through the issuance of appropriate regulations adapted to different and changing circumstances encountered in the marketing of Type 62 tobacco. The Committee should submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation in order that he may know the reasons underlying such recommendations. However, the Committee should not be authorized to make any recommendation for any regulation that may limit or prohibit the handling of more than (i) the seven top stalk leaves immediately below the seedhead of a tobacco plant that was not topped, or (ii) the four top stalk leaves of a tobacco plant that was topped. This provision constitutes a safeguard against the possibility of drastic recommendations and growers and handlers will know that before such limits are changed that the marketing agreement and order will have to be amended. The proponents are strongly in favor of the imposition of such restriction on the Committee's recommendations.

(e) The marketing agreement and order should provide that when the Secretary finds from the recommendation and information submitted by the Committee, or from other available information, that to limit the quantity of Type 62 tobacco leaves, and the grade or quality of the leaves, or either thereof, that may be handled would tend to effectuate the declared policy of the act, he should so limit the handling of Type 62 tobacco during a specified period or periods. It should also be provided that each regulation specify the quantity of leaves and the grade or quality of the leaves, or either thereof, that may be handled; and such specification may be in terms of the number of stalk leaves and their location on the tobacco plant. The Secretary should be authorized to modify, suspend, or terminate any regulation pursuant to the marketing agreement and order whenever he finds from the recommendation and information submitted to him by the Committee, or from other available information, that to do so will tend to effectuate the declared policy of the act. In consonance with the limitations on recommendations that may be submitted to him by the Committee, the Secretary should not be authorized to issue any regulation that limits or prohibits the handling of more than (i) the seven top stalk leaves immediately below the seedhead of a tobacco plant that was not topped, or (ii) the four top stalk leaves of a tobacco plant that was topped. The inclusion of this limitation in the marketing agreement and order should tend to remove a cause for anxiety by growers and handlers (as reflected in the record) regarding the imposition of undue restrictions on the handling of to-

bacco. The Secretary should notify the Committee of each such regulation, modification, suspension, and termination, whereupon the Committee should give reasonable notice thereof to growers and handlers. There should be an initial regulation set forth in the marketing agreement and order providing that, beginning at the effective time of the program, and continuing until suspended, modified, or terminated pursuant to the marketing agreement and order, no handler shall handle (iii) any of the seven top stalk leaves immediately below the seedhead of any tobacco plant that was not topped or, (iv) any of the four top stalk leaves of a tobacco plant that was topped. According to the record, the present non-marketable surplus of Type 62 tobacco consists in large part of top leaves; and the undesirable tobacco that should be prohibited from being marketed or handled is found mainly in the number and location of the leaves specified in the initial regulation.

It should be provided that during any period or periods in which any regulation is effective pursuant to the marketing agreement and order, no handler shall handle any leaves, of any tobacco plant, that are not stalk leaves or any tobacco the handling of which has been prohibited by the Secretary in accordance with the provisions of the marketing agreement and order. Except to the extent otherwise authorized, no handler should be permitted to handle tobacco except in conformity with the provisions of the marketing agreement and order. It is customary for some growers, particularly those with inadequate curing barn space, to remove the first few primings as soon as possible from the barn after curing in order to make room for the curing of subsequent primings. It is also customary for such growers to deliver the first few primings to handlers before the later primings have all been cured, or even harvested. Therefore, it is recognized that certain deliveries of early primings will occur before it can be determined whether any of the prohibited leaves will be harvested, and possibly handled. In view of this situation and the desire expressed by the proponents and others to permit the usual movement of initially cured tobacco leaves from the curing barn to the packing house, it should be provided, except for the first three primings, that no person, whether as principal, agent, broker, legal representative, or otherwise, shall, unless specifically authorized in writing by the Committee, handle Type 62 tobacco grown in any field of any producer unless prior to such handling the Committee had issued a "handling certificate" with respect to such tobacco. This is reasonable and practicable.

As a convenience to growers and to expedite the proper handling of Type 62 tobacco, it should be provided that each grower shall, with respect to the tobacco in each of his fields, be entitled, upon application to the Committee, or its representative, in such manner and form as it may with the approval of the Secretary require, to a certification of the Committee of such tobacco of the grower as may be eligible for handling. Each such certificate should state the name of the grower and the name of the handler, and identify the field in which the certificated tobacco was grown. Unless otherwise provided in the marketing agreement and order, no such certificate should be issued with respect to any tobacco the handling of which is prohibited pursuant to the marketing agreement and order. However, it should be provided that any producer who is dissatisfied with any determination by the Committee, on his application for the issuance of a handling certificate, may file a protest with the Committee provided such protest is in writing and filed promptly. The grower should be permitted to submit, with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. It should be provided that the grower, if dissatisfied with the decision of the Committee, could appeal in writing to the Secretary. The Secretary should be authorized, upon an appeal made as aforesaid, to modify or reverse the action of the Committee with respect to which the appeal was taken. It should be provided that the authority of the Secretary to supervise and control the issuance of handling certificates is unlimited and plenary, and that any decision by the Secretary with respect to any handling certificate shall be final and conclusive.

The Committee should be authorized to prescribe with approval of the Secretary regulations covering the requirements of identification of Type 62 tobacco by handlers during such period of time as the Committee deems necessary, as an incidental and necessary means of enabling the Secretary to ascertain the extent to which the provisions of this regulatory program are being carried out. It is the general practice, among handlers, to maintain the identity of the various quantities of such tobacco on the basis of the producer, the field where grown, and as to the priming; and it would be appropriate for the Committee to recommend the particular kind of identification for the Secretary's approval. In this connection, proposed requirements were set forth in the notice of hearing to the effect that each handler shall separately identify each quantity of tobacco covered by a handling certificate throughout the entire time he is handling the tobacco. At the hearing it was pointed out by officials of three different handlers who are affiliates of a major cigar manufacturing company that compliance with such requirements, at all stages of their handling activities, would work an undue hardship on them. However, this hardship appeared to be limited to the continued identification of such tobacco leaves as are customarily referred to as "pull-outs", i. e., off grade leaves that are pulled out, and segregated, from the tobacco at the time of sorting. The sorting usually takes place after three sweats. It probably would be satisfactory to such handlers if the "pull-outs" are excluded from application of the identification requirements. The brief filed in this proceeding recommended that the Committee propose a regulation governing the identification of tobacco, and the recommended marketing agreement and order contain this authority.

There may be cases where undue hardship would be experienced by individual producers because of circumstances beyond their control. It should be provided, therefore, that the Committee shall, subject to approval of the Secretary, adopt procedural rules to govern the issuance of exemption certificates. The Committee should be authorized to issue certificates of exemption to any grower who applies for such exemption and furnishes proof, satisfactory to the Committee, that by reason of acts of God or other conditions beyond his control and reasonable expectation, he will be prevented, because of any regulation pursuant to the marketing agreement and order, from handling or having handled as large a proportion of his production of tobacco during the then current fiscal period as the estimated average proportion of production of Type 62 tobacco permitted to be handled by all handlers during such fiscal period. Each such exemption certificate should permit the grower to handle, or have handled, a proportion of his production equal to the aforesaid estimated average proportion. The Committee should maintain a record of all applications submitted for exemption certificates and a record of all certificates issued, including the information used in determining in each instance the quantity of tobacco thus to be exempted. It should be provided that such additional information as the Secretary may require shall be in the records of the Committee. The Secretary should be apprised of the extent to which exemption certificates are issued, and the Committee should, from time to time, submit reports to the Secretary stating in detail the number of exemption certificates issued, the quantity of tobacco thus exempted, and such additional information as may be requested by the Secretary. Provisions should be made whereby growers would have the right of appeal with respect to exemption certificates similar to the right provided in regard to handling certificates. In order to achieve the equitable and orderly operation of the marketing agreement and order, the Committee should be authorized to make a thorough investigation at any time of any grower's or handler's claim pertaining to exemptions.

(f) As a means of determining whether the regulatory program is being carried out, it should be provided that each handler and each subsidiary and affiliate thereof shall keep such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not being limited to, identification of the grower of the tobacco and the field in which produced, and which shall be available for examination upon request of the Secretary. It should also be provided that upon request of the Committee made with the approval of the Secretary, each handler shall furnish to the Committee, in such manner and at such time as may be prescribed, such information as will enable the Committee to exercise its powers and perform its duties under the marketing agreement and order.

(g) Except as provided in the marketing agreement and order, no handler should be permitted to handle tobacco the handling of which is prohibited pursuant to the marketing agreement and order, and no handler should be permitted to handle tobacco except in conformity with the marketing agreement and order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of tobacco handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(h) The provisions of §§ 983.62 through 983.72, as hereinafter set forth, are provisions similar to those which are common to marketing agreements and orders now operating. The provisions of §§ 983.73 through 983.75, as hereinafter set forth, are also common to marketing agreements now operating. All such provisions are incidental to, and not inconsistent with section 8c (6) and (7) of the act, are necessary to effectuate the other provisions of the recommended marketing agreement and order, and are necessary to effecutate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

The provisions, which are applicable to the proposed marketing agreement and order, identified both by section number and heading, are as follows: §§ 983.62 *Right of the Secretary;* 983.63 *Amendments;* 983.64 *Duration of immunities;* 983.65 *Agents;* 983.66 *Derogation;* 983.67 *Personal liability;* 983.68 *Separability;* 983.69 *Effective time;* 983.70 *Termination;* 983.71 *Proceedings after termination;* and 983.72 *Effect of termination or amendment.*

The provisions which are applicable to the proposed marketing agreement only, identified both by section number and heading, are as follows: §§ 983.73 *Counterparts;* 983.74 *Additional parties;* and 983.75 *Order with marketing agreement.*

As heretofore stated, the seasonal average price of Type 62 tobacco for the 1950 crop was somewhat below parity. The seasonal average price for the 1951 crop has not as yet been announced by the Bureau of Agricultural Economics, but the record shows that it was considerably below parity. It is anticipated that the seasonal average price for the 1952 crop of Type 62 tobacco will not exceed the prescribed parity level.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) Such order regulates the handling of Type 62 tobacco grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences, in different parts of the production area, with respect to the production or marketing of Type 62 tobacco which require the prescribing of different terms applicable to different parts of such area; and

(5) All handling of Type 62 tobacco, as defined in said order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. The period ending February 26, 1952, was set by the presiding officer at the hearing as the latest date by which briefs, proposed findings, and proposed conclusions should be filed by interested parties with respect to the evidence adduced at the hearing. The only receipt was an informal brief, in the nature of a letter, from the proponents wherein it was (1) proposed that the term "top" be defined in keeping with recommendation contained in testimony at the hearing and (2) proposed that § 983.56 be written on a more general basis whereby identification requirements with respect to Type 62 tobacco would be covered at the Committee level in the form of a proposed regulation for approval by the Secretary rather than to spell out the requirement in the marketing agreement and order. Such has been done after consideration of the evidence in the record.

Recommended marketing agreement and order. The proposed marketing agreement and order hereinafter set forth are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The provisions identified with a footnote apply only to the proposed marketing agreement and not to the proposed order.

DEFINITIONS

§ 983.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, and any other officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to act in his stead.

§ 983.2 *Act.* "Act" means Public Act Number 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 983.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 983.4 *Tobacco.* "Tobacco" means all Type 62 shade-grown cigar-leaf tobacco, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30), that is grown in the production area and harvested after the effective date of this part.

§ 983.5 *Production area.* "Production area" means those counties bordering the Georgia-Florida State line and lying between the Suwanee River on the east and the Flint and Apalachicola Rivers on the west.

§ 983.6 *Grower; producer.* "Grower" or "producer" means any person who is engaged, in a proprietary capacity, in the commercial production of tobacco.

§ 983.7 *Handler; packer.* "Handler" or "packer" means the first person, including any grower, who handles tobacco on his own behalf or on behalf of others after harvest and farm curing (initial drying from the green state).

§ 983.8 *Handle; pack.* "Handle" or "pack" means to receive, bulk, sweat, sort, select, bale, or otherwise prepare tobacco for market, or to market tobacco.

§ 983.9 *Top.* "Top" means to remove the terminal bud and three stalk leaves from any tobacco plant by severing the stalk below the seed head prior to the time the third priming is made.

§ 983.10 *Prime.* "Prime" means to pick tobacco leaves as they ripen, beginning at the bottom of the tobacco stalk and removing a few leaves at a time.

§ 983.11 *Field.* "Field" means a field of tobacco within the confines of a single shade covering.

§ 983.12 *Fiscal period.* "Fiscal period" means the 12-month period beginning on February 1 and ending on January 31 of the following year, both dates inclusive: *Provided,* That the first fiscal period shall begin on the effective date of this part.

§ 983.13 *Control Committee; Committee.* "Control Committee" or "Committee" means the Control Committee established pursuant to § 983.20.

CONTROL COMMITTEE

§ 983.20 *Establishment and membership*—(a) *Establishment.* A Control Committee consisting of 11 members is hereby established to administer the terms and provisions of this part. For each member of the Committee there shall be an alternate member who shall have the same qualifications as the member; and, unless otherwise specified, all provisions of this part applicable to a member shall be applicable to his alternate.

(b) *Membership representation*—(1) *Growers who are not handlers.* Five members shall be growers who are not handlers; and of such members at least: One shall be a grower in, and resident of, Gadsden County, Florida; one shall be a grower in, and resident of, Madison County, Florida; one shall be a grower in, and resident of Decatur County, Georgia; and one shall be a grower in, and resident of, Grady County, Georgia. Any such member may be an officer, employee or agent of the respective grower.

(2) *Growers who are also handlers.* Four members shall be growers who are also handlers. Any such member may be an officer, employee or agent of the respective grower.

(3) *Handlers who are not growers.* Two members shall be handlers who are

not growers. Any such member may be an officer, employee or agent of the respective handler.

§ 983.21 *Term of office*—(a) *Initial members.* The term of office of each initial member of the Committee shall be the first fiscal period.

(b) *Successor members.* The term of office of each successor member shall be two consecutive fiscal periods.

(c) *General.* In the event a successor to any such member has not been selected and has not qualified by the end of the term of office of the respective member, such member shall continue to serve until his successor is selected and has qualified. Each member shall commence to serve on the date on which he qualifies.

§ 983.22 *Selection of members.* The Secretary shall select the various members of the Control Committee, and their respective alternates, on the basis and in the manner prescribed in §§ 983.20 and 983.23. However, with respect to the selection of the initial members of the Committee, the Secretary may make such selection without regard to any nominations.

§ 983.23 *Nominations*—(a) *Initial members.* For the consideration of the Secretary in making the selection of initial members of the Committee, nominations for eligible members may be submitted to him not later than the effective date of this part. Nominations for the grower members who are not handlers may be submitted by growers who are not handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the grower members who are also handlers may be submitted by growers who are also handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the handler members who are not growers may be submitted by handlers or by groups, including associations, of such handlers. Such nominations may be by virtue of elections conducted by groups of such handlers.

(b) *Successor members.* In order to provide nominations for successor members:

(1) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are not handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are not handlers.

(2) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are also handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are also handlers.

(3) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of handlers who are not growers for the purpose of designating nominees from among whom the Secretary may select handler members who are not growers.

(4) The Control Committee shall give adequate notice of each such meeting to all growers and handlers who may be eligible to participate in the respective nominations.

(5) The Secretary may prescribe additional rules and regulations not inconsistent with the provisions of this part, relative to the election of nominees for members on the Committee. Such action may be pursuant to recommendations of the Committee.

(6) At each such meeting held to nominate members on the Control Committee, those eligible to participate therein shall elect a chairman and secretary therefor. The chairman of each such meeting shall announce the name of each person for whom a vote has been cast, and the number of votes received by each shall be recorded in the minutes. Thereafter, the minutes of such meeting, including such information, shall be transmitted to the Secretary. In obtaining nominations, all persons eligible to participate therein shall be given a reasonable opportunity to vote.

(7) Only those eligible persons who are in attendance at any such meeting may participate in the designation of, and voting for, nominees. Each such person shall be entitled to cast but one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each member position for which he is eligible to participate in the designation and voting.

(8) Nominations for members shall be supplied to the Secretary not later than December 1 of the year in which the respective meeting was held, in such manner and form as the Secretary may prescribe.

§ 983.24 *Failure to nominate.* If nominations are not supplied to the Secretary within the time and in the manner and form specified by the Secretary pursuant to § 983.23 (b), the Secretary may, without regard to nominations, select the Committee members on the basis prescribed in § 983.20.

§ 983.25 *Qualification.* Each person selected by the Secretary as a member of the Committee shall, prior to serving on the Committee, qualify by filing a written acceptance with the Secretary within 15 days after being notified of such selection.

§ 983.26 *Alternate members.* An alternate for a member of the Committee shall, in the event of the member's absence, act in the place and stead of that member; and, in the event of the member's removal, resignation, disqualification, or death, such alternate shall act in the place and stead of such member until a successor for the unexpired term of said member is selected and has qualified.

§ 983.27 *Substitutes for members.* In the event the alternate who is authorized to act in the place and stead of a member is unable, or fails, to attend a meeting of the Committee, such member may designate any other alternate for a member of the same group as that represented by the absent member to act in his place and stead, and, pending such designation, the Secretary may designate such substitute.

§ 983.28 *Vacancies.* To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Control Committee, to file a written acceptance of appointment, or the death, removal, resignation, or disqualification of a member, a successor for his unexpired term of office shall be selected by the Secretary. Nominations may be submitted to the Secretary for his consideration in making such selection. The designation of nominees from among whom the Secretary may select a successor shall be in accordance with the provisions of this part applicable to the designation of nominees for successors to members of the Committee. In the event that such nominations are not submitted to the Secretary within 30 days after the beginning of the vacancy, the Secretary may select a successor without regard to such nomination.

§ 983.29 *Compensation.* Members of the Control Committee shall serve without compensation, but shall be reimbursed for reasonable expense necessarily incurred in the performance of their duties under this part.

§ 983.30 *Powers.* The Control Committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 983.31 *Duties.* The Control Committee shall have the following duties:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To select, from among its membership, a chairman and such other officers as may be necessary; to select subcommittees composed of committee members; and to adopt such rules and regulations for the conduct of its business as it deems advisable;

(c) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(d) To keep such minutes, books, and other records as will clearly reflect all of its acts and transactions and which shall be subject to examination at any time by the Secretary;

(e) To furnish to the Secretary information as to all of its activities, including a copy of the minutes of each meeting, and such other information as the Secretary may request;

(f) To cause the books and other records of the Committee to be audited by one or more competent accountants at least once each fiscal period and at such other times as the Control Committee

may deem necessary or as the Secretary may request, which report shall show the receipt and expenditure of funds collected pursuant to this part and a copy of each such report shall be furnished to the Secretary;

(g) To give to the Secretary the same notice of meetings of the Control Committee as is given to the members of the Committee; and

(h) With the approval of the Secretary, to issue such regulations as may be necessary and appropriate for the carrying out of the provisions of this part.

§ 983.32 *Procedure.* (a) The Control Committee may, upon the selection and qualification of nine of its members, organize and commence to function. It may hold meetings only after due notice to its members. The Secretary may designate the time and place of the initial meeting of the Committee.

(b) A quorum shall consist of nine members, including alternate members and substitutes then serving in the place and stead of any members, in attendance at the meeting; and all decisions of the Committee shall require not less than seven concurring votes of the members who are present at such meeting.

(c) The Committee may permit voting by mail or telegraph upon due notice to all members: *Provided,* That this method of voting shall not be used at an assembled meeting to obtain votes from absent members: *Provided further,* That when any proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption.

EXPENSES AND ASSESSMENTS

§ 983.40 *Use of funds collected.* All funds received by the Committee, pursuant to this part shall be used only for the purposes authorized in this part.

§ 983.41 *Budget and expenses.* The Control Committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during the then current fiscal period for its maintenance and functioning. The Committee shall, not later than 30 days after the beginning of each fiscal period, prepare and submit to the Secretary a budget of its proposed expenses for such fiscal period and a proposed rate of assessment, together with a report thereon. The funds to cover such expenses shall be acquired by levying assessments upon handlers as provided in this part.

§ 983.42 *Assessments.* (a) Each handler who first handles tobacco shall, with respect to such tobacco, pay to the Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the Committee during the then current fiscal period. Each such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of tobacco handled by him as the first handler thereof during the applicable fiscal period and the total quantity of tobacco handled by all handlers as the first handlers thereof during the same fiscal period.

(b) In order to provide funds to carry out the functions of the Committee, handlers may make advance payments of assessments.

§ 983.43 *Rate of assessment.* (a) The Secretary shall fix the rate of assessment to be paid by such handlers; and such rate shall be fixed after consideration of the Committee's recommendations and other available information applicable thereto.

(b) The Secretary may increase the rate of assessment at any time during a fiscal period in order to secure sufficient funds to cover any later finding of the Secretary relative to the expenses of the Committee.

§ 983.44 *Refunds.* If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal period, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 983.45 *Accountability of Committee members for funds and property.* The Secretary may, at any time, require the Committee, its members, employees, agents, and all other persons to account for all receipts and disbursements for which they are responsible. Whenever any person ceases to be a member of the Control Committee, he shall account to his successor, to the Committee, or to such person as the Secretary may designate for all receipts, disbursements, funds, books and records, and other property (in his possession or under his control) pertaining to the activities of the Committee for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, the Committee, or person designated by the Secretary the right to all of such funds and property and all claims vested in such person.

§ 983.46 *Legal action for collection of assessments.* The Control Committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, legal action against any handler for the collection of such handler's pro rata share of the aforesaid expenses.

REGULATION

§ 983.50 *Marketing policy and report.* (a) At the beginning of each fiscal period the Committee shall consider, prepare, and submit to the Secretary, a proposed policy, including a report thereon, for the handling of tobacco during such period.

(b) In developing its marketing policy, the Committee shall investigate relevant supply and demand conditions for tobacco. In such investigation, the Committee shall give appropriate consideration to the following:

(1) Estimated supply of and demand for tobacco (after considering carryover, production, disappearance, and like factors);

(2) Market price of tobacco by grade and quality at the grower-level and the handler-level;

(3) The trend and level of consumer income; and

(4) Other relevant factors.

(c) In the event it becomes advisable to deviate from such marketing policy, because of changed supply and demand conditions, the Control Committee shall formulate a new or revised marketing policy in the manner heretofore indicated and shall submit such marketing policy, including a report thereon, to the Secretary.

(d) The Control Committee shall notify all growers and handlers of the contents of each such report. The Committee may also publish such report in newspapers, selected by the Committee, of general circulation in each county in which Type 62 shade-grown cigar-leaf tobacco is produced.

§ 983.51 *Recommendation for regulation.* (a) Whenever the Committee deems it advisable to limit, during any specified period or periods, the handling of tobacco pursuant to this part it shall recommend to the Secretary the quantity of tobacco leaves, and the grade or quality of the leaves, or either thereof deemed by it advisable to be handled. Such recommendation may be on the basis of the number of stalk leaves and their location on the tobacco plant, and may contain different limitations with regard to leaves that were primed from tobacco plants that had been topped and leaves that were primed from plants that had not been topped. In making such recommendation, the Committee shall give consideration to the factors referred to in § 983.50. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation.

(b) The Committee may recommend the modification, suspension, or termination of any regulation pursuant to this part whenever it finds that to do so will tend to effectuate the declared policy of the act. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation.

(c) The Committee is not authorized to make any recommendation for any regulation that may limit or prohibit the handling of more than (1) the seven top stalk leaves immediately below the seed head of a tobacco plant that was not topped, or (2) the four top stalk leaves of a tobacco plant that was topped.

§ 983.52 *Issuance of regulation.* (a) Whenever the Secretary finds from the recommendation and information submitted by the Committee, or from other available information, that to limit the quantity of tobacco leaves, and the grade or quality of the leaves, or either thereof, that may be handled would tend to effectuate the declared policy of the act, he shall so limit the handling of tobacco during a specified period or periods. Each such regulation shall specify the quantity of tobacco leaves, and the grade or quality of the leaves, or either thereof, that may be handled and may be in relation to the number of stalk leaves and their location on the tobacco plant.

(b) The Secretary may modify, suspend, or terminate any regulation pur-

suant hereto whenever he finds, from the recommendation and information submitted by the Committee, or from other available information, that to do so will tend to effectuate the declared policy of the act.

(c) The Secretary may not issue any regulation that limits or prohibits the handling of more than (1) the seven top stalk leaves immediately below the seed-head of a tobacco plant that was not topped, or (2) the four top stalk leaves of a tobacco plant that was topped.

(d) The Secretary shall notify the Control Committee of each such regulation, modification, suspension, and termination; and the Committee shall give reasonable notice thereof to growers and handlers.

§ 983.53 *Initial regulations.* Beginning at the effective time of this part and continuing until suspended, modified, or terminated pursuant to this part, no handler shall handle (a) any of the seven top stalk leaves immediately below the seed head of any tobacco plant that was not topped or (b) any of the four top stalk leaves of a tobacco plant that was topped.

§ 983.54 *Limitations on handling.* (a) During any period or periods in which any regulation is effective pursuant to this part, no handler shall handle any leaves, of any tobacco plant, that are not stalk leaves or any tobacco the handling of which has been prohibited by the Secretary in accordance with the provisions of this part. Except to the extent otherwise permitted, no handler shall handle tobacco except in conformity with the provisions of this part.

(b) No person, whether as principal, agent, broker, legal representative, or otherwise, shall, unless specifically authorized in writing by the Control Committee, handle more than the first three primings of tobacco grown in any field of any producer unless prior to such handling the Control Committee had issued a "handling certificate" with respect to such tobacco.

§ 983.55 *Issuance of handling certificates.* (a) Each grower shall, with respect to the tobacco of each of his fields, be entitled, upon application to the Control Committee, or its representative, in such manner and form as it may with the approval of the Secretary require, to a certification of the Committee of such tobacco of the grower as may be eligible for handling. Each such certificate shall state the name of the grower and the name of the handler, and identify the field in which the certificated tobacco was grown. Notwithstanding any other provision of this part unless otherwise provided in this part, no such certificate shall be issued with respect to any tobacco the handling of which is prohibited pursuant to this part.

(b) Any grower who is dissatisfied with any determination by the Control Committee, on his application for the issuance of a handling certificate, may file a protest with the Committee: *Provided,* That such protest is in writing and filed promptly. The grower may submit, with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of handling certificates is unlimited and plenary; and any decision by the Secretary with respect to any handling certificate shall be final and conclusive.

§ 983.56 *Identification of tobacco handled.* The Committee may, with the approval of the Secretary, adopt requirements of identification by handlers of tobacco handled by them during such periods of time as the Committee deems necessary.

§ 983.57 *Exemption certificates.* (a) The Committee shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(b) The Control Committee may issue certificates of exemption to any grower who applies for such exemption and furnishes proof, satisfactory to the Committee, that by reason of Acts of God or other conditions beyond his control and reasonable expectation he will be prevented because of any regulation pursuant to this part from handling, or having handled, as large a proportion of his production of tobacco during the then current fiscal period as the estimated average proportion of production of tobacco permitted to be handled during such fiscal period. Each such exemption certificate shall permit the grower to handle, or have handled, a proportion of his production equal to the aforesaid estimated average proportion of production. The Committee shall maintain a record of all applications submitted for exemption certificates and shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of tobacco thus to be exempted, and a record of all exempted tobacco handled. Such additional information as the Secretary may require shall be in the record of the Committee. The Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of tobacco thus exempted, and such additional information as may be requested by the Secretary.

(c) Any grower who is dissatisfied with any determination by the Control Committee on his application for the issuance of an exemption certificate may file a protest with the Committee: *Provided,* That such protest is in writing and filed promptly. The grower may submit, with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any decision by the Secretary with respect to any exemption certificate shall be final and conclusive.

(d) The Committee shall be permitted at any time to make a thorough investigation of any grower's or handler's claim pertaining to exemptions.

MISCELLANEOUS

§ 983.60 *Books and records.* (a) Each handler and each subsidiary and affiliate thereof shall keep such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not being limited to, identification of the grower of the tobacco and the field in which produced, and which shall be available for examination upon request of the Secretary.

(b) Upon the request of the Committee made with the approval of the Secretary, each handler shall furnish to the Committee, in such manner and at such time as may be prescribed, such information as will enable the Committee to exercise its powers and perform its duties under this part.

§ 983.61 *Compliance.* Except as provided in this part, no handler shall handle tobacco, the handling of which is prohibited pursuant to this part and no handler shall handle tobacco except in conformity to the provisions of this part.

§ 983.62 *Right of the Secretary.* The members of the Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the Committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, determination, decision, or other act of the Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 983.63 *Amendment.* Amendments to this part may be proposed, from time to time, by the Committee or by the Secretary.

§ 983.64 *Duration of immunities.* The benefits, privileges and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under this part and during the existence of this part.

§ 983.65 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 983.66 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 983.67 *Personal liability.* No member or alternate of the Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 983.68 *Separability.* If any provision of this part is declared invalid, or the applicability of this part to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof, to any other person, circumstance, or thing shall not be affected thereby.

§ 983.69 *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature attached to this part and shall continue in force until terminated in any of the ways specified in this part.

§ 983.70 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this part, or regulations pursuant to this part, whenever he finds that such provisions or regulations do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of growers who, during the preceding fiscal period, have been engaged in the production of tobacco for market: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such tobacco produced for market; but such termination shall be effective only if announced on or before January 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 983.71 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the then functioning members of the Committee shall continue as trustees (for the purpose of liquidating the affairs of the Committee) of all funds and the property then in the possession of, or under control of, the Committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred, or delivered by the Committee or its members, pursuant to this section shall be subject to the same obligations imposed upon the members of the said Committee and upon the said trustees.

§ 983.72 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise, in connection with any provision of this part, or any regulation issued under this part, or (b) release or extinguish any violation of this part, or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to any such violation.

§ 983.73 *Counterparts.* This agreement may be executed in multiple counterparts; and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 983.74 *Additional parties.* After the effective date of this agreement, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary; and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 983.75 *Order with marketing agreement.* Each signatory handler favors and approves the issuance, by the Secretary, of an order regulating the handling of tobacco in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Done at Washington, D. C., this 26th day of March 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-3590; Filed, Mar. 28, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration and Commodity Credit Corporation

WAREHOUSE-STORAGE LOANS MADE UNDER 1951 PRICE SUPPORT PROGRAMS

NOTICE OF FINAL DATE OF REDEMPTION OF GRAINS AND RELATED COMMODITIES

Unless earlier demand is made by CCC, warehouse-storage loans under 1951 Price Support Programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless such loans are repaid on or before the final date for repayment specified below, or the producer notifies in writing either the PMA county committee or the PMA commodity office serving the area that the funds have been placed in the mail, CCC will purchase the commodities pursuant to the provisions of the note and loan agreement at the higher of (1) the loan value plus interest and charges or (2) the market value as determined by the appropriate PMA commodity office as of the close of the market on the final date for repayment. In the event such market value is in excess of the loan value plus interest and charges, the excess amount will be paid to the producer by the appropriate PMA commodity office.

Commodity:	*Maturity date and final date for repayment*
Grain sorghums	Mar. 31, 1952
Wheat	Apr. 30, 1952
Oats	Do.
Barley	Do.
Rye	Do.
Flaxseed (except in Texas, California, and Arizona)	Do.
Dry edible beans	Do.
Rice	Do.
Hay, pasture, and range grass seed (except Buffalo grass)	Do.
Soybeans	May 31, 1952
Corn	July 31, 1952
Buffalo grass seed	Sept. 30, 1952

[1] Applicable only to the proposed marketing agreement.

The PMA commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue; Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street; New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Fidelity Building, 911 Walnut Street; Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 3, Minn., Gamble-Skogmo Building, 15 North Eighth Street; Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New Orleans 12, La., 333 St. Charles Street, Room 1401; Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee.

New York 13, N. Y., 139 Centre Street; Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue; Idaho, Oregon, Washington.

San Francisco 2, Calif., 335 Fell Street, Rincone Annex; Arizona, California, Nevada, Utah.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 3, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1031; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1447, 1421)

Done at Washington, D. C., this 27th day of March 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 52-3653; Filed, Mar. 28, 1952; 8:52 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 7; Docket No. 8]

M & B METAL PRODUCTS CO., ET AL

SUSPENSION ORDER

In the matter of the M & B Metal Products Company, a partnership composed of M. M. Magnus, Sr., and O. R. Brekle; and M. M. Magnus, Sr., and O. R. Brekle, individually.

A hearing having been held in the above entitled matter on the 7th day of February 1952, before Charles J. Hilkey, a Hearing Commissioner of the National Production Authority, on a Statement of Charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799), redesignated as RP 1—Rules of Practice Before Hearing Commissioners (16 F. R. 8894), and

The respondents M & B Metal Products Company, a partnership composed of M. M. Magnus, Sr., and O. R. Brekle; and M. M. Magnus, Sr., and O. R. Brekle individually, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings, and each of them being represented by Leigh M. Clark, Esquire, an Attorney at Law of the firm of Cabaniss and Johnson, First National Bank Building, Birmingham, Alabama; and

The respondents having moved that the charges against them be quashed or otherwise held for naught, and without waiving said motion, having filed their answers to the charges herein; and

The aforesaid motion having been argued by Counsel; and

All evidence pertaining to the charges having been received and the Hearing Commissioner being advised in the premises, it is hereby determined:

Findings of fact. 1. That the respondents, M. M. Magnus, Sr., and O. R. Brekle, are a co-partnership doing business under the firm name and style of M & B Metal Products Company.

2. That the business of M & B Metal Products Company is in part and has been since at least January 1, 1950, the manufacture of wire garment hangers.

3. That in the manufacture of wire garment hangers M & B Metal Products Company uses and has used controlled material consisting of iron and steel products, to wit, steel wire of various gauges.

4. That the average quarterly use of iron and steel products by M & B Metal Products Company in the manufacture of wire garment hangers during the base period established by National Production Authority Orders M-47 and M-47A amounted to 1,002,095 pounds.

5. That during the calendar quarter commencing April 1, 1951, M & B Metal Products Company used in the manufacture of wire garment hangers iron and steel products the amount of 598,620 pounds, or 299.31 tons, in excess of the quantity thereof permitted by section 5 of National Production Authority's Order M-47, as amended, in that during such period M & B Metal Products Company used 1,400,296 pounds of such products, while lawfully entitled to use only 801,676 pounds thereof.

6. That during the calendar quarter commencing July 1, 1951, M & B Metal Products Company used in the manufacture of wire garment hangers iron and steel products the amount of 747,830 pounds, or 373.915 tons, in excess of the quantity thereof permitted by section 4 (a) and (c) of National Production Authority's Order M-47A, as amended, in that during said period M & B Metal Products Company used 1,449,297 pounds of such products, while lawfully permitted to use only 701,468 pounds thereof.

7. That M & B Metal Products Company has received for the calendar quarter commencing January 1, 1952, an allotment of 285 tons of iron and steel products for the manufacture of wire garment hangers during said quarter.

8. That M & B Metal Products Company erroneously stated in its CMP-4B application for 1st quarter 1952 allotment that its base period use of iron and steel products was 1,140 tons, when in fact it was 1,002 tons. The industry-wide allotment for the calendar quarter commencing January 1, 1952, was based on 50 percent of average quarterly base period use. M & B Metal Products Company average quarterly base period use was in fact 501 tons. As a direct result of the incorrect statement of their base period use, their allotment for the calendar quarter commencing January 1, 1952, was fixed at 285 tons instead of 250.5 tons, the amount to which they would have been entitled had they correctly stated their base period use.

Conclusion. During the period beginning April 1, 1951, and ending September 30, 1951, M & B Metal Products Company, a partnership composed of M. M. Magnus, Sr., and O. R. Brekle; and M. M. Magnus, Sr., and O. R. Brekle individually, committed acts prohibited by the aforesaid National Production Authority Orders M-47 and M-47A, as amended, to wit, the unauthorized use of 1,346,449 pounds, or 673.225 tons, of iron and steel products; and these violations have diverted critical materials to uses not authorized by the National Production Authority.

Accordingly, it is ordered:

1. That the respondents' motion that the Statement of Charges be quashed or otherwise held for naught, be, and it is hereby overruled.

2. That all priority assistance, allocations, and allotments for the use of controlled materials consisting of iron and steel products be, and is hereby withdrawn and withheld from M & B Metal Products Company, a partnership composed of M. M. Magnus, Sr., and O. R. Brekle; and from M. M. Magnus, Sr., and O. R. Brekle individually, their successors and assigns, for the period beginning March 1, 1952, and ending April 15, 1952; and that they, and each of them, be and they are hereby prohibited from using controlled materials consisting of iron and steel products during the period specified in this paragraph.

3. That the use of controlled materials, consisting of iron and steel products, which may now or hereafter be authorized to M & B Metal Products Company, a partnership composed of M. M. Magnus, Sr., and O. R. Brekle; and M. M. Magnus, Sr., and O. R. Brekle individually, their successors and assigns, by allotments made or orders issued by the National Production Authority be and the same is hereby reduced in the amount of 100,000 pounds or 50 tons per month beginning April 16, 1952, and continuing thereafter until their usage thereof as authorized by the National Production Authority, has been reduced by 1,096,000 pounds or 548 tons, or until said items of controlled materials are decontrolled, whichever occurs first; and M & B Metal Products Company, a partnership composed of M. M. Magnus, Sr., and O. R. Brekle; and M. M. Magnus, Sr., and O. R. Brekle individually, their successors and assigns, be and they are hereby prohibited from using any controlled materials consisting of iron and steel products in pursuance to allotments made or orders or regulations issued by the National Pro-

duction Authority in excess of such authorized usage as herein reduced.

Issued this 25th day of February 1952.

THE NATIONAL PRODUCTION AUTHORITY,
By CHARLES J. HILKEY,
Hearing Commissioner.

[F. R. Doc. 52-3711; Filed, Mar. 28, 1952; 11:54 a. m.]

Office of International Trade

[Case No. 124]

INTERNATIONAL MARKETERS, LTD., ET AL.

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of International Marketers, Ltd., Ivan Otto Schwarz, Arnost Polak, 56 George Street, London W. 1, England, respondents; Case No. 124.

This proceeding was begun by the issuance of a charging letter dated June 26, 1951, wherein International Marketers (London), Ltd., Arnost Polak and Ivan Otto Schwarz (hereinafter referred to as respondents when not referred to by name) were charged with having violated the Export Control Act of 1949, as amended, and the regulations issued thereunder. They were charged with having submitted a false order, purporting to be that of a Swiss firm, without authorization from the Swiss firm for the purpose of having an export license issued for the export of five Caterpillar tractors from the United States to Switzerland, which tractors they intended to transship from Switzerland to Poland. The license was never granted and this proceeding was commenced after the Swiss firm denied knowledge of the order.

The charging letter temporarily suspended respondents from the privilege of participating in any validated license shipments from the United States pending the outcome of this proceeding.

Respondents answered the charges, appeared by counsel and requested an oral hearing, which has been held by the Compliance Commissioner. They were not present in person but were represented at the hearing by their attorney. After review and consideration of all the evidence, the answers of respondents and the memorandum submitted by their attorney, the Compliance Commissioner has duly submitted his Report and Recommendations to the Assistant Director for Export Supply.

The Assistant Director for Export Supply has carefully considered and reviewed the entire record herein, including the charging letter and the answers, the evidence submitted to the Compliance Commissioner, the transcript of hearing, the memorandum submitted on behalf of the respondents and the Report and Recommendations, from all of which it is found:

1. International Marketers (London), Ltd., is a corporation organized and doing business in London, England. Except for one share, its 1,000 shares of capital stock are owned equally by Arnost Polak and Ivan Otto Schwarz, who are also its directors.

2. In a letter dated November 5, 1949, International Marketers (London), Ltd., by Arnost Polak, ordered five Caterpillar tractors from a New York firm, stated that the country of destination was Switzerland and that the tractors were to be used for roadmaking purposes. In the letter, "a direct order from the Swiss buyers" was promised upon acceptance of the order.

3. Thereafter, on November 10, 1949, Arnost Polak executed and delivered to the New York firm a paper which purported to be the direct order so promised. It was in form an order for the five tractors to be shipped to Switzerland, on stationery purporting to be that of a Swiss firm and had the name "Sommer" written thereon by Arnost Polak as a signature under the subscription.

4. These orders were delivered to the New York firm to support an application for an export license.

5. These orders were false in that (a) the tractors were not to be purchased by the Swiss firm, (b) the name "Sommer" signed by Polak was fictitious in that there was no such person and (c) the tractors were not to be used for roadmaking purposes in Switzerland.

6. Polak was not authorized to execute and deliver the order on behalf of the Swiss firm.

7. Polak executed and delivered said paper purporting to be an order from the Swiss firm on behalf of International Marketers (London), Ltd., and he was so authorized by it.

8. Ivan Otto Schwarz knew that Polak had gone to the United States to obtain tractors for International Marketers (London), Ltd., and knew that the tractors were to be shipped to a destination other than England and from there transshipped to England.

9. Schwarz authorized Polak to do what Polak deemed necessary to obtain the tractors for International Marketers (London), Ltd.

10. The intention was to have the tractors exported from the United States under an export license authorizing their shipment to Switzerland and then, in contravention of the terms of the license, to transship them to England.

11. The charge that respondents intended to transship the tractors from Switzerland to Poland has not been proven and it does not appear that this was their intention.

12. An application for export license, supported by the International Marketers (London), Ltd., order of November 5, 1949, and later bolstered by the paper purporting to be a firm order from the Swiss firm was submitted to the Office of International Trade.

13. Said application was denied as a result of the investigation of the facts brought out in these proceedings.

From the foregoing, it is concluded that the respondents Arnost Polak, Ivan Otto Schwarz and International Marketers (London) Ltd. violated the Export Control Act of 1949, as amended, in that they submitted false orders to the Office of International Trade in support of an application for an export license, that the signature "Sommer" to one of the orders was fictitious in that such a person did not sign the same and in fact was non-existent, and that although the ultimate consignee and destination were stated in the orders as being in Switzerland, this was false in that the intention was to transship the tractors ordered to England. There is no competent proof that there was an intention to transship to Poland and, to that extent the charge is dismissed.

In his report, the Compliance Commissioner has considered and appraised the acts of the respondents and has given due weight to various surrounding circumstances disclosed by the evidence before him in formulating his recommendations. They are found to be fair and reasonable, necessary to achieve effective enforcement of the act and to protect the public interest, and it is now, therefore, ordered as follows:

I. All outstanding validated export licenses in which International Marketers (London), Ltd., Arnost Polak and Ivan Otto Schwarz, or any of them, appear as purchaser, intermediate or ultimate consignee or otherwise as a participant in any capacity be revoked and forthwith returned to the Office of International Trade.

II. International Marketers (London), Ltd., Arnost Polak and Ivan Otto Schwarz, their successors or assigns, directors, officers, representatives, agents, and/or employees, be and they hereby are denied, until January 31, 1953, the privilege of obtaining or using or participating in the obtaining or using of validated export licenses or general licenses for the export from the United States to any destination of any commodity. They, and each of them, be and they hereby are further denied, until January 31, 1953, the privilege of directly or indirectly receiving, or being a party to, or otherwise participating in, any exportation of any commodity from the United States in any manner or capacity, including the financing, forwarding, transporting or other servicing of such exports.

III. Such denial of export privileges shall apply not only to the named respondents, and each of them, but during said period to any person, firm, corporation, or business organization with which they or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States.

IV. No person or business organization during said period shall knowingly (a) apply for or obtain any license, Shipper's Export Declaration, bill of lading or other export control document relating to any exportation from the United States of commodities to or for any of the respondents or those persons and business organizations within the scope of paragraphs II and III hereof, or (b) order, receive, service, or otherwise act as a party to, any exportation of commodities from the United States, in such manner that any of the respondents or those persons and business organizations included in paragraphs II and III hereof will directly or indirectly obtain any benefit therefrom during said period, without prior disclosure of such

facts to, and specific authorization of, the Office of International Trade.

Dated: March 25, 1952.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 52-3573; Filed, Mar. 28, 1952; 8:46 a. m.]

[Case No. 129]

MARTON DISTRIBUTORS, INC., ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of Marton Distributors, Inc., Irving Marton, Olga H. Marton, 1266 Forty-Seventh Street, Brooklyn 19, New York; respondents.

This proceeding was begun by the issuance of a charging letter, dated August 22, 1951, wherein the Office of International Trade charged the above-named respondents with having violated the Export Control Act of 1949 and the regulations in effect thereunder.

The charging letter alleged that the respondent, Irving Marton, on behalf of himself and the other respondents, attempted by gifts or bribes of $200 and $300 to induce two licensing officers of the Office of International Trade to take actions with respect to the issuance of validated export licenses to respondent Marton Distributors, Inc., and with respect to other aspects of the administration of the export control law.

The above-named respondents, after receiving the said charging letter, and following discussions by their counsel with officials of the Office of International Trade, submitted to the Office of International Trade, with the advice of and through their counsel, a letter in which they did not contest the charges set forth in the aforesaid letter of August 22, 1951, and in which they waived all right to a hearing on such charges and consented to the entry of an order the terms of which are set forth hereinbelow.

The charging letter, evidentiary material relating to the charges set forth therein, and the above-mentioned proposal for a consent order have been submitted to the Compliance Commissioner for review. Upon the basis of such review, and upon the informal presentation of the facts, including the effect of temporary suspension orders denying to respondents the exercise of validated export licensing privileges since June 29, 1951, and general licensing privileges from June 29, 1951, to August 26, 1951, and revoking and canceling all outstanding export licenses held by or issued in the name of any of said respondents and including also extenuating circumstances claimed by respondents, at the conference with counsel for the Office of International Trade and counsel for said respondents, the Compliance Commissioner has found the terms and conditions of the proposed order as consented to by respondents to be fair and reasonable, and has recommended that such order be issued.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material and the proposal for a consent order. It appears therefrom that such findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted. Now, therefore, it is ordered as follows:

(1) Respondents, and each of them are hereby denied and declared ineligible to exercise the privileges of exporting, receiving or otherwise participating directly or indirectly in any exportation of any commodity from the United States to any foreign destination, including Canada. Such denial of export privileges is deemed to include and prohibit participation, directly or indirectly in any manner or capacity, (a) in the obtaining or using of export licenses, including general as well as validated export licenses, (b) as a party or a representative of a party to any export license application, (c) in any exportation from the United States to Canada, or to any other destination, (d) in receiving any exportation from the United States, and (e) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(2) Such denial of export privileges shall extend not only to the named respondents, and each of them, but also to any person, firm, corporation, or other business organization with which they or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(3) This order shall extend for a period of fifteen (15) months from the date hereof: *Provided, however,* That upon the expiration of nine (9) months from the date of this order, the order shall be suspended for the balance of the fifteen (15) month period and the export privileges denied herein shall be restored to respondents. In the event, however, that the respondents or any of them, at any time during the fifteen (15) month period covered by this order violate any of the provisions of this order or any of the export control regulations of the Office of International Trade, the Office of International Trade may summarily at the time it determines such violation has occurred, issue a further order denying to the respondent or respondents who have committed such violation all export privileges for the full six (6) month period which has been suspended, without limiting thereby the Office of International Trade from instituting further separate action based on such violation.

(4) For the duration of United States export controls, Olga H. Marton and Irving Marton, and each of them, shall be excluded from the conduct of business and practice before the Department of Commerce in connection with export control matters, either on their behalfs or on behalf of another (including Marton Distributors, Inc.) to the extent that neither of them may appear personally in the offices of the Department of Commerce in Washington, D. C., or elsewhere, in connection with any export control matter, but shall, instead, conduct any such business and practice (including acts for their own behalf and on behalf of Marton Distributors, Inc.) through means of written communication, telephone, or a suitable and proper representative who may be an employee of Marton Distributors, Inc.

Dated: March 25, 1952.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 52-3574; Filed, Mar. 28, 1952; 8:46 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 17, DPAV-17(a)]

ADDITIONAL COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON 3.5" ROCKETS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies are herewith published which have accepted the request to participate in the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on 3.5" Rocket," dated July 25, 1951, which request and original list of companies accepting such request were published on February 19, 1952, at 17 F. R. 1527.

Aircraft-Marine Products, Inc.,
2100 Paxton Street,
Harrisburg, Pennsylvania.

Ashtabula Bow & Socket Company,
4212 Ann Avenue,
Ashtabula, Ohio.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: March 26, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-3709; Filed, Mar. 28, 1952; 11:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 99]

LAREDO, TEXAS; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification

by the Secretary of Defense and the Director of Defense Mobilization, dated March 26, 1952, that the Laredo, Texas, Area (the area consists of that portion of Webb County, Texas, lying within a 10-mile radius of the Administration Building of the Laredo Air Force Base, including the City of Laredo) is a critical defense housing area, and in view of the defense housing program announced for the said area on March 21, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Laredo, Texas, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

MARCH 27, 1952.

[F. R. Doc. 52-3721; Filed, Mar. 28, 1952; 12:11 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1526]

WESTCOAST TRANSMISSION CO., INC.

NOTICE OF AMENDED APPLICATION

MARCH 25, 1952.

Take notice that Westcoast Transmission Company, Inc. (Applicant), a Delaware corporation of Wilmington, Delaware, filed on March 18, 1952, an amended application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission facilities hereinafter described.

Applicant proposes to construct and operate approximately 138 miles of 20-inch pipeline from the international boundary near Sumas, Washington, to a point near Tacoma, Washington, and approximately 139 miles of 18-inch pipeline from Tacoma, Washington, to Portland, Oregon, and to construct and operate a 4,000 hp. compressor station in the vicinity of Mount Vernon, Washington. Through these facilities Applicant proposes to transport natural gas for resale to the Cities of Seattle, Washington; and Portland, Oregon, and to other communities along the pipeline. Such communities will be served by short branch lines to Bellingham, Mount Vernon, Everett, Bellevue, Tacoma-Olympia, Centralia-Chehalis and Kelso-Longview, in Washington; and St. Helens, Oregon.

Applicant expects to transport and deliver approximately 176,000 Mcf on the peak day, and 51,832,000 Mcf per year during the fifth year of operations.

Applicant purposes to obtain its supply of natural gas from Westcoast Transmission Company, Ltd., which in turn proposes to construct and operate a transmission system in Canada.

The estimated cost of Applicant's proposed facilities is $17,142,000. Applicant proposes to finance approximately 75 percent of such cost of construction through the sale of bonds, and the remaining 25 percent of such cost by the sale of common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3605; Filed, Mar. 28, 1952; 8:49 a. m.]

[Docket No. G-1836]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

ORDER FIXING DATE OF HEARING

On November 13, 1951, Central Illinois Public Service Company (Applicant), an Illinois corporation having its principal place of business at Springfield, Illinois, filed an application, as supplemented on February 4 and March 19, 1952, respectively, pursuant to section 7 of the Natural Gas Act, for (1) a certificate of public convenience and necessity, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in the application and (2) an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its transportation facilities with those of Applicant, and to sell natural gas to it at a point of connection near Chrisman, Illinois.

Since the filing of the application, however, Panhandle has executed a service agreement with Applicant which, among other things, provides for delivery of natural gas at a point of connection near Chrisman, Illinois, and by letter dated January 2, 1952, Panhandle has indicated that it has no objection to the rendition of service at the new point of connection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 8, 1951 (16 F. R. 12406).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 24, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 25, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3599; Filed, Mar. 28, 1952; 8:48 a. m.]

[Docket No. G-1916]

NORTHWEST NATURAL GAS CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO IMPORT AND EXPORT NATURAL GAS

MARCH 25, 1952.

Take notice that Northwest Natural Gas Company (Applicant), a Delaware corporation of New York, N. Y., filed on March 14, 1952, an application for authorization, pursuant to section 3 of the Natural Gas Act, for the importation and exportation of natural gas.

Applicant has heretofore filed an application, as amended, in Docket No. G-996, for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline system from a point near Eastport, Idaho, through Spokane, Washington, to Monroe, Washington, and from that point south to Portland, Oregon, and north to the Canadian border near Lynden, Washington.

Applicant also proposes to construct and operate a lateral pipeline from a point on the above-mentioned pipeline near Newport, Washington, to the Canadian border near Waneta, British Columbia.

Applicant herein requests authorization to import gas at the beginning of this line near Eastport, Idaho, and to export gas at the terminal points of this line near Waneta, British Columbia, and Lynden, Washington.

Applicant proposes to purchase natural gas from Alberta Natural Gas Company. The natural gas which Applicant proposes to export will be gas imported from Canada and will be transported for the account of Alberta Natural Gas Company for delivery to The Consolidated Mining and Smelting Company of Canada, Ltd., and British Columbia Electric Company, Ltd.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3606; Filed, Mar. 28, 1952; 8:49 a. m.]

[Docket No. G–1917]

NORTHWEST NATURAL GAS CO.

NOTICE OF APPLICATION FOR A PRESIDENTIAL PERMIT

MARCH 25, 1952.

Take notice that Northwest Natural Gas Company (Applicant), a Delaware corporation of New York, N. Y., filed on March 14, 1952, an application, pursuant to Executive Order No. 8202, for authorization to construct, maintain and operate certain facilities at the international boundary for the importation and exportation of natural gas as hereinafter described.

Applicant has filed application, as amended, in Docket No. G–996, for a certificate of public convenience and necessity for the construction and operation of a pipeline system in northern Idaho and Washington for the importation, exportation, transportation and sale for resale of natural gas. Applicant has also filed application in Docket No. G–1916 for authorization to import and export natural gas.

Applicant herein requests authorization to construct and operate a mainline valve and multiple-run meter station on its proposed 24-inch pipeline at a point on the international boundary near Eastport, Idaho, for the importation of natural gas.

Applicant also herein requests authorization to construct and operate a mainline valve and meter station on its 3-inch pipeline at the international boundary near Lynden, Washington, for the exportation of natural gas, and a main-line valve and meter station on its 2¾-inch pipeline at the international boundary near Waneta, British Columbia, for the exportation of natural gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3607; Filed, Mar. 28, 1952; 8:49 a. m.]

[Docket No. G–1918]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 25, 1952.

Take notice that Northern Natural Gas Company, a Delaware corporation with its principal place of business at Omaha, Nebraska, filed application on March 17, 1952, for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct and operate approximately 400 miles of 24-inch pipeline extending from a point of connection on the international boundary near Emerson, Manitoba, Canada, in a southerly direction to a point near Fergus Falls, Minnesota, and thence in a southeasterly direction to a point of connection with Applicant's existing pipeline facilities near Minneapolis and St. Paul, Minnesota.

Applicant also proposes to construct and operate a 5,280 hp. compressor station, to be designated as Station No. 1 on this proposed pipeline at the international boundary, and a 5,280 hp. compressor station to be designated as Station No. 2, on its proposed pipeline, approximately 160 miles south of the proposed Station No. 1. Applicant proposes to purchase natural gas from Western Pipe Lines, a Canadian corporation at the Canadian border, and to transport such gas through the proposed facilities to its existing system for sale for resale. Applicant expects to purchase and transport a maximum of 150,000 Mcf. per day during the first year of operation, and thereafter to increase its purchases and transportation up to a maximum of 250,000 Mcf. per day.

The estimated cost of Applicant's proposed facilities is $24,590,000. Applicant proposes to finance this construction by the issuance and sale of debt and equity securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3608; Filed, Mar. 28, 1952; 8:50 a. m.]

[Docket No. G–1919]

WESTCOAST TRANSMISSION CO., INC.

NOTICE OF APPLICATION FOR AUTHORIZATION TO IMPORT NATURAL GAS

MARCH 25, 1952.

Take notice that Westcoast Transmission Company, Inc. (Applicant), a Delaware corporation of Wilmington, Delaware, filed on March 18, 1952, an application for authorization, pursuant to section 3 of the Natural Gas Act, to import natural gas from Canada into the United States.

Applicant has filed an application, as amended, in Docket No. G–1526 for authorization to construct and operate a pipeline to transport natural gas from the Canadian border to the vicinities of Seattle and Tacoma, Washington, and Portland, Oregon.

Applicant proposes to obtain its supply of natural gas from Westcoast Transmission Company, Ltd., which in turn proposes to transport natural gas from fields situated in the Provinces of Alberta and British Columbia, Canada.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–3609; Filed, Mar. 28, 1952; 8:50 a. m.]

[Docket No. G–1920]

WESTCOAST TRANSMISSION CO., INC.

NOTICE OF APPLICATION FOR PRESIDENTIAL PERMIT

MARCH 25, 1952.

Take notice that Westcoast Transmission Co.. Inc. (Applicant), a Delaware corporation, filed on March 18, 1952, an application for a Presidential Permit, pursuant to Executive Order No. 8202, authorizing the construction and operation of certain transmission pipeline facilities at the international boundary.

Applicant has filed an application, as amended, in Docket No. G–1526 for authorization to construct and operate a pipeline to transport natural gas from the Canadian border to the vicinities of Seattle and Tacoma, Washington, and Portland, Oregon.

Applicant has also filed an application in Docket No. G–1919 for authorization to import natural gas from Canada into the United States.

Applicant proposes to construct and operate, at a point on the international boundary near Sumas, Washington, facilities consisting of a 20-inch transmission pipeline crossing the international boundary, together with valves and meter stations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

F. R. Doc. 52–3610; Filed, Mar. 28, 1952; 8:50 a. m.]

[Docket No. G–1921]

TENNESSEE GAS TRANSMISSION CO. AND NIAGARA GAS TRANSMISSION LTD.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT NATURAL GAS

MARCH 25, 1952.

Take notice that Tennessee Gas Transmission Company (Tennessee), a Delaware corporation of Houston, Texas, and Niagara Gas Transmission Limited (Niagara), a Canadian corporation of Toronto, Canada, filed on March 18, 1952, a joint application pursuant to section 3 of the Natural Gas Act, for an order authorizing the exportation of natural gas.

Niagara intends to construct and operate a natural-gas transmission system located in the Provinces of Ontario and Quebec for the purpose of serving the cities of Hamilton, Toronto, Ottawa,

and other communities in Ontario, and Montreal and other communities in Quebec.

Niagara proposes to purchase its supply of natural gas from producers in southwestern United States. This gas, amounting to aproximately 50,000,000 Mcf per year, will be transported through Tennessee's system and delivered and exported to Niagara at a point on the International boundary near Niagara Falls, New York.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3611; Filed, Mar. 28, 1952; 8:50 a. m.]

[Docket No. G-1922]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION FOR PRESIDENTIAL PERMIT

MARCH 25, 1952.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation, of Houston, Texas, filed on March 18, 1952, an application, pursuant to Executive Order 8202, for a Presidential Permit to construct and operate facilities at the international boundary for the exportation of natural gas.

Applicant has filed a joint application with Niagara Gas Transmission Limited (Niagara) in Docket No. G-1921 for authorization to export natural gas in the vicinity of Niagara Falls, New York, for transportation and sale by Niagara to Montreal, Toronto, Ottawa, and other communities in Canada.

Applicant herein requests permission to construct and operate at the international boundary, near Niagara Falls, New York, a 26-inch transmission pipeline on an aerial suspension bridge over the Niagara River to connect the transmission system, which Niagara intends to build in Canada, with a spur line which Applicant intends to build from its existing main transmission line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3612; Filed, Mar. 28, 1952; 8:50 a. m.]

[Docket No. G-1923]

TRANS-NORTHWEST GAS, INC.

NOTICE OF APPLICATION FOR AUTHORIZATION TO IMPORT AND EXPORT NATURAL GAS

MARCH 25, 1952.

Take notice that Trans-Northwest Gas, Inc. (Applicant), a Washington corporation of Spokane, Washington, filed on March 18, 1952, an application pursuant to section 3 of the Natural Gas Act for an order authorizing the importation and exportation of natural gas.

Applicant intends to construct and operate a natural-gas transmission system located in the State of Washington, serving the communities of Grand Coulee, Moses Lake, Pasco, Walla Walla, Yakima, Spokane, and other communities in Washington along its line, and also to serve the Atomic Energy Commission plant at Hanford, Washington.

Applicant proposes to purchase its supply of natural gas from Westcoast Transmission Company, Ltd., and to import this gas from Canada in the vicinity of Osoyoos, British Columbia. A portion of this gas will be transported through its system and resold and exported to Westcoast Transmission Company, Ltd., near Trail, British Columbia.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3613; Filed, Mar. 28, 1952; 8:50 a. m.]

[Docket No. G-1924]

TRANS-NORTHWEST GAS, INC.

NOTICE OF APPLICATION FOR PRESIDENTIAL PERMIT

MARCH 25, 1952.

Take notice that Trans-Northwest Gas, Inc. (Applicant), a Washington corporation, of Spokane, Washington, filed on March 18, 1952, an application, pursuant to Executive Order 8202, for a permit to construct and operate facilities at the international boundary for the importation and exportation of natural gas.

Applicant has filed application in Docket No. G-1923 for authorization to import natural gas in the vicinity of Osoyoos, British Columbia, and export gas near Trail, British Columbia.

Applicant herein requests permission to construct and operate at the international boundary near Osoyoos, British Columbia, an 18-inch transmission pipeline crossing the international boundary together with valves and meter station, and to construct and operate at the international boundary near Trail, British Columbia, a 10-inch transmission pipeline crossing the international boundary together with valves and meter station.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3614; Filed, Mar. 28, 1952; 8:50 a. m.]

[Docket No. G-1925]

EAST TENNESSEE NATURAL GAS CO.

ORDER SUSPENDING PROPOSED GAS TARIFF AND FIXING DATE OF HEARING

On February 25, 1952, East Tennessee Natural Gas Company (East Tennessee) filed with the Commission its FPC Gas Tariff, First Revised Volume No. 1, with a request that it be permitted to take effect on March 24, 1952,[1] superseding its FPC Gas Tariff, Original Volume No. 1.

The proposed tariff changes Rate Schedule G-1 by increasing the charges for the commodity component from 18 cents per Mcf to 20.5 cents per Mcf; and changes Rate Schedule I-1 by increasing the charges from 23 cents per Mcf to 26 cents per Mcf. Additionally, the proposed tariff eliminates the developmental maximum charges contained in the present tariff and makes other changes in terms and conditions of service.

The cost studies submitted by East Tennessee in support of the proposed increase in charges and the reasons and data in support of the elimination of the developmental maximum charge do not appear to justify the proposed changes.

According to information furnished by East Tennessee, the proposed increased rates and the elimination of the developmental provision would increase East Tennessee's gross revenue for the 12 months ending February 28, 1953, by $431,000.

Numerous customers of East Tennessee have entered protests against acceptance of the proposed tariff and have requested suspension thereof.

The Commission finds: East Tennessee's FPC Gas Tariff, First Revised Volume No. 1, may be unjust, unreasonable, unduly discriminatory or preferential and may place an undue burden upon ultimate consumers of natural gas, and the Commission should enter upon a hearing, pursuant to section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, classifications and services of said tariff, including rate schedules, rules, regulations, practices or contracts affecting such rates, charges, classifications and services and said Gas Tariff should be suspended pending hearing and decision thereon.

The Commission orders:

(A) East Tennessee's FPC Gas Tariff First Revised Volume No. 1, be and the

[1] This is less than the 30 days' notice required by section 4 of the Natural Gas Act

same is hereby suspended, pursuant to section 4 of the Natural Gas Act, and pending a hearing and decision thereon, its use is deferred until August 26, 1952, and until such further time as such tariff may be made effective in accordance with the provisions of the Natural Gas Act.

(B) A public hearing be held in this proceeding commencing on May 5, 1952, at 10:00 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Date of issuance: March 25, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3600; Filed, Mar. 28, 1952; 8:48 a. m.]

[Project No. 1662]

FRED C. OLSEN

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

MARCH 25, 1952.

Notice is hereby given that on June 5, 1951, the Federal Power Commission issued its order entered May 29, 1951, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3601; Filed, Mar. 28, 1952; 8:49 a. m.]

[Project No. 2038]

WINDSOR LOCKS CANAL CO.

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

MARCH 25, 1952.

Notice is hereby given that on January 18, 1952, the Federal Power Commission issued its order entered January 15, 1952, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3602; Filed, Mar. 28, 1952; 8:49 a. m.]

[Project No. 2068]

OLIVE BERYL BLANKENSHIP

NOTICE OF ORDER ISSUING LICENSE (MINOR)

MARCH 25, 1952.

Notice is hereby given that on February 7, 1952, the Federal Power Commission issued its order entered February 5, 1952, issuing license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3603; Filed, Mar. 28, 1952; 8:49 a. m.]

[Project No. 2083]

PUBLIC UTILITY DISTRICT NO. 1 OF LEWIS COUNTY, WASHINGTON

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

MARCH 25, 1952.

Notice is hereby given that on February 7, 1952, the Federal Power Commission issued its order entered February 5, 1952, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3604; Filed, Mar. 28, 1952; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

DISPOSITION OF QUARTZ MATERIAL HELD IN THE NATIONAL STOCK PILE

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 596, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 2,000 tons of low-grade quartz crystals and quartz crystal chips now held in the National Stock Pile. The materials to be disposed of are no longer needed in the Stock Pile because of revised determinations by the Munitions Board, made on September 20 and December 7, 1951, that this particular lot of low-grade quartz material is no longer strategic and critical material within the purview of the above act.

The revised determinations of the Munitions Board have been made because of obsolescence of the material, which has no further usefulness for use in time of war. The material consists of approximately 2,000 tons of rejected quartz crystals and quartz crystal chips which were accumulated during World War II from processing and inspection of Government-owned raw quartz by the National Bureau of Standards. At the time the material was transferred to the Stock Pile, the recovery of an appreciable amount of usable quartz meeting stockpiling specifications was anticipated. However, subsequent examination has revealed that the material is uniformly defective and that the crystals contain little or no usable area for piezo-electric purposes. While a small portion of the crystals is believed capable of yielding a negligible quantity of wafers, this material can be segregated only by careful selection at prohibitive cost. Therefore, it has been determined that this lot of low-grade quartz material is not suitable for stockpiling.

To avoid continuing storage costs and to obtain the greatest benefit to the Government from property no longer needed in the National Stock Pile, it is proposed to release the material for disposition in accordance with applicable procedures governing the utilization and disposal of excess property. The material will be declared excess and made available for screening after October 15, 1952. In the event that the material is subsequently declared surplus to the needs of the Government and sold, no disruption of the markets for quartz minerals is expected to follow.

Dated: March 24, 1952.

JESS LARSON, *Administrator of General Services.*

[F. R. Doc. 52-3616; Filed, Mar. 28, 1952; 8:51 a. m.]

Public Buildings Service

[Wildlife Order 20]

TRANSFER OF PORTION OF PROPERTY KNOWN AS FERN RIDGE RESERVOIR (D-ORE-405) LANE COUNTY, OREGON TO STATE OF OREGON

Pursuant to the authority granted under Public Law 537, Eightieth Congress, approved May 19, 1948, notice is hereby given that:

1. By deed from the United States of America dated January 31, 1952, to the State of Oregon, a portion of that property known as Fern Ridge Reservoir, Lane County, Oregon, more particularly described in such deed, has been transferred from the United States of America to the State of Oregon.

2. The above described property is transferred to the State of Oregon for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

JESS LARSON, *Administrator of General Services.*

MARCH 24, 1952.

[F. R. Doc. 52-3617; Filed, Mar. 28, 1952; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

MARCH 20, 1952.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., Title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series E, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1952, on which date interest on such debentures shall cease:

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

Denomination:	*Serial Nos. (all numbers inclusive)*
$50	123 to 230
$100	434 to 837
$500	156 to 276
$1,000	479 to 772
$5,000	133 to 309
$10,000	75 to 109

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration,

with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1952. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1952, and provision will be made for the payment of final interest due on July 1, 1952, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1952, to June 30, 1952, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1952, or for purchase prior to that date will be given by the Secretary of the Treasury.

FRANKLIN D. RICHARDS,
Commissioner.

Approved:

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3525; Filed, Mar. 28, 1952; 8:45 a. m.]

2½ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES K

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

MARCH 20, 1952.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., Title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Mutual Mortgage Insurance Fund Debentures, Series K, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1952, on which date interest on such debentures shall cease:

2½ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES K

Denomination:	*Serial Nos. (all numbers inclusive)*
$50	1
$100	1 to 2
$500	1
$1,000	1 to 2
$5,000	1 to 2

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1952. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1952, and provision will be made for the payment of final interest due on July 1, 1952, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1952, to June 30, 1952, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1952, or for purchase prior to that date will be given by the Secretary of the Treasury.

FRANKLIN D. RICHARDS,
Commissioner.

Approved:

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3526; Filed, Mar. 28, 1952; 8:45 a. m.]

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

MARCH 20, 1952.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., Title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1952, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	*Serial Nos. (all numbers inclusive)*
$50	722 to 813
	3446 to 3525
$100	9804 to 10508
$500	809 to 882
	4433 to 4525
$1,000	3843 to 4102
	10671 to 11098
$5,000	597 to 639
$10,000	3286 to 4651
	7823 to 7850

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1952. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1952, and provision will be made for the payment of final interest due on July 1, 1952, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1952, to June 30, 1952, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1952, or for purchase prior to that date will be given by the Secretary of the Treasury.

FRANKLIN D. RICHARDS,
Commissioner.

Approved:

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3527; Filed, Mar. 28, 1952; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 22]

PLACEMENT OF PROCUREMENT IN THE BAY CITY, MICHIGAN, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Bay City Area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Bay City area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings are now being held on the textile industry, following which consideration will be given to certifying this industry under the provisions of the policy. Hearings on the apparel and shoe industries will be held shortly.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 29, 1952, and thereafter each 30 days until further notice.

OFFICE OF DENENSE MOBILIZATION,
C. E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE BAY CITY, MICHIGAN, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of March 25, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Bay City area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Bay City area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Bay City area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Bay City area, as defined by the Defense Manower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exists in the Bay City area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Bay City area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Bay City area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Bay City area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Bay City area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Bay City area, should not be included in the application of Defense Manpower Policy No. 4 in the Bay City area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Bay City area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-3686; Filed, Mar. 27, 1952; 4:56 p. m.]

[Defense Manpower Policy No. 4, Notification 23]

PLACEMENT OF PROCUREMENT IN THE PORT HURON, MICHIGAN, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Port Huron, Area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Port Huron area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings are now being held on the textile industry, following which consideration will be given to certifying this industry under the provisions of the policy. Hearings on the apparel and shoe industries will be held shortly.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under the notification on April 29, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE PORT HURON, MICHIGAN, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of March 25, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Port Huron area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Port Huron area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Port Huron area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Port Huron area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exists in the Port Huron area a comparatively small number of suitable facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Port Huron area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Port Huron area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Port Huron area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Port Huron area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Port Huron area, should not be included in the application of Defense Manpower Policy No. 4 in the Port Huron area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Port Huron area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-3687; Filed, Mar. 27, 1952; 4:56 p. m.]

[Defense Manpower Policy No. 4, Notification 24]

PLACEMENT OF PROCUREMENT IN THE MUNCIE, INDIANA, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Muncie area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Muncie area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings are now being held on the textile industry, following which consideration will be given to certifying this industry under the provisions of the Policy. Hearings on the apparel and shoe industries will be held shortly.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on April 29, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE MUNCIE, INDIANA, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of March 25, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Muncie area as a surplus labor area under standards established by the Secretary of Labor.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Muncie area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Muncie area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Muncia area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing necessary to the fulfillment of Government contracts;

2. That there exist in the Muncie area suitable facilities for the performance of additional government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Muncie area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Muncie area, and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Muncie area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Munice area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Muncie area, should not be included in the application of Defense Manpower Policy No. 4 in the Muncie area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Muncie area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-3688; Filed, Mar. 27, 1952; 4:56 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2790]

OKLAHOMA GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER APPROVING ISSUE AND SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING AND RELEASING JURISDICTION OVER ALL FEES AND EXPENSES

MARCH 25, 1952.

Oklahoma Gas and Electric Company ("Oklahoma"), a public utility subsidiary of Standard Gas and Electric Company, a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, having filed an application, with amendments thereto, under section 6 (b) of the act with respect to the issuance and sale by Oklahoma, pursuant to the competitive bidding provisions of Rule U-50, of $12,000,000 principal amount of First Mortgage __ Percent Bonds, Series due March 1, 1982; and

The Commission having, by order dated March 17, 1952, granted said application, as amended, except that the issuance and sale of the bonds were not to be consummated until the results of competitive bidding, pursuant to Rule U-50, were made a matter of record in this proceeding and a further order issued, for which purpose jurisdiction was reserved; and

Jurisdiction also having been reserved in said order of March 17, 1952, with respect to all fees and expenses incurred in connection with the proposed transaction; and

Oklahoma having filed a further amendment to the application in which it is stated that, in accordance with the permission granted by the said order of the Commission dated March 17, 1952, it offered such bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidder	Annual interest rate (percent)	Price to company [1] (percent of principal)	Annual cost to company (percent)
Equitable Securities Corp.	3⅜	100.883	3.328244
Halsey, Stuart & Co., Inc.	3⅜	100.420	3.352693
Merrill Lynch, Pierce, Fenner & Beane and White, Weld & Co.	3⅜	100.419	3.352746
Lehman Bros. and Blyth & Co., Inc.	3⅜	100.4099	3.353229
The First Boston Corp.	3⅜	100.399	3.353806
Harriman, Ripley & Co., Inc., and Union Securities Corp.	3⅜	100.1899	3.364901
Smith Barney & Co.	3⅜	100.169	3.366011
Kuhn, Loeb & Co.	3½	102.296	3.377662

[1] Plus accrued interest from Mar. 1, 1952, to the date of delivery of and payment for the bonds.

Said amendment having further stated that Oklahoma has accepted the bid of Equitable Securities Corporation for the purchase of the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 101.4213 percent of the principal amount thereof, plus accrued interest from March 1, 1952, resulting in an underwriter's spread of 0.5383 percent of the principal amount of the bonds, or an aggregate amount of $64,596; and

The record having been completed with respect to the fees and expenses to be incurred in connection with the proposed transactions and it appearing that such fees and expenses are estimated in the aggregate amount of $60,000 as follows:

S. E. C. registration fee	$1,242
Revenue stamps	13,200
Authentication of bonds by trustee	5,800
Printing and engraving	20,000
Company counsel:	
Flynn & Clerkin	6,500
Rainey, Flynn, Green & Anderson	3,500
Haskins & Sells, accountants	2,400
Fees of abstract and title companies	500
Mortgage recording fees	1,000
State qualification fees and expenses	1,000
Miscellaneous (including out-of-pocket expenses)	4,858
	60,000

It further appearing that the proposed fee of Gardner, Carton & Douglas, counsel for the purchasers of the bonds, which fee is to be paid by said purchasers, is $5,000; and

The Commission having examined the record in the light of said amendment, and observing no basis for imposing terms and conditions with respect to the price to be received by Oklahoma for the bonds, the interest rate, the underwriter's spread, or otherwise; and it appearing to the Commission that the above fees and expenses are not unreasonable provided they do not exceed the amounts estimated, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved over the results of competitive bidding and over all fees and expenses, be released:

It is ordered, That the application, as further amended, be, and the same hereby is, granted forthwith, and that the jurisdiction heretofore reserved with respect to the results of competitive bidding, and over the fees and expenses incurred in connection with the proposed transaction, be, and the same hereby is, released subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-3567; Filed, Mar. 28, 1952; 8:45 a. m.]

[File No. 812-760]

ALBERT M. GREENFIELD & CO. AND BANKERS SECURITIES CORP.

NOTICE OF APPLICATION

MARCH 25, 1952.

Notice is hereby given that Albert M. Greenfield & Co. ("Greenfield Company") a real estate brokerage company, located

t No. 1315 Walnut Street, Philadelphia , Pennsylvania, an affiliated person of Bankers Securities Corporation ("Bankers"), located at the same address, an investment company registered under the Investment Company Act of 1940, has filed an application pursuant to section (c) of the act for an order of the Commission exempting from the provisions of ection 17 (e) (1) of the act, the receipt y Greenfield Company of real estate ommission in connection with the sale y Bankers of certain real estate which t owns being substantially the block ounded by Fifteenth Street, Market treet, South Penn Square, and Broad treet, in Philadelphia, Pennsylvania, nd known as the Commercial Trust uilding.

Bankers is a closed-end, non-diversied, management investment company nd is registered under the act. Greenield Company is a duly licensed real esate broker under the laws of Pennsylania, and being under common control ith Bankers, is an affiliated person of Bankers within the terms of section 2 a) (3) of the act.

On January 25, 1952, Greenfield Company negotiated an agreement for the urchase of the real estate referred to bove by a syndicate consisting of Leo . Margolin and others. None of the embers of the syndicate is an affiliated erson of the Greenfield Company, Bankers or any of the affiliated companies of Bankers. The sale price is 2,300,000 of which $500,000 is to be paid n cash and the balance is to be represented by an existing first mortgage held y The Philadelphia Saving Fund Society, a banking institution doing business in Philadelphia, Pennsylvania, in he reduced principal amount $971,166.05 nd a fifteen year purchase money mortage to be held by Bankers in the amount f $828,833.95 bearing interest at the ate of 4½ percent per annum with proision for constant monthly payments f $4,835 each, to be applied first to the ayment of interest and the balance oward the reduction of principal.

For its services in negotiating the purhase of the said real estate the Greenfield Company is to be paid by Bankers ne half of the brokerage commission of percent of the sale price. The other alf of the brokerage commission is payble to Messrs. Benjamin Slobodin and eo J. Margolin for services they rendered in negotiating the sale of the uilding.

The purchaser and Greenfield Company have entered into a five year conact (with provisions for the automatic enewal of such contract from year to ear in the absence of notice to the conary) pursuant to which Greenfield ompany will manage said real estate at commission of 4 percent on the rentals llected.

The receipt by an affiliated person Greenfield Company) of a registered vestment company (Bankers) of such real estate commission for the sale of operty for such investment company, prohibited by section 17 (e) (1) of the t unless an exemption therefrom is anted by the Commission pursuant to ction 6 (c) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after April 14, 1952, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than April 11, 1952, at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3569; Filed, Mar. 28, 1952; 8:46 a. m.]

[File No. 70-2808]

OHIO POWER CO.

ORDER REGARDING PROPOSED CHARTER AMENDMENTS

MARCH 25, 1952.

The Ohio Power Company ("Ohio"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, having filed an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 and 7 thereof and Rule U-62 of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

Ohio proposes to amend its Articles of Incorporation so as to modify the present provisions limiting the amount of unsecured debt that may be issued without the consent of stockholders to 10 percent of the sum of secured debt, capital stock and surplus, and so as to limit the present preemptive rights of preferred stockholders in connection with any issuance of additional preferred stock.

The proposed provision modifying the present unsecured debt provisions would allow Ohio to issue unsecured debt in a total amount not exceeding 20 percent, of which short-term unsecured debt could not exceed 10 percent of the sum of secured debt, capital stock and surplus. Under this provision, long-term unsecured debt would be debt having an initial maturity of 10 years or more, except that such debt would be regarded as short-term unsecured debt wherever and to the extent that any part of it matured within less than 5 years.

The proposed amendments are designed to afford Ohio greater flexibility in the raising of capital to finance its construction program which is estimated to require the expenditure of approximately $110,000,000 for the years 1952 through 1954. The proposed deletion of the existing preemptive rights of the preferred stockholders is designed to facilitate any future sale of preferred stock by eliminating the stand-by period required to allow for the exercise of preemptive rights.

Said application-declaration having been filed on February 27, 1952, an amendment thereto having been filed on March 13, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act and that no adverse findings are necessary thereunder; and the Commission being of the view that it is appropriate to permit the submission of the proposed charter amendments to the stockholders of Ohio, the Commission noting that such authorization is not to be construed as either approval or disapproval of the proposed amendment; and the Commission deeming it appropriate to grant said application and to permit said declaration, as amended, to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions contained in Rule U-24, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3570; Filed, Mar. 28, 1952; 8:46 a. m.]

[File No. 70-2801]

STANDARD GAS AND ELECTRIC CO. ET AL.

ORDER APPROVING OPEN ACCOUNT ADVANCE BY PARENT COMPANY TO SUBSIDIARY HOLDING COMPANY AND ACQUISITION BY SUCH SUBSIDIARY OF ADDITIONAL COMMON STOCK FROM ITS PUBLIC UTILITY SUBSIDIARY

MARCH 25, 1952.

In the matter of Standard Gas and Electric Company, Philadelphia Company, Duquesne Light Company; File No. 70-2801.

Standard Gas and Electric Company ("Standard"), a registered holding company, Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard, and Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia, have filed a joint application-declaration and an amendment thereto pursuant to the act, particularly sections 6, 7, 9, 10, 12 (a), 12 (b), and 12 (f) thereof, with respect to the following transactions:

Standard proposes to advance to Philadelphia the sum of $2,500,000 on open account at the prime interest rate prevailing for short term commercial bank loans at the time of said loan.

Philadelphia, which owns all the outstanding common stock of Duquesne, proposes to use the proceeds of the loan plus cash in the amount of $2,600,000 from its general funds, or an aggregate of $5,100,000, to acquire from Duquesne, and Duquesne proposes to sell, 170,000 additional shares of Duquesne's common stock, of a par value of $10 per share, at a purchase price of $30 per share. Applicant-declarants state that the proposed purchase price is not to be deemed as an indication of their opinion of the value of the Duquesne common stock and that such value need not be determined since Philadelphia is the owner of all the outstanding common stock of Duquesne.

The proposed issuance and sale of securities by Duquesne have been approved by the Pennsylvania Public Utility Commission. The joint application-declaration states that the proceeds from the sale of its common stock will be used by Duquesne to provide a portion of the funds necessary for its 1952 construction program. It further states that Standard believes there will be sufficient funds available to it in 1952, apart from the $2,500,000 which it proposes to advance to Philadelphia, to provide for any other investment in its subsidiaries which it might be called upon to make during such year.

The filing estimates that the fees and expenses in connection therewith will aggregate $7,245, of which $5,270 will be expended for State and Federal taxes, $1,875 for attorneys' fees and $100 for miscellaneous expenses.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied; that the estimated fees and expenses are not unreasonable, and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3568; Filed, Mar. 28, 1952; 8:45 a. m.]

[File No. 70-2829]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF FILING AND ORDER FOR HEARING WITH RESPECT TO CONTEMPLATED SALES OF PROPERTIES OF EASTERN NEW YORK POWER CORPORATION AND CERTAIN PORTFOLIO SECURITIES

MARCH 26, 1952.

Notice is hereby given that Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company now in process of liquidation pursuant to the Commission's order of July 21, 1942 under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("the act"), has filed a declaration in furtherance of the enforcement proceedings now pending in the United States District Court of the District of Massachusetts ("enforcement court") under section 11 (d) of the act, with respect to the contemplated sale of substantially all the physical properties of Eastern New York Power Corporation ("ENYP"), a wholly-owned subsidiary of IHES, and also the contemplated sale of the entire investment of IHES in its subsidiaries Corinth Electric Light and Power Company ("Corinth") and Moreau Manufacturing Company ("Moreau"). The Trustee designates sections 11 (b) and 12 (d) of the act and rules U-23 and U-44 (c) thereunder as applicable to the contemplated sales, which would be made pursuant to the following offers:

1. Offer of $9,000,000 in cash by Baker, Weeks & Harden, agents, for ENYP's entire interest in two water-power properties on the Hudson River, New York, known as Curtis and Hudson River properties, and four water-power properties on the Androscoggin River in Maine, known as the Riley, Jay, Otis, and Livermore properties. These properties are leased until 1962 to International Paper Company ("IP") at aggregate net rentals of $1,092,957 per year, the lessee also being obligated to pay the annual assessments by the Hudson River Regulating District until the expiration of the several leases. The purchase price of $9,000,000 would be reduced by the amount of the Hudson River Regulating District debt which is a lien on the Hudson River properties, estimated by the Trustee at not over $400,000, which is approximately the amount of the assessments not assumed by IP (for the years 1962 to 1970 inclusive). The offerers are acting as agents for two groups of unnamed principals, one of whom would acquire the interest of ENYP as lessor from January 1, 1952, until the expiration of the existing leases in February 1962, and the other would acquire ENYP's reversionary fee interest in said properties. Said offer is subject to certain provisions and conditions, one of which is "that no later than April 11, 1952 this offer be accepted and approved by the Court and/or such other authority whose approval may be required . . ."

2. Offer of $250,000 in cash by the same agents for the same principals, for all the water-power properties of ENYP on the Raquette River at Piercefield, New York, leased to IP at an annual rental of $40,010 until 1962, together with the undeveloped Sols Island properties on the same river below Piercefield. This offer is subject to certain terms and conditions and is dependent upon the completion of all the transactions as set forth in the first offer aforesaid.

3. Offer of $8,000,000 in cash by Niagara Mohawk Power Corporation, a non-affiliate, for the electric utility and partially developed properties of ENYP on the Hudson River located at Sherman Island, South Glens Falls, and Fort Edward, and on the Black River above Watertown, New York.

4. Two offers, mutually exclusive, have been received for the electric properties of ENYP on the Saranac River, New York, known as its Saranac Division. These offers are:

(a) Offer of $5,500,000 in cash by the City of Plattsburg, New York. This offer is "conditioned upon the approval of the Comptroller of the State of New York of a Plan of Financing the cost of said purchase, under the provisions of Article VIII of the Constitution of the State of New York, as amended effective January 1, 1952, and subject to the approval of the Eastern Investment Bankers Credit Restraint Committee, and the same to be acquired pursuant to the provisions of Art. 14-A of the General Municipal Law of the State of New York."

(b) Alternative offer of $4,500,000 in cash by New York State Electric & Gas Corporation, a non-affiliate.

5. Offer of $500,000 in cash by Niagara Mohawk Power Corporation for the interest of IHES in its minor subsidiaries Corinth and Moreau.

The Trustee states that no underwriting fees or commissions are involved in the foregoing offers. He proposes to accept none of the offers for the properties of ENYP (Nos. 1 to 4 above) unless it appears that all of the properties included therein will be sold and the sales consummated within a reasonable period; and he indicates that, if the sales are consummated, he will apply the proceeds from the sales of the ENYP properties (1) to retire its bonds, outstanding in the principal amount of $7,871,000 at December 31, 1951; (2) to redeem its preferred stock, of the par value of $3,000,000; and (3) to pay to IHES any excess of the net proceeds not required for the general corporate purposes of ENYP. IHES in turn will apply such funds to retire its bank loan, outstanding in the principal amount of $7,000,000 at January 4, 1952.

The Trustee further states that if the foregoing offers are accepted and the sales consummated, ENYP will still own the following relatively minor assets: (1) The Ticonderoga-Lake George water power properties located on the Ticonderoga River, New York, at the outlet to Lake George, leased to IP for $80,000 per year under a lease expiring March 1, 1962; (2) partially developed water power property on the Grasse River at Pyrites, New York, leased to R. B. Fran for $900 per year under a lease expiring July 1, 1966; (3) undeveloped properties at Gordon Falls on the Mattawamkeag River, Maine, in the Towns of Mattawamkeag, Winn, and Lee; (4) certain investments in Indian River Company and Ram Island Power Company.

The Trustee requests that the order of the Commission contain recitals pursuant to the requirements of the Internal Revenue Code as amended, including sections 371 (f) and 1808 (f) thereof, that the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

The declaration indicates that the Public Service Commission of New York may have jurisdiction over the sale of the properties of ENYP which are located in New York; that the Public Utilities Commission of Maine has no jurisdiction over the sale of the properties of ENYP which are located in Maine, the latter being non-utility properties only.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said declaration should not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said declaration be held on the 3d day of April, 1952 at 10 o'clock a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On said date the hearing room clerk in Room 193 will designate the room in which the hearing will be held.

It is further ordered, That Edward C. Johnson, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the contemplated sales are necessary or appropriate, and constitute a feasible step, to effectuate the provisions of section 11 (b) (2) of the act and the Commission's order of July 21, 1942 thereunder.

2. Whether the several considerations to be received for the respective properties are reasonable.

3. Whether competitive conditions were maintained by the Trustee in negotiating each of the aforesaid offers.

4. Whether the accounting treatment of the proposed transactions is in accordance with sound accounting principles.

5. Whether the fees and expenses to be paid by IHES or its subsidiaries in connection with the proposed transactions are reasonable.

6. Generally, whether the proposed transactions comply with all the applicable provisions and requirements of the act and the rules and regulations promulgated thereunder, and whether it is necessary or appropriate in the public interest and for the protection of investors or consumers and to prevent the circumvention of the provisions of the act and the rules and regulations thereunder to impose any conditions in connection with any of the proposed transactions.

It is further ordered, That particular attention at said hearing be directed to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to Bartholomew A. Brickley, Trustee, Baker, Weeks & Harden, Niagara Mohawk Power Corporation, the City of Plattsburgh, New York State Electric & Gas Corporation, and to all other persons who have entered their appearance in behalf of preferred or Class A stockholders of IHES in the reorganization proceeding, File No. 54–164; and that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER, and by general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–3645; Filed, Mar. 28, 1952; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26912]

SALT FROM POINTS IN MICHIGAN TO CHICAGO, ILL.

APPLICATION FOR RELIEF

MARCH 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, on behalf of the Detroit, Toledo and Ironton Railroad Company and The New York, Chicago and St. Louis Railroad Company.

Commodities involved: Salt, common (sodium chloride), loose in bulk, carloads.

From: Detroit, Ecorse, and Wyandotte, Mich.

To: Chicago, Ill., and points in the Chicago switching district.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4198, Supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52–3597; Filed, Mar. 28, 1952; 8:48 a. m.]

[4th Sec. Application 26913]

GRAIN BETWEEN LEAVENWORTH, KANS., AND ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND SOUTH DAKOTA

APPLICATION FOR RELIEF

MARCH 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

Between: Leavenworth, Kans., on the one hand, and points in Illinois, Iowa, Minnesota, Missouri, and South Dakota, on the other.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A–3886, Supp. 24; CRI&P RR. tariff I. C. C. No. C–13411, Supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52–3598; Filed, Mar. 28, 1952; 8:48 a. m.]

[Nos. 28300, 28310]

CLASS RATE INVESTIGATION, 1939; CONSOLIDATED FREIGHT CLASSIFICATION

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 26th day of March A. D. 1952.

For good cause shown: *It is ordered.* That the special rule of practice for the purpose of these proceedings prescribed by the Commission on November 7, 1951,

in lieu of Rule 42 of the general rules of practice, be, and it is hereby, amended to provide that protests against and requests for the suspension of any part of the uniform freight classification or any part of any class-rate tariff filed by respondents pursuant to the Commission's findings and orders in Nos. 28300 and 28310 shall be filed not later than April 15, 1952 (instead of not later than April 1, 1952, as originally prescribed). In all other respects the special rule of November 7, 1951, remains unchanged.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3618; Filed, Mar. 28, 1952; 8:51 a. m.]

[Nos. 28300, 28310]

CLASS RATE INVESTIGATION, 1939; CONSOLIDATED FREIGHT CLASSIFICATION

SPECIAL RULE OF PRACTICE

MARCH 26, 1952.

Class-rate tariffs and a uniform freight classification in purported conformity with the Commission's findings and orders in Dockets Nos. 28300 and 28310 were filed with the Commission by respondents in those proceedings on February 1, 1952, bearing effective date of May 30, 1952.

On November 7, 1951, the Commission prescribed a special rule of practice to govern requests for suspension of any of the schedules so filed. The special rule for convenience is reproduced below:

SPECIAL RULE OF PRACTICE

(a) *Content.* The particular item of the proposed uniform freight classification or class rate tariff sought to be suspended should be clearly identified by item and page number. Reference should also be made to the tariff or schedule and the specific provisions thereof proposed to be superseded. The protest should state the grounds in support thereof, indicate in what respect the protested classification rating or tariff schedule is considered to be unlawful, and state what protestant offers by way of substitution.

(b) *When filed.* Protests against and requests for suspension of any part of the uniform classification or any part of any class rate tariff filed by respondent pursuant to the Commission's findings and orders in Nos. 28300 and 28310 should be filed on or before April 1, 1952, and replies to such protests and requests for suspension should be filed on or before May 1, 1952.

(c) *Copies, service.* Twenty copies of each protest or request for suspension or replies thereto must be filed with the Commission and twenty copies must be served upon the publishing agent of the classification or tariff, and one copy should be served upon other persons known to be interested. Each party filing a protest, request for suspension, or reply, must undertake to supply a copy thereof to any interested party upon written request therefor.

On representations of various shipping interests that they would be unable to prepare and file requests for suspension by April 1, the Commission has today extended the time for the filing of such protests to April 15. In all other respects the special rule remains unchanged.

The requests for suspension thus far filed raise numerous and complex questions. The number and nature of those yet to be filed cannot be forecast. It must be emphasized to all concerned in this matter, that in order to allow the Commission necessary time to consider and evaluate these protests, there must be full compliance with the special rule of practice as now modified, both with respect to the time of filing and the number of copies of protests to be furnished to the Commission and others. Unless the special rule is complied with in these respects, objectors who fail to comply may expect that their protests cannot receive consideration.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3619; Filed, Mar. 28, 1952; 8:51 a. m.]

INDEX



FEDERAL REGISTER

Volume 17 | INDEX, JANUARY–MARCH 1952 | Nos. 1–63

A

ACCOUNTS BUREAU. *See* Treasury Department. Page

ADVISORY COMMITTEES. *See* Committees, boards, etc.

AERONAUTICS, NATIONAL ADVISORY COMMITTEE FOR. *See* National Advisory Committee for Aeronautics.

AGRICULTURE DEPARTMENT:

See Animal Industry Bureau.
Commodity Credit Corporation.
Entomology and Plant Quarantine Bureau.
Farm Credit Administration.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Forest Service.
Rural Electrification Administration.
Soil Conservation Service.

Agricultural adjustment:
Conservation programs:
National program. *See* Conservation programs, *below.*
Special programs for Territories and possessions. *See* Hawaii; *and* Virgin Islands.
Marketing quotas, for peanuts. *See* Peanuts.

Apples; fresh apple export program (fiscal year 1952), eligibility for payment, final dates 2109

Authority, delegations of:
From Defense Materials Procurement Administrator; authority of Secretary to purchase and make commitments to purchase kenaf and sansevieria 2074
From Production and Marketing Administration, to Department officials:
Fruit and Vegetable Branch, Director; authority to exercise certain inspection powers and functions respecting fruits and vegetables, redelegation to:
Chief, Fresh Products Standardization and Inspection Division 43
Chief, Processed Products Standardization and Inspection Division 44
Poultry Branch, Director; authority with respect to grading and inspection of poultry and edible products thereof, redelegation to:
Chief, Inspection and Grading Division 582
Chief, Poultry Inspection Section, Inspection and Grading Division 582
From Secretary of Agriculture, to various agencies and officials:
Commodity Credit Corporation, President; authority respecting determination of supply and price of peanuts 325
Interior Department, Secretary; authority to exercise certain defense functions respecting fishery commodities or products, revision 2369

90000—1——52

AGRICULTURE DEPARTMENT—Continued Page

Berries. *See* Raspberries.
Butter; standards, proposed 1224
Extension of time for submitting written data, views, etc. respecting 2018
Castor oil; restrictions on inventory and use 401
Cauliflower, fresh, grown in certain counties of Colorado, handling of; marketing agreement and order, revision 1549
Certificates of necessity, under section 124A (e) Internal Revenue Code; delegation of authority from Secretary of Agriculture to Secretary of Interior to issue certificates in connection with production of fishery commodities or products 2369
Citrus fruits (oranges, lemons, grapefruit, and tangerines):
Export payment program SMX 65A 2 (fiscal year 1952), for fresh lemons 713
Export program SMX 23a (fiscal year 1952), for fresh and processed grapefruit 1927
Handling of citrus fruits grown in various States:
Arizona:
Grapefruit:
Limitation of shipments 384, 1245, 2042
Marketing agreement and order; revision 1412, 1965
Lemons:
Budget of expenses and fixing rate of assessment for 1951–52 fiscal year 580, 1244
Limitation of shipments 143, 384, 594, 795, 987, 1244, 1502, 1503, 1681, 1850, 1989, 2041, 2247, 2413, 2483, 2747.
Oranges:
Limitation of shipments 144, 385 595, 795, 987, 1253, 1503, 1648, 1850, 1851, 2043
Marketing Order No. 66, as amended; order terminating provisions of, and providing for liquidation of assets 2085
California:
Grapefruit (Imperial and Riverside Counties):
Limitation of shipments 384, 1245, 2042
Marketing agreement and order; revision 1412, 1965
Lemons:
Budget of expenses and fixing rate of assessment for 1951–52 fiscal year 580, 1244
Limitation of shipments 143, 384, 594, 795, 987, 1244, 1502, 1503, 1681, 1850, 1989, 2041, 2247, 2413, 2483, 2747.
Oranges:
Limitation of shipments 144, 385 595, 795, 987, 1253, 1503, 1648, 1850, 1851, 2043
Marketing Order No. 66, as amended; order terminating provisions of, and providing for liquidation of assets 2085

AGRICULTURE DEPARTMENT—Continued Page

Citrus fruits (oranges, lemons, grapefruit, and tangerines)—Continued
Handling of citrus fruits grown in various States—Continued
Florida:
Grapefruit:
Limitation of shipments 142, 591, 791, 1241, 1847, 2243, 2746
Marketing agreement and order; revision 1327
Petition for suspension of grade and size regulations during remainder of 1951–52 marketing season:
Decision respecting 1859
Notice of hearing 963
Oranges:
Limitation of shipments 142, 381, 593, 793, 1242, 1849, 2245, 2746
Marketing agreement and order; revision 1327
Petition for suspension of grade and size regulations during remainder of 1951–52 marketing season:
Decision respecting 1859
Notice of hearing 963
Tangerines:
Limitation of shipments 142, 383, 594, 794, 1243, 1849, 2246, 2745
Marketing agreement and order; revision 1327
Petition for suspension of grade and size regulations during remainder of 1951–52 marketing season:
Decision respecting 1859
Notice of hearing 963
Conservation programs:
National Agricultural Conservation Program, 1952:
Conservation practices and maximum rates of assistance:
General provisions respecting farm forestry 2110
Practices to develop cropping systems that protect soil, and restore, improve and maintain soil productivity; practice B–5–b, applying mineral elements to promote soil-conserving crops, the words "fused tricalcium phosphate" added 2111
Practices to establish, restore, and maintain farm woodlands; practice F–6, clearing land to permit planting or natural reseeding of forest trees 2111
State funds, allocation of 1931
Special Conservation Programs for Territories and possessions. *See* Hawaii; *and* Virgin Islands.
Construction (farm construction, facilities in connection with food production, processing and wholesale distribution); delegation of authority from National Production Authority to Secretary to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 respecting 1488
Substitution of Order M–100 for M–4A 1971
Cotton, classification under United States Cotton Futures Act; regulations respecting:
Cotton and fiber spinning tests; prescribed fees 60, 236
Spot markets; Fresno, Calif., designation as a bona fide market 482, 1547
Cream, handling of. *See* Milk, cream and byproducts.
Currants; standards, for currants for processing (proposed) 1859
Dairy plants operating under Department of Agriture supervision and inspection; instructions governing, proposed rule making 1221
Dairy products (butter, cheese, milk, etc.):
Grading and inspection; fees, upward revision in, to cover increased operating costs 2475
Butter and cheese grading 2475
Laboratory analyses 2477
Milk sampling 2475
Handling of milk, cream and byproducts. *See* Milk, cream and byproducts.
Standards, for butter. *See* Butter.
Debt settlement; termination of Departmental Review Committee 1457

AGRICULTURE DEPARTMENT—Continued Page

Disaster areas:
Designation of counties in various States as disaster areas having need for agricultural credit; new provisions respecting borrowers, effective dates 2577
Arkansas 2578
Colorado; Larimer County 2578
Georgia 2578
Idaho; Jefferson County 2578
Indiana 2578
Iowa; Polk County 2578
Kentucky 2578
Louisiana 2578
Minnesota 2578
Mississippi 2578
Missouri 2578
Nebraska 2578
Ohio 2578
Oklahoma 2578
Oregon; Wasco County 2579
Texas 2579
Washington; Yakima County 2579
Wyoming 2579
Farm land restoration program, for areas damaged by floods 1171
Eggs and egg products, sampling, grading, etc.; instructions governing plants operating as official plants processing and packaging egg products, proposed rule making 86
Export programs, for fresh and processed fruits. *See* Apples; *and* Citrus fruits.
Farm Land Restoration Program, 1952:
Applicability to listed counties 1173
Eligible restoration practices 1171
Prior approval; date for retroactive approval 1173
Fishery commodities or products; authority of Secretary of Interior to exercise certain defense functions respecting, revision 2369
Flaxseed; standards. *See* Grains.
Food:
See also specific commodities.
Disposal of food commodities acquired through price support operations. *See main heading* Commodity Credit Corporation.
Foot-and-mouth disease, outbreak in Canada:
Notice of emergency measures respecting 2234
Use of funds for prevention of spread of disease to United States and for eradication purposes 2234
Fruits and vegetables:
Export programs, for fresh and processed fruits. *See* Apples; *and* Citrus fruits.
Grading, inspection, and standards of fruits, berries, and vegetables:
Fresh fruits and vegetables, inspection; authority of Chief, Fresh Products Standardization and Inspection Division respecting 43
Processed fruits and vegetables, processed products thereof, etc., inspection; authority of Chief, Processed Products Standardization and Inspection Division respecting 44
Standards for various fresh or processed fruits and vegetables. *See* Currants; Greens; Orange juice; *and* Raspberries.
Handling of various fruits and vegetables. *See* Cauliflower; Citrus fruits; Grapes; Peaches; Pears; Peas; Plums; Potatoes; Prunes; Raisins; *and* Watermelons.
Grains:
Standards, for flaxseed; proposed amendment 34
Decision against amendment at this time, notice of 2284
Extension of time for submitting views, notice of 930
Support prices for various grains. *See main heading* Commodity Credit Corporation.
Grapefruit. *See* Citrus fruits.
Grapes, Tokay, grown in California, handling of; marketing agreement and order, amendments, proposed 1506, 2133
Greens, leafy (other than spinach); standards for frozen greens, proposed 1620
Hawaii:
Agricultural Conservation Program, 1952 268
Sugar requirements and quotas, etc. *See* Sugar.

AGRICULTURE DEPARTMENT—Continued Page

Hops grown in Oregon, California, Washington and Idaho, and hop products produced therefrom, handling of; marketing agreement and order, proposed amendments:
Decision respecting 867
Notice of hearing 2195
Hungarian vetch. *See* Seeds.
Kenaf, procurement of; delegation of authority to Secretary by Defense Materials Procurement Administrator respecting 2074
Lands; transfer of certain lands acquired or administered under Bankhead-Jones Farm Tenant Act to Interior Department (Executive Order 10322) 855
Lemons. *See* Citrus fruits.
Livestock:
At various stockyards. *See* Packers and Stockyards Division.
Regulations of Animal Industry Bureau. *See main heading* Animal Industry Bureau.
Marketing quotas, for peanuts. *See* Peanuts.
Meat and meat products; inspection and certification, regulations of Animal Industry Bureau. *See main heading* Animal Industry Bureau.
Milk, cream, and byproducts:
Handling in various marketing and sales areas; amendment to marketing agreements and orders, etc.:
Illinois:
Chicago 2018, 2683
Quad Cities 93, 527, 1241
Rockford-Freeport 2233
Indiana; Ft. Wayne 2675
Iowa:
Cedar Rapids-Iowa City 1241, 1987
Council Bluffs-Omaha 2066
Quad Cities 93, 527, 1241, 1987
Kansas:
Topeka 1480, 2396, 2710
Wichita 7
Kentucky:
Louisville 2365
Tri-State marketing area 613, 1790, 2442
Louisiana; New Orleans 1625
Massachusetts:
Boston (Greater) 91, 2063, 2159, 2434, 2705
Fall River 91, 2063, 2434, 2709
Lowell-Lawrence 91, 2063, 2434, 2708
Springfield 91, 2063, 2434, 2710
Worcester 91, 2063, 2434, 2711
Michigan:
Detroit 404, 1427, 1575
Muskegon-Grand Haven 161
Missouri; Kansas City (Greater) 1479, 2394, 2745
Nebraska; Omaha-Council Bluffs 2066
New York; New York metropolitan area 124, 527, 1623, 1743, 1746, 1963
Ohio:
Cincinnati 2159
Columbus 930, 2450, 2504
Dayton-Springfield 2159
Stark County 580
Tri-State marketing area 612, 1790, 2442
Oklahoma; Oklahoma City 1689, 2440, 2442, 2744
Pennsylvania; Philadelphia 1567, 2627
Rhode Island; Providence 213
South Dakota; Sioux Falls-Mitchell 34, 2020
Tennessee; Knoxville 1305
Texas:
Central West marketing area 661
North Texas marketing area 2133
San Antonio 828, 1480, 2337, 2504
Washington; Pudget Sound area 1665, 2708
West Virginia; Tri-State marketing area 613, 1790, 2442
Standards, for butter. *See* Butter.
Minerals, reserved, disposition of; designation of counties in various States as areas in which mineral interests may be sold:
Fair market value areas:
Florida; Okaloosa County, added 1305
Georgia:
Macon County, added 2505
Sumter County, added 2505

AGRICULTURE DEPARTMENT—Continued Page

Minerals, reserved, disposition of; destination of counties in various States as areas in which mineral interests may be sold—Continued
Fair market value areas—Continued
Mississippi:
Calhoun County, added 1570
Prentiss County, added 869
Sunflower County, added 2697
Tippah County, added 869
Tishomingo County, added 869
Nebraska:
Valley County, added 2400
Webster County, added 2579
Ohio; Washington County, added 2505
One dollar areas:
Florida: Okaloosa County, deleted 1305
Georgia:
Macon County, deleted 2505
Sumter County, deleted 2505
Mississippi:
Calhoun County, deleted 1570
Prentiss County, deleted 869
Sunflower County, deleted 2697
Tippah County, deleted 869
Tishomingo County, deleted 869
Nebraska:
Valley County, deleted 2400
Webster County, deleted 2579
Ohio; Washington County, deleted 2505
Molasses, edible sugarcane; standards, revision proposed 1858
National School Lunch Act: apportionment of food assistance funds pursuant to. *See* School lunch program.
Naval stores and related commodities, regulations and standards for:
Amendments and redesignations, deletion, etc 188, 221, 223, 224
Analysis, inspection and grading on request:
Containers, contents of, to be designated 223
Containers to remain intact 223
Prior marks to be removed 224
Sampling, time and manner of 223
Fees, schedule of, for request inspection of naval stores and related commodities:
For extra cost service 189
For inspection and certification of other naval stores material 189
For inspection and certifying grades and weights of spirits of turpentine and rosin 188
For laboratory analysis and testing 188
Permit fees for eligible processing plants under licensed inspection 189
General provisions:
Definition of terms:
"Cooperative agreement" 221
"Eligible processing plant" 221
"Licensed inspector" 221
Rosin defined 223
Standard designations:
For rosin 223
For turpentine 223
Standards, for naval stores 223
Request inspection by licensed inspectors:
Conditions governing licensed inspection 224
Containers, identification of 224
Licensed inspector to be disinterested 224
Standards, for turpentine and rosin 224
Nuts:
Handling of nuts grown in various States. *See* Pecans; *and* Walnuts.
Marketing quotas, for peanuts. *See* Peanuts.
Oils; castor oil, restrictions on inventory and use 401
Orange juice, canned concentrated; standards, proposed 1621
Oranges. *See* Citrus fruits.
Packers and Stockyards Division:
Price control; exemption from, for services performed under Packers and Stockyards Act. *See main heading* Price Stabilization, Office of.

AGRICULTURE DEPARTMENT—Continued — Page

Packers and Stockyards Division—Continued
Stockyards, commission merchants, etc., notices respecting posting, rates and charges, etc.:
Posted stockyards, etc.; designation or removal of:
Bowman & Bowman Commission Co., deposting of 2461
Durango Livestock Sale Co.; deposting of 1778
Goshen Livestock Sales Commissions 734
Russell Sale Pavilion; deposting of 1509
Rates and charges; petitions for modifications, etc.:
Fort Worth Union Stock Yards, market agencies at 2232
Kansas City Stock Yards, market agencies at 897
St. Joseph Stock Yards Co 1858
St. Louis National Stock Yards, market agencies at 1523, 1732
St. Louis National Stockyards Co 404
St. Paul Union Stockyards Co 661
Sioux City Stock Yards 1565
Parity prices for basic and nonbasic commodities, determination of; seed crops (Hungarian vetch, deletion from list) 961
Peaches; handling of peaches grown in various States:
California, Elberta peaches; marketing agreement and order (correction of revision) 62
Utah; budget of expenses and rate of assessment for 1951–52 fiscal year, determination relative to 416
Peanuts:
Delegation of authority to President, Commodity Credit Corporation respecting determination of supply and price 325
Marketing quotas:
1951 crop:
Distribution of proceeds received by Commodity Credit Corporation from sale of excess Valencia type of peanuts for cleaning and shelling, notice of intention to formulate regulations governing 2062
Regulations; marketing, penalties, records and reports:
Extent to which marketings from a farm are subject to penalty, proposed rule making 2285
Peanuts shelled for seed; marketing penalty shall not be applicable to damaged, split, etc., peanut kernels obtained in process of shelling 2039
1952 crop:
Determination with respect to types in insufficient supply for the 1952–53 marketing year 404, 907
Proclamation; national acreage allotments:
Apportionment among States; revision 2741
Apportionment of State allotment to counties:
Alabama 983, 985
Florida 110
Georgia 1411
Oklahoma 1549
Regulations; marketing quota:
Acreage allotments for old farms; apportionment of State allotment to counties, base period to be 1947–1951 1174
Basis and purpose 1173
Pears, Bartlett, grown in California, handling of:
Administrative bodies; representation of certain districts on Bartlett Pear Commodity Committee 541
Grades, sizes, and minimum standards of quality; exemptions 541
Marketing agreement and order (correction of revision) 62
Peas, fresh, grown in certain counties of Colorado, handling of; marketing agreement and order, revision 1549
Pecans grown in Alabama, Florida, Georgia, Mississippi and South Carolina, handling of; referendum among producers respecting termination of marketing order 1690
Plums grown in California, handling of; marketing agreement and order (correction of revision) 62

AGRICULTURE DEPARTMENT—Continued — Page

Potatoes; handling of Irish potatoes grown in various States and production areas:
California (Modoc and Siskiyou Counties):
Limitation of shipments 227, 1383, 1790
Marketing agreement and order; revision 1246
Connecticut. *See* Massachusetts.
Idaho (certain designated counties):
Budget of expenses and rate of assessment for fiscal year ending May 31, 1952; termination 1931
Limitation of shipments; termination 1417
Massachusetts, Rhode Island, Connecticut, Vermont, and New Hampshire; limitation of shipments 111, 345, 1383
New Hampshire. *See* Massachusetts.
New Jersey; referendum among producers respecting termination of marketing order 1690
Oregon:
Crook, Deschutes, Jefferson, Klamath and Lake Counties:
Limitation of shipments 227, 1383, 1790
Marketing agreement and order; revision 1246
Malheur County:
Budget of expenses and rate of assessment for fiscal year ending May 31, 1952; termination 1931
Limitation of shipments; termination 1417
Rhode Island. *See* Massachusetts.
Vermont. *See* Massachusetts.
Washington; limitation of shipments 797
Poultry and edible products thereof; grading and inspection, specifications for classes, standards, etc.:
Authority of Director, Poultry Branch, redelegation to:
Chief, Inspection and Grading Division 582
Chief, Poultry Inspection Section, Inspection and Grading Division 582
Deletion of term "Specifications" as used in title of part and wherever used with respect to classes, standards and grades of poultry, proposed rule making 2432
Forms of official identification; grade mark, proposed rule making 91
Identification of certain dressed poultry 2432
Grading and inspection, rules governing; proposed rule making:
Definitions:
Free from protruding pin feathers 2432
Inspection, inspection service, etc 89
Ready-to-cook poultry 2432
General provisions:
Basis for service:
Certification of dressed poultry produced under sanitary requirements 89
Dressed poultry to be eligible for grading or inspection service shall have been processed in official plant 89, 2432
Examination of ready-to-cook poultry which was not processed in official plants 2432
Inspection in official plants; extent required 89
Identifying and marking products that may be individually grade marked; information mark on grade mark 90, 2432
Supervision of marking and packaging:
Packaging 2432
Removal of official identification 2432
Grading; dressed poultry and ready-to-cook poultry 90
At terminal markets and other receiving points 2432
Sanitary requirements; minimum standards for sanitation, facilities, and operating procedures, in official plants:
Buildings and plant facilities 90
Maintenance of sanitary conditions and precaution against contamination of products:
Equipment and utensils used for preparing or handling any product:
Chilling vats and tanks 2432
Thawing 2432

AGRICULTURE DEPARTMENT—Continued — Page

Poultry and edible products thereof; grading and inspection, specifications for classes, standards, etc.—Continued
Grading and inspection, rules governing; proposed rule making—Continued
Sanitary requirements; minimum standards for sanitation, facilities, and operating procedures, in official plants—Continued
Maintenance of sanitary conditions and precaution against contamination of products—Continued
Operations and procedures involving preparation, storing, etc., products:
Containers to be used for packaging dressed poultry and ready-to-cook poultry— 2432
Finishing and cleaning dressed poultry— 2432
Temperatures and procedures necessary for cooling and freezing poultry— 90
Ice chilling— 2432
Specifications for classes, standards, and grades of poultry and edible products: proposed rule making:
Classes of live poultry, dressed poultry, and ready-to-cook poultry; turkeys— 2432
Standards of grades for dressed poultry and ready-to-cook poultry— 91
Standards of quality for individual carcasses of dressed poultry and ready-to-cook poultry— 90, 2432

Prices:
Parity prices. *See* Parity prices.
Sugarcane prices. *See* Sugar.
Support prices, for various agricultural commodities. *See main heading* Commodity Credit Corporation.
Procurement Policy Board, Office of Defense Mobilization; representation on— 876
Production and Marketing Administration; delegations of authority under. *See* Authority, delegations of.
Prunes, dried, produced in California, handling of; Prune Administrative Committee, determination with respect to number and types of nominees in 1952 election year for— 2339
Puerto Rico; sugar requirements and quotas, etc. *See* Sugar.
Raisins, produced from grapes grown in California, handling of:
Free, reserve, and surplus tonnage percentages for 1951–52 crop year, modification of— 2747
Marketing agreement and order; revision— 1255, 1555
Raspberries; standards, for raspberries for processing (proposed)— 773
Refiners' sirup. *See* Sirup.
Rosin. *See* Naval stores and related commodities.
Sansevieria, procurement of; delegation of authority to Secretary by Defense Materials Procurement Administrator respecting— 2074
School lunch program; apportionment of food assistance funds, for various States and District of Columbia, pursuant to National School Lunch Act, fiscal year 1952— 189
Seeds; parity prices, for seed crops (Hungarian vetch, deletion from list)— 961
Sirup, processed; standards, for various types:
Maple sirup; notice of nonissuance of revised standards— 2365
Refiners' sirup— 136
Stockyards, commission merchants, etc.; orders, etc., respecting. *See* Packers and Stockyards Division.
Sugar:
Farms; proportionate shares for. *See* Proportionate shares for farms.
Normal yields and eligibility for abandonment and crop deficiency payments; cane sugar areas, Puerto Rico, 1952 and subsequent crops— 2111
Prices; sugarcane:
Hawaii, 1952 crop; notice of hearing— 125
Puerto Rico; 1951–52 crop— 139, 2112
Virgin Islands; 1952 crop— 225
Proportionate shares for farms, various areas; domestic beet sugar and mainland cane sugar areas, and Hawaii and Virgin Islands, 1952 crop— 986

AGRICULTURE DEPARTMENT—Continued — Page

Sugar—Continued
Sugar requirements and quotas:
Hawaii; local consumption requirements and quotas, 1952— 6
Restriction on marketing— 6
Puerto Rico; consumption requirements and quotas:
Allotment of sugar quotas, 1952— 734, 2477
Direct-consumption portion of— 734, 2480
Local consumption requirements and quotas, 1952— 6
Restriction on marketing— 6
Wage rates:
Sugar beets:
California, southwestern Arizona, and southern Oregon, 1952 crop— 224
Regions other than California, southwestern Arizona, and southern Oregon, 1952 crop— 1500
Sugarcane:
Hawaii, 1952 crop; notice of hearing— 125
Puerto Rico; calendar year 1952— 138
Sugarcane molasses. *See* Molasses.
Support prices, for various agricultural commodities. *See main heading* Commodity Credit Corporation.
Tangerines. *See* Citrus fruits.
Tobacco (type 62) grown in designated production area of Florida and Georgia, handling of; notice of hearing with respect to proposed marketing agreement and order— 773
Recommended decision and opportunity to file written exceptions respecting— 2779
Turpentine. *See* Naval stores and related commodities.
Vegetables. *See* Fruits and vegetables.
Vetch, Hungarian. *See* Seeds.
Virgin Islands, Agricultural Conservation Program, 1952; conservation practices and rates of assistance:
Practice 7; eradicating shrubs or trees on land to be used for range or pasture, amendment— 268
Practice 11, constructing farm pond or reservoirs to provide water for livestock or for irrigation purposes; deletion— 268
Practice 12, installing concrete or metal trickle drain pipes in dams for farm ponds; deletion— 268
Practice 13, installing pipe lines for water to be used for livestock; deletion— 268
Walnuts grown in California, Oregon, and Washington, handling of:
Pack specifications and minimum standards, proposed amendment; notice of hearing— 2232
Salable, surplus, and withholding percentages for 1951–52 marketing year, changes in— 387
Watermelons grown in Florida, Georgia, and South Carolina, handling of; notice of recommended decision respecting proposed marketing agreement and order— 1731
Wool; distribution of practical forms of wool standards and wool top standards— 1566

AIR FORCE DEPARTMENT:
Acting Secretary; order of succession to position in case of death, disability, or absence of Secretary of Air Force (Executive Order 10332)— 2083
Aircraft danger areas over military installations, designation in coordination with Air Force. *See main heading* Civil Aeronautics Administration.
Authority, delegation of, to Secretary from Secretary of Defense; to eliminate excessive profits under Renegotiation Act of 1948— 1065
Claims against United States, prosecution of, by present and former military and civilian personnel— 597
Contracts, Government, aid in procurement of, by present and former military and civilian personnel— 597
Lands, public, withdrawn for use of Department in Alaska and Arizona. *See main heading* Land Management Bureau.
Library, medical, Armed Forces; establishment in Defense Department— 2094
Medal for Humane Action, award for meritorious participation in military effort to supply necessitics of life to people of Berlin (Executive Order 10325)— 1239
Medical library, Armed Forces, establishment in Defense Department— 2094

AIR FORCE DEPARTMENT—Continued — Page

National Guard officers, nongovernmental activities of — 597
Personnel:
Nongovernmental activities of present and former personnel and retired officers — 597
Affidavits regarding former Air Force or other Government connections — 598
Military and civilian personnel:
Former personnel — 597
Present personnel — 597
Policy regarding conflict of interests — 597
Reserve and National Guard officers — 598
Retired regular officers — 598
Representative activities by former personnel and retired officers; redesignation — 597
Social Security Act amendments of 1950 pertaining to; designation of Secretary by Secretary of Defense to exercise certain powers, functions and duties respecting — 615
Renegotiation Act of 1948; authority to Secretary from Secretary of Defense to eliminate excessive profits under — 1065
Representative activities by former personnel and retired officers; redesignation — 597
Reserve officers, nongovernmental activities of — 597
Retired officers, nongovernmental activities of — 597
Secretary of Air Force:
Acting Secretary; order of succession to position in case of death, disability, or absence of Secretary of Air Force (Executive Order 10332) — 2083
Order of succession to position of Acting Secretary of Defense in case of death, disability, or absence of Secretary of Defense (Executive Order 10332) — 2083
Social Security Act amendments of 1950; designation of Secretary by Secretary of Defense to exercise certain powers, functions and duties respecting, pertaining to civilian employees of Department — 615
Succession to position of Acting Secretary of Defense in case of death, disability, or absence of Secretary of Defense (Executive Order 10332) — 2083

AIR TRANSPORTATION, FACILITIES, ETC.
Accidents, aircraft, investigation of. *See* Civil Aeronautics Board.
Air navigation sites, lands withdrawn for. *See* Land Management Bureau.
Aircraft Production Resources Agency. *See* Defense Department.
Airspace restricted areas over military installations, designation as danger areas. *See* Civil Aeronautics Administration.
Civil aircraft, navigation, etc. *See* Civil Aeronautics Administration; *and* Civil Aeronautics Board.
Civil airways, etc., designation of. *See* Civil Aeronautics Administration.
Danger areas:
Airspace restricted areas over military installations, designation as danger areas. *See* Civil Aeronautics Administration.
Antiaircraft artillery firing areas. *See* Engineers, Corps of.
Foreign-owned aircraft, carrying goods and passengers to and from United States; reports by owners, operators, or agents. *See* Business Economics, Office of.
Imports; drawback on duties and tax for certain aircraft. *See* Customs Bureau.
Labor dispute involving. *See* National Mediation Board.
Public airports, Federal aid for development of. *See* Civil Aeronautics Administration.
Quarantine:
Canal Zone. *See* Canal Zone Government.
Public health regulations. *See* Public Health Service.
Washington control zone. *See* Civil Aeronautics Administration.

AIRCRAFT PRODUCTION RESOURCES AGENCY. *See* Defense Department.

ALASKA:
Commercial fisheries. *See* Fish and Wildlife Service.
Fur management areas. *See* Alaska Game Commission.

ALASKA—Continued — Page

Housing; Alaska, defense rental areas. *See* Rent Stabilization Office.
Hunting, and fishing in. *See* Alaska Game Commission; *and* Fish and Wildlife Service.
Navigation and vessel inspection laws and regulations applicable in. *See* Coast Guard.
Price control regulations affecting commodities sold in. *See* Price Stabilization, Office of.
Public lands in. *See* Land Management Bureau.
Selective Service. *See* Selective Service System.
Sitka National Monument, redefining boundaries of (Proclamation 2965) — 1787
Unemployment compensation laws, certification by Secretary of Labor — 483

ALASKA GAME COMMISSION:
Fur management areas, establishment of; proposed rule making — 701
Guides, employment of, and qualifications for guide licenses; proposed rule making — 701
Licenses; proposed rule making:
Guides. *See* Guides.
Resident trapping, hunting, and fishing licenses — 701
Poisons whose use is prohibited in killing of game or fur animals or birds; proposed rule making — 701
Special permit hunts, for mountain sheep, bison, and moose; proposed rule making — 701

ALIEN PROPERTY, OFFICE OF:
Blocked assets:
Conflicting regulations; redesignation — 800
Definitions, regulations respecting; redesignation — 800
General licenses; redesignations and republication — 800
General license No. 100 (added); debt expressed in German currency, owed by person in United States to person in Germany, secured by mortgage on real property in Germany — 800
Licenses, regulations respecting:
General licenses: *See* General licenses.
Redesignation — 800
Penalties, regulations respecting; redesignation — 800
Claims, filing time; bar date fixed in respect of certain debtors:
Debtors whose property was vested in or transferred to Philippine Property Administrator between July 1 and December 31, 1950 — 1571
Debtors whose property was vested July 1–December 31, 1951 — 339
Copyrights, vesting orders respecting. *See* Vesting orders.
Debt claims, filing time. *See* Claims, filing time.
Dissolution orders. *See* Vesting orders.
Foreign nationals, unnamed:
See also Germany; *and* Japan.
United States securities owned by — 1190
Forms. *See* General rules of procedure.
General rules of procedure: forms, for use by public:
Form APC–20; redesignation — 2483
Form OAP–20 — 2483
Germany:
Certain German nationals, names unknown:
Copyrights of — 590
Various interests of; currency, bonds, securities, etc — 979, 1452, 1454
Conversion Office for German Foreign Debts (Konversionkasse fuer Deutsche Auslandschulden) and others; debts owing to and scrip owned by — 2133
Copyrights of certain German nationals, names unknown — 590
Garnsee, City of, debt owing to — 1544
German Government:
Motion pictures, rights in, produced by or for German government — 335
Securities owned by Germany — 1844
Konversionkasse fuer Deutsche Auslandschulden (Conversion Office for German Foreign Debts); debts owing to and scrip owned by — 2133
Motion pictures, rights in:
Of Heeresfilmsteele and others; list of motion pictures and producers — 336, 1541
Produced by or for German Government — 335
Japan:
Certain Japanese nationals, names unknown, various interests of — 1541, 2408
Japanese Government, various interests of — 1541, 2408

ALIEN PROPERTY, OFFICE OF—Continued Page

Licenses:
Blocked assets. *See* Blocked assets.
Certain licenses, monies due Attorney General with respect to; revocation of authority of Manager, New York Office, respecting 2504
Netherlands, nationals of, names unknown; securities owned by, vesting order respecting 882
Organization and delegation of final authority; authority of Manager, New York Office, respecting demand and acceptance of payment of royalties and other monies due Attorney General with respect to patents, applications, trademarks, licenses and interests therein, revocation of 2504
Patents:
Payment of royalties and other monies due Attorney General with respect to; revocation of authority of Manager, New York Office, respecting demand and acceptance of 2504
Report of royalties due and payable under vested patent rights 2483
Vesting orders respecting. *See* Vesting orders.
Philippines:
Claims, filing time; bar date fixed in respect of debtors whose property was vested or transferred to Philippine Property Administrator between July 1 and December 31, 1950 1571
Orders vesting property or interest located in; regulations 1083
Reports; royalties due and payable under vested patent rights, report of, designation of Washington Office as place where payment shall be made 2483
Form OAP–20 (Form APC–20, redesignated), accompanying payment, to be executed and filed in triplicate 2483
Return of vested property, orders respecting. *See* Vesting orders, etc.
Royalties:
Payment of royalties due Attorney General with respect to trade-marks and patents; revocation of authority of Manager, New York Office, respecting 2504
Report of royalties due and payable under vested patent rights 2483
Trade-marks:
Payment of royalties and other monies due Attorney General with respect to; revocation of authority of Manager, New York Office, respecting demand and acceptance of 2504
Vesting orders respecting. *See* Vesting orders: patents and trade-marks.
Vesting orders, etc.:
See also Germany; Japan; *and* Philippines, *above.*
Copyrights:
Of certain German nationals, names unknown 590
Verlag Chemie 1571
Dissolution orders:
Elly Coal Co 789
Holcap Leathers, Inc 1190
Leipzig Trade Fair, Inc 1703
Taiyo Trading Co., Inc 1774
Patents and trade-marks:
I. G. Farbenindustries A. G 377
Schering A. G 371, 627
Smits, Wytze Beye 488
Return of vested property:
A/S Norsk Aluminum Co 339
Arena, Vincenzo 905
Barthelmy, Joseph Richard 2738
Beck, Erna Martha 2409
Blanchy, Marie Nadine 1703
Borgarelli, Adolfo 2349
Breschi, Emma Ranza 2349
Broda, Antonio 2349
Bruno, Serra S 905
Casagrande, Elisa 790
Casagrande, Saidi (Sadie) 790
Casini, Maria 1845
Ciccioli, Maria 2021
Ciccioli, Zelmira 2021
Cito, Camillo 1170
Combes, Gilberte Henriette Hamelle 2350
de Vito Piscicelli, Arturo, Giuseppe, and Mary 492
Electro Metallurgical Co 219
Etablissements Weco (S. A. R. L.) 790
Flury, Placido 707

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Return of vested property—Continued
Fouard, Auguste Louise Joseph, Joseph Auguste Raymond, and Joseph Constant Felix Gaston 1703
Fouard, L'Abbe Constant Henri 1703
Gaveart Photo-Production N. V 219
Gerin, Jacques Jean-Marie Jules 790
Hamelle, Louis Gilbert 2350
Hamelle, Maison J 2350
Heurtier, Antoine 790
Hofer, Carl (Karl) 905
Humbert, Adrien Charles 627
Hurst, Ann 1487
Internationalt Forbund til Beskyttelse af Komponistrettigheder I Danmark (KODA) 339
Julien, Maurice Alexandre 707
Kikkert-Lipovsek, Juliana 838
Koehler, Margaret 1926
Kopf, Benjamin 2349
Lanquest, Claude Marie Louis, Leon Marie Pierre, and Marie Aline 1703
Lipovsek, Karel 838
Louisano, Vincenzo 905
Mabilleau, Leila Madeleine 1487
Matzner, Hermine Hermance (nee Strakosch Gotha-Siebleben) 1926
Miesch, Camille 790
Neiman, Abram 1926
Overseas Trust Corp., Ltd 2738
Paulsen, Jean Felix 1169
Pekastnig, Caecilie 707
Pichetti, Angelo, Lucia Vannoni, Marina, Marianna, and Stephano 1455
Piscicelli, Arturo de Vito, Giuseppe de Vito, and Mary de Vito 492
Pozzo, Serafina 2021
Pozzo, Teonesto 1845
Prudhomme, Brigitte Rose Marie 1703
Ranza, Ida F. and Riccardo 2349
Rindler, Engelbert 790
Rindler, Nikolaus 707
Roeper-Alscher, Emma 2350
Romane, Georges 708
Schopfer, Yvonne Jeanne 1487
Sorvillo, Margherita de Vito Piscicelli 492
Union Carbide and Carbon Corp 219
von Luschinsky, Maria 1926
Weixelbraum, Josefa (nee Rindler) 790
Wiese, Emma Whitney 707
Zeitlberger, Hermine Hermance (nee Strakosch Gotha-Siebleben) 1926
Zimmer, Gertrud Archdeacon 838
Time of effectiveness of vesting orders; effective at time filed with Federal Register Division, National Archives and Records Service, General Services Administration, Washington, D. C 1082
Trade-marks. *See* Patents and trade-marks.
Unknown or unnamed foreign nationals:
See also Germany; *and* Japan, *above.*
United States securities owned by 1190
Various interests, in estates, litigation proceedings, etc.:
Abe, Anna 1323
Abt, Anna 1323
Acos Roechling-Buderus do Brazil, Ltda 689
Akiyama, Sumitaro 880
Albert, Marie 977
Albingia 689
Albingia, V. A. G 689
Albrecht, Marie 1702
Allgemeine Versicherungs Gesellschaft "Helvetia" 689
Allgemeine Waren-Finanzierungs-Gesellschaft m. b. H 2736
Allianz & Stuttgarter Verein V. A. G 689
Araki, Tsuru Ono 978
Assecuranz-Union von 1865 689
Aue, Helene 1451
Bader, Marie 1702
Baethmann, Fritz 1323
Bagelmann, Gerhard 689
Bank of Silesian Landowners Association in Breslau 2134
Bartholomay, Margaret Langhorst 590
Bauer, Charlotte (Charlotte Biebesheimer) 183

ALIEN PROPERTY, OFFICE OF—Continued — Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Bayerische Vereinbank 2736
Becker, Bernhardine 1449
Behrends, Carl 2080
Beiderwieden, Karl and Karl Friederick 2693
Beiersdorf, P., & Co., A. G 1541
Benz, Berthold, Elizabeth, Emil, Heinz, Johann Christian, and Lena 1674
Berkenheger, Maria Helena 2080
Berlin Electric Elevated and Underground Railways Co. (Gesellschaft für Elektrische Hoch- und Untergrundbahnen in Berlin) 2134
Bernhardt, Stefan 1676
Bernrieder, Franziska (Frances) 1843
Besch, Michael and Pauline 1323
Besh, Pauline 1323
Betge, Ingrid 1676
Bingeser, Ludwig and Sofie 1544
Blumenauer, Ida 2693
Boehm, Gerhard 2078, 2081
Boehm, Helene 750
Boehringer, Georg 1451
Boldt, Alfred 830
Boos, Wilhelmine 882
Bopp, Elizabeth 1450
Borchers, Hans and Adelheid 2737
Boschen, Analie 1544
Boss, Friedrich H 2469
Braband, Hedwig B 1675
Braeuninger, William 1455
Brandenburg Electric Power Co. (Märkisches Elektizitatswerk Aktiengesellschaft) 2134
Brandt, Anna A. A 220, 2693
Brassler, Luise 2693
Braun, Herbert (Herbert A) 1675
Breitfeld, Gustav, Johanna, and Otto 1321
Brenzel, Anna 882
Bruning, August and Herman 2693
Brunjes, Martha 977
Buehring, Martha 977
Buhring, Martha 977
Certificates of Participation in Commerzund Privat-Bank Aktiengesellschaft 2134
Chiba, Tatsuchiro (Tatsushiro) 749
Chiba, Tokutaro 749
Christiansen, Ernest (Jens (Ernest) 181
Commerzund Privat-Bank Aktiengesellschaft, Certificates of Participation in 2134
Conversion Office for German Foreign Debts. *See* Germany *above*.
DEBEG 1843
Danzig, V. A. G 689
Decker, Natalie 1452
Dehlwes, Strina C. M 707
Dering, Margarethe 377
de Tarnoczy-Reith, Martha 979
Deutsche Betriebgesellschaft Fuer Drahtlose Telegraphie M. B. H 1843
Deutscher Freidenker-Verband 689
Deutscher Sparkassen-und Giroverband 2134
Deutsches Kalisyndikat G. m. b. H 1324
Dierkes, Bernhard 2080
Dierkes, Frieda Angela, Johann Conrad, Josepha Johanna, Josephine Angela, Waltraud Elizabeth, Wilhelm (Willi) Joseph, and Wilma Katharina 2080
Dierlamm, Elisabeth 1322
Dormer, Wilhelmine 1702
Drager, Bernhard and Heinrich 1322
Dumont, Erich 1453
East Prussia Power Co 2134
Eckhardt, Agnes 1451
Electric Power Corp 2134
Electrowerke Aktiengesellschaft (Electric Power Corp.) 2134
Elektrizitatswerk Schlesien Aktiengesellschaft 2134
Englert, Elsie 976
Epcke, Herman 1678
Essenmacher, Franz 1323
Filsinger, Albert, Artur, Edelburg, Edellrud, Else, Emil, Emilie, Emma, Ernst, Helmut, Hilde, Marie, Pauline, and Rudi 1674

ALIEN PROPERTY, OFFICE OF—Continued — Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Fimpel, Irmgard 490
Fischer, Catharina 2080
Foreign nationals, unnamed; domestic securities owned by 1190
Fuchs, Elizabeth 1674
Fujima, Teije 182
Fujinaga, Yoshitaro 978
Garnsee, City of 1544
Gassert, Pauline 1675
Gehde, Anna Marie 1322
Geissel, Elisabeth (nee Moeckel) 976
Gerken, Mathilde 882
German Consolidated Municipal Loan of German Banks and Clearing Association (Deutscher Sparkassen-und Giroverband) 2134
Gertis, Rosa 489
Gesellschaft für Elektrische Hoch-und Untergrundbahen in Berlin 2134
Gesellschaft für Elektrische Unternehmungen (Gesfürel) 2134
Gesfürel (Gesellschaft für Elektrische Unternehmungen) 2134
Giesecke, Konrad 1571
Glimmerwarenfabrik, Erste, Jaroslow 1545
Gloede, Maria T 882
Goetz, Margaret 183
Goetzer, Anton and Siegfried 1450
Goller, Walter 749
Gotz, Margaret 183
Grimm, Karoline (Lina) Rena 1702
Groiser, Anna 882
Gross, Joseph 489
Grosse, Edmund 1873
Gunster, Peter 708
Haas, Marianne, and others 1324
Hahn, Helene (Helen) and others 490
Halbeck, Anna K 1544
Hamberger Phoenix V. G 689
Hamburger & Co's Bankierskantoor, N. V 2080
Harer, Agatha and Friedrich 882
Hartmann, Anna Elizabeth 976
Hartwig, Auguste 2693
Hashimoto, Kisaku 2078, 2738
Hasslocher, Emma 1675
Hattori, Masakazu (Masalasu William; and William Masakasu) 379
Haubrock, Auguste 2693
Hayer, Joerg 1322
Heborn, Martha (nee Mehnert) 1546
Hecker, Hartman 690
Heckerkunst, Rudolf 1676
Hedenkamp, Karl H 1544
Heeresfilmsteele and others 336, 1541
Heft, Jacob 1702
Heidemann, Emma and Johanna Luise 2693
Heintze, Gertrude 976
Heland, Margarete Gretel and others 879
Hensler, Frederike 2693
Herborn, Martha (nee Mehnert) 1546
Hinricks, Agnes 1544
Hinricks, Elizabeth Johanna 2080
Hoppner, Gustav and Wilhelmine 2693
Horn, Katharine 1453
Hosemann, Franz 1451
Hubscher, Ella and Richard 491
Hummel, Frederick and Lina 882
Imakara, Oume 1544
Immig, Katharina (Katharina Vietheer) 1544
Inouye, Junji 978
Irslinger, Anna 882
Isosaki, Fukuji 749
Itanore, Kenji 749
Itanori, Kenji 749
Ito, Kichinosuke 978
Iwanoto, Masatoro 750
Jaroslow, Erste Glimmerwarenfabrik 1545
Jduna Transport and Ruckversicherungs A. G 689
Johrden, Marie 1321
Kaerger, Ernst 2469
Kaerger, Johann Christoph and Margarete 2469
Kaiser, Luise 977
Kaiser, Maria (nee Moeckel) 976

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Kalb, Aurelia 708
Kashiwabara, Yonejiro 1450
Kawaguchi, Umakichi 978
Kawasaki, Akiko, Daijiro, Hachiemon, and Morinosuke 370
Kayser, Luise 377
Kern, Julius, Jr 689
Kettenburg, Anna 2079
Ketterer, Anna 1323
Klaeber, Frederick 1543, 1629
Knapp, Gertrude 1324
Koch, Maria Toni Elisabeth (Elisabeth; Elisabeth Woellke) 1675
Kohl, F. E. Werner 690
Kohmann, Luise (Louise) 2470
Kollep, Elizabeth (Elizabeth Mais) 1676
Konversionskasse fuer Deutsche Auslandschulden 2133
Korijn, Louis, & Co 1679
Kozo, Miura 749
Kurze, Adele 2693
Kraemer, August 1451
Kramer, Elizabeth 976
Kroma, Albert 1676
Kubota, Fukumatsu 978
Kuehlewein, Elisabeth Julie 881
Kuhlewein, Elizabeth Julie 881
Kuhlow, Edward 1453
Kurata, Shizuko 881
Kuroda, Keinosuke 978
Lambda, S. A 981
Landahl, Rudolph H. (Rudolph Henrix) 1844
Langhans, Elizabeth 1544
Langhorst, Henry A 590
Lembach, Albina 1676
Lemberger, Eugen 2737
Lesing, Bernhard and Ralph 1451
Lesny, Bernhard 1451
Lesny, Rafael (Raphael) 1451
Liebl, Johann and Sabina 2469
Liebl, Theresie (Theresia) 2469
Litzenberger, Karl (Karl Nicklaus; Karl M.) 881
Lorentzen, Minna 1544
Lorenz, Richard Otto 1453
Lubert, Emil and Karl 2693
Ludovici, Firtz 2080
Ludwig, Kathatina (nee Moeckel) 976
Luft, Katherine Liebl 2469
Lukemeier, Herman 749
Lutz, Maria Theresia 490
Mader, Otto 378
Maier, Ella, Erwin, Hedwig, and Willi 1674
Mannheim Insurance Co 689
Manshart, Leo and Maria M 1544
Marby, Ernest and Sigrid 1676
Märkisches Elektrizitatswerk Aktiengesellschaft 2134
Matsuda, Ihichi 689
Matsukawa, Kameo (Komeo) 749
Matsuzaki, Yumi 689
Matz, Ida 1676
May, Bertha 184, 708, 709
Mehnert, Herman F 1546
Menke, Else 182
Mente, Eugene W 1702
Menter, Franciska Obst 182
Menter, Gustav 182
Metz, Eva 1544
Meyer, C.-Heinr. F 689
Meyer, Franziska (nee Rohde) 538
Meyer, Klara 1675
Mino, Shikamatsu 978
Miura, Kozo 749
Miyamoto, Takichi 978
Mockel, Lorenz 976
Morken, Henry 706
Mory, Henry and Louise 1677
Mueller, Anna Louisa 976
Mueller, Elsa 1674
Mueller, Jakob 1544
Murakami, Sutematsu 978
Murken, Diedrich, Georg, Mathilde, and Meta 707
Murken, Henry (Hinrich) 706

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Musken, Hinrich 706
N. V. Olienfrabrieken T. Duyvis Jz 689
N. V. Potash (Kali) Export Maatschappij 1324
Nakami, Hyotaro 978
Nakamura, Masakichi 1677
National Allgemeine V. A. G 689
Nederlandsche Landbouwbank N. V 1678
Neffie, Anna and Franz 378
Negendanck, Dorthee von Behr, Gertrude von Rumohr von Behr, Marion von Behr, Sophie Elisabeth von Behr, and Ursula von Behr 879
Neimann, Elizabeth 1702
Niino, S. (Shikmatsu) 978
Nikka Life Insurance Co 371
Nippon Fire Insurance Co 371
Noll, Helene Schuff 976
Nord-Deutsche V. G 689
Nordisches Assecuranz-Kontor 689
Nosu, Yayako K 978
Nussbaum, Adolf 491
Nusslein, Babette 378
Oberrheinische V. G 689
Oeffentliche Werkbetriebe der Stadt Stettin G. m. b. H 2134
Oehmichen, Paul Albert and Selma Albert 490
Ohligschlaeger, Dr. Carl Alexander 689
Okamoto, Hisajiro and Mitsu 1541
Okuda, Ryotaro 371
Olschak, Wanda 1676
Ostermeier, Alois and Marie 1544
Otonashi, Matsue, and others 490
Otten, Angela Margaretha 2080
Peiner, Carl C 689
Peterman, Albert 976
Petersen, Karen Hansine 181
Pfisterer, Elsa 1675
Pflug, Juliana (Juliana Mais) 1676
Phillip, Karl and Max 2737
Pierson & Co 1678
Poder, Miralda Oselg 1544
Pommerania Electric Co 2134
Potash (Kali) Export Maatschappij 1324
Prass, Margaretha 2080
Preussiche Elektritzitats-Aktiengesellschaft 2134
Prussian Electric Co. (Preussische Elektritzitats-Aktiengesellschaft) 2134
Rabes, Carl 2471
Rauch, Winter M 882
Rauhut, Clara 1676
Reis, Joseph 1676
Reiss, Joseph 1676
Riechelmann, Dr. Ludwig, and others 1845
Riedmann, Linus 2470
Rippman, Clara, Gertrud, Ludwig, Marie, Michael, and Ulrich 1322
Rippmann, Marie W 1322
Ritterbusch, Anna F 1544
Rohde, Erika 539
Roland V. A. G 689
Rudolph, Hedwig 1544
Ruf, Anna 882
Ruhwinkel, Maria Wilhelmina 2080
Sachsiche, V. A. G 689
Sasaki, Michinori 1544
Satake, Iwajiro 708, 1546
Sax, Karen Hansine 181
Scharmberg, Maria Wilhelmina 2080
Scheck, Ida 1674
Scheele, Anna and Wilhelm 1544
Schellenberg, Walter H 219
Schleisische Landschaftliche Bank zu Breslau (Bank of Silesian Landowners Association in Breslau) 2134
Schlepper, Wilhelmine C 882
Schlitt, Elizabeth 1676
Schmalenbach, Agnes (Agnes Maria; Marie) 980
Schmalenbach, Carl (Karl) 980
Schmidt, J. Heinr 689
Schmidt, Johann (John) 2081
Schmidt, Marianne 1545
Schmitter, Joseph 2080
Schmunk, Elfriede 1675

90000—2——52

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Schneider, Elisabeth 1571, 1675
Schnetker, R. A 978
Schnier, Anna 2693
Schrauf, Heinrich, and others 2471
Schreiber, Curt Edgar and Eugen 977
Schrock, Johanna 1321
Schroeder, Sudeck & Duve 689
Schroeder, Sureck & Duve 689
Schrohe, Adam L. J. and Mrs 183
Schubert, Kaethe (Kaethe Enz) 1451
Schuette, Amalie (nee Rohde) 538
Schuetz, Anna Walburga, August Joseph, Erwin, and Karl Anton 490
Schuff, Anna, Hans, and Maja 976
Schulte, Helen 184
Schulz, Joahan 1451
Seegar, Clara 182
Selig, Anna Liebl 2469
Shigeta, Kunisuke 978
Sichel, Hermann 2080
Siemssen, Ellen, and others 1455
Silesia Electric Corp. (Elektrizitatswerk Schlesien Aktiengesellschaft) 2134
Sineczko, Irene 1544
Specht, Louise (nee Rohde) 538
Spinzig, Walter 979
Steinike, Serafina 1453
Stern, B., Jr 2080
Stettin Public Utilities Co. (Oeffentliche Werkbetriebe der Stadt Stettin G. M. b. H.) 2134
Stoehr, Lotte 830
Stoetzer, Rudolf 1453
Sugita, Kimino 1843
Sugitani, Emiko 489
Suguta, Sam, and others 688
Sunakawa, Yasutaro 978
Takehara, Takeo (Tokuhiko; tokukiko) 2470
Takei, Inotaro 978
Tanaka, James Matsuo 2472
Tarnoczy-Reith, Martha 979
Teinturier, Lilli 378
Teitoku Kai 371
Teuteberg, Wilma (nee Rohde) 538
Thume, Emilie 1702
Truhe, Harald 539
Tsukano, Toku H 978
Uemura, Kamegoro (Komegoro) 749
Uhrigh, Elsa 1675
Uhrlaub, M 1454
Union Bank of Switzerland 980
Union de Banques Suisse 980
United Industrial Corp 2134
Usling, Johanna Fredericke 2693
Uyeminami, T. (Toshio) 980
VIAG 2134
Vereinigte Elektrizitätswerke Westfalen, G. m. b. H 2134
Vereinigte Industrie-Unternehmungen Aktiengesellschaft 2134
von Bose, Carl William Holm Hans Henning (Hans Henning) 492
von der Heide, Klara 1322
von der Heyde, Ella 1571
von Negenborn, Gisella 2079
von Opel, Fritz, Elinor, and Marta 2738
von Plawenn, Margarethe 1571
Von Raumer-Kalckreuth, Erna 2080
von Ribbeck, Irene Renate Alice 492
von Rumohr, Cai-Detlev Ferdinand, Cai-Henneke, Cai-Wilhelm, Casper, Christine, Elizabeth S., Fredrich-Karl, Ludwig Carl, Michael, Olga von Behr, Olga von Donner, and Wilhelm 879
Von Schierholz, Mrs. H 379
von Witzleben-Wilkens, Mrs. I. Th 2081
Wagner, Helen 882
Wakimoto, Geo. T. and Tsuru 2079, 2738
Walcker, Hermann 1322
Wartmann, Katharina, and others 491
Watjen, Carl Gustav 1679
Weinmann, Ferdinand (Georg Ferdinand) 183

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Weinmann, Katharina (Katarina) 183
Wengen, Dorthea à 1322
Werner, Hermann 1676
Werner, Johanna (Johanna Alsenz) 183
Westphalia United Electric Power Corp. (Vereinigte Elektrizitätswerke Westfalen, G. m. b. H.) 2134
Whal, Robert 1323
Wichert, Hermina 2472
Witte, Dr. Oskar 1545
Witte, Hermann 1545
Wolf, Emmi 1674
Wunderwald, Arthur 690
Wurttembergische T. V. G. zu Heilbronn 689
Yamamoto, Emiko 489
Yasuda, Mangoro 978
Yohrdon, Marie 1321
Zeigler, Gustav 689

ALIENS:
Agents of foreign principal, registration of; authority respecting. *See* Justice Department.
Alien scientists employed by Army Department, exception from competitive service 2085
Deportation of. *See* Immigration and Naturalization Service.
Grants to foreign leaders or students. *See* State Department.
Immigration and nationality regulations respecting. *See* Immigration and Naturalization Service.
Merchant mariner's documents, denial of, to certain aliens. *See* Coast Guard.
Non-resident aliens; estate and gift tax regulations respecting. *See* Internal Revenue Bureau.
Ports of entry; joint regulations of Customs Bureau, Immigration and Naturalization Service, and Public Health Service. *See* Immigration and Naturalization Service.
Property of, vesting orders, etc. *See* Alien Property, Office of.

AMORTIZATION OF EMERGENCY FACILITIES, issuance of necessity certificate in connection with. *See* Defense Production Administration, *and* Interior Department.

ANCHORAGE REGULATIONS. *See* Coast Guard.

ANIMAL INDUSTRY BUREAU:
Animal breeds; recognition of breeds and books of records of purebred goats 867, 2591
Canada:
Designation as country where foot-and-mouth disease exists; importation of certain animals and products prohibited 1820
Importations of animal by-products, and hay and straw, restrictions on entry into United States 2112
Foot-and-mouth disease; importations prohibited from countries where diseases exist. *See* Canada; *and* Importation of animals or meat.
Germany, Federal Republic of (Western German States); imported meat and meat food products from 1427, 2712
Honduras; imported meat and meat food products from, proposed rule making 963, 1881
Importation of animals or meat from various countries:
Eligibility of foreign countries for importation of meat products, under meat inspection regulations. *See* Meat inspection regulations.
Prohibitions of importations because of certain diseases; Canada, designation as country where foot-and-mouth disease exists 1820
Interstate transportation of animals and poultry:
Brucellosis and paratuberculosis in domestic animals, interstate movement of; proposed rule making 2626
General provisions; definitions "interstate", proposed rule making 2626
Meat inspection regulations:
Ante-mortem inspection. *See* Inspection.
Certificates, export. *See* Stamps and certificates.

ANIMAL INDUSTRY BUREAU—Continued — Page
Meat inspection regulations—Continued
Identifying products:
Labeling products:
False or deceptive names, established trade names, etc., proposed rule making 2625
Labels; what to contain, when and how used, proposed rule making 2625
Marking, branding and identifying products:
Marking of meat food products in casings, proposed rule making 2625
Marking of shipping containers; domestic meat labels, proposed rule making 2625
Preparation of marking devices bearing inspection legend without advance approval prohibited, proposed rule making 2624
Imported products; eligibility of foreign countries for importation of meat, meat byproducts and meat food product into United States:
Germany, Federal Republic of (Western German States); addition to list 1427, 2712
Honduras; addition to list 963, 1881
Inspection:
Ante-mortem inspection; cripples and downers, proposed rule making 2624
Facilities for inspection:
Department to be reimbursed for cost of inspection in excess of service provided by appropriated funds 465
Overtime work of meat inspection employees, proposed rule making 2624
Market inspection; revocation, proposed 2625
Reinspection and preparation of products:
Prescribed treatment of pork and products containing pork to destroy trichinae, proposed rule making 2625
Processes to be supervised; containers, equipment, processes, substances, proposed rule making 2625
Labeling products. *See* Identifying products.
Market inspection. *See* Inspection.
Marking products. *See* Identifying products.
Reinspection. *See* Inspection.
Sanitation:
Establishment, sanitary condition, requirement; official establishments and premises, proposed rule making 2624
Tagging unsanitary equipment, utensils, rooms or compartments, proposed rule making 2624
Stamps and certificates, export:
Animal casings for export to certain countries, special requirements; certificates, stamps, handling, etc., proposed rule making 2625
Export transportation without certificate prohibited; special procedure or requirements for export to Colombia, S. A., proposed rule making 2625
Instructions concerning issuance, proposed rule making 2625
Manner of affixing stamps and marking products for export, proposed rule making 2625
Tanking and denaturing condemned carcasses and parts; specimens for educational, research and other purposes, permits for, required, proposed rule making 2624
Sanitary control of animal byproducts (except casings), and hay and straw, offered for entry into United States; importations from Canada, revocation 2112
ARCHIVIST OF THE UNITED STATES; use of records in custody of, authentication and attestation of copies 234
ARMED FORCES:
See also Defense Department, *and specific services.*
Mail; postal regulations respecting A. P. O.'s. *See* Post Office Department.
Veterans. *See* Veterans.
ARMED FORCES DAY, 1952 (Proclamation 2966) 2587
ARMED FORCES HOUSING AGENCY, establishment of, in Defense Department 701
ARMED FORCES MEDICAL LIBRARY, establishment 2094
ARMED SERVICES, SENATE COMMITTEE ON; inspection of tax returns in connection with Federal elections (Executive Order 10321) 791

ARMY DEPARTMENT: — Page
See Engineers, Corps of.
Accounts, payment of. *See* Claims and accounts.
Acting Secretary; order of succession to position in case of death, disability, or absence of Secretary of Army (Executive Order 10332) 2083
Aircraft danger areas over military installations, designation in coordination with Army. *See main heading* Civil Aeronautics Administration.
Authority, delegations of:
From Secretary, to Chief of Engineers; to perform functions and make determinations with respect to reimbursement to owners and tenants of land (acquired by Department pursuant to Public Law 155, 82d Congress) for expenses, losses and damages 2693
To Secretary:
From Chairman of Munitions Board, to reschedule delivery of DO-rated materials required in support of Department of Defense Tank-Automotive Program (A–4) 213
From National Production Authority, to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Civil Works Corps of Engineers projects, Panama Canal Company, Domiciliary Building, Old Soldiers' Home) 1488
Substitution of Order M–100 for M–4A 1971
From Secretary of Defense; to eliminate excessive profits under Renegotiation Act of 1948 1065
Censorship, of news dispatches, still pictures, and motion pictures submitted by correspondents accompanying Army Forces 65, 66
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 265, 2085
Civilian employees. *See* Employees.
Claims and accounts:
Bills and accounts, payment of:
Certification, general 467
Certification and receipt when payment is made in currency 467
Claims against United States:
Claims for relief by contractors; revocation 2749
War Contract Hardship Claims Board, rules of procedure; revocation 2749
Enlisted men absent without leave, deserters, etc.:
Definitions; citizen 2361
Payment for arrest and delivery of person apprehended; reimbursement for travel by privately owned conveyance 2361
Reimbursement to owners and tenants of land acquired by Department (pursuant to Public Law 155, 82d Congress) for certain expenses, losses, and damages 2501
Delegation of authority to Chief of Engineers to perform all functions and make all determinations with respect to reimbursement 2693
Correspondents accompanying Army Forces, regulations respecting 63
Censorship of news dispatches, still pictures, and motion pictures 65, 66
Credentials, issuance and use of 64
Definitions 63
Discipline 65
Pictorial coverage; still pictures, motion pictures, theater or television newsreel films, etc 65
Status and privileges 64
Transportation; government transportation 65
Uniform, description of 65
Decorations, medals, ribbons, and similar devices; service medals:
American Campaign Medal; requirements, service star 912
American Defense Service Medal; foreign service clasp, service star 912
Armed Forces Reserve Medal 913
Army of Occupation Medal 912
Arrowheads; rescission 914
Asiatic-Pacific Campaign Medal; service star, arrowhead 912
European-African-Middle Eastern Campaign Medal; service star, arrowhead 912

ARMY DEPARTMENT—Continued — Page

Decorations, medals, ribbons, and similar devices; service medals—Continued
- General; definition, purpose, character of service, list of service medals, etc. 911
- Good Conduct Medal 912
- Korean Service Medal 913
- Medal for Humane Action, award for meritorious participation in military effort to supply necessities of life to people of Berlin (Executive Order 10325) 1239
- Philippine service ribbons:
  - Philippine Defense Ribbon; description, service star 914
  - Philippine Independence Ribbon; description 914
  - Philippine Liberation Ribbon; description, service star 914
- Service medals and appurtenances, supply of; items furnished and not furnished 914
- Service ribbons 914
- Service stars; rescission 914
- United Nations Service Medal 914
- World War I Victory Medal; clasps, service stars 912

Employees, civilian:
- Designation of Secretary to exercise certain powers, functions and duties respecting Social Security Act amendments of 1950 pertaining to 615
- Exemption from compulsory retirement for age; Frederick C. Mayer, organist and choirmaster, United States Military Academy at West Point (Executive Order 10334) 2741

Lands, public, withdrawn for use of Department in Alaska, California, and Nevada. *See main heading* Land Management Bureau.

Library, medical, Armed Forces; establishment in Defense Department, under management of Secretary of Army 2094

Medals. *See* Decorations.

Medical library, Armed Forces, established in Defense Department, under management of Secretary of Army 2094

Military Academy, United States. *See* United States Military Academy.

Ordnance; voluntary plans of Army Ordnance Integration Committees. *See main heading* Defense Production Administration.

Payment of bills and accounts. *See* Claims and accounts.

Procurement, Army procurement procedure:
- Advertising, formal, use of; policy 2419
- General provisions, information to be furnished when requesting approval of contracts or awards; information required by Chief, Purchases Branch as to contract placement 2419
- Negotiation, procurement by; circumstances permitting negotiation, application 2419

Quartz crystal blanks in national stockpile, proposed transfer to Signal Corps, Army Department 1137

Renegotiation Act of 1948; authority to Secretary from Secretary of Defense to eliminate excessive profits under 1065

Secretary of Army:
- Acting Secretary; order of succession to position in case of death, disability, or absence of Secretary of Army (Executive Order 10332) 2083
- Delegations of authority to and from Secretary. *See* Authority, delegations of, *above*.
- Order of succession to position of Acting Secretary of Defense in case of death, disability, or absence of Secretary of Defense (Executive Order 10332) 2083

Social Security Act amendments of 1950; designation of Secretary by Secretary of Defense to exercise certain powers, functions and duties respecting, pertaining to civilian employees of Department 615

Succession to position of Acting Secretary of Defense in case of death, disability, or absence of Secretary of Defense (Executive Order 10332) 2083

Tank-automotive program, delivery of materials required in support of; authority to reschedule DO-rated materials 213

United States Military Academy, at West Point; exemption of Frederick C. Mayer organist and choirmaster, from compulsory retirement for age (Executive Order 10334) 2741

War Contract Hardship Claims Board, rules of procedure; revocation 2749

ASSAY OFFICES AND MINTS; charges for services. *See* Treasury Department. — Page

ATOMIC ATTACK, instructions for merchant vessels in port in case of. *See* Coast Guard.

ATOMIC ENERGY COMMISSION:
- Construction, delegation of authority by National Production Authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 respecting (all construction by or for account of Commission, and industrial construction sponsored by Commission) 1488
- Substitution of Order M–100 for M–4A 1971
- Idaho Operations Office, lease of space for; delegation of authority by General Services Administrator respecting 1234
- Lands, public, withdrawn for use of Commission. *See main heading* Land Management Bureau.
- Lease of space for Idaho Operations Office; delegation of authority by General Services Administrator respecting 1234
- Price control; exemption for sales of certain military items to Defense agencies. *See main heading* Price Stabilization, Office of.
- Procurement Policy Board, Office of Defense Mobilization; representation on 103
- Surplus Manpower Committee, Office of Defense Mobilization; representation on 1196

ATTORNEY GENERAL. *See* Justice Department.

B

BANKS FOR COOPERATIVES. *See* Farm Credit Administration.

BLIND PERSONS; employment in sheltered workshops. *See* Wage and Hour Division.

BLOCKED ASSETS AND TRANSACTIONS. *See* Alien Property, Office of; *and* Treasury Department.

BOARDS. *See* Committees, boards, etc.

BONUSES, payment of. *See* Salary Stabilization Board; *and* Wage Stabilization Board.

BOUNDARY AND WATER COMMISSION, INTERNATIONAL, UNITED STATES AND MEXICO. *See* International Boundary and Water Commission, United States and Mexico.

BRIDGE REGULATIONS. *See* Engineers Corps, Office of.

BRITISH TOKEN IMPORT PLAN. *See* International Trade, Office of.

BUSINESS ECONOMICS, OFFICE OF:
- Foreign-owned vessels or aircraft engaged in carrying goods or passengers to or from United States; report by owners, operators, or agents on earnings from carriage of imports into United States and expenses incurred in United States on passenger and freight operations for purpose of compiling statistics on balance-of-payments for use of Government and International Monetary Fund 2020

C

CADETS; Merchant Marine, training of. *See* Maritime Administration.

CANAL ZONE. *See* Canal Zone Government; *and* Panama Canal Company.

CANADA:
- Customs offices where United States officers are stationed. *See* Customs Bureau.
- Importation prohibited with respect to certain animals, and byproducts, hay, straw, etc. *See* Animal Industry Bureau.
- Radio broadcast stations in. *See* Federal Communications Commission.

CANAL ZONE GOVERNMENT:
- Aircraft in Canal Zone, quarantine of (Order 25) 2504
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 1145
- Customs Service; punishment for violations 2394
- Military reservation; revising boundary of Parcel No. 1 of Curundu Military Reservation (Order 26) 2622

CANAL ZONE GOVERNMENT—Continued Page
Panama Canal and adjacent waters, operation and navigation of:
Hazardous liquid cargoes; definitions, safety requirements, etc 2389
Other hazardous materials; ammonium nitrate 2394
Postal regulations for Canal Zone. *See main heading* Post Office Department.
Procurement of supplies and services; authority of President, Panama Canal Company respecting 1672
Quarantine, maritime and aircraft, in Canal Zone (Order 25) 2504
General provisions respecting vessels or aircraft arriving at port of Canal Zone 2504
Vessels awaiting inspection 2504
Tolls for use of Canal; partial transits by small vessels 2394
Vessels entering Canal Zone ports, quarantine of (Order 25) 2504
CANCER CONTROL MONTH, 1952 (Proclamation 2967) 2649
CANCER CONTROL PROGRAM, grants for. *See* Public Health Seervice.
CENSUS BUREAU:
Fees for age search and citizenship service 62
CERTIFICATES, NECESSITY, issuance of, in connection with amortization of emergency facilities. *See* Defense Production Administration.
CHILD LABOR:
Occupations hazardous for minors; child labor regulations. *See* Labor Department.
Records to be kept by employers of minors. *See* Wage and Hour Division.
CHILDREN'S BUREAU, FEDERAL SECURITY AGENCY:
Child welfare services:
Allotments; substitution of "Commissioner" for "Federal Security Administrator" 1650
Certificate of payments; substitution of "Commissioner" for "Federal Security Administrator" 1650
CIVIL AERONAUTICS ADMINISTRATION:
Administrator; approval, specifications, etc., by, with respect to airworthiness requirements, and irregular and scheduled air carrier rules. *See main heading* Civil Aeronautics Board.
Airports, public, Federal aid to public agencies for development of:
Construction work, performance of 2354
Grant payments:
Application for 2356
Suspension for violations of labor provisions 2357
Approach procedures, standard. *See* Instrument flight rules.
Civil airways, designation of:
Amber civil airways:
California; Los Angeles to The Dalles, Oreg 112
Oregon; The Dalles to Los Angeles, Calif 112
Blue civil airways:
California:
Paso Robles to Williams, Calif 112
Williams to Paso Robles, Calif 112
Canadian Border. *See* United States-Canadian Border.
Kansas:
Olathe to Topeka, Kans 1611
Topeka to Olathe, Kans 1611
Kentucky:
Lexington:
To Cincinnati, Ohio 112
To Dayton, Ohio 2386
Louisville to Erie, Pa 2386
Missouri; Advance to United States-Canadian Border 2386
Ohio:
Cincinnati to Lexington, Ky 112
Dayton to Lexington, Ky 2386
Pennsylvania; Erie to Louisville, Ky 2386
Tennessee; Bristol to United States-Canadian Border 544
United States-Canadian Border:
To Advance, Mo 2386
To Bristol, Tenn 544

CIVIL AERONAUTICS ADMINISTRATION—Con. Page
Civil airways, designation of—Continued
Green civil airways:
California; San Francisco to New York, N. Y 112
Hawaiian Islands 111, 2386
New York; New York City to San Francisco, Calif 112
Red civil airways:
Arizona; Winslow to San Diego, Calif 2385
California; San Diego to Winslow, Ariz 2385
Georgia; Atlanta to Detroit, Mich 2386
Kentucky:
Bowling Green:
To Dayton, Ohio 1611
To Lone Rock, Wis 2386
Louisville to Cincinnati, Ohio 2386
Massachusetts:
Boston:
To Butler, Pa 1611
To Pittsburgh, Pa 1610
Hyannis to Providence, R. I 1611
Michigan; Detroit to Atlanta, Ga 2386
Ohio:
Cincinnati to Louisville, Ky 2386
Dayton to Bowling Green, Ky 1611
Pennsylvania:
Butler to Boston, Mass 1611
Pittsburgh to Boston, Mass 1610
Rhode Island; Providence to Hyannis, Mass 1611
Wisconsin; Lone Rock to Bowling Green, Ky 2386
Control areas, zones, and reporting points; designation of:
Control areas:
Civil airways (blue, green, red):
Blue civil airways:
Canadian Border. *See* United States-Canadian Border.
Kansas:
Olathe to Topeka, Kans 1611
Topeka to Olathe, Kans 1611
Kentucky:
Lexington:
To Cincinnati, Ohio 112
To Dayton, Ohio 2386
Louisville to Erie, Pa 2386
Missouri; Advance to United States-Canadian Border 2386
Ohio:
Cincinnati to Lexington, Ky 112
Dayton to Lexington, Ky 2386
Pennsylvania; Erie to Louisville, Ky 2386
United States-Canadian Border to Advance, Mo 2386
Green civil airways:
California; Los Angeles to Philadelphia, Pa 2386
Pennsylvania; Philadelphia to Los Angeles, Calif 2386
Red civil airways:
Arizona; Gila Bend to Rodeo, N. Mex 883
Florida; Tallahassee to Florence, S. C 1611
Kentucky:
Bowling Green:
To Dayton, Ohio 1611
To Lone Rock, Wis 2386
Louisville to Cincinnati, Ohio 2386
Massachusetts; Boston to Butler, Pa 1611
New Mexico; Rodeo to Gila Bend, Ariz 883
Ohio:
Cincinnati to Louisville, Ky 2386
Dayton to Bowling Green, Ky 1611
Pennsylvania; Butler to Boston, Mass 1611
South Carolina; Florence to Tallahassee, Fla 1611
Wisconsin; Lone Rock to Bowling Green, Ky 2386
Extension of control areas:
Arkansas:
Fort Smith 112
Pine Bluff 112
Florida; Key West 112
Kentucky:
Lexington 112, 2387
Paducah 2387
Louisiana:
Lake Charles 1611
Shreveport 1990
Michigan; Detroit 112

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Extension of control areas—Continued
Missouri; Kansas City 2386
New Jersey; Fort Dix 1611
North Carolina; Cherry Point 112
Ohio; Cincinnati 112
South Carolina:
Columbia 1990
Greenville 1611
Texas; Bryan 1990
Control zones:
Additional control zones:
Arkansas; Fort Smith 112
California:
Fairfield; name of airport changed to "Travis Air Force Base" 112
Los Angeles; name of airport changed to read "Los Angeles International Airport" 2387
Stockton; name of airport changed to "Stockton Field Airport" 2387
Florida:
Cross City (name corrected from "Cress City") 1611
Melbourne 112
Hawaii, Territory of; Honolulu International Airport 1612
Kentucky:
Fort Knox 1612
Lexington 2387
Paducah 2387
Maine; Brunswick 2387
Montana; Great Falls 1612
New York:
New York:
Floyd Bennett NAS; revocation 2387
New York International Airport 2387
Syracuse 1611
Oklahoma:
Lawton 1612
Tulsa 112
Pennsylvania; Willow Grove 1612
Tennessee; Smyrna 1611
Texas:
Austin 1611
Big Spring; name of airport changed to read "Big Spring AFB" 2387
Fort Worth 1611
Lubbock 112
Waco 112
Five mile radius zones, around various airports:
San Marcos Air Force Base, San Marcos, Tex.; added 1611
Waco Municipal Airport; Waco, Tex 112
Three-mile radius zones, around various airports:
California:
Crows Landing; Navy ALF 112
Santa Monica; Clover Field corrected to read "Santa Monica Municipal Airport" 1611
New Hampshire; Manchester, Grenier Air Force Base, added 1611
Pennsylvania; Willow Grove, Naval Air Station, deleted 1611
Washington control zone; control of IFR traffic. *See* Radar procedures.
Reporting points, on various civil airways:
Amber civil airways:
Alaska; Nome to United States–Mexican Border 1612
California; Los Angeles to The Dalles, Oreg 112
Mexican Border. *See* United States-Mexican Border.
Oregon; The Dalles to Los Angeles, Calif 112
United States–Mexican Border to Nome, Alaska 1612
Blue civil airways:
Kansas:
Olathe to Topeka, Kans 1612
Topeka to Olathe, Kans 1612

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Reporting points, on various civil airways—Con.
Blue civil airways—Continued
Kentucky:
Lexington:
To Cincinnati, Ohio 112
To Dayton, Ohio 2387
Louisville to Erie, Pa 2387
Ohio:
Cincinnati to Lexington, Ky 112
Dayton to Lexington, Ky 2387
Oklahoma:
Ardmore to Tulsa, Okla 1612
Tulsa to Ardmore, Okla 1612
Pennsylvania; Erie to Louisville, Ky 2387
Red civil airways:
Kentucky:
Bowling Green:
To Dayton, Ohio 1612
To Lone Rock, Wis 2387
Louisville to Cincinnati, Ohio 2387
Massachusetts; Boston to Butler, Pa 1612
Ohio:
Cincinnati to Louisville, Ky 2387
Dayton to Bowling Green, Ky 1612
Oklahoma; Oklahoma City to Midland, Tex 112
Pennsylvania; Butler to Boston, Mass 1612
Texas; Midland to Oklahoma City, Okla 112
Wisconsin; Lone Rock to Bowling Green, Ky 2387
Danger areas over Army, Navy and Air Force installations in various States, Territories and possessions; designation of areas added, deleted or altered:
Alaska; Big Delta 716
Arizona:
Ajo 911
Gila Bend 911
Sahuarita 715
Willcox Dry Lake 715
Arkansas; Pine Bluff 715
California:
Holtville 1878
Mojave 1878
Sand Hills 1878
Vernalis 191, 716
Delaware; Bethany Beach 1612
Florida:
Banana River 191
Lake George 1207
Oak Hill 1207
Georgia; Lakeland 1878
Massachusetts:
Cotuit 716
Nashawena 716
North Eastham 716
Woods Hole 716
Missouri; Lake City 2162
New Jersey; Fort Dix 191
New Mexico; Clovis 1612
New York; Pine Camp (Exercise Snow Fall) 693
North Carolina:
Center Hill 716
Long Shoal Point 716
South Carolina; Fort Jackson 1612
Texas:
Corpus Christi 716, 1612
Fort Hood 1990
Utah:
Great Salt Lake 2387
Wendover 716
Virginia:
Great Machipongo Inlet 716
Parramore Island 716
Washington; Seattle 192
Instrument flight rules:
Instrument altitudes, minimum en route, on various civil airways (amber, blue, green and red airways) 1060, 1267, 2413, 2591
Instrument approach procedures, standard:
Automatic direction finding 638, 1059, 1880
Automatic direction finding procedures determination 2163

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Instrument flight rules—Continued
Instrument approach procedures, standard—Con.
Ground controlled approach procedures determination 2166
High frequency range 514
Instrument landing system 1059
Instrument landing system procedures 514
Instrument landing system procedures determination 2165
Introduction; use of radio navigational facilities requiring flight check, provisions not applicable in certain areas 1495
Low frequency range 509, 1057, 1879
Radio range procedures determination 2162
Very high frequency omnirange (VOR) 647, 1059
Lands, public, withdrawn for use of Department. *See main heading* Land Management Bureau.
Organization and functions; regional offices:
Airport District Office serving Virginia relocated in Gravelly Point, Virginia; Washington National Airport 534
Airport District Office serving West Texas relocated in Abilene, Texas; Old Post Office Building 215
Radar procedures for control of IFR traffic departing from Washington control zone, employment on trial basis; notice 166
Telephone and power lines in Alaska, permission to construct, operate, and maintain, in connection with air-navigation site No. 205 1650
Washington control zone, radar procedures for control of IFR traffic departing from; employment on trial basis, notice 166

CIVIL AERONAUTICS BOARD:
Accidents and missing aircraft:
Investigation of accidents occurring at or near certain cities:
Elizabeth, N. J. 169, 1362, 1694, 1695
Fairbanks, Alaska 1137
Little Valley, N. Y. 455
New York City, N. Y.; LaGuardia Field 1362
Ontario, Canada 671
Sandspit, British Columbia 2341
Special accident investigations, authority respecting. *See* Organization, delegations of authority.
Air taxi operators:
Authorization to conduct certain operations; special civil air regulation (SR-378) 633
Classification and exemption and filing of reports by. *See* Economic regulations.
Air traffic rules; proposed rule making:
General; scope 2629
General flight rules (GFR):
Acrobatic flight 2629
Air races, air shows, exhibition parachute jumps, or similar aeronautical demonstrations 2629
Airline transport pilots, ratings for. *See* Certificates and ratings.
Air-traffic control-tower operator certificates. *See* Certificates and ratings.
Airworthiness; requirements for various types of aircraft and equipment:
Aircraft equipment:
Engine; revision 1101
Equipment, various types; rescission 1107
Propeller; revision 1105
Radio equipment; modification (CAA interpretations):
Changes requiring approval by the Administrator 146
Specifications 146
Airplane:
Normal, utility and acrobatic categories:
Airworthiness requirements; revision of subpart 1084
Design and construction:
Flutter and vibration; simplified flutter prevention criteria for personal type aircraft (CAA policies) 2161
Fuselage; personnel and cargo accomodations, seats and berths 1087
Hulls and floats; seaplane main floats 1087

CIVIL AERONAUTICS BOARD—Continued Page

Airworthiness; requirements for various types of aircraft and equipment—Continued
Airplane—Continued
Normal, utility, and acrobatic categories—Con.
Design and construction—Continued
Landing gear:
Skis:
Installation; rescission 1087
Skis 1087
Tests; rescission 1087
Tires 1087
Note; deletion 1087
Wheels 1086
Equipment; instruments, installation, flight and navigational:
Flight director instrument 1086
Gyroscopic indicators 1086
Suction gauge; rescission 1086
Flight requirements; characteristics:
Controllability; longitudinal control 1086
Spinning; Category A 1086
Stability; specific conditions, landing of airplanes of certain weight 1086
Stalls; stalling demonstration 1086
General 1084
Operating limitations and information; markings and placards, control markings, power-plant fuel controls 1086
Power-plant installations; reciprocating engines:
Fire wall and cowling; fire wall construction 1086
Fuel system, tanks; fuel tank sump, proposed rule making 1568
Power-plant controls and accessories; controls 1086
Strength requirements:
General:
Loads; simplified structural design criteria shall be acceptable under certain conditions 1086
Proof of structure; certain dynamic tests shall be acceptable under certain conditions 1086
Water load conditions 1086
Water loads; rescission 1086
Transport categories:
C-46 type aircraft for carriage of passengers, maximum weight for. *See* Irregular air carrier and off-route rules.
Design and construction:
Control systems:
Control system details; general 1093
Control system locks 1093
Wing flap interconnecton 1093
Fire prevention; caption changed to read "Fire protection" 1094
Cabin interiors 1094
Cargo compartment classification 1094
Combustion heater fire protection 1095
Flammable fluid fire protection 1095
General 1094
Proof of compliance 1095
General:
Flutter and vibration prevention measures; rescission 1093
Flutter deformation, and vibration 1093
Material strength properties and design values 1093
Stiffness; rescission 1093
Hulls and floats:
Boat hulls 1093
Seaplane main floats 1093
Landing gear:
Brakes 1093
Brake systems (CAA policies) 2223
Retracting mechanism; general 1093
Skis 1093
Tires 1093
Wheels 1093
Personnel and cargo accommodations:
Cargo and baggage compartments 1094
Controls 1094
Seats, berths, and safety belts 1094
Windshield and windows 1094

CIVIL AERONAUTICS BOARD—Continued — Page

Airworthiness; requirements for various types of aircraft and equipment—Continued
Airplane—Continued
Transport categories—Continued
Design and construction—Continued
Ventilation, heating, and pressurization:
Heating systems 1094
Pressure supply 1094
Pressurized cabins; general, reference 1094
Ventilation 1094
Equipment:
Electrical systems and equipment:
Batteries; rescission 1098
Distribution system 1098
Electric cables; rescission 1098
Electrical equipment and installation 1098
Electrical protection 1098
Electrical system capacity 1098
Electrical system fire and smoke protection 1099
Electrical system tests and analyses 1099
General 1098
Generating system 1098
Generator system; rescission 1098
Installation; rescission 1098
Master switch; rescission 1098
Master switch installation; rescission 1098
Protective devices; rescission 1098
Protective devices installation; rescission 1098
Switches; rescission 1098
General:
Equipment, systems, and installations 1097
Flight and navigational instruments 1097
Powerplant instruments 1097
Instruments; installation:
Flight and navigational instruments 1098
Powerplant instruments; cylinder head temperature indicating system for air-cooled engines, rescission 1098
Miscellaneous equipment:
Hydraulic system fire protection 1099
Hydraulic systems:
Design 1099
Rescission 1099
Strength 1099
Oxygen equipment and supply 1099
Radio and electronic equipment 1099
Vacuum systems 1099
Safety equipment:
Accessibility and identification of safety equipment 1099
Emergency flotation and signaling equipment 1099
Hand fire extinguishers 1099
Safety belts 1099
Flight:
Controllability:
Longitudinal control 1089
Minimum control speed, V_{MC} 1089
Propeller, interpretation respecting; automatic feathering device, acceptable under certain conditions 2112
General; center of gravity limitations 1088
Performance:
General 1089
One-engine-inoperative climb; flaps in en route position 1089
Stability; static directional and lateral stability 1089
Trim; longitudinal, directional, and lateral 1089
Water handling characteristics:
Control and stability on water 1089
Water conditions 1089
Wind conditions 1089
General:
Applicability and definitions; definitions 1088
Certification 1088
Airworthiness, experimental, and production certificates 1088
Amendment 1088
Approval of materials, parts, processes, and appliances 1088
Changes in type design 1088
Data required 1088
Designation of applicable regulations 1088
Eligibility for type certificates 1088

CIVIL AERONAUTICS BOARD—Continued — Page

Airworthiness; requirements for various types of aircraft and equipment—Continued
Airplane—Continued
Transport categories—Continued
General—Continued
Certification—Continued
Flight tests 1088
Inspections and tests 1088
Type certificate 1088
Operating limitations and information:
Markings and placards:
Control markings; general 1100
Miscellaneous markings and placards 1100
Powerplant instruments; general 1099
Operating limitations; powerplant limitations 1099
Powerplant installation; subpart caption changed by deletion of "(reciprocating engines)" 1095
Cooling system, liquid 1096
Fuel system components:
Fuel jettisoning system 1096
Fuel pumps 1096
Fuel system lines and fittings 1096
Fuel system construction and installation:
Fuel tank vents and carburetor vapor vents 1095
Under-wing fueling provisions 1096
Fuel system operation and arrangement; fuel system independence 1095
General; heading changed to read "Installation" 1095
Engines 1095
Propeller de-icing provisions 1095
Scope; section heading changed to read "General" 1095
Accessibility 1095
Electrical bonding 1095
Functioning 1095
Scope 1095
Induction and exhaust systems:
Exhaust system and installation components 1096
Induction system ducts 1096
Oil system:
General 1096, 1334
Installation, oil tank 1096
Oil tank construction; oil tank outlet 1096
Powerplant controls and accessories:
Engine ignition systems 1096
Powerplant accessories 1096
Propeller controls 1096
Powerplant fire protection:
Cowling 1097
Designated fire zones 1097
Drainage and ventilation of fire zones 1097
Fire detector systems 1097
Fire extinguisher systems 1097
Flammable fluids 1097
Protection of other airplane components against fire; redesignation 1097
Shut-off means 1097
Structure:
Control surface and system loads:
Control surface loads; general 1089
Tabs 1090
Emergency landing conditions; general 1093
Flight loads:
Effect of high lift devices 1089
Flight envelopes 1089
Rolling conditions 1089
Yawing conditions 1089
General; strength and deformation 1089
Water loads:
Application of loads 1090
Auxiliary float loads 1092
Bottom pressures, hull and main float 1091
Design weights and center of gravity positions 1090
Distribution of local pressures-boat seaplanes, Figure 4b–15; rescission 1090
General 1090
Hull station weighing factor; Figure 4b–15b 1091
Landing conditions, hull and main float 1091

CIVIL AERONAUTICS BOARD—Continued — Page

Airworthiness; requirements for various types of aircraft and equipment—Continued
Airplane—Continued
Transport categories—Continued
Structure—Continued
Water loads—Continued
Load factors, hull and main float — 1090
Pictorial definition of angles, dimensions, and directions on seaplane; Figure 4b–15a — 1090
Take-off condition, hull and main float — 1091
Transverse pressure distributions; Figure 4b–15c — 1092
Utility categories. *See* Normal, utility and acrobatic categories.
Glider airworthiness — 1100
Rotorcraft:
Design and construction; landing gear, wheels — 1101
Flight, performance; power-off landings for multi-engine rotorcraft — 1101
General:
Certification:
Approval of materials, parts, processes, and appliances; note — 1101
Changes in type design — 1101
Data required — 1101
Designation of applicable regulations — 1101
Eligibility for type certificate — 1101
Type certificate — 1101
Changes; rescission — 1101
Definitions; general design, ground resonance — 1101
Powerplant installations:
Fuel system; unusable fuel supply — 1101
Induction and exhaust systems, induction system de-icing and anti-icing provisions, proposed rule making — 1568
Rotor drive system; drive mechanism, proposed rule making — 1568
Authority, delegations of. *See* Organization, delegations of authority.
C–46 type aircraft, maximum weight for. *See* Irregular air carrier and off-route rules; *and* Hearings, investigations, etc.
Cargo carriers, noncertificated; filing of reports. *See* Economic regulations.
Certificates and ratings:
Air agencies, airman agency certificates; requirements, primary flying school curriculums, land and sea airplanes, 35 hours flying time (CAA rules), proposed — 2685
Airmen:
Airline transport pilot ratings, minimum requirements; aeronautical experience, proposed rule making — 1395
Air-traffic control-tower operator certificates; airman identification card — 597
Parachute rigger certificates, reissuance of — 227
Certification, identification, and marking of aircraft and related products:
Airworthiness certificates, duration; experimental aircraft, deletion of "airworthiness" — 1083
Applicability and definitions; type design — 1083
Changes in type design — 1083
Approval of major changes — 1083
Approval of minor changes — 1083
Classification of changes — 1083
General — 1083
Service experience changes — 1083
Type certificates:
Redesignations — 1083
Requirements for issuance — 1083
Type design changes; rescission — 1083
Commercial operator certification and operation rules; air taxi operators, authorization to conduct certain operations, special civil air regulation (SR–378) — 633
Economic regulations:
Classification and exemption:
Air taxi operators — 635
Irregular air carriers:
Large irregular air carriers, classification and continued exemption of — 635
Classification — 635
Definitions; large irregular carriers — 635

CIVIL AERONAUTICS BOARD—Continued — Page

Economic regulations—Continued
Classification and exemption—Continued
Irregular air carriers—Continued
Redesignation of part caption — 635
Small irregular carriers, various provisions respecting; deletion — 635
Filing of reports by irregular air carriers, air taxi operators, and noncertificated cargo carriers:
Redesignation of part caption — 634
Statistical and flight reports required — 634
Statistical reports by air taxi operators utilizing aircraft with passenger seating capacity of more than five — 634
Hearings, investigations, etc.:
Accidents, aircraft, and missing aircraft; investigation of. *See* Accidents and missing aircraft.
Companies and cases, list of. *See list at end of this agency.*
Special accident investigations, authority respecting. *See* Organization, delegations of authority.
Irregular air carrier and off-route rules:
Air taxi operators, authorization to conduct certain operations, special civil air regulation (SR–378) — 633
Aircraft equipment; first-aid kits (CAA policies) — 2748
Aircraft requirements; take-off performance limitations for large aircraft (CAA rules), proposed rule making — 2685
C–46 type aircraft used for carriage of passengers for remuneration or hire:
Maximum take-off and landing weight shall be limited to 45,000 pounds; special regulation (SR–379) — 1147
Weight limitation to be determined in accordance with performance requirements of transport category aircraft, with certain exceptions; special regulation, proposed — 1153
Classification and exemption and filing of reports. *See* Economic regulations.
Flight operation rules; proposed rule making:
Flight plan for large aircraft — 2198
Instrument approach; pilot in command may continue approach even though later weather report indicates below minimum conditions, in certain cases — 1902
Navigational aids for IFR and night VFR flight; radio communications for night VFR flight — 2198
Operating limitations for large passenger carrying airplanes:
En route limitations; one engine inoperative — 1108
Landing distance limitations; airport of destination — 1108
Take-off limitations to provide for engine failure — 1108
Organization, delegations of authority, information, etc.; Director, Bureau of Safety Investigation, special accident investigations — 216
Parachute rigger certificates. *See* Certificates and ratings.
Pilots:
Airline transport pilots; ratings. *See* Certificates and ratings.
Irregular air carriers, pilots in command of. *See* Irregular air carrier and off-route rules.
Scheduled air carriers, pilots. *See* Scheduled air carriers.
Radio equipment; requirements. *See* Airworthiness.
Reports, filing of, by various air carriers. *See* Economic regulations.
Scheduled air carriers:
Certification, operating; air taxi operators, authorization to conduct certain operations, special civil air regulation (SR–378) — 633
Operations outside continental United States:
Air taxi operators; authorization to conduct certain operations, special civil air regulation (SR–378) — 633
Flight time limitations for pilots:
Pilots not regularly assigned to one type of crew; extension of special authorization, proposed — 2092
Reeve Aleutian Airways, Inc., extension of special authorization respecting flight time limitations; special regulation, proposed — 2091

90000—3——52

CIVIL AERONAUTICS BOARD—Continued — Page

Scheduled air carriers—Continued
Operations outside continental United States—Con.
Passenger operation rules:
Aircraft requirements:
Instruments and equipment; first-aid kits (CAA policies) 2748
Limitations:
En-route limitations 1108
Landing distance limitations 1108
Operating limitations upon airplanes certificated under transport category requirements 1108
Take-off limitations to provide for engine failure 1108
Airman rules; pilot:
Flight time limitations for aircraft having crew of one or two pilots; waiver of requirements for Reeve Aleutian Airways, Inc., extension of special air regulation, proposed 2091
Flight time limitation for pilots not regularly assigned; extension of special authorization, proposed 2092
Requirements for pilot route qualification 1174
Flight operation rules, instrument approach and landing rules; pilot in command may continue approach even though later weather report indicates below minimum conditions, in certain cases, proposed rule making 1902
Operations within continental United States:
Air taxi operators; authorization to conduct certain operations, special civil air regulation (SR–378) 633
Aircraft equipment; first-aid kits (CAA policies) 2749
Airmen:
Airman utilization; failure to complete instrument competency check (CAA interpretations) 146
First pilot (CAA policies) 146
Flight operations:
Dispatching rules (for clearance):
All airplanes; one engine inoperative 1109
Landing distance limitations 1109
Take-off limitations to provide for engine failure 1109
Preparation and take-off rules; radio ground check (CAA interpretations) 855
Instrument approach rules, approach and landing limitations; pilot in command may continue approach even though later weather report indicates below minimum conditions, in certain cases, proposed rule making 1902

Hearings, investigations, etc.:
Airline Transport Carriers, Inc 484
American Air Transport and Flight School, Inc 1830
1861, 2200, 2340
American Airlines, Inc.:
Directional freight rates 2340
Route 93 renewal case 1734
Bonanza Air Lines.; route 93 renewal case 1734
Braniff Airways, Inc.:
Braniff-Mid-Continent merger case 2138
Service to Clinton, Iowa 839, 1526
Bristol Bay Area trunk line case 839, 1488
C–46 aircraft, maximum take-off weights for 1861
California Central Airlines 484
Capital Airlines, Inc.:
New England-Southern States merger investigation 2137, 2340
New York-Houston interchange case 484
Capital all-cargo case 455
Chicago & Southern Air Lines, Inc.:
Interchange agreement (equipment, at Houston, Tex.) 1362
New York-Houston interchange case 483
Colonial Airlines, Inc.; New England-Southern States merger investigation 2137, 2340
Consolidated Flower Shipment, Inc., Bay Area 1362, 1488
Delta Air Lines, Inc.:
New England-Southern States merger investigation 2137, 2340
Service to Melbourne, Fla 1509

CIVIL AERONAUTICS BOARD—Continued — Page

Hearings, investigations, etc.—Continued
Eastern Air Lines, Inc.; service to Melbourne, Fla 1509
Empire Air Lines, Inc.:
Certificate renewal case 1397
Merger case 1861
Frontier Airlines, Inc.; route 93; renewal case 1734
Hawaiian Airlines, Ltd 1947
Island Air Ferries, Inc.; renewal case 2632
K. L. M. Royal Dutch Airlines; renewal case 2462
Mid-Continent Airlines, Inc.; Braniff-Mid-Continent merger case 2138
Mid-West Airlines, Inc.; certificate renewal case 1308, 1397
National Airlines, Inc.:
New England-Southern States merger investigation 2137, 2340
Service to Melbourne, Fla 1509
New York-Balboa through service proceedings 1362
New York-Houston interchange case 483
Northeast Airlines, Inc.; New England-Southern States merger investigation 2137, 2340
Ozark Airlines, Inc.:
Service to Alton and Wood River, Ill 1361
Service to Clinton, Iowa 839, 1526
Pan American World Airways, Inc.:
Alaska mail rates 1308
Interchange agreement 1362
Latin American routes; mail transportation 2234
Service to Samoa 238
Piedmont Aviation, Inc 1488
Trans World Airlines, Inc.:
New York-Houston interchange case 484
Route 93 renewal case 1734
Trans-Atlantic mail rate 2138
United Air Lines, Inc.; certificate renewal case 1397
West Coast Airlines, Inc.; merger case 1861

CIVIL DEFENSE ADMINISTRATION. *See* Federal Civil Defense Administration.

CIVIL SERVICE COMMISSION:
See Loyalty Review Board.
Annual leave. *See* Leave regulations.
Appeals to Commission respecting transfer and appointment with reemployment rights 345
Appointment:
By Secretary of Treasury, under classified civil service, of certain internal revenue officers and assistant general counsel of Treasury Department (Reorganization Plan No. 1 of 1952) 2243
Educational requirements. *See* Education (formal).
Noncompetitive indefinite appointment of former employees and indefinite employees of other agencies; agency authority and general requirements for 341
Through competitive system:
Certification for appointment; war service appointees not eligible for permanent retention, elimination from regulation 2484
Eligible registers, restoration to register of certain personnel:
Indefinite employees who leave for military service 1927
Permanent or indefinite eligibles separated from service 1927
Veterans on active duty after June 30, 1950 1927
Probational appointment not to be made to position vacated by permanent employees called to military service or transferred with reemployment rights 341
Temporary appointment, job employment; appointment not to exceed one year, for temporary work 341
To positions excepted from competitive service. *See* Exceptions from competitive service.
Without regard to Civil Service Rules:
See also Exceptions from competitive service.
Missouri Basin Survey Commission; Executive Director (Executive Order 10318) 133
Classification. *See* Position classification.
Classified service, appointment of certain officers by Secretary of Treasury under (Reorganization Plan No. 1 of 1952) 2243

CIVIL SERVICE COMMISSION—Continued Page

Competitive service:
Appointments through. *See* Appointment.
Exceptions from. *See* Exceptions from competitive service.
Transfer and appointment with reemployment rights. *See* Promotion, demotion, reassignment and transfer.
Definitions:
"Demotion" 221
"Promotion" 221
"Temporary indefinite"; revocation 221
"Transfer", renumbered 221
"Transitional period"; revocation 221
"Veteran", renumbered 221
"War Service Regulations"; renumbered 221
Demotion. *See* Promotion, demotion, reassignment and transfer.
Education (formal), requirements for appointment to various positions:
Junior professional assistant; soil conservationist, revocation 1146
Range conservationist 1146
Soil conservationist 1146
Soil scientist 1146
Student aid (trainee), GS–2 to GS–4, Range Conservation and Soil Science added 959
Teacher and substitute (temporary) teacher in Indian schools; boarding school adviser 959
Exceptions from competitive service; various agencies and positions listed:
Positions excepted from examination (Schedule A):
Agriculture Department. *See* Farmers Home Administration.
Army Department:
Alien scientists 2085
Assistant Secretaries; one private secretary or confidential assistant to each 265
Chief of Staff, two private secretaries or confidential assistants 265
Secretary of Army; two private secretaries or confidential assistants 265
Under Secretary of Army; one private secretary or confidential assistant 265
Economic Cooperation Administration. *See* Mutual Security Agency.
Economic Stabilization Agency. *See* Price Stabilization, Office of; *and* Wage Stabilization, Office of.
Entire executive civil service:
Any position, part-time or intermittent; increase in limitation of annual aggregate salary, to $1020 1145
Isthmus of Panama, all positions with certain exceptions (clerks paying more than $175 per month) 1145
Student assistants, increase in limitation of annual aggregate salary to $1,180 1145
Farmers Home Administration; employees to make and service loans required as result of floods, storms, etc. (one year appointment) 265
Federal Housing Administration; 80 Field Directors 1457
Housing and Home Finance Agency. *See* Federal Housing Administration.
Immigration and Naturalization Service; pilot engineers in Puerto Rico and Virgin Islands 2741
Justice Department. *See* Immigration and Naturalization Service.
Mutual Security Agency:
Private secretaries and confidential assistants 267
Redesignation 267
Thirty positions at GS–12 or above for persons with overseas service 267
Twenty-five positions at salaries over $10,000 267
Two chauffeurs for Director 1681
Navy Department, student trainees in naval shipyards; increase in limitation of annual aggregate salary, to $1,020 1145
Price Stabilization, Office of, initial appointment to not more than 150 positions in grades GS–13 through GS–15; revocation 2484
Small Defense Plants Administration; two special assistants to Administrator 1145
Wage Stabilization, Office of; Chairman of National Enforcement Commission 1743

CIVIL SERVICE COMMISSION—Continued Page

Exceptions from competitive service; various agencies and positions listed—Continued
Positions filled from noncompetitive examination (Schedule B):
Small Defense Plants Administration, Regional Director and 14 Deputy Regional Directors 1145
State Department:
Persons formerly employed abroad in foreign service, in executive, administrative or professional positions at GS–9 and above 265
Positions requiring specialized foreign relations knowledge, training, or experience, at GS–9 and above 265
Foreign duty; compensation for service in designated areas. *See main heading* State Department.
Higher grade for permanent employees promoted, demoted, reassigned or transferred without reemployment rights; restrictions 344
Indefinite employees:
Appointment of. *See* Appointment.
Promotion, demotion, reassignment of. *See* Promotion, demotion, reassignment and transfer.
Restoration to eligible registers 1927
Indian schools, teachers in; educational requirements. *See* Education (formal).
Leave regulations, for annual and sick leave; separation of employees indebted for unearned leave 1648
Noncompetitive indefinite appointment. *See* Appointment.
Pay regulations:
Compensation without regard to numerical limitations on positions in certain grades:
Assistant General Counsel, Treasury Department (Reorganizational Plan No. 1 of 1952) 2243
Internal revenue officers, certain officers to be appointed by Secretary of Treasury (Reorganization Plan No. 1 of 1952) 2243
Foreign duty of Government employees, compensation for designated posts. *See main heading* State Department.
Increase in annual aggregate salaries permitted for certain positions in entire executive civil service, and Navy Department 1145
Position classification; effective date of position classification actions 1515
Postal service, promotion of substitutes in 344
Probational appointments through competitive system. *See* Appointment.
Promotion, demotion, reassignment and transfer:
Indefinite employees, promotion, demotion, and reassignment of; agency authority and general requirements 343
Permanent employees:
Promotion, demotion, reassignment and transfer without reemployment rights 343
Agency authority for 343
Postal Service, promotion of substitutes in 344
Restrictions on promotion, transfer or appointment to higher grade, and reassignment to different line of work 344
Tenure after change of position 344
Transfer and appointment with reemployment rights, in and outside competitive service 344
Agency authority and general requirements 345
Appeals to Commission 345
Conditions under which employees may apply for reemployment 345
Conditions under which reemployment rights are granted 345
Employees who are eligible for reemployment rights 344
Reemployment rights defined 344
Tenure while serving with reemployment rights 345
Puerto Rico. *See* Territories.
Reassignment. *See* Promotion, demotion, reassignment and transfer.
Reemployment rights of permanent employees:
Probational appointment to position of transferred employee; prohibition 341
Transfer and appointment with reemployment rights. *See* Promotion, demotion, reassignment and transfer.
Registers of persons eligible for appointment; restoration to registers of certain permanent and indefinite employees, and veterans 1927

CIVIL SERVICE COMMISSION—Continued Page

Retirement; exemptions from compulsory retirement for age:
- Lawson, Lawrence M., United States Commissioner on International Boundary and Water Commission, United States and Mexico, further exemption (Executive Order 10320) 693
- Mayer, Frederick C., United States Military Academy (Executive Order 10334) 2741
- Perkins, Frances, Civil Service Commission (Executive Order 10330) 1875
- Pyke, Bernice, Customs Bureau, further exemption of (Executive Order 10333) 2705

Sick leave. *See* Leave regulations.
Temporary appointment through competitive service. *See* Appointment.
Territories, service in; certain positions excepted from examination:
- Puerto Rico; pilot engineers 2741
- Virgin Islands; pilot engineers 2741

Transfer of indefinite and permanent employees. *See* Promotion, demotion, reassignment and transfer.
- Transfer of personnel to Small Defense Plants Administration from Commerce Department (Executive Order 10323) 1145

Veterans, restoration to eligible registers 1927
Virgin Islands. *See* Territories.

COAST GUARD:

Alaska:
- Boundary lines of inland waters of; navigation requirements. *See* Navigation regulations.
- Vessel inspections in. *See* Vessel inspections.

Aliens; issue of merchant mariner's documents. *See* Merchant marine officers and seamen.
Anchorage and navigation regulations, St. Marys River, Michigan. *See* Navigation regulations.
Atomic attack; safety measures. *See* Security.
Bays, sounds and lakes, vessels in; fire apparatus. *See* Vessels in various waters.
Boundary lines of inland waters. *See* Navigation regulations.
Coast Guard military personnel; Coast Guard Reserve, United States:
- Discipline:
  - Administration of discipline 1187
  - Reservists subject to regulations 1187
  - Retention on or return to duty status for disciplinary action 1187
  - Termination of amenability to Coast Guard jurisdiction 1187
- Instruction and training; training of Reserve:
  - Annual training duty 2503
  - Appropriate duty 2502
  - Equivalent instruction or duty 2502
  - Group training 2503
  - Means of training provided for Reserve 2502
  - Minimum training requirements 2503
  - Regular drills 2502
  - Training duty without pay 2502
- Promotion, general; promotion zone 2503
- Training. *See* Instruction and training.

Dangerous articles. *See* Explosives or other dangerous articles.
Discipline; Coast Guard Reserve. *See* Coast Guard military personnel.
Emergency, war:
- Atomic attack; safety measures for merchant vessels in port. *See* Security.
- Waivers of certain navigation and vessel inspection laws and regulations during. *See* Waivers of navigation and vessel inspection laws and regulations.

Engineering, marine; provisions respecting boilers, piping systems, etc. *See* Marine engineering.
Equipment:
- *See also* Tank vessels; *and* Vessels in various waters.
- Approval of miscellaneous items 1156, 1524, 1944
- Terminations or withdrawals of approval 1158, 1731
- Manufacturer, change in name and address of 1945

COAST GUARD—Continued Page

Equipment—Continued
- Specifications, for various types of equipment and materials:
  - Engineering equipment; proposed changes in regulations:
    - Automatically controlled packaged auxiliary boilers 1729
    - Combination solid stream and water fog fire hose nozzles 1729
  - Lifesaving equipment, for merchant vessels; mechanical disengaging apparatus, lifeboat:
    - Construction 2365
    - General requirements 2365
    - Inspection and testing 2365

Explosives or other dangerous articles or substances; transportation or storage on board vessels, use as ships' stores, etc., proposed changes in regulations:
- Ships' stores and supplies on board vessels, use of dangerous articles as; certification of ships' stores and supplies, procedure to obtain certification 1728
- Transportation or storage:
  - Corrosive liquids 1728
  - Inflammable solids and oxidizing materials 1728
  - Motor vehicles having refrigerating equipment; heater installations to be permitted under same conditions 1728

Fire-fighting apparatus and equipment. *See* Tank vessels; *and* Vessels in various waters.
Gases, liquefied petroleum; transportation on tank ships and barges. *See* Tank vessels.
Great Lakes, vessels in; fire apparatus. *See* Vessels in various waters.
Guam, Territory of; waiver of navigation and vessel inspection laws and regulations respecting vessels in or around. *See* Waivers of navigation and vessel inspection laws and regulations.
Identification and exclusion of persons from vessels and waterfront facilities. *See* Security.
Lifesaving equipment and appliances:
- For tank vessels. *See* Tank vessels.
- For vessels in bays, lakes, rivers, ocean and other waters. *See* Vessels in various waters.
- Specifications for. *See* Equipment.

Load lines, for passenger vessels; foreign and coastwise voyages, proposed changes in regulations:
- Freeboard table for tankers 1730
- Hatchways for tankers 1730

Marine engineering; proposed changes in regulations:
- Boiler plate; boilers and attachments:
  - Construction requirements; transfer to new part 1730
  - Installations, tests, inspections, repairs; requirements for boilers and attachments made or contracted for prior to July 1, 1935, revision and transfer to new part 1730
  - Piping systems installed or contracted for prior to July 1, 1935; revision and transfer to new part 1730
  - Transfer of part to new subchapter 1730
- Boilers and attachments, made or contracted for prior to July 1, 1935; new subchapter 1730
- Construction, requirements for boilers and attachments; transfer to new part 1730
- General provisions; new subchapter 1730
- Piping systems, pumps, refrigeration machinery, and fuel tanks:
  - *See also* Boiler plate.
  - Detail requirements:
    - Bilge and ballast piping 1729
    - Bilge pumps 1729
    - Installation 1729
    - Joints and flange connections 1729
    - Material 1729
    - Valves and fittings 1729
  - General; affidavit 1729
  - Systems installed or contracted for prior to July 1, 1935; revision and transfer to new part 1730

Merchant marine officers and seamen:
- General requirements for certification of seamen:
  - Aliens, applications for documents from 2363
  - Duplicate documents, issuance of; aliens 2364
- Security check and clearance. *See under* Security.

COAST GUARD—Continued Page

Monmouth Beach Lifeboat Station, Monmouth Beach, N. J., deactivated; hearing respecting reopening 736
Motorboats, and certain vessels propelled by machinery other than by steam more than 65 feet in length; numbering of undocumented vessels, proposed revision of regulations 1731
Navigation regulations, etc:
Navigation requirements, for vessels in various waters:
Inland waters, boundary lines of; southeastern Alaska, bays, sounds, straits and inlets of, between Cape Spencer Light Station and Sitklin Island 717
St. Mary's River, Michigan; anchorage and navigation regulations revision 120, 203
Waivers of navigation and vessel inspection laws and regulations. *See* Waivers of navigation and vessel inspection laws and regulations, *below*.
Ocean and coastwise waters, vessels in; fire apparatus. *See* Vessels in various waters.
Price control; exemption for sales of certain military items to Defense agencies. *See main heading* Price Stabilization, Office of.
Promotion; Coast Guard Reserve. *See* Coast Guard military personnel.
Reserves, United States Coast Guard. *See* Coast Guard military personnel.
Rivers, vessels in; fire apparatus and life-saving equipment. *See* Vessels in various waters.
Security, of vessels, and waterfront facilities:
Vessels, security of:
See also Waterfront facilities.
Merchant marine personnel, security check and clearance; requirements for documents bearing security clearance indorsement 658
Safety measures; atomic attack instructions for merchant vessels in port 2183
Waterfront facilities, security of; identification credentials, for persons requiring access to towing vessels or barges engaged in trade on Great Lakes or western rivers:
Effective date for acquiring necessary credentials changed to April 1, 1952 123
Temporary identification credentials 2503
Ships' stores and supplies on board vessels, use of dangerous articles as. *See* Explosives or other dangerous articles.
Tank vessels; proposed changes in regulations:
Equipment, special, machinery, and hull requirements, for tank ships and barges:
Electrical installations; general installation requirements 1728
Hull requirements for tank vessels constructed on or after July 1, 1951:
Construction and testing of cargo tanks and bulkheads 1728
Tank vessels with independent tanks 1728
Main and auxiliary machinery:
Bilge pumps for tank barges 1728
Bilge pumps on unmanned barges 1728
Steering apparatus on tank barges 1728
Steering apparatus on tank ships constructed before July 1, 1951 1728
Steering apparatus on tank ships constructed on or after July 1, 1951 1728
Pumps, piping, and hose for cargo handling 1728
Ventilation and venting:
Venting of cargo tanks of tank barges constructed on or after July 1, 1951 1728
Venting of cargo tanks of tank vessels constructed between November 10, 1936, and July 1, 1951 1728
Venting of cofferdams of tank vessels constructed on or after November 10, 1936 1728
Fire-fighting equipment for tank ships and barges:
Cargo spaces on tank ships 1729
Fire pumps, mains, hydrants, and fire hose for tank ships 1729
Pump room, boiler room, and machinery spaces on tank ships 1729

COAST GUARD—Continued Page

Tank vessels; proposed changes in regulations—Con.
Gases, petroleum, liquefied, transportation by tank ships and barges of; venting 1729
General provisions; application of regulations 1728
Inspection and certification of tank ships and barges:
Inclining test for stability 1728
Mechanically propelled tank ships of 500 gross tons and over 1728
Lifesaving appliances, for tank ships and barges:
Equipment for lifeboats, life rafts, or buoyant apparatus; tank ship lifeboat equipment, ocean and coastwise 1729
Life buoys; number required on tank ships 1729
Lifeboat handling equipment requirements 1729
Lifeboats, life rafts, and buoyant apparatus required:
Lifeboats for barges; ocean 1729
Lifeboats for tank ships; coastwise 1729
Lifeboats for tank ships; ocean 1729
Signaling lamp 1729
Stowage of lifeboats, life rafts, and buoyant apparatus; davits and launching devices 1729
Operations, tank ships and barges:
Cargo handling; men on duty 1729
General safety rules; fresh air breathing apparatus 1729
Training; Coast Guard Reserve. *See* Coast Guard military personnel.
Vessel inspections, in southeastern Alaska; classification of certain waters as lakes, bays and sounds for vessels inspection purposes 734
Vessels:
Equipment for vessels in various waters (bays, sounds, lakes, ocean and coastwise). *See* Vessels in various waters.
Inspections, in southeastern Alaska. *See* Vessel inspections.
Motorboats. *See* Motorboats.
Safeguarding of vessels against sabotage and other subversive activity. *See* Security.
Tank vessels. *See* Tank vessels.
Undocumented vessels, numbering of. *See* Motorboats.
Waivers of vessel inspection laws and regulations. *See* Waivers of navigation and vessel inspection laws and regulations.
Vessels in various waters (bays, sounds, lakes, Great Lakes, rivers, ocean and along coast); equipment, etc.:
See also Navigation regulations.
Bays, sounds, and lakes other than Great Lakes; fire apparatus and five prevention, portable fire extinguishers, extra recharges for fixed or built-in fire extinguishing systems, canceled 2364
Coastwise. *See* Ocean and coastwise.
Great Lakes; fire apparatus and fire prevention:
Portable fire extinguishers; extra recharges for fixed or built-in fire extinguishing systems, canceled 2364
Steam and inert-gas fire-extinguishing system; proposed change in regulations 1730
Ocean and coastwise; fire apparatus and fire prevention, portable fire extinguishers, extra recharges for fixed or built-in fire extinguishing systems, canceled 2364
Rivers:
Ferryboats; life preservers, life floats, and fire-fighting equipment 2365
Fire apparatus and fire prevention; portable fire extinguishers, extra recharges for fixed or built-in fire extinguishing systems, canceled 2364
Veterans' claims for disability compensation. *See main heading* Veterans' Administration.
Waivers of navigation and vessel inspection laws and regulations, during war emergency; Guam:
S. S. "Arctic"; voyages between Territory of Guam, Trust Territory of the Pacific Islands, and Commonwealth of Australia 1687
Vessels owned and operated in or around Territory of Guam or Trust Territory of the Pacific Islands 1687

Page

COMMERCE DEPARTMENT:
See Civil Aeronautics Administration.
Civil Aeronautics Board.
Foreign and Domestic Commerce Bureau.
Maritime Administration.
Maritime Board, Federal.
National Production Authority.
Patent Office.
Authority, delegation of, to various officials:
International Trade, Office of:
Compliance Commissioners for Export Control; authority to administer oaths and affirmations and to issue subpoenas in proceedings for denial of licensing privileges 1229
Deputy Director, Assistant and Deputy Assistant Director for Export Supply; authority respecting inspection of records, premises or property, and issuance of subpoenas 1229
Director; authority respecting inspection of records, premises or property, issuance of subpoenas, rules and regulations 1229
Special agents in Investigation Staff; authority to make investigations, to administer oaths and affirmations, etc 1229
Maritime Administration; authority of Assistant General Counsel, Litigation Division, with respect to tort claims 45
Patent Office; authority of Commissioner under Invention Secrecy Act of 1951 providing for withholding of certain patents detrimental to national security 1361
Census Bureau services; fees for age search and citizenship service 62
Claims, tort; authority of Assistant General Counsel, Division of Litigation, Maritime Administration respecting 45
Construction; delegation of authority to Secretary from National Production Authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (highway, and maintenance of streets, bridges, tunnels; air navigation facilities, civil airports, etc.) 1488
Substitution of Order M–100 for M–4A 1971
Fees for age search and citizenship service by Bureau of Census 62
Invention Secrecy Act of 1951, delegation of authority to Patent Office respecting 1361
Patents detrimental to national security, withholding of; authority of Commissioner of Patents respecting 1361
Procurement Policy Board, Office of Defense Mobilization, representation on 103
Records of Office of Price Administration; preservation of certain records until January 1, 1953 18
Small Business, Office of; transfer of functions administered by Office to Small Defense Plants Administration, together with certain personnel, records, funds, etc., relating thereto (Executive Order 10323) 1145

COMMISSIONS. *See* Committees, boards, etc.

COMMITTEES, BOARDS, ETC.:
Aeronautics, National Advisory Committee for. *See* National Advisory Committee for Aeronautics.
Armed Services Renegotiation Board; abolishment 736
Defense Transportation and Storage Committee; representation 369
Health Needs of Nation, President's Commission on; establishment, membership, and functions (Executive Order 10317) 57
Immigration Appeals Board. *See* Immigration and Naturalization Service.
International Boundary and Water Commission, United States and Mexico; exemption of Lawrence M. Lawson from compulsory retirement for age (Executive Order 10320) 693
Local Advisory Board, for review of rent procedures. *See* Rent Stabilization, Office of.
Meat Distribution Board of Appeals and Hearing Officers, establishment. *See* Price Stabilization, Office of.
Migrants from Europe, Provisional Intergovernmental Committee for Movement of; international organization entitled to certain privileges and immunities (Executive Order 10335) 2741

COMMITTEES, BOARDS, ETC.—Continued
Military Renegotiation Policy and Review Board; abolishment 736
Missouri Basin Survey Commission; effective date of establishment, and report to President (Executive Order 10329) 1705
Practitioners, Committee on, Interior Department. *See* Interior Department.
Procurement Policy Board, Office of Defense Mobilization; establishment, membership and functions 103
Regional Committees on Defense Mobilization, interagency; representation of Small Defense Plants Administration on committees 179
Regional and National Advisory Boards, Small Defense Plants Administration; establishment and operation 974
Renegotiation Policy and Review Board, Military, abolishment 736
Senate Committees authorized to inspect tax returns. *See* Internal Revenue Bureau.
Small Defense Plants Administration, Regional and National Advisory Boards; establishment and operation 974
Surplus Manpower Committee, creation, hearings, etc. *See* Defense Mobilization, Office of.

COMMODITY CREDIT CORPORATION:
Authority, delegations of:
By President to chairman of certain PMA county committees; delegation of authority as contracting officers with respect to 1952 castor bean production and procurement program 452
From Secretary of Agriculture to President; authority respecting determination of supply and price of peanuts 325
Castor bean. *See* Oilseeds.
Cotton, 1952-crop; American-Egyptian, Amsak and Pima 32 varieties:
Determination of required levels of price support 237
Purchase program 1875
PMA Commodity Office serving New Mexico and Texas 2484
Cottonseed. *See* Oilseeds.
Fiber (jute substitute); 1952-crop planting. *See* Kenaf program.
Food commodities acquired through price support operations:
Pricing policy for commodities available for sale (including Mexican canned meat acquired under other programs); sales of certain commodities at fixed prices pursuant to. *See* Sales of certain commodities at fixed prices.
Sales of certain commodities at fixed prices:
Domestic price list:
January 214
February 1431
March 2074
Export price list:
January 215
February 1431
March 2075
Price control regulations respecting. *See main heading* Price Stabilization, Office of.
Grains and related commodities, storage facilities; warehouse-storage loans made under 1951 Price Support Programs, notice of final date of redemption of grains and commodities 2790
Kenaf program, for production of fiber (jute substitute); notice of 1952-crop planting 2505
Naval stores, gum price support loan program, 1952 2587
Oilseeds:
Castor bean production and procurement program, 1952-crop 109
Chairmen of certain PMA county committees; delegation of authority as contracting officers with respect to 452
Cottonseed products, purchase program, 1951; availability 1515
Olive oil, crop price support program, 1951 1705
Tung nut, price support program, 1951 crop 493
Olive oil. *See* Oilseeds.
Peanuts:
Determination of supply and price; delegation of authority from Secretary of Agriculture to President respecting 825

COMMODITY CREDIT CORPORATION—Continued Page
Peanuts—Continued
Valencia type peanuts of 1951 crop:
Declaration of insufficient supply to meet demands for cleaning and shelling purposes— 324
Distribution of proceeds received by Commodity Credit Corporation from sale of excess peanuts for cleaning and shelling; proposed regulations governing. *See main heading* Agriculture Department.
Seeds:
See also Oilseeds.
Winter cover crop (vetch, crimson clover, ryegrass, etc.), loan and purchase agreement program, 1951; permiting use of 50 pound net capacity bags in delivery of crimson clover seed to CCC— 2039
Tobacco loan program, 1951; advances to growers:
Connecticut Valley broadleaf tobacco, type 51— 1082, 1207
Puerto Rican tobacco, type 46— 1987
Tung nut. *See* Oilseeds.
CONSCIENTIOUS OBJECTORS; civilian work in lieu of induction. *See* Selective Service System.
CONSTRUCTION:
Controlled Materials Plan for. *See* National Production Authority.
Credit controls, real estate (construction) credit:
Regulations respecting. *See* Federal Reserve System.
Relaxation of, in certain critical defense housing areas; designations, determinations, etc., in connection with. *See* Defense Mobilization, Office of; Economic Stabilization Agency; *and* Housing and Home Finance Agency.
District of Columbia hospital program, authority of Public Building Service respecting construction. *See* General Services Administration.
Prlority orders, etc. *See* National Production Authority.
CONTRACTS, GOVERNMENT:
See also Procurement.
Renegotiation of. *See* Renegotiation Board.
CONTROLLED MATERIALS PLAN. *See* National Production Authority.
COOPERATIVES:
Banks for. *See* Farm Credit Administration.
Tax regulations respecting. *See* Internal Revenue Bureau.
COPYRIGHT OFFICE, LIBRARY OF CONGRESS:
Copyright protection, extension of, to works of authors who are citizens of Denmark (Proclamation 2963) 1143
COPYRIGHTS:
Copyright protection. *See* Copyright Office.
Of foreign nationals, vesting orders. *See* Alien Property, Office of.
COST OF LIVING INCREASES. *See* Wage Stabilization Board.
COURT OF MILITARY APPEALS:
Rules of practice and procedure; revision— 2046
CREDIT CONTROL:
Consumer credit. *See* Federal Reserve System.
Real estate (construction) credit:
Regulations respecting. *See* Federal Reserve System.
Relaxation in certain critical defense housing areas; designations, determinations, etc., in connection with. *See* Defense Mobilization, Office of; Economic Stabilization Agency; *and* Housing and Home Finance Agency.
Veterans' loans; credit restrictions on loans for automobiles. *See* Veterans Administration.
CRITICAL AND STRATEGIC MATERIAL IN NATIONAL STOCK PILE, disposition of. *See* General Services Administration.
CROP INSURANCE CORPORATION, FEDERAL. *See* Federal Crop Insurance Corporation.
CULTURAL CENTER, INTER-AMERICAN. *See* Inter-American Cultural and Trade Center.
CUSTOMS BUREAU:
Accounting procedure, customs. *See* Financial and accounting procedure.
Aircraft, certain, supplies for; drawback of duties and taxes— 15, 16

CUSTOMS BUREAU—Continued Page
Alcohol, domestic tax-paid; conditions respecting drawback of internal-revenue taxes on flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured from— 16
Balls, steel, 1 mm; tariff classification as parts of fountain pens— 1700
Bar le Duc; tariff classification as berries, prepared or preserved, not specially provided for— 1428
Briquets, imported from certain countries; taxable status for 1952— 2073
Canada, customs offices in; listed— 2113
Cards, playing; provision for stamping containers of reimported domestic cards to indicate payment of duty— 910
Cigarettes, cigars and cheroots, reimported; stamping containers to indicate payment of duty, provision for— 910
Coal and coke, imported from certain countries; taxable status for 1952— 2073
Customs districts and ports of entry:
Canada; customs offices:
List of offices— 2113
Stations redesignated "offices"— 2113
Collection districts and ports; authority of Secretary of Treasury respecting establishment, consolidation, etc— 2113
Customs and navigation laws; enforcement of. *See* Enforcement of customs and navigation laws.
Drawback of duties and taxes— 13
Articles manufactured or produced wholly or in part from imported or substituted merchandise:
Application for establishment of drawback rate; abandonment of, by filing written statement— 14
Bills of lading; deletion— 15
Completion of drawback claims; notice of exportation, copies of, to be filed with drawback entry and certificate of manufacture— 15
Diversion of shipments, notice of; deletion— 15
Examination of merchandise exported with benefit of drawback in case of doubt as to bona fides of shipment— 15
Inspection and supervision of lading, customs; deletions:
Failure to obtain inspection and supervision; examination of records of carriers in case of— 15
Sampling, weighing, gauging and measuring— 15
Notice of exportation— 14
Amendment of— 15
Government shipments— 15
Mail shipments— 14
Numbering of, for mail or government shipments— 15
Notice of intent to export:
See also Notice of exportation.
Deletion of various provisions respecting— 14, 15
Redesignations— 14, 15, 16
Supplies for certain vessels and aircraft; drawback allowed for:
Affidavit:
Proving, under certain circumstances, that supplies were used on board vessel— 16
Supporting drawback entry— 16
Execution of, on copy of notice of lading, or separately furnished— 16
With respect to entering of supplies in stores log book— 16
Notices of lading— 15
Filing procedure— 15
Return of copies— 15
To be filed in lieu of notices of exportation— 15
Redesignations— 15
Flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured from domestic tax-paid alcohol:
Drawback allowance of internal-revenue tax paid, upon exportation of such articles from United States; footnote listing locations to which shipments are not eligible for drawback, additions to— 16
Procedure for allowance of drawback; two-year period for completion of drawback claims not applicable— 16
Redesignations— 16

CUSTOMS BUREAU—Continued — Page

Drawback of duties and taxes—Continued
General regulations applicable to all drawback claims:
Redesignations — 16, 17
Verification of drawback claims by Customs Agency Service — 17
Merchandise:
Exported from continuous customs custody:
Entry and completion thereof — 16
Bill of lading — 16
Alternative to — 16
Extracts from — 16
Filing, to complete drawback entry; requirements — 16
Unacceptable forms of — 16
Landing certificate:
To be filed to complete drawback entry; deletion — 16
When required, filing of — 16
Redesignations — 16
Not conforming to sample or specifications; redesignations — 16
Taxes:
Alcohol, domestic tax-paid, used in flavoring extracts, medicinal preparations, etc. *See* Flavoring extracts, etc.
Supplies for certain vessels and aircraft. *See under* Articles manufactured or produced wholly or in part from imported or substituted merchandise.
Employees and officers, reimbursement to Government for compensation and expenses of:
Copies of records; cost of labor (proposed) — 1688
Destruction of merchandise, at place where employee is not regularly assigned (proposed) — 1688
Overtime compensation rate for night services immediately preceeding or following Sundays or holidays — 387
Storekeeper, customs warehouse; charge for services of (proposed) — 1688
Enforcement of customs and navigation laws with respect to remission of fines, penalties, and forfeitures; referrals to Bureau of Customs where person liable cannot be found, is deceased, etc., deletion of reference to — 1517
Financial and accounting procedure, with respect to customs employees and officers:
Fees for services of customs employee preparing copies of records for parties in interest; method of computing hourly rates charged (proposed) — 1688
Overtime compensation rate for night services immediately preceeding or following Sundays or holidays — 387
Reimbursable services, other than overtime; supervision of destruction of merchandise where customs employee is not regularly assigned, reimbursement of compensation and expenses for (proposed) — 1688
Fish, certain, tariff-rate quota for calendar year 1952 — 529
Flavoring extracts, manufactured from domestic tax-paid alcohol; conditions respecting drawback of internal-revenue tax — 16
Import tax on coal, coke, and briquets from certain countries; taxable status for 1952 — 2073
Liquidation of duties; tariff classification of certain imports:
Balls, steel, 1 mm; classification as parts of fountain pens — 1700
Bar le Duc; classification as berries, prepared or preserved, not specially provided for — 1428
Petroleum oil foots, certain; prospective change in classification — 2630
Phosphate, dicalcium (precipitated bone meal), containing certain impurities; prospective change in classification — 405
Poppadums, East Indian; classification as nonenumerated manufactured articles — 1700
Ring watchcases, made as single unit; classification as articles designed to be worn on the person — 124
Mail, exportation of unclaimed or refused articles imported by; export entries or withdrawals for exportation not required for articles returned by Post Office to country of origin as undeliverable mail — 1852

CUSTOMS BUREAU—Continued — Page

Medicinal preparations:
Drawback of internal-revenue tax when manufactured from domestic tax-paid alcohol; conditions respecting — 16
Stamping of reimported articles to indicate payment of duty; procedure — 910
Officers, customs, compensation of. *See* Employees and officers.
Overtime compensation rate for night services of employees, immediately preceding or following Sundays or holidays — 387
Packing and stamping; rubber hand stamp to be used by customs inspector in lieu of paper stamps on containers of certain reimported articles to indicate payment of duty equal to internal-revenue tax:
Cards, playing — 910
Cigars, cheroots, cigarettes, medicinal preparations and perfumery — 910
Perfumery:
Drawback of internal-revenue tax when manufactured from domestic tax-paid alcohol; conditions respecting — 16
Stamping of reimported articles to indicate payment of duty; procedure — 910
Personnel; further exemption from compulsory retirement for age for Bernice Pyke, Collector of Customs for Customs Collection District No. 41 (Executive Order 10333) — 2705
Petroleum and petroleum products:
Tariff classification of certain crude by-products obtained as foots in petroleum oil refining process; proposed change — 2630
Tariff-rate quotas for calendar year 1952 — 529, 1944
Phosphate, dicalcium, (precipitated bone meal), containing more than prescribed amounts of certain impurities; prospective change in tariff classification — 405
Poppadums, East Indian; tariff classification as nonenumerated manufactured articles — 1700
Ports of entry. *See* Customs districts and ports of entry.
Reimported articles subject to tax; provisions for stamping. *See* Packing and stamping.
Ring watchcases, made as single unit; tariff classification as articles designed to be worn on the person — 124
Stamping. *See* Packing and stamping.
Storekeeper, customs warehouse; hourly rates charged for services of (proposed) — 1688
Tariff classification of certain imports for purposes of assessing duties thereon. *See* Liquidation of duties.
Tariff-rate quotas on certain imports for calendar year 1952:
Fish, certain — 529
Petroleum and petroleum products — 529, 1944
Taxes:
Drawback of. *See* Drawback of duties and taxes.
Import tax on coal, coke and briquets from certain countries; taxable status for 1952 — 2073
Stamping of reimported articles subject to tax. *See* Packing and stamping.
Toilet preparations, manufactured from domestic tax-paid alcohol; conditions respecting drawback of internal-revenue tax — 16
Unclaimed or refused articles imported by mail; disposition — 1852
Vessels:
Documentation of; registration of house flag and funnel mark, Pacific Micronesian Line, Inc — 2234
In foreign and domestic trades:
Coastwise procedure:
Diversion of vessel; transshipment of cargo; permit to proceed, subdivision renumbered — 2547
Reports of arrivals and departures in coastwise trade; permit to proceed, subdivisions renumbered — 2547
Records of entry and clearance of vessels, general provisions; short forms authorized for use at all ports where number of transactions is small — 2749
Supplies for; drawback of duties and taxes — 15, 16

CUSTOMS BUREAU—Continued Page

Warehouses:
- Customs warehouses, and control of merchandise therein, services of storekeeper respecting; hourly rates charged (proposed) ____ 1688
- Extensions of time in, pursuant to proclamation of President under section 318, Tariff Act of 1930; merchandise in general order and bonded warehouses ____ 148
- Bonds, extension of ____ 149
- General order, merchandise in; applications for extension ____ 149
- Periods of time prescribed in sections 491, 557, and 559, Tariff Act of 1930, as amended, extended; conditions pursuant to provisions of Presidential Proclamation 2948, October 12, 1951 ____ 148

Watchcases, ring, made as single unit; change in tariff classification ____ 124

D

DANGER AREAS AND ZONES:
- Airspace restricted areas over military installations, designation as danger areas. *See* Civil Aeronautics Administration.
- Navigation danger zones. *See* Engineer, Corps of.

DAYS OF OBSERVANCE. *See* Presidential documents.

DEFENSE DEPARTMENT:
- *See Air Force Department.*
- *Army Department.*
- *Munitions Board.*
- *Navy Department.*

Acting Secretary of Defense; order of succession to position in case of death, disability, or absence of Secretary (Executive Order 10332) ____ 2083

Aircraft Production Resources Agency, delegation of authority to Director, from Chairman of Munitions Board, to reschedule delivery of DO-rated materials required in support of Department's aircraft program (A–1) ____ 214

Aircraft program, (A–1); delegation of authority from Chairman of Munitions Board to Director of Aircraft Production Resources Agency, to reschedule delivery of DO-rated materials required in support of ____ 214

Armed Forces Housing Agency, establishment of, in Department. *See* Organization.

Armed Services procurement regulations; termination of contracts ____ 1791
- Applicability, scope, effective date, etc ____ 1792
- Definition of terms ____ 1792
- Forms ____ 1808
- Settlement of contracts terminated for convenience ____ 1797
- Settlement of terminated fixed-price contracts; general principles ____ 1794
- Termination for convenience ____ 1794
- Termination inventory ____ 1804

Armed Services Renegotiation Board, abolishment of ____ 736

Authority, delegation of:
- From Secretary:
  - To Renegotiation Board; all powers, functions and duties conferred by Renegotiation Act of 1948, as amended ____ 736
  - To Secretaries of Army, Navy, and Air Force:
    - Renegotiation Act of 1948, authority to eliminate excessive profits under ____ 1065
    - Social Security Act amendments of 1950 pertaining to civilian employees; powers functions and duties respecting ____ 615
- To Secretary:
  - From General Services Administrator, to represent Government agencies before Interstate Commerce Commission in connection with certain rates and charges:
    - California Public Utilities Commission in matter of investigation into rates and practices of Pacific Lighting Corporation and Pacific Lighting Gas Supply Company ____ 2401
    - Interstate Commerce Commission:
      - Motor carrier freight rates; transcontinental and Rocky Mountain increases in class and commodity rates ____ 217
      - Pullman rates ____ 876

DEFENSE DEPARTMENT—Continued Page

Authority, delegation of—Continued
- To Secretary—Continued
  - From National Production Authority; to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (military housing, Navy, Army, Air Force and military command construction) ____ 1488
  - Substitution of Order M–100 for M–4A ____ 1971
  - From Renegotiation Board; authority to eliminate excessive profits under Renegotiation Act of 1948, as amended ____ 736

Civilian employees. *See* Employees.

Construction, military; delegation of authority from National Production Authority respecting ____ 1488, 1971

Contracts, termination of. *See* Armed Services procurement regulations.

Employees, civilian, of Army, Navy, and Air Force; designation of respective Secretaries to exercise certain powers, functions and duties respecting Social Security Act amendments of 1950 pertaining to ____ 615

Girl Scouts of America, donation of surplus personal property to, by Military Departments ____ 2201

Housing facilities, family housing for Services; establishment of Armed Forces Housing Agency to develop policies and procedures respecting ____ 701

Information, release of, from medical records of members and former members of Armed Forces. *See* Records.

Insurance, commercial, solicitation of, on military installations ____ 695
- General ____ 695
- Life insurance ____ 695
- Reports, respecting violation of regulations ____ 695

Joint regulations of armed forces, renegotiation regulations (military):
- Armed Services Renegotiation Board, abolishment of ____ 736
- Regulations, transfer of, to Renegotiation Board ____ 711
- Renegotiation Policy and Review Board, Military; abolishment of ____ 736

Library, medical, Armed Forces; establishment ____ 2094

Life insurance. *See* Insurance.

Manpower Committee. *See* Surplus Manpower Committee.

Medal for Humane Action, Secretary to approve regulations governing award (Executive Order 10325) ____ 1239

Medical library, Armed Forces; establishment ____ 2094

Medical records, release of information from. *See* Records.

Military and naval records, correction of. *See* Records.

Military installation, solicitation of commercial life insurance on ____ 695

Organization; establishment of Armed Forces Housing Agency to develop policies and procedures respecting family housing for the Services in this country, and overseas ____ 701

Price control; exemption for sales of certain military items to Defense agencies. *See main heading* Price Stabilization, Office of.

Procurement:
- In areas of current or imminent labor surplus. *See main heading* Defense Mobilization, Office of.
- Joint regulations of Armed Forces respecting. *See* Armed Services procurement regulations.

Procurement Policy Board, Office of Defense Mobilization; representation on ____ 103

Rates and charges, representation of Government agencies in hearings in connection with; delegation of authority from General Service Administrator respecting. *See* Authority.

Records:
- Correction of military or naval records, temporary approval of procedures set up in connection with (until June 30, 1952) ____ 323

90000—4——52

DEFENSE DEPARTMENT—Continued Page
Records—Continued
Medical records of members and former members of Armed Forces, release of information from; policy governing:
Release of complete transcript at request of certain Government and private agencies, members of Armed Forces, and next of kin 323, 696
Release of partial transcripts at request of certain Government agencies in connection with investigations, or adjudication of claims 323, 696
Renegotiation Act of 1948; authority to eliminate excessive profits under, to Secretary 736
Redelegation to Secretaries of Army, Navy, and Air Force respecting 1065
Renegotiation Board:
See also main heading Renegotiation Board.
Delegations of authority to and from. *See* Authority, delegations of.
Personnel, property, records, and funds, transfer to, from Department 736
Prior orders, continuance of 736
Regulations, transfer to, from Department 711
Renegotiation Policy and Review Board, Military; abolishment 736
Representation of Government agencies in hearings respecting certain rates and charges; delegation of authority for General Services Administrator respecting. *See* Authority.
Social Security Act amendments of 1950; designations of Secretaries of Army, Navy, and Air Force to exercise certain powers, functions and duties pertaining to their civilian employees 615
Succession to position of Acting Secretary of Defense in case of death, disability, or absence of Secretary (Executive Order 10332) 2083
Surplus Manpower Committee, Office of Defense Mobilization, representation on 1196
Surplus personal property, donation of, to Girl Scouts and affiliated organizations, by Military Departments 2201

DEFENSE ELECTRIC POWER ADMINISTRATION:
Electric energy, limitation on consumption and deliveries of, to Pacific Northwest; revocation of order respecting 1855

DEFENSE MANPOWER ADMINISTRATION, LABOR DEPARTMENT. *See* Labor Department.

DEFENSE MATERIALS PROCUREMENT AGENCY:
Agricultural commodities other than food:
Amendment of prior delegation 2074
Kenaf and sansevieria; authority of Agriculture Department to purchase and make commitments to purchase 2074
Authority, delegation of, to various officials:
By Administrator:
Agriculture Department; authority to purchase and make commitments to purchase kenaf and sansevieria 2074
General Services Administration:
Performance of certain staff functions:
Administrative management services 238, 965
Financial management services 965
Investigative and security services 965
Public information and reports services 965
Supersedure of Delegation No. 5, and Amendment 1 965
Purchase of mica of domestic origin for Government use or resale 2291
Officials of Agency to administer DMA Order MO–7, NPA Delegation No. 14, and NPA Order M–78:
Deputy and Assistant Deputy Administrator 1397
Director, Domestic Expansion Division 1397
Director and Deputy Director, Mining Requirements Division 1397
From National Production Authority:
Allocating and claimant responsibilities respecting certain listed metals and minerals 902

DEFENSE MATERIALS PROCUREMENT AGENCY—Continued Page
Authority, delegation of, to various officials—Con,
From National Production Authority—Continued
Construction; authority to process applications under NPA Order M–4A and to make allotments and assign ratings under CMP Regulation 6 with respect to facilities for production and processing of certain listed source materials 902, 1488
Substitution of Order M–100 for M–4A 1971
Claimant agency under Defense Production Act, with respect to production and processing of metals and minerals and facilities listed in Appendix A of NPA Delegation 5 899, 902
Construction; delegation of authority by National Production Authority to process applications under NPA Order M–4A and to make allotments and assign ratings under CMP Regulation 6 with respect to facilities for production and processing of certain listed source materials 902, 1488
Substitution of Order M–100 for M–4A 1971
Manganese ore, foreign produced, allocation authorizations 2326, 2389
Ore used in producing ferro-alloys containing 40% or more of manganese, exception from allocation authorizations 2326, 2389
Mica of domestic origin, authority of General Services Administration to purchase, for Government use and resale 2291
Procurement Policy Board, Office of Defense Mobilization; representation on 103

DEFENSE MINERALS EXPLORATION ADMINISTRATION:
Critical and strategic minerals and metals, exploration for sources of; procedures for obtaining Government aid 2090
Exploration projects, Government aid in; procedures (supersedure of MO–5 by DMEA Order–1) 2090
Royalty payments to Government by operator of defense exploration project in case of discovery or development resulting from exploration 2091

DEFENSE MOBILIZATION, OFFICE OF:
Committees:
Defense Transportation and Storage Committee; Mutual Security Agency, membership 369
Procurement Policy Board; establishment, membership and functions 103
Agriculture Department, membership 876
Chairman; Assistant to Director for Procurement to act as chairman 103
Regional committees on Defense Mobilization, interagency; representation of Small Defense Plants Administration on committees 179
Surplus Manpower Committee. *See* Surplus Manpower Committee, *below*.
Critical defense housing areas:
Determination and certification under section 204 (1) of Housing and Rent Act of 1947 by Director and Secretary of Defense:
Arizona:
Flagstaff 102
Yuma 2210
California:
Barstow 1956
Lancaster 780
Connecticut; Bridgeport 102
Florida; Palatka 263
Georgia:
Camp Stewart 1539
Moultrie 179
Savannah River area 2582
Kansas; Lawrence-Olathe 2468
Maryland:
Fort Meade-Laurel 1539
Patuxent 179
Missouri; Knob Noster (Sedalia Air Force Base) 180, 1166
Montana; Great Falls 179
Nevada; Hawthorne 264
Ohio, Lorain; revocation 1510

DEFENSE MOBILIZATION, OFFICE OF—Continued Page

Critical defense housing areas—Continued
Determination and certification under section 204 (1) of Housing and Rent Act of 1947 by Director and Secretary of Defense—Continued
Oregon; Umatilla-Hermiston 102, 1956
Pennsylvania; Midland 102, 2582
South Carolina; Savannah River area 2582
Tennessee; Smyrna 1166
Texas:
Big Spring 102
Laredo 2700
Lone Star 1166
Washington; Port Townsend 264
Finding and determination under Defense Housing and Community Facilities and Services Act of 1951:
California:
Barstow 1955
Trona 1139
Connecticut; New London 2293
Florida:
Eglin Air Force Base 406
Orlando 1955
Georgia:
Camp Stewart 1539
Moultrie 102
Savannah River area 2582
Valdosta 103
Warner Robins 686
Idaho; Cobalt 2077
Indiana; Gary-Hammond-East Chicago 2077
Kansas:
Lawrence-Olathe 2077
Parsons 1840
Kentucky; Paducah 103
Maine; Bangor 2581
Maryland; Indian Head 2077
Massachusetts; Bedford 2028
Michigan; Oscoda 2077
Missouri; Knob Noster (Sedalia Air Force Base) 1165
Montana:
Anaconda 102
Great Falls 102
Nevada:
Reno 102
Yerington 2293
New Jersey:
Monmouth County 102
New Brunswick-Perth Amboy 2581
North Carolina; Townsville 406
Oklahoma:
Altus 1539
Ardmore 406
Oregon; Umatilla-Hermiston 1955
Pennsylvania:
Midland 2582
Williamsport 2293
Rhode Island; Newport 2077
South Carolina:
Charleston 1840
Savannah River area 2582
Sumter 487
Tennessee; Smyrna 1166
Texas:
Brady 585
Del Rio 2077
Laredo 2293
Lone Star 103, 1166
Port Lavaca 2293
Rockdale 1840
Virginia; Dahlgren 263
Washington:
Arlington 1840
Port Townsend 102
Wenatchee 406
Wisconsin; Baraboo 686
Footwear and shoe industry, hearing before Surplus Manpower Committee respecting 2374
Labor surplus. *See* Surplus manpower.
Manpower surplus. *See* Surplus manpower.
Organization; Assistant to Director for Procurement to act as chairman of Procurement Policy Board 103
Procurement, in areas of current or imminent labor surplus. *See* Surplus manpower.

DEFENSE MOBILIZATION, OFFICE OF—Continued Page

Procurement Policy Board; establishment, membership and functions 103
Agriculture Department, membership 876
Shoe and footwear industry, hearing before Surplus Manpower Committee respecting 2374
Surplus manpower; procurement in areas of current or imminent labor surplus:
Designation of areas and notification of Defense Department and General Services Administration respecting:
Illinois; Herrin-Murphysboro-West Frankfort area 2204
Indiana:
Muncie area 2799
Terre Haute area 2582
Maryland; Cumberland area 2209
Massachusetts:
Brockton area 2204
Falls River area 2207
Lawrence area 2205
Lowell area 2208
New Bedford area 2294
Michigan:
Bay City area 2798
Detroit area 2026, 2201
Flint area 2208
Grand Rapids area 2210
Ionia-Belding-Greenville area 2294
Iron Mountain area 2207
Port Huron area 2799
New Hampshire; Manchester area 2206
New York; New York area 2209
North Carolina; Asheville area 2203
Pennsylvania:
Pottsville area 2205
Scranton area 2028, 2203
Wilkes-Barre area 2027, 2202
Uniontown-Connelsville area 2295
Rhode Island; Providence area 2027, 2201
Hearings on nature and extent of labor surplus, etc., in various industries. *See* Surplus Manpower Committee.
Policy respecting procurement in areas of current or imminent labor surplus 1195, 1209
Surplus Manpower Committee. *See* Surplus Manpower Committee.
Surplus Manpower Committee:
Creation, membership and functions 1196, 1209
Hearings on nature and extent of labor surplus, facilities, etc., in various industries:
Shoe and footwear industry 2374
Textile industry 2076
Textile industry, hearing before Surplus Manpower Committee respecting 2076
DEFENSE PETROLEUM ADMINISTRATION. *See* Petroleum Administration for Defense.
DEFENSE PRODUCTION ACT, functions under; prior order amended respecting definitions of "solid fuels" and "domestic transportation, storage and port facilities" (Executive Order 10324) 1171

DEFENSE PRODUCTION ADMINISTRATION:

Amortization of emergency facilities; issuance of necessity certificates under Section 124A (e) of Internal Revenue Code in connection with 1467
Certificates, necessity, issuance under Section 124A (e) of Internal Revenue Code in connection with amortization of emergency facilities 1467
Claimant agencies; designation of Defense Materials Procurement Administrator as claimant with respect to production and processing of metals and minerals and facilities listed in Appendix A of NPA Delegation 5 899
Procurement Policy Board, Office of Defense Mobilization; representation on 103
Surplus Manpower Committee, representation on 1196
Voluntary plans, agreements, programs and participating companies:
Army Ordnance Integration Committees:
3.5" Rocket Committee; companies accepting request to participate 1527, 2793
4.2" mortar shells; companies accepting request to participate 2632

DEFENSE PRODUCTION ADMINISTRATION—Con. Page

Voluntary plans, agreements, programs and participating companies—Continued
Army Ordnance Integration Committees—Con.
Gun tanks, medium and heavy, and allied combat vehicles; companies accepting request to participate 2022
M34 Modification Kit Committee, withdrawal of Engineering and Research Corporation, Riverdale, Md., from participation 1066
Tactical trucks:
Heavy trucks; companies accepting request to participate 1910
Light and medium trucks; companies accepting request to participate 2023
Heating oil supply (including kerosene) for East Coast; companies accepting request to participate 2023
Small business enterprises requested to operate as production pools:
Coordinated Manufacturers of Santa Clara County, Inc.; withdrawal of certain participating companies 672
Dade County Industries, Inc., and participating companies 1229
Illinois Manufacturers Defense Pool and participating companies 1527
Omaha Industries, Inc.; corrected list of participating companies 2697
Small Manufacturers Cooperative and participating companies 1509
Specified Finishes, Inc., and participating companies 2138
Tanker capacity, contribution of; additional participating companies:
Dover Steamship Co., Inc 2400
National Navigation Corp 1161
Standard Oil Co. (Kentucky) 2400

DEFENSE TRANSPORT ADMINISTRATION:
Construction; delegation of authority to Administrator from National Production Authority to process applications under NPA Order M–4A and to make allotments and assign ratings under CMP Regulation No. 6 with respect to facilities for domestic transportation, storage, and port facilities 1488
Substitution of Order M–100 for M–4A 1971
Organization; establishment and functions, revision (DTA 1) 1308
Preference and priority in port terminal storage and handling of bulk grain for export; definition of grain to include all rough, milled, brown, processed or polished rice (DTA 2) 508
Water transportation and port utilization, inland; delegation of authority to Director, Bureau of Water Carriers and Freight Forwarders, Interstate Commerce Commission, respecting 1489

DISASTERS:
Controlled materials for reconstruction or repair of damage. *See* National Production Authority.
Disaster communication service. *See* Federal Communication Commission.
Disaster loan program, farm property. *See* Farmers Home Administration.

DISTRICT OF COLUMBIA:
"Domestic transportation, storage and port facilities" under Defense Production Act, inclusion of District of Columbia in definition (Executive Order 10324) 1171
Hospital program, authority of Public Buildings Commissioner respecting acquisition of land, construction, etc 1840

DRUGS, certification, tests, etc. *See* Food and Drug Administration.

E

ECONOMIC STABILIZATION AGENCY:
See Price Stabilization, Office of.
Rent Stabilization Office.
Salary Stabilization Board.
Wage Stabilization Board.
Alaska salmon, fresh, delivered to canneries; jurisdiction of Wage Stabilization Board respecting prices, wages, etc 782

ECONOMIC STABILIZATION AGENCY—Continued Page

Authority, delegation of, to Wage Stabilization Board respecting prices, wages, etc., in connection with fresh Alaska salmon delivered to canneries 782
Critical defense housing areas; determinations approving extent of relaxation of credit controls, in various areas:
Alabama:
Anniston 1363
Camp Rucker 1363
Huntsville 1363
Arizona:
Flagstaff 746, 1363
Fort Huachuca 218, 1363
Tucson 1363
Yuma 2370
Arkansas:
Benton 1363
Camden-Shumaker 1363
Pine Bluff 1363
California:
Barstow 1363, 2144
Camp Cooke-Camp Roberts 1363
Lancaster 937, 1363
Marysville-Yuba City 1363
Monterey-Fort Ord 218, 1363
Oxnard-Port Hueneme 1363
Pittsburg-Camp Stoneman 1363
Pleasanton-Livermore-Hayward 1363
San Diego 1363
Solano County 1363
Colorado; Colorado Springs 1363
Connecticut:
Bridgeport 218, 1363
Hartford 1363
Delaware; Dover 1363
Florida:
Cocoa-Melbourne 1363
Green Cove Springs 98, 1363
Key West 1363
Palatka 484, 1363
Pensacola 1363
Sanford 98, 1363
Georgia:
Camp Stewart 1363, 1669
Marietta 1363
Moultrie 937, 1363
Savannah River 1363, 2729
Valdosta 218, 1363
Idaho:
Arco-Blackfoot-Idaho Falls 1363
Mountain Home 1363
Illinois:
Braidwood (Joliet) 1363
Rock Island-Moline 1363
Indiana:
Camp Atterbury 1363
Indianapolis 1363
Iowa; Davenport 1363
Kansas:
Lawrence-Olathe 2730
Salina 98, 1363
Topeka 1363
Wichita 1363
Kentucky:
Camp Breckenridge 1363
Fort Campbell 1363
Fort Knox 1363
Paducah 218, 1363
Louisiana; Camp Polk 1363
Maine; Presque Isle-Limestone 1363
Maryland:
Aberdeen 1363
Bainbridge-Elkton 1363
Fort Meade-Laurel 1782
Patuxent 239, 1363
Mississippi; Gulfport-Biloxi-Pascagoula 1363
Missouri:
Fort Leonard Wood 1363
Knob Noster 239, 1363, 1831
Montana; Great Falls 937, 1363
Nebraska; Sidney 1363
Nevada; Hawthorne 484, 1363

ECONOMIC STABILIZATION AGENCY—Continued Page
Critical defense housing areas; determinations approving extent of relaxation of credit controls, in various areas—Continued
New Jersey:
Dover-Denville ... 98, 1363
Fort Dix ... 1363
New Mexico:
Alamagordo ... 1363
Clovis-Portales ... 1363
North Carolina:
Camp Lejeune-Cherry Point ... 1363
Fort Bragg ... 1363
Kinston ... 746, 1363
Ohio; Lorain ... 1363
Oklahoma; Fort Sill-Lawton ... 1363
Oregon; Umatilla-Hermiston ... 218, 1363, 2144
Pennsylvania:
Bristol-Morrisville ... 1363
Indiantown Gap ... 1363
Midland ... 239, 1363, 2730
South Carolina:
Parris Island ... 1363
Savannah River ... 1363, 2729
South Dakota; Rapid City-Sturgis ... 1363
Tennessee; Smyrna ... 1510
Texas:
Big Springs ... 218, 1363
Borger ... 1363
Brazoria County ... 1363
Florence-Killeen ... 1363
Hondo ... 1363
Kingsville ... 218, 1363
Laredo ... 2793
Lone Star ... 218, 1363, 1831
Mineral Wells-Weatherford ... 1363
San Marcos ... 1363
Wichita Falls ... 1363
Utah; Tooele ... 1363
Virginia:
Camp Pickett ... 1363
Newport News ... 1363
Norfolk-Portsmouth ... 1363
Quantico ... 239, 1363
Washington:
Bremerton ... 1363
Hanford-Kennewick-Pasco ... 1363
Othello ... 1363
Port Townsend ... 1161, 1363
Whidbey Island ... 239, 1363
Wisconsin; Camp McCoy ... 1363
Procurement Policy Board, Office of Defense Mobilization; representation on ... 103
Salmon, fresh Alaska, delivered to canneries; jurisdiction of Wage Stabilization Board respecting prices, wages, etc ... 782

EDUCATION AND EDUCATIONAL FACILITIES:
Education, formal, for certain Government positions. *See* Civil Service Commission.
Foreign students, scholars, etc., emergency aid to. *See* State Department.
Merchant Marine Cadet Corps, training of. *See* Maritime Administration.
School lunch program. *See* Agriculture Department.
Schools in areas affected by Federal activities; funds for construction and financial assistance to. *See* Education, Office of.
Veterans, education for. *See* Veterans' Administration.

EDUCATION, OFFICE OF:
Construction of school facilities in areas affected by Federal activities; order of making certification from available funds, correction ... 2764
Financial assistance for current expenditures for public schools in areas affected by Federal activities:
Applications received after deadline not considered for payment ... 847
Deadline for application for payments from funds appropriated for fiscal year 1952 ... 847
Payments from fiscal year 1952 appropriations; proportionate share of funds appropriated ... 347

EDUCATION, OFFICE OF—Continued Page
Financial assistance for current expenditures for public schools in areas affected by Federal activities—Continued
Reports; necessity of final reports for each fiscal year ... 1943
ELECTIONS, FEDERAL; inspection of tax returns by Senate Committee on Rules and Administration in connection with (Executive Order 10321) ... 791
ELECTRIC POWER ADMINISTRATION. *See* Defense Electric Power Administration.
EMERGENCY BOARD, to investigate labor dispute. *See* National Mediation Board.

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY:
Authority, delegation of, to Chief of Engineers, from Secretary of Army; to perform functions and make determinations with respect to reimbursement to owners and tenants of land acquired (pursuant to Public Law 155, 82d Congress) for expenses, losses and damages ... 2693
Bridge regulations:
Alabama, Tombigbee River; Alabama Great Southern railroad bridge at Epes, revocation ... 2184
Atlantic Ocean and Gulf of Mexico, navigable waters discharging into, south of (and including) Chesapeake Bay, except Mississippi River and its tributaries ... 2183
Chesapeake Bay, waterways discharging into. *See* Atlantic Ocean.
District of Columbia, Washington, Potomac River; call signal for opening of draw, correction ... 233
Gulf of Mexico, waterways discharging into. *See* Atlantic Ocean.
Idaho, Lewiston, Snake River; highway bridge ... 1856
Louisiana, Calcasieu River; State Department of Highways bridge at Lake Charles, revocation ... 2184
Washington:
Pasco, Columbia and Snake Rivers in vicinity of; operation of three railroad bridges ... 1856
Riparia, Snake River; Union Pacific Railroad Company bridge at, and highway bridge ... 1856
Danger zone regulations:
Atlantic Ocean. *See* Delaware coast; Massachusetts; New York; *and* North Carolina.
Delaware coast, Atlantic Ocean off; antiaircraft artillery firing areas, Second Army ... 450
Massachusetts, Cape Cod, Atlantic Ocean off; Army antiaircraft artillery firing range ... 233
New York, Montauk, Camp Hero Military Reservation, Atlantic Ocean off; antiaircraft artillery firing range ... 1304
North Carolina, New River, Atlantic Ocean east of; Marine Corps firing ranges ... 925
Navigation regulations:
Atlantic Ocean. *See* New Jersey.
California, Lake Tahoe, restricted areas along south shore; Baldwin Beach, Pope Beach, and El Dorado County Beach ... 450
Chesapeake Bay entrance; naval restricted area ... 404
Maryland, Annapolis, Severn River; experimental test area, United States Naval Engineering Experiment Station ... 2573
New Jersey, Sandy Hook, Atlantic Ocean off; naval restricted area ... 508
Pacific Ocean southwest of Laau Point, Molokai, T. H.; Navy drill mine field ... 451
Washington, Point Jefferson; Puget Sound, naval restricted area ... 346
Reservoir areas, public use of:
North Carolina; John H. Kerr Reservoir Area, Roanoke River ... 578
Texas, Hords Creek Reservoir Area, Hords Creek ... 578
Virginia:
John H. Kerr Reservoir Area, Roanoke River ... 578
Philpott Reservoir Area, Smith River ... 578

ENTOMOLOGY AND PLANT QUARANTINE BUREAU:
Puerto Rico, sweetpotatoes from, to northern United States ports; proviso respecting fumigation, proposed ... 1395

ENTOMOLOGY AND PLANT QUARANTINE BUREAU—Continued — Page

Quarantine notices, domestic; restrictions on movements of certain plants, etc., to prevent spread of insect pests:
Bollworm of cotton. *See* Cotton.
Cotton:
Pink bollworm:
Cotton, cottonseed and products from Hawaii, Puerto Rico and Virgin Islands; extension of quarantine to prevent spread of pink bollworm from Virgin Islands to United States, proposed — 1219
Various States; designation of infested areas (proposed rule making) — 1619
Thurberia weevil; notice of proposed revocation of quarantine of certain counties of Arizona, and regulations respecting — 1506
Sweetpotatoes, from Puerto Rico; proviso respecting fumigation, proposed — 1395
Thurberia weevil. *See* Cotton.
White-pine blister rust, regulations governing interstate movement of five-leaved pines, proposed — 772
Virgin Islands; extension of quarantine to prevent spread of pink bollworm of cotton from, to United States, proposed — 1219

EUROPE, MOVEMENT OF MIGRANTS FROM, PROVISIONAL INTERGOVERNMENTAL COMMITTEE FOR; international organization entitled to certain privileges and immunities (Executive Order 10335) — 2741

EXECUTIVE ORDERS. *See* Presidential documents.

EXPENDITURES IN EXECUTIVE DEPARTMENTS, SENATE COMMITTEE ON; inspection of tax returns in connection with studies of operation of Government activities (Executive Order 10326) — 1381

EXPLORATION FOR MINERALS AND METALS. *See* Defense Minerals Exploration Administration.

EXPLOSIVES, transportation of. *See* Coast Guard; *and* Interstate Commerce Commission.

EXPORTS. *See* Imports and exports.

F

FARM CREDIT ADMINISTRATION:
Banks for cooperatives:
Central Bank for Cooperatives:
Interest rates. *See* Interest rates.
Lending limits; policy — 1147
Interest rates on loans in continental United States and Puerto Rico:
Facility loans — 1493
Central Bank for Cooperatives — 1493
Financing operations — 1493
Central Bank for Cooperatives — 1493
Columbia Bank for Cooperatives — 959
Loans made by Central Bank for Cooperatives or from Revolving Fund authorized by Agricultural Marketing Act; revocation — 1493
Loans made on security of commodities:
Columbia Bank for Cooperatives — 959
Revision — 1493
Loans made on security of commodities or of Commodity Credit Corporation loan documents — 1493
Central Bank for Cooperatives — 1493
St. Paul Bank for Cooperatives — 2587
Loans made on security of Commodity Credit Corporation loan documents:
Columbia Bank for Cooperatives — 959
Revision — 1493
Loan policies; lending limits of Central Bank for Cooperatives — 1147
Federal Farm Mortgage Corporation, disposition of reserved minerals; revised designation of counties in Mississippi as areas in which mineral interests are to be sold:
Fair market value areas (Schedule A) — 869
One dollar areas (Schedule B) — 869
Minerals, reserved, disposition of. *See* Federal Farm Mortgage Corporation.

FARM CREDIT ADMINISTRATION—Continued — Page

Production Credit Associations, rules and regulations for; loans to veterans for eligible agricultural purposes, except real estate loans, insured by Administrator of Veterans Affairs — 2354

FARM LAND RESTORATION PROGRAM 1952. *See* Agriculture Department.

FARMERS HOME ADMINISTRATION:
Account servicing; routine, for servicing loans:
Cooperative associations, loans to; policy respecting functions of FHA personnel, clarifying status of state and county committeemen holding membership in borrowing associations — 2705
Farm housing and farm ownership loans:
General provisions, farm ownership loans; redemption date — 59
Payments in full:
Final payments; redesignation — 2107
Final payments on farm ownership loans; calculation of interest — 2411
Paid-in-full direct farm ownership and farm housing accounts; processing — 2107
Subsequent insured farm ownership loans:
Action prior to loan closing — 59
Loan closing actions; collection of mortgage insurance charges and reappraisal fees — 5
Civil Service Rules; certain positions excepted from competitive service (Schedule A) — 265
Columbia Basin Project; loans to contract purchasers on, for farm development and residence requirements — 268
Construction, farm housing; loans for. *See* Farm housing loans and grants; *and* Farm ownership loans.
Debt settlement; farm housing loans to applicants receiving debt settlement benefits — 1705
Disaster loan program, making and servicing loans under section 2, Public Law 38, 81st Congress:
Loan purposes; purchase of farm building and headquarters sites in flood areas, under certain conditions — 1381
Security requirements; for advances to purchase building and headquarters sites, and other real estate purposes, in flood areas — 1381
Farm housing loans and grants:
Account servicing; routine. *See* Account servicing, *above.*
Applicants, criteria for selection of; limitations respecting applicant who has received or is likely to receive debt settlement benefits — 1705
Basic regulations with respect to terms of loans; addition of 25 year repayment period — 2383
Columbia Basin Project; loans to contract purchasers on, for farm development and residence purposes — 268
Construction and repair; revocation — 409
Farms, county committee recommendations respecting; addition of 25 years repayment period for section 502 loans — 2383
Farm ownership loans:
Account servicing; routine. *See* Account servicing, *above.*
Basic regulations, respecting loans; loan limitations, average values of farms and investment limits for purposes of Title I of Bankhead-Jones Farm Tenant Act:
Alabama — 2383
Indiana — 541
Kansas — 959
Maryland — 711
Massachusetts — 1457
New Jersey — 381
North Carolina — 189
North Dakota — 631
Ohio — 189
Oregon — 1743
Pennsylvania — 961, 2509
Puerto Rico — 1743
Virginia — 711
Washington — 1743
Construction and repair:
Consolidation of certain farm ownership and farm housing regulations — 409

FARMERS HOME ADMINISTRATION—Continued Page

Farm ownership loans—Continued
Construction and repair—Continued
Farm ownership and farm housing programs:
Minimum construction standards; revision 409
Planning farm development; revision 413
Direct loans, processing; county office routine with respect to loans to homestead entrymen and owners of newly irrigated farms within Federal reclamation projects:
General provisions 1409
Cooperation with Land Management and Reclamation Bureaus 1409
Extent of financial assistance 1409
Loan processing 1409
Cooperation with Land Management and Reclamation Bureaus 1409
Title clearance 1411
Insured loans, processing; making insured loans from State Rural Rehabilitation Corporation funds:
County office routine:
Additional forms:
Form FHA–5, "Loan Voucher" 1079
Form FHA–359, "Borrower-Insurer-Lender Triple Agreement" 1079
Form FHA–360, "Promissory Note (Insured Loan)" 1079
Closing of loan; due date of first installment on loan 1079
State office routine; loans from State Rural Rehabilitation Corporation funds 1081
Subsequent loans; processing:
General; definition of term "Farm Ownership indebtedness" 190
Interest rates, sources of funds, and amortization schedules 190
Purposes 190
Flood areas; loans for purchase of farm building sites in. *See* Disaster loan program.
Homestead entrymen, loans to. *See* Farm ownership loans.
Minerals, reserved, disposition of; revised designation of counties in Mississippi as areas in which mineral interests are to be sold by Administration:
Fair market value areas (Schedule A) 869
One dollar areas (Schedule B) 869
Reclamation projects, loans to owners of newly irrigated farms in. *See* Farm ownership loans.
Repairs, farm housing; loans for. *See* Farm housing loans and grants; *and* Farm ownership loans.
State Rural Rehabilitation Corporation funds, making insured farm ownership loans from 1079
Water facilities loans; processing loans:
For group services; policy respecting liens on property securing loans 1875
To associations (incorporated water users, mutual water companies, irrigation districts, and Soil Conservation Districts) 1
To individuals; loans to contract purchasers 1081
Form FHA–185.45, "Real Estate Mortgage by Contract Purchaser" 1082
General provisions 1081
Loan making procedures 1081
Policies 1081

FEDERAL CIVIL DEFENSE ADMINISTRATION:
Construction; delegation of authority to Administrator from National Production Authority to process applications under NPA Order M–4A and to make allotments and assign ratings under CMP Regulation No. 6 with respect to buildings, structures, or projects for civil defense purposes 326, 1488
Substitution of Order M–100 for M–4A 1971
Financial assistance:
From Reconstruction Finance Corporation for civil defense purposes:
Application 419
Procedure 419
States, Federal contributions to. *See* States.
Organization equipment for States. *See* States.
States, contributions to, for organizational equipment:
Advances of Federal funds 1967

FEDERAL CIVIL DEFENSE ADMINISTRATION—Con. Page

States, contributions to, for organizational equipment—Continued
Conditions of contributions; title 1967
Procurement of equipment involving Federal funds 1967

FEDERAL CROP INSURANCE CORPORATION:
Corn crop insurance, 1950 and succeeding crop years; salvage value of silage corn, provision contained in rider amending monetary coverage policy 2109
Cotton crop insurance; 1952 and succeeding crop years:
Applications for insurance; dates for submission to county offices 2110
Availability of insurance in counties to be designated by Manager of Corporation 2110
Policy; date of cancellation for Oklahoma 2110
Flax crop insurance; 1950 and succeeding crop years, availability of insurance in counties to be designated by Manager of Corporation 2109
Multiple crop insurance; 1950 and succeeding crop years;
Applications for insurance; closing dates for 1952 crop year in various counties 2110
Availability of insurance in counties to be designated by Manager of Corporation 2110
Death, incompetence, or disappearance of insured:
Deletion 2385
Policy respecting death or incompetence of insured 2385
Policy:
Death or incompetence of insured 2385
General provisions:
Death, incompetence, or disappearance of insured; deletion 2385
Rounding of fractional units; deletion 2385
Insurance unit; change of contract by insured prior to applicable cancellation date 2385
Life of contract, cancellation thereof 2385
Rounding of fractional units; deletion 2385
Tobacco crop insurance; 1950 and succeeding crop years, availability of insurance in counties to be designated by Manager of Corporation 2109
Wheat crop insurance:
1950 and succeeding crop years, availability of insurance; counties designated for insurance for 1952 crop year and type of coverage applicable in each county 2351
1953 and succeeding crop years, editorial note 189

FEDERAL COMMUNICATIONS COMMISSION:
Aeronautical services:
Applications and licenses:
Aeronautical public service aircraft station, application for 2193
Aircraft radio station license, application for:
Air carrier aircraft radio station license 2193
Private aircraft radio station license 2193
Ground station authorization, application for:
Renewal of ground station license, use of Form 405; deletion 2193
Renewal of station license, use of Form 405–A, for application for 2193
Fixed aeronautical service; table of frequency allocations below 25 mc applicable to 2766
Mobile aeronautical service; table of frequency allocations between 5,000 and 25,000 kc applicable to 2766
Amateur radio service:
Amateur radio stations and operators; proposed rule making (redesignation) 347
Civil defense. *See* Radio amateur civil emergency service.
Frequencies and emissions. *See under* Radio amateur civil emergency service; *and* Stations, amateur radio.
Narrow-band frequencies or phase modulation, authorization of use for radiotelephony, in bands 3500 to 4000 kc and 14,000 to 14,400 kc, 150 and 50 kc respectively 1662
Operators, amateur:
Examinations:
Additional examination for holders of conditional class operator licenses; holder required to appear for examination if operation of his station is restricted 296

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Amateur radio service—Continued
Operators, amateur—Continued
Examinations—Continued
Examination credit:
Allowance of credit; redesignation 33
Credit allowed to applicant for extra class operator license who had previously held valid operator's license and qualifies for, or currently holds a valid license 33
Manner of conducting examination, certain holders of conditional license; waiver of requirement of reexamination when changing residence or station location 296
Licenses:
Eligibility for extra class license; examination requirements waived in case of certain experienced amateur operators 33
Renewal of license; use of Form 405–A 2193
Portable and mobile stations:
Nonportable stations, special provisions for, and requirements of notification respecting operation at temporary location 296
Requirements for portable and mobile operation; written notice must be given when operating away from fixed station location for more than one month 296
Radio amateur civil emergency service; proposed rule making 347
Applicability of rules governing amateur radio stations and operators 349
Definitions 348
Operating requirements 351
Organization:
Approval of civil defense communications plans 348
Civil defense radio officer; certification, duties, and qualifications of 349
Networks, organization of 349
Station authorizations 350
Filing of application 350
Required station authorization, eligibility for, issuance, term, and cancellation of station authorization 350
Technical requirements 350
Alleviation of harmful interference 351
Emissions, classification of; table of authorized emissions 351
Equipment requirements 351
Frequencies available to stations of Emergency service which they may continue to use during a national emergency; tables 350
Priority of stations to frequencies 351
Selection and use of specific frequencies 350
Transmitter power 351
Temporary nature of service 348
Use of stations; hours of operation, limitation on use of, operating procedure, points and priority of communications, permissible communication, use of codes and ciphers 352
Radiotelephony; authorization of use of narrow-band frequencies or phase modulation for, in amateur frequency bands 3500 to 4000 kc and 14,000 to 14,400 kc 1662
Revision and redesignation; proposed 347
Stations, amateur radio:
See also Radio amateur civil emergency service.
Frequencies, allocation of; frequencies and types of emission for use of amateur stations:
Authorization of amateur frequencies in 14,350–14,400 kc band for use of fixed services; proposed rule making 2366
Authorization of use by amateur stations of frequencies in 21,000–21,450 kc band, using type A–1 emission only, effective May 1, 1952; proposed rule making 2366
Availability of 3800 to 4000 kc, using type A–3 emission and narrow-band frequency or phase modulation, for radiotelephony, under certain restrictions 1662
Availability of 14,000 to 14,400 kc, using type A–1 emission, and type A–3 emission and narrow band frequency or phase modulation on 14,200 to 14,300 kc, for radiotelephony, under certain restrictions 1663

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Amateur radio service—Continued
Stations, amateur radio—Continued
Frequencies, allocation of; frequencies and types of emission for use of amateur stations—Con.
Operation on frequencies in 14,350–14,400 kc band; deletion of provision authorizing use of those frequencies by amateur stations, effective April 1, 1952, proposed rule making 2366
Licenses; renewal of license, use of Form 405–A 2193
Authority, delegations of. *See* Organization and delegations of authority.
Canada, assignment of frequencies to broadcast stations in; changes in list modifying appendix to North American Regional Broadcasting Agreement 1510
Citizens radio service:
Applications and licenses:
Applications, where to file 1663
Forms to be used:
Antenna structures, description of; use of Form 401–A 1663
Construction permit and license, application for citizens radio station; use of Form 505 1663, 2194
Prior provisions; deletion 1663
Renewal of radio license, application for (short form), Form 405–A; use of 2194
Licensing and operation of stations for control of objects or devices by radio in 460–470 mc band; provision for new class of station on 27.255 mc frequency 1663
Procedure for obtaining station license; deletion 1663
Renewal of station license; use of Form 405–A 2194
Definitions:
Bandwidth, authorized 1663
Class C station 1663
Remote control; redesignation 1663
Frequencies and emissions. *See under* Technical specifications.
Operating requirements:
Permissible communications; operation of station used for radio control of devices or objects, involving continuous radiation of energy, permitted only for brief tests or when making adjustments 1665
Suspension of transmissions required upon deviation from rules 1665
Stations, operation and licensing of, for control of objects or devices by radio in 460–470 mc band; revision of rules to provide for new class of station on 27.255 mc frequency 1663
Technical specifications and type of equipment:
Equipment:
Composite equipment, acceptance of:
Class A, Class B, and noncrystal controlled Class C station equipment 1664
Class C equipment employing crystal control 1664
Minimum equipment specifications; Class A, B, and C stations 1664
Type approval of equipment:
Class A, Class B, and noncrystal controlled Class C equipment, submission for approval 1664
Class C stations:
Crystal control; approval not required 1664
Non-crystal controlled; submission for approval 1664
Composite equipment; requirements when type approval has not been obtained 1664
Frequencies and emissions, etc.:
Communication band; deletion 1664
Emission; provisions respecting Class A, B, and C stations:
Limitations 1664
Type of emission 1664
Frequencies available; assignment, on non-exclusive basis, subject to certain interference, of frequency bands:
Class A and B stations; 460–470 mc band 1663
Class C; 27.255 mc frequency 1663
Frequency tolerance; carrier frequency maintenance of Class A, B, and C stations 1664

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Citizens radio service—Continued
Technical specifications and type of equipment—Continued
Frequencies and emissions, etc.—Continued
Station power table; 27.23–27.28 mc—5 watts, added 1663
Civil defense; radio amateur civil emergency service, proposed rule making 347
Civil defense radio officers; certification, duties, qualifications of 349
Coastal and marine relay services. *See* Maritime services: land stations.
Common carrier regulations for telephone and telegraph companies. *See* Telephone and telegraph companies.
Cuba; assignment of radio frequencies to broadcast stations, changes in 177, 936, 1161
Delegations of authority. *See* Organization and delegations of authority.
Disaster communications service:
Construction permit and license, application for 1152
Disaster communications service and station defined 1151
Disaster station defined; redesignation 1151
Frequencies, limitations on use of 1152
Industrial radiolocation service, liaison with licensees in 1152
Operating requirements:
Liaison with licensees in industrial radiolocation service 1152
Limitations on use of frequencies 1152
Sharing of frequency band 1750–1800 kc with industrial radiolocation service 1151
Station license or authorization; application for construction permit and license:
Number of applications required 1152
Redesignations 1152
Renewal of station license, application for; use of Form 405–A 2194
Use of stations, radio station log; exemptions respecting stations automatically operated 1152
Dominican Republic, assignment of frequencies to broadcast stations in; changes in list modifying appendix to North American Regional Broadcasting Agreement 626, 1161, 1511
Educational broadcast stations. *See* Radio broadcast services.
Emergency service, civil radio amateur; proposed rule making 347
Employees, compensation of; Annual Report Form 324, applicable to standard broadcast, FM, television and international stations, amendment of Schedules 10–A and 10–B, proposed rule making 527
FM broadcast stations. *See* Radio broadcast services.
Frequencies and channels, allocation and use of:
See also Frequency allocations and radio treaty matters.
Frequency bands:
14–15 kc 2766
55–150 kc 2766
150–200 kc 2766
200–535 kc 2766
535–1605 kc 2766
1605–2000 kc 2766
1750–1800 kc 1151
1800–1825 kc 350
1875–1900 kc 350
1900–1925 kc 350
1975–2000 kc 350
2000–25,000 kc 2766
2848 kc 2766
3500–3510 kc 350
3500–4000 kc 1662
3800–4000 kc 1662
3900–4000 kc 350
4245 kc 2766
5000–25,000 kc 2766
5365 kc 2766
7625 kc 2766
7690 kc 2766
14,000–14,400 kc 1662
14,200–14,300 kc 1662
14,350–14,400 kc 2366
21,000–21,450 kc 2366
25,000 kc and below 2766

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Frequencies and channels, allocation and use of—Con.
Frequency bands—Continued
25 mc and below 2766
27.23–27.28 mc 1663
27.255 mc 1663
28.55–28.75 mc 350
29.45–29.65 mc 350
50.35–50.75 mc 350
53.35–53.75 mc 350
145.17–145.71 mc 350
146.79–147.33 mc 350
152–162 mc 528
153 mc and above 838
157.1 mc–157.4 mc 528
161.9 mc 528
161.85 mc 528
161.91 mc 528
162.0 mc 528
220–225 mc 350
460–470 mc 1663
470–890 mc 534
Services and stations:
Aeronautical services 2766
Amateur radio service 347, 1662, 2366
Canada; broadcast stations 1510
Citizens radio service 1663
Cuba; broadcast stations 177, 936, 1161
Disaster communications service 1151
Dominican Republic; broadcast stations 626, 1161, 1511
FM broadcast stations, Class B; revised tentative allocation plan 1741
Industrial radio services 838, 1151
Industrial, scientific, and medical service 1219, 1228
Land transportation radio services 527, 838
Maritime services 527, 2766
Mexico; broadcast stations 331, 936, 1741
Public radio communication services 2366, 2766
Public safety radio services 527, 1227
Radiolocation service, industrial 1151
Television broadcast stations (assignment of channel 3 for Santa Barbara, proposed) 534
Theater television service 1189, 1193, 1947
Frequency allocations and radio treaty matters:
Allocation assignment and use of radio frequencies:
Ship-shore public correspondence in lower Lake Michigan area, allocation to, of 161.9 mc and 162.0 mc frequencies and substitution of 157.3 mc for 157.1 mc frequency, proposed rule making 527
Station symbols:
BCS; standard broadcast station 2766
FXY; interzone station 2766
FXZ; zone station 2766
Table of frequency allocations:
Amendments 528
Applicability of table of frequency allocations below 25 mc to certain fixed services 2766
Applicability of table of frequency allocations between 5,000 to 25,000 kc to certain mobile services 2766
Authorization of use of frequencies in 21,000–21,450 kc band, effective May 1, 1952, by amateur stations, in accordance with Atlantic City table; proposed rule making 2366
Cairo-Atlantic City-FIAR-FCC table of frequency allocations (below 25 mc) 2767
Effective dates of Atlantic City table 2766
Explanation and instructions regarding use of table; symbols used 2778
Temporary use of frequency, provision respecting 2766
Transfer of authorization for use of frequencies in 14,350 to 14,440 kc band from amateur radio stations to fixed services, in accordance with Atlantic City table; proposed rule making 2366
Use of authorized frequencies in table of frequency allocations below 25,000 kc (25 mc) by stations in various services prior to effective date of Atlantic City table 2766

90000—5——52

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Frequency allocations and radio treaty matters—Continued
Definitions:
Interzone station (FXY) 2766
Standard broadcast station (BCS) 2766
Zone station (FXZ) 2766
Hearings, orders, etc.; list of names of companies and stations, *see list at end of this agency.*
Highway maintenance radio service. *See* Public safety radio services.
Industrial radio services:
See also Industrial, scientific, and medical service.
Application forms to be used; renewal of station license, use of Form 405–A 2193
Definition of terms; codification of land and mobile radio positioning stations, correction 295
Industrial radiolocation service; sharing of frequency band 1750–1800 kc with disaster communications service 1151
Mobile service frequencies, sharing of, with fixed stations under certain conditions, proposed 838
Policy governing assignment of frequencies; use of frequencies above 152 mc by operational fixed stations outside continental limits of United States, proposed 838
Industrial, scientific and medical service, operation without license; electrical welding equipment using radio frequency energy:
Conditions under which such equipment may be operated; proposed rule making 1228
Suspension of effective date of regulations with respect to welding devices 1219
International broadcast stations. *See* Radio broadcast services.
Land transportation radio services:
Applications and authorizations; forms to be used, application for renewal of license, use of Form 405–A 2194
Mobile service frequencies, sharing of, with fixed stations under certain conditions, proposed 838
Railroad radio service; frequencies available for base and mobile stations, deletion of frequency 161.91 mc 529
Selection of frequencies; use of frequencies above 152 mc by operational fixed stations outside continental limits of United States, proposed 838
Maritime services:
Land stations:
Applications:
One application for plurality of stations:
Application for consent; redesignation 2193
Renewal of license for any class of station; deletion 2193
Reinstatement of license; deletion 2193
Renewal of license; use of Form 405–A 2193
Mobile maritime service; applicability of table of frequency allocations between 5,000 and 25,000 kc to 2766
Public coast stations, use of telephony; proposed rule making:
Availability of frequencies above 100 mc 529
Conditions imposed upon assignments in 156–162 mc band 529
Carrier frequency 162 mc assignable to any public coast station for use of telephony 529
Redesignation 529
Shipboard stations:
Applications:
One application for plurality of stations, nature of application; renewal of license, deletion from scope of provision respecting 2193
Renewal of license 2193
Station authorizations, application forms for; substitution of Form 405–A for Forms 501–A, 501–B, 502, and provisions respecting 2193
Frequencies above 30 mc for public correspondence, proposed rule making 529
Mobile maritime service; applicability of table of frequency allocations between 5,000 and 25,000 kc to 2766
Ship-shore public correspondence in lower Lake Michigan area, allocation of 161.9 mc and 162.0 mc frequencies and substitution of 157.3 mc for 157.1 mc frequency; proposed rule making 527

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime services—Continued
VHF maritime public correspondence duplex frequencies, proposed amendments in frequency assignments affecting 528
Mexico; assignment of frequencies or channels to broadcast stations in:
Changes in list modifying appendix to North American Regional Broadcasting Agreement 331, 936, 1741
Television Agreement, Mexico-United States; petition for modification of, by Radio Kist, Inc., to permit use of channel 3 in Santa Barbara 534
North American Regional Broadcasting Agreement; list of changes in assignments for stations in various countries:
Canada 1510
Cuba 177, 936, 1161
Dominican Republic 626, 1161, 1511
Mexico 331, 936, 1741
Organization and delegations of authority:
Authority, delegation of:
To Chief Engineer; temporary authority with respect to action on applications, requests, etc. 536
To Chief, Field Engineering and Monitoring Bureau; transfer of authority formerly vested in Chief Engineer, General Counsel, and Secretary, with respect to certain functions of Bureau 1838
To Engineer in Charge at each district headquarters office, to act upon requests from broadcast stations for extension of temporary authority to operate without certain indicating instruments 536
Record of action taken by field offices 2466
Organization:
Central office:
Accountant, Chief, Office of; functions and organization 1835
Administration, Office of; functions and organization 1837
Broadcast Bureau; establishment and functions of 1838
Engineer, Chief, Office of:
Abolishment of certain divisions, etc. (Antenna Survey, Commercial Operator, and Experimental and Miscellaneous Branches, and Field Engineering and Monitoring Division) 1832
Functions and organization 1835
Temporary authority with respect to action on applications, requests, etc 536
Transfer of authority of Chief Engineer to Chief, Field Engineering and Monitoring Bureau with respect to certain functions of Bureau 1838
Field Engineering and Monitoring Bureau:
Delegation of authority to Chief; transfer of authority formerly vested in Chief Engineer, General Counsel, and Secretary, with respect to certain functions of Bureau 1838
Establishment and functions of 1832
General Counsel, Office of:
Field Office, Los Angeles, California, abolishment of 1834
Functions and organization 1834
Transfer of authority of General Counsel with respect to rules dealing with motions, briefs, and other procedure in hearing cases to Chief of Field Engineering and Monitoring Bureau 1839
Hearing Assistants (Formal), Office of; changed to Office of Opinions and Review 1838
Hearings (Formal), Office of; changed to Office of Hearing Examiners 1838
Secretary, Office of:
Functions and organization 1836
Transfer of authority of Secretary to Chief of Field Engineering and Monitoring Bureau with respect to certain functions of Bureau 1838
Field offices:
Field Engineering District No. 24 (District of Columbia and vicinity); establishment and functions of 1834

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Organization and delegations of authority—Con.
Organization—Continued
Field offices—Continued
Los Angeles Field Office of Office of General Counsel; abolition of 1834
Record of action taken by field offices on applications 2466
Motions Commissioner; designation of:
For January, 1952 177
For February, 1952 1230
For March, 1952 2141
Patents, U. S., used in electrical communication services; preparation and filing of annual patent reports, proposed rule making:
Extension of time for filing comments 296
Second supplementary notice, for purpose of clarification of matters in question 931
Practice and procedure:
Common carriers, reports required to be submitted by; Monthly Report of Revenues, Expenses, and Other Items—Class A Telephone Companies, Form 901 (Revision of 1952), amended, effective January, 1952 295
Forms:
Forms for use with radio license applications. *See under* Radio licenses.
Table of forms currently in effect:
Forms amended:
Form 404A 2192
Form 501A 2192
Form 501B 2192
Form 525 2192
Form 602 2192
Form 610 2192
Form 405–A, added 2192
Form 502, deleted 2192
Radio licenses, applications and proceedings affecting; filing of applications and description of forms:
Informal applications, filing of:
For requests from stations for extension of authority to operate without certain indicating instruments 526
For temporary operation without specified items of equipment or with auxiliary equipment 526
Renewal of license, broadcast and nonbroadcast, application for; forms used:
Forms added or amended:
Form 405–A, Application for renewal of radio license (short form); to be used for renewal of licenses issued for various services 2192
Form 405, Application for renewal of radio station license; use of 2192
Forms deleted:
Form 404–A, Application for private aircraft radio station license 2192
Form 501–A, Application for ship radiotelephone station license, new, modified, or renewal 2192
Form 501–B, Application for ship radar station license 2192
Form 502, Application for renewal of ship radio station license 2192
Form 505, Application for citizens radio station construction permit and license 2192
Form 525, Application for disaster communications radio station construction permit and license 2192
Forms 602 and 610, use of, for renewal of amateur station license 2192
Suspension of operator licenses; function of Chief of Field Engineering and Monitoring Bureau respecting 1829
Public radio communication services (other than maritime mobile):
Authorization of frequencies in 14,350–14,400 kc band for use of fixed services, proposed 2366
Frequency allocations below 25 mc, table of; applicable to fixed services on certain station assignments, in Territories, and in international fixed public service 2766

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Public safety radio services:
Application forms to be used; renewal of license, use of Form 405–A 2193
Highway maintenance radio service, frequencies available to; proposed rule making:
Explanation of assignment limitations, note added 529
Tabulation of frequencies:
Frequencies 157.29 and 157.35 added 529
Limitations, change in 529
Technical standards, frequencies; proposed rule making:
Frequencies assigned to Government radio stations under President's Executive orders 1227
Redesignation 1227
Puerto Rico; communication between San Juan and New York City, hearings 486
Racing news, use of interstate and foreign leased facilities, Western Union Telegraph Co., for dissemination of; hearing 1160, 1947
Radio broadcast services:
Educational broadcast stations, FM, noncommercial:
Authority, delegation of, to Engineer in Charge at each district headquarters office, to act upon requests from broadcast stations for extension of temporary authority to operate without certain indicating instruments 536
Equipment, rules relating to:
Changes in equipment and antenna system:
Indicating instruments, specific authority requirements for change in; deletion 525
Other changes; redesignation 525
Frequency monitor 524
Modulation monitor 525
Indicating instruments, interchange of, and operation without certain indicating instruments under stated conditions 523
Technical operation; indicating instruments 525
FM broadcast stations:
Authority, delegation of, to Engineer in Charge at each district headquarters office, to act upon requests from broadcast stations for extension of temporary authority to operate without certain indicating instruments 536
Channels, allocation of; revised tentative allocation plan for Class B stations, amendment to 1741
Educational broadcast stations. *See* Educational broadcast stations, *above*.
Employees, compensation of; Annual Report Form 324, amendment of Schedules 10–A and 10–B, proposed rule making 527
Equipment, rules relating to:
Changes in equipment and antenna systems:
Indicating instruments, specific authority requirements for change in, deletion 524
Other changes; redesignation 524
Frequency monitor 524
Modulation monitor 524
Indicating instruments, interchange of, and operation without certain indicating instruments under stated conditions 523
Reports; amendment of Schedules 10–A and 10–B (employees and compensation) of Annual Report Form 324, proposed rule making 527
Standards of Good Engineering Practice; indicating instruments 526
Change or replacement of instruments indicating current or voltage, written authority for; deletion 526
Redesignations 526
Technical operation; indicating instruments 524
International broadcast stations:
Employees, and compensation of; amendment of reports respecting 527
Reports; amendment of Schedules 10–A and 10–B (employees and compensation) of Annual Report Form 324, proposed rule making 527
Standard broadcast stations:
Authority, delegation of, to Engineer in Charge at each district headquarters office, to act upon requests from broadcast stations for extension of temporary authority to operate without certain indicating instruments 536

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Radio broadcast services—Continued
Standard broadcast stations—Continued
Employees, compensation of; Annual Report Form 324, amendment of Schedules 10–A and 10–B, proposed rule making 527
Indicating instruments, interchange of, and operation without certain indicating instruments under stated conditions 523
Reports; amendment of Schedules 10–A and 10–B (employees and compensation) of Annual Report Form 324, proposed rule making 527
Standards of Good Engineering Practice; indicating instruments 526
Change or replacement of instruments indicating current or voltage, written authority for; delegation 526
Redesignations 526
Technical operation:
Frequency monitor 524
Indicating instruments 523
Modulation 523
Operating power, direct measurement; prohibitions respecting changes made in antenna ammeter, deletion 523
Television broadcast stations:
Authority, delegation of, to Engineer in Charge at each district headquarters office, to act upon requests from broadcast stations for extension of temporary authority to operate without certain indicating instruments 536
Channels; petition by Radio Kist, Inc., for use of channel 3 in Santa Barbara and for modification of Mexican-United States Television Agreement 534
Employees, compensation of; Annual Report Form 324, amendment of Schedules 10–A and 10–B, proposed rule making 527
Equipment, rules relating to:
Change in equipment and antenna system:
Indicating instruments, specific authority requirements for change in; deletion 525
Other changes; redesignation 525
Frequency monitors 525
Modulation monitors 525
Indicating instruments, interchange of, and operation without certain indicating instruments under stated conditions 523
Reports; amendment of Schedules 10–A and 10–B (employees and compensation) of Annual Report Form 324, proposed rule making 527
Standards of Good Engineering Practice; indicating instruments 526
Technical operation; indicating instruments 526
Theater television service. *See* Theatre television service, *below.*
Radiolocation service, industrial; sharing of frequency band 1750–1800 kc with disaster communications service 1151
Radiotelephony, use of:
By public coast stations and for VHF maritime telephone service. *See* Maritime services.
On certain amateur frequencies. *See* Amateur radio service.
Railroad radio service. *See* Land transportation radio services.
Reports:
Annual Report Form 324, applicable to standard broadcast, FM, television and international stations, amendment of Schedules 10–A and 10–B, proposed rule making 527
Monthly Report of Revenues, Expenses, and Other Items—Class A Telephone Companies, Form 901 (Revision of 1952), amended, effective January, 1952 295
Ship service. *See* Maritime services.
Standard broadcast stations. *See* Radio broadcast services.
Telephone service, radio; use of:
By public coast stations and for VHF maritime telephone service. *See* Maritime services.
On certain amateur frequencies. *See* Amateur radio service.

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Telephone and telegraph companies; common carrier regulations:
Patents for rendering electrical communication services; preparation and filing of annual reports, proposed rule making:
Extension of time for filing comments 296
Second supplementary notice, for purpose of clarification of matters in question 931
Puerto Rico; communication between San Juan and New York City, hearings 486
Rates, charges, tariffs, etc., investigations and hearings respecting: use of interstate and foreign leased facilities for dissemination of certain racing news, hearing with regard to new regulations of Western Union Telegraph Co. and suspension of revised tariff provision respecting 1160
Order continuing hearing and postponement of effective date of revised tariff 1947
Reports required to be submitted by common carriers; Monthly Report of Revenues, Expenses, and Other Items—Class A Telephone Companies, Form 901 (Revision of 1952), amended, effective January, 1952 295
Television broadcast stations. *See* Radio broadcast services.
Theater television service; allocation of frequencies for, and promulgation of rules:
Enlargement of issues with respect to:
Providing theater television service on a common carrier or non-common carrier basis, consideration of conditions designed to maintain competition within a service 1189
Standards of licensee eligibility in any theatre television service, with special reference to public interest served 1189
Orders continuing hearing 1193, 1947
Welding equipment, electrical, using radio frequency energy:
Conditions under which such equipment may be operated; proposed rule making 1228
Suspension of effective date of regulations with respect to welding equipment 1219

Hearings:

Alabama-Gulf Radio 331, 1511
Albuquerque Broadcasting Co 1740
All America Cables and Radio, Inc 486
Allen, W. Gordon 2198
American Broadcasting Co 366, 535, 840
American Broadcasting Co., Inc. (WJZ–TV) 1952
American Broadcasting-Paramount Theatres, Inc 841
Atlantic City Broadcasting Co 1738
Azalea Broadcasting Co 1740, 2371
Balaban and Katz Corp 841
Bay County Broadcasting Co., Inc 2141
Bethlehem's Globe Publishing Co 1739
Bethlehem's Globe Publishing Co (WGPA) 1950
Biddle, Joseph F., Publishing Co. (WHUN) 535
Blake, John 1739
Blue Ridge Broadcasting Co. (WGGA) 839, 1832
Brake, Paul (WWPB–FM) 1949
CMAN (Cuba) 331
CMJM (Cuba) 972
Cassel, Thompson K. (WATS) 1738
Cherokee Broadcasting Corp 2140
Clark, Justin H. (KGAE) 2198
Coastal Broadcasting Co 2141
Community Broadcasting Service, Inc. (WWBZ) 1949
Conant Broadcasting Co., Inc., (WHIL) 2371
Corn Belt Publishers, Inc. (WAAF–FM) 2139
Delta Broadcasters, Inc 1832
Desert Radio and Telecasting Co 177, 1832
DuMont, Allen B., Laboratories, Inc 841
Fentem, T. W 2198
Forrest Broadcasting Co., Inc 2141
Gadsden Radio Co 1740
Garden State Broadcasting Co 1738
Golden Gate Broadcasting Corp. (KSAN) 1948
Green Bay Broadcasting Co 331
Greenhow, W. H., Co. (WWHG) 1947
Grove, William C 2141
Gulf Beaches Broadcasting Co., Inc 331, 1511
Harbenito Broadcasting Co. (KGBS) 1511
Highlite Broadcasting Co 1739

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

Hillsboro Broadcasting Co. (WEBK) 331, 1511
Hornell Broadcasting Corp. (WLEA) 1947
Indian River Broadcasting Co 2140
Jennings Broadcasting Co., Inc. (KJEF) 839
Jones, Roy C 459
KFBC 2141
KIST 534
KJBS Broadcasters (KJBS) 1948
KLAC–TV 1950
KMMJ, Inc 2698
KMTR Radio Corp. (KLAC–TV) 1950
K9 Patrol by Kennedy Detective Agency 459
KOB 1739
KRMG 2199
KSRT 2139
KTHT 1739
KTOK 2198
KWKW 1950
KXO 177, 1832
KYA, Inc. (KYA) 1948
Kerr, Robert S., and others 2198
LaFollette Broadcasting Co., Inc 2140
Lamar, Charles Wilbur, Jr. (KCIL) 1832
Lamar Life Insurance Co. (WJDX) 839, 1832
Lee Broadcasting, Inc 2698
Liberty Broadcasting Co 1739
Logan Broadcasting Corp. (WVOW) 839
Looney, James Cullen (KURV) 1832, 2138
Lynett, Elizabeth R., & Edward J., Jr., and Scranton Times (WQAN) 366
M & M Broadcasting Co 331
Mackay Radio and Telegraph Co., Inc 486
Maryland Broadcasting Co. (WITH) 1951
McNamee, Charles D. and Frances Frierson 2141
Meachem, James Robert (WEAT) 2140
Mid-State Broadcasting Co 1740
Miller, Leonard M 459
Monona Broadcasting Co. (WKOW) 367, 972
Montrose Broadcasting Corp 1738
National Broadcasting Co. (KOA) 1511
National Broadcasting Co., Inc 534
Northern Corp 2371
Norwich, Inc 1738
Oakland Broadcasting Co 1947
Oshkosh Broadcasting Co 331
Paramount Pictures, Inc 535, 840
Paramount Television Productions, Inc 841
Parsons, Leroy E 1740
Penn Jersey Broadcasting Co 1738
Peoples Broadcasting Corp. (WOL) 367, 1511, 2139
Pomeroy, John C 1947
Premus, Myron Henry 1738
Press-Union Publishing Co 1738
Radio KIST, Inc 534
Radio Norwich, Inc 1738
Rennekamp, Olivia T 2698
Resort Broadcasting Co., Inc 841
Rhode Island Broadcasting Co. (WRIB) 1950
Rolfe Armored Truck Service, Inc 459
School of Radio Arts (KSRT) 2139
Scranton Times, Lynett, Elizabeth R., & Lynett, Edward J. Jr. (WQAN) 366
Shepherd, Jerrell A 2698
Smith, Hugh H. (KVSM) 1948
Southern California Broadcasting Co. (KWKW) 1950
Springhill Broadcasting Co., Inc 841
Suburban Broadcasting Co 583
Sun Coast Broadcasting Corp. (WMIE) 1949
Taylor, O. L 2198
Texas Star Broadcasting Co. (KTHT) 1739
Theatre television service 1193, 1947
Truhan, John B 2198
Union Broadcasting Co 366
Valradio, Inc 177, 1832
Venango Broadcasters 2698
WAAF-FM 2139
WARM 366
WATS 1738
WBAB 1739
WBNX Broadcasting Co., Inc. (WBNX) 1952
WCRK 2140
WEAT 2140
WEBK 331

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

WEEK, Inc 2198
WFOR 2141
WGAL, Inc 1739
WHIL 2371
WIHL Broadcasting Co 2141
WIRA 2140
WIVY, Inc 972
WJZ-TV 1952
WKRZ 2698
WLCS 2141
WMAM 331
WMEX 2371
WMIE 1949
WMOG 2140
WOL 367, 1511, 2139
WOSH 331
WPCF 2141
WPIX, Inc 1952
WSMB, Inc 840, 841, 1740, 2371
WSMB and WSMB–FM 840, 1740
WTAD 2698
W2OY 1738
WWPB–FM 1949
West Central Broadcasting Co 2198
West Side Radio 459, 1512
Western Union Telegraph Co 1160, 1947
Wolfe, Charles R 1739

FEDERAL DEPOSIT INSURANCE CORPORATION:

Report of condition and annual report of earnings and dividends of banks not members of Federal Reserve System:
Insured mutual savings banks 217
Insured State banks 217

FEDERAL FARM MORTGAGE CORPORATION. *See* Farm Credit Administration.

FEDERAL HOUSING ADMINISTRATION:

Civil Service Rules; certain positions excepted from competitive service (Schedule A) 1457
Debentures of designated denominations and series; call for partial redemption before maturity:
2½% Mutual Mortgage Insurance Fund Debentures, Series K 2798
2¾% Mutual Mortgage Insurance Fund Debentures, Series E 2797
2½% War Housing Insurance Fund Debentures, Series H 2798
Farm mortgage insurance:
See also Mutual mortgage insurance.
Eligibility requirements and rights and obligations of mortgagee under insurance contract; consolidation with mutual mortgage insurance, note respecting 1118
Loans by institutions insured by Federal Savings and Loan Insurance Corporation; removal of restriction on lending beyond 100-mile limit for loans secured by real estate insured by FHA (proposed) 668
Mutual mortgage insurance 1110
Consolidation with farm mortgage insurance, note respecting 1110
Eligibility requirements of mortgage covering one- to four-family dwellings 1110
Application and commitment 1111
Farm mortgages 1114
Mortgagees, approval of 1110
Mortgages, eligible 1111
Maximum amount of mortgage, temporary limitation upon; properties in U. S. territories or possessions not included 2247
Mortgagors, eligible 1114
Properties, eligible 1114
Rights and obligations of mortgagee under insurance contract 1114
Assignments 1117
Classification of mortgages 1115
Definitions 1115
Endorsement of insurance 1115
Premiums 1115
Rights and duties of approved mortgagee under contract of insurance 1116

FEDERAL HOUSING ADMINISTRATION—Continued Page

Organization:
Delegation of authority and assignment of duties:
Citation of authority 1533
Commissioner, Acting; designation of officials to act as 1533
Delegations of authority:
To committees 1536
To named positions; specific delegations 1533
Field Organization; location of offices, changes of address 2293
Property improvement loans, Class 1 and 2, on existing structures or for commercial or agricultural purposes; eligible expenditures, deletion of provision respecting down payments 2749

FEDERAL NATIONAL MORTGAGE ASSOCIATION:
Mortgage purchase program:
Eligible FHA-insured mortgages:
Defense area housing; eligibility of mortgage for purchase by FNMA, date restriction respecting, deletion 1882
Insurance; applicability of additional sections of National Housing Act in insuring mortgages 1882
Eligible sellers:
Federal Housing Administration-insured mortgages, sale of; eligibility qualifications of lenders 1883
Veterans' Administration guaranteed mortgages, sale of; eligibility classification of lenders 1882
Eligible VA-guaranteed and FHA-insured mortgages:
Interest rates on mortgages offered to FNMA for purchase; FHA-insured section 903 mortgage added to 4¼ percent interest bearing group 1882
Maximum loan 1882
Eligible VA-guaranteed mortgage:
Closing costs, inclusion of; not required for mortgages covered by contract prior to March 1, 1950 1882
Gratuity payment by Veterans' Administration; application of 1882
Mortgage servicing program; FHA-insured section 213, project mortgages, and section 908 loans, excepted from mortgage servicing by seller 1883

FEDERAL POWER COMMISSION:
Hearings, etc.:
Aikin, Lee 583, 1137, 2292
Alabama-Tennessee Natural Gas Co 1231
Allentown-Bethlehem Gas Co 2633, 2699
Aluminum Co. of America 2581
Amere Gas Utility Co 1230
Arizona Edison Co., Inc 1445, 1694, 2024, 2025
Arkansas-Missouri Power Co 238, 2342
Atlantic Seaboard Corp 44, 96, 126, 239, 484, 584, 746, 1912, 2373
Atomic Energy Commission 705
Auburn, Illinois 2143
Bangor Gas Co 239
Barney, Austin D 1232
Bell, William R 705
Benington, George A 1399
Big Horn Canyon Irrigation and Power Co 1862
Black Hills Power and Light Co 1399, 2024
Blankenship, Olive Beryl 2797
Bonneville Power Administration 843, 901, 1512
Butler, Harold F 1399
California Electric Power Co 705
California Oregon Power Co 843, 2700
Carolina Aluminum Co 2581
Carolina Power and Light Co 176, 1398
Central Arizona Light and Power Co 326, 1445, 1694, 2024, 2025
Central Illinois Public Service Co 2794
Central Kentucky Natural Gas Co 1636, 2373
Central Light and Power Co 1694
Central Power and Light Co 1067, 2025
Central West Utility Co 2143
Chicago District Pipeline Co 1377
Cities Service Gas Co 537, 779, 875, 1165, 1377, 1779, 1840, 2698, 2733
Citizens Gas Co 239, 537, 2341
City Gas Co. of Phillipsburg, N. J 2633
Clarksville, Tennessee 96, 2141
Cleveland Electric Illuminating Co 705
Coast Counties Gas and Electric Co 96, 536

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc—Continued
Colorado Interstate Gas Co 747, 779, 1193, 1840, 1979, 2234, 2633
Colorado-Wyoming Gas Co 1318
Columbia-Southern Chemical Corp 2633
Columbus and Southern Ohio Electric Co 705
Community Public Service Co 842, 2024
Compania Electrica Matamoros, S. A 1067, 2025
Connecticut River Power Co 2075
Conowingo Power Co 1636
Consolidated Gas Utilities Corp 327, 1398, 1570, 1840
Consumers Gas Co 901, 2292, 2699
County Gas Co 2580
Crystal City Gas Co 239
Cumberland and Allegheny Gas Co 583
Dairyland Power Cooperative 2291
Denver, City and County of 486
Dome Gas Co., Inc 366
Duke Power Co 2733
Duquesne Light Co 705
East Tennessee Natural Gas Co 326, 2024, 2141, 2796
El Paso Natural Gas Co 238, 536, 626, 705, 1231, 1398, 1779, 2025, 2341, 2579, 2580
Fairfield, Illinois 1512
Fraser Paper, Ltd 238
Fresno Irrigation District 97
Gaffney Pipe Line Co 874
Gas Lateral Co 1861
Gelling, Henry J 2700
Glacier Gas Co 1066
Gulf States Utilities Co 2234
Gulf-Michigan Gas Transmission Corp 1913, 2733
Harrisburg Gas Co 2699
Hastings, Nebraska 127, 2372
Hidden Falls Lumber Co., Inc 875
Home Gas Co 239, 1839
Hope Natural Gas Co 875, 1231
Hope Producing Co 842
Idaho Power Co 238, 486
Interior, Department of the 1443
Interstate Natural Gas Co., Inc 842
Iowa Power and Light Co 1635
Iowa-Illinois Gas and Electric Co 2400
Jersey Central Power & Light Co 1978, 2580, 2733
Jones, Chandler W 1862
Kansas City, Missouri 705
Kansas-Colorado Utilities, Inc 536, 874, 1979
Kansas-Nebraska Natural Gas Co., Inc 127, 584, 1230, 1231, 2372
Ketchikan, Alaska 2291
King, Allen S 238
Knoxville Power Co 2581
Kosar, Everett Leroy 1862
La Junta Federal de Mejoras Materiales 1067, 2025
Lancaster County Gas Co 2699
Lawrenceburg Gas Co 2733
Link, Otto F 2700
Lone Star Gas Co 1446, 2292
Lopeno Gas Co 2343
Louisiana Natural Gas Corp 684, 1398, 2292
Louisville Gas and Electric Co 684, 1398
Lovett, Fremont L 901
Lyles Ford Tri-County Power Authority 2291
Lynchburg Pipe Line Co 626
Maine Public Service Co 238, 239, 1444
Manufacturers Light and Heat Co 44, 239, 484, 583, 746, 1839, 1912, 2141, 2235, 2633
Marysville, Michigan 2143
McCullough, Leo R 584
Meetze, Grayson C 705
Michigan Consolidated Gas Co 2143
Michigan Gas Utilities Co 2143
Miller, Chester O., Faye S., Henry W., and Betty M. 2700
Minnesota Power & Light Co 2733
Mississippi Gas Co 685, 1570, 2633
Mississippi Power and Light Co 485, 2024, 2633
Mississippi River Fuel Corp 1231, 1513, 1861, 2235
Mississippi Valley Gas Co 485, 2024, 2633
Missouri Central Natural Gas Co 2143
Montana Power Co 238, 875, 901, 1230, 1862
Montgomery, Daniel T 238
Natural Gas Co. of West Virginia 1839
Natural Gas Pipeline Co. of America 460
Natural Gas Service Co 705
Nevada Natural Gas Pipe Line Co 1445, 1779, 2579

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
New River Gas Co 239
New York State Natural Gas Corp 1165, 2024
Niagara Gas Transmission Ltd 2795
Niagara Mohawk Power Corp 901, 2291
North Penn Gas Co 1570
Northeastern Gas Transmission Co 1780
Northern Indiana Fuel and Light Co 2143
Northern Natural Gas Co 935, 1978, 1980, 2795
Northern States Power Co 901
Northwest Natural Gas Co 460, 1066, 2794, 2795
Ohio Fuel Gas Co 327, 704, 1194, 1444, 1512, 2024, 2292, 2401
Ohio River Pipeline Corp 684, 1398
Olsen, Fred C 2797
Pacific American Fisheries, Inc 1068
Pacific Gas and Electric Co 97, 1068, 1489, 1779, 1862, 2579
Pacific Northwest Pipeline Corp 1066, 2292, 2374
Pacific Power and Light Co 176, 841, 842, 1570, 2632
Panhandle Eastern Pipe Line Co 705, 2143
Pen Argyle Gas Co 239
Pend Oreille Mines and Metals Co 1230, 1862
Penn-Jersey Pipe Line Co 2633
Pennsylvania Gas Co 1378
Philadelphia Electric Co 1636
Philadelphia Electric Power Co 1068
Port Huron, Michigan 2143
Portland General Electric Co 1513
Public Service Co. of North Carolina, Inc 1839
Public Service Electric and Gas Co 1636
Public Utility District, No. 1, Washington:
Lewis County 2797
Pend Oreille County 2291
Puget Sound Power & Light Co 1230, 1862, 2025
Republic Light, Heat and Power Co 778, 2141
Rice, J. Lee, Jr 1399
Richardson, Arthur B 1399
Rockland Light and Power Co 44, 484, 746, 1912, 2400
St. Anthony Falls Water Power Co 901
St. Claire, Michigan 2143
San Diego Gas & Electric Co 2733
Schurman, George M 1399
Scranton Electric Co 1164, 2632
Seavy, W. E 2700
Servicios Electricos de Piedras Negras, S. A 2025
Sierra Pacific Power Co 1978
South Carolina Public Service Authority 1570
South Jersey Gas Co 460, 746, 1780, 2733
Southeastern Kansas Gas Co., Inc 1636
Southeastern Michigan Gas Co 2143
Southern California Edison Co 1840
Southern California Gas Company 1779, 2579
Southern Counties Gas Co. of California 1231, 1779, 2579
Southern Natural Gas Co 96, 842, 843, 1067, 1445, 1570, 2699
Southern Tier Gas Corp 1570
Southern Union Gas Co 1231
Southern Utah Power Co 2024
Southwestern Power Administration 1443
Susquehanna Power Co 1068
Sylvania Corp 366
Tacoma, Washington 1318
Tennessee Gas Transmission Co 94, 842, 900, 2141, 2795, 2796
Tennessee Valley Authority 705
Tenney, Rockwell C 901
Texas Eastern Transmission Corp 217, 536, 842, 1398, 1445, 1512, 1570, 2235, 2633
Texas Gas Transmission Corp 95, 684, 1398, 1512
Texas Illinois Natural Gas Pipeline Co 705, 747
Texas Northern Gas Corp 684, 1398, 2342
Texas Northern Natural Gas Corp 2292
Texas-Ohio Gas Co 1736
Tide Water Power Co 176, 1398
Titus, Ormrod 705
Toledo Edison Co 705
Transcontinental Gas Pipe Line Corp 44, 96, 217, 327, 484, 746, 842, 1193, 1398, 1911, 1912, 2341, 2633
Trans-Northwest Gas, Inc 2796
Union Carbide and Carbon Corp 2025
Union Electric Co. of Missouri 1635
United Fuel Gas Co 44, 484, 584, 746, 1317, 1912, 2141, 2235
United Gas Improvement Co 2699

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
United Gas Pipe Line Co 44, 97, 537, 583, 684, 705, 779, 1194, 1398, 1444, 1979, 2024, 2505
United Illuminating Co 705
United Natural Gas Co 239, 366, 1318, 1532, 2141
Utah Power & Light Co 2343
Virginia Electric and Power Co 2025
Virginia Gas Transmission Corp 126, 626, 2373
Wabash Natural Gas Co 901, 2292
Warwick Gas Corp 239
Washington Water Power Co 1230, 1318, 1862
Webster, William 238
West Penn Power Co 843
West Texas Gas Co 1231
Westcoast Transmission Co., Inc 1066, 2794, 2795
Whetstone, Charles 1862
Whipple, John C 585
Windsor Locks Canal Co 2797
Winter Electric Light & Power Co 626
Wisconsin Michigan Power Co 1068
Wisconsin River Power Co 626
Wunderlich, Martin 583, 1137, 2292
Rate schedules and tariffs; filing, hearings, approval or rejection, etc.:
Alabama-Tennessee Natural Gas Co 125, 1231
Bonneville Power Administration 843, 901, 1512
Central Kentucky Natural Gas Co 1636
East Tennessee Natural Gas Co 2024, 2796
Interior, Department of the 1443
Kansas-Nebraska Natural Gas Co., Inc 127, 2372
Louisiana Natural Gas Corp 2292
Natural Gas Pipeline Co. of America 460
Northeastern Gas Transmission Co 1780
Northern Natural Gas Co 935, 1980
Ohio Fuel Gas Co 1444
South Jersey Gas Co 746
Southern Tier Gas Corp 1570
Southwestern Power Administration 1443
Tennessee Gas Transmission Co 94, 842
Texas Northern Natural Gas Corp 2292
Transcontinental Gas Pipe Line Corp 2633
United Fuel Gas Co 1317
United Gas Pipe Line Co 97, 1979

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS:
Automobiles, provisions under Regulation W respecting. *See* Consumer credit.
Banking regulations; stocks, registered, loans by banks for purpose of purchasing or carrying of:
Brokers or dealers, loans to; adequacy of statements received by lending banks in case of 191
Miscellaneous provisions; adequacy of statements received by lending banks in case of loans to brokers and dealers 191
Construction credit. *See* Real estate credit.
Consumer credit (Regulation W):
Automobiles:
Automobile appraisal guides and demonstrator and used automobiles, interpretations respecting, cancelled or modified 1424
Automobiles, 1942 and earlier year-models; elimination from listed articles subject to Regulation W 158
Leasing of automobiles; performance of contract secured or guaranteed, interpretation 2325
Credit, extension of; nonresidential leases 158
Definitions, cash price; interpretation of "Vent-A-Hood" with respect to 2326
Instalment loans. *See* Loans.
Instalment sales. *See* Sales, instalment; *and* Technical provisions.
Interpretations:
Automobiles:
Interpretations cancelled or modified, respecting:
Automobile appraisal guides 1424
Demonstrator automobiles 1424
Used automobiles 1424
Leasing of automobiles; performance of contract secured or guaranteed 2325
Combination units 1424
Contract, performance of, secured or guaranteed (leasing of automobiles) 2325
Floor or wall furnaces 158
Loan value, verification of 153
OPS ceiling price, verification of 1424

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued — Page

Consumer credit (Regulation W)—Continued
Interpretations—Continued
Performance of contract secured or guaranteed (leasing of automobiles) 2325
Price, OPS ceiling, verification of 1424
Vent-A-Hood as home improvement or accessory 2326
Wall or floor furnaces 158
Loans, instalment:
Instalment loans to purchase listed articles; verification of OPS ceiling price, interpretation 1424
Statement of borrower; references, deletion of 2675
Miscellaneous provisions:
Noncompliance due to facts outside Registrant's knowledge:
Credit extended; verification of OPS ceiling price, interpretation 1424
Obligations purchased, etc., as collateral; verification of loan value, interpretation 158
Preservation of records:
References, change in 2675
Revision and redesignation; proposed 2399
Records, reports, and inspections; proposed rule making 2399
Sales, instalment:
Records of sale. *See* Technical provisions.
Time of down payment, exception respecting articles for repairs, improvements, etc., deletion 2675
Supplement; down payment and maximum loan value:
Calculation of down payment and maximum loan value for listed articles:
Automobile appraisal guides and used and demonstrator automobiles; interpretations respecting, cancelled or modified 1424
Group D articles (for residential repairs, improvements, etc.), deletion of provision respecting 2675
OPS ceiling price, verification of; interpretation 1424
Verification of loan value; interpretation 158
Listed articles, down payments and loan values:
Applicability of regulations to articles listed in Groups A, B, and C 2675
Automobiles; regulations applicable only to year-model automobiles later than 1942 158
Group B—25 percent minimum down payment, 75 percent maximum loan value; combination units, interpretation 1424
Group D (residential repairs, alterations, or improvements)—No prescribed requirement as to minimum down payment or maximum loan value 2675
Floor or wall furnaces; interpretation 158
Group D–10 percent minimum down payment, 90 percent maximum loan value; redesignation 2675
Residential repairs, alterations, or improvements; removal of articles for use in, from prescribed minimum down payment and maximum loan value provisions respecting 2675
Technical provisions:
Calculating date of first instalment and maximum maturity; instalment credit for financing purchase of articles for residential repairs improvements, etc., provision respecting 2675
Credit for mixed purposes; combination units, interpretation 1424
Sale, instalment, record of; required information, proposed rule making:
Dates of delivery of articles or agreed date of completion in case of repairs, improvements, etc 2399
Editorial changes 2399
Purchaser's down payment, amount of 2399
Trade-in, purchase of article in lieu of; provision respecting credit outstanding in purchase of property used as trade-in 158
Trade-in; credit outstanding in purchase of property used as trade-in, provision respecting 158
Procurement Policy Board, Office of Defense Mobilization; representation on 103

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued — Page

Real estate credit (Regulation X):
Credit, extension of; certain Government-aided loans 346
Exemptions and exceptions:
Government aided-loans 346
Leases, nonresidential 158
Interpretations:
Maturity, maximum:
In refinancing new residential construction 1394
In resale 401
Refinancing new residential construction, maximum maturity in 1394
Resale of residential property, maximum maturity in 401
Residential property; maximum maturity in resale 401
Scope and application of regulation:
Refinancing, new residential construction, maximum in; interpretation 1394
Resale of residential property, maximum maturity in 401
Stocks, regulations respecting. *See* Banking regulations.

FEDERAL SECURITY AGENCY:
See Education, Office of.
Public Health Service.
Social Security Administration.
Construction (schools, libraries, hospital and health facilities, health and sanitation programs, college housing); delegation of authority to Administrator from National Production Authority to process applications under NPA Order M–4A and to make allotments and assign ratings under CMP Regulation No. 6 respecting 1488
Substitution of Order M–100 for M–4A 1971

FEDERAL TRADE COMMISSION:
Cease and desist orders and/or dismissals of complaints:
Becko, H. Harold 11
Brawner, John F. (John L.) 2044
Carpel, Albert J. and Harry L 2044
Carpel Frosted Foods 2044
Cooter Co 1555
Cooter, Paul M 1555
Coughlin, Paul H 1459
Cross, Sidney 1965
District Grocery Stores, Inc 2044
Erbstein, Inez R 1495
Eureka Woolen Mills 12
Finlayson, Murdoch J 1459
Gay, Glennie Corinthia W 2595
Goldman, Richard N 12
Goldman-Schwinger & Co 12
Gumenick, Nathan 2044
Harold's Studio 12
Hazan, Isaac N 1966
Herscher, J. W 1555
Hioureas, Peter J 1268
Hoffman & Dengrove, Inc 2594
Howard, J. M., Co 1268
Humboldt Bay Woolen Co 12
Humboldt Bay Woolen Mills 12
International Cellucotton Products Co 275
Iowa Fibre Products, Inc 1495
Joannes, L. H 1555
Kemp, Earl L 1205
Klekner, Benjamin M 1203
Koken Companies, Inc 1820
Kuehn, Max A 1555
Levy, Jules 1177
Levy, Leon 2594
Lichtenberg, William R 1459
Lloyds Sportswear Company, Inc 1966
Lucas, Peter 1268
Manteris, Charles 1268
Mart Sales Co 1555
McKay, Neil A 1555
Mehtzer, Murray 1109
Middle Atlantic Distributors, Inc 1457
Miller, H. L 1555
Neo Mineral Co 1268
O'Connor, I 1205
Orlinsky, Max 1966

FEDERAL TRADE COMMISSION—Continued — Page

Cease and desist orders and/or dismissals of complaints—Continued
- Precision Apparatus Co — 1109
- Quality Patch Co — 1269
- Radio Training Association of America — 1203
- Radio-Television Training School — 1203
- Raider, Irving S — 1965
- Raycrest Mills, Inc — 1176
- Recorg Supply Corp — 1555
- Regal Collection Service, Inc — 1965
- Richmond Garment Co., Inc — 1881
- Rosenbloom, Sol — 1881
- Rothstein, Norman L — 12
- Rubinson, Harold D — 1495
- Samors, Burton and Nathan — 1269
- Schwinger, Edwin G — 12
- Scowcroft, Jas. A — 1555
- Snappy Fashions, Inc — 1177
- Textile By-Products Co — 1269
- Thalacker, Ewald A — 1966
- Thomsen, Paul H — 1205
- Top Manufacturing Co — 1965
- Tyler, Wm. H — 1555
- Weingast, Solomon W — 1109
- Western University, Inc — 2595
- Wiltsee, R. B — 1555
- Zitserman, Esther — 1268

Fur products, labeling of, regulations respecting; Fur Products Name Guide, issuance of — 113, 1205

Procurement Policy Board, Office of Defense Mobilization; representation on — 103

Quantity limit rules; Rule 203–1, fixing and establishing quantity limit on replacement tires and tubes — 113

Regulations under specific acts of Congress:
- Fur Products Labeling Act, issuance of Fur Products Name Guide pursuant to provisions of section 7 (a) of Act — 1205
- Quantity limit rules under section 2 (A) of Clayton Act as amended by Robinson-Patman Act, Quantity-Limit Rule 203–1, fixing and establishing a quantity limit as to replacement tires and tubes — 113
- Tires and tubes, replacement; Quantity-Limit Rule 203–1, fixing and establishing quantity limit with respect to, pursuant to provisions of section 2 (A) of Clayton Act as amended by Robinson-Patman Act — 113

Tires and tubes, replacement, quantity limit rule respecting — 113

Trade practice rules; notice of hearings, regulations, etc.:
- Drapery fabrics industry — 416
- Floor machinery industry — 2414
- Gladiolus bulb industry — 497
- Grocery industry; revision and redesignation — 2357
- Narrow fabrics industry — 884
- Pearl, cultured pearl, and imitation pearl industry — 1496
- Photoengraving industry, Southeastern States; notice of conference — 332
- Upholstery and drapery fabrics industry — 416
- Upholstery textile industry, supersedure — 416

Voluntary plans approved by Commission. *See main heading* Defense Production Administration.

FELLOWSHIPS, GRANTS, ETC.:

Cancer control programs, grants for. *See* Public Health Service.

Exploration projects, Government aid in. *See* Defense Minerals Exploration Administration.

Foreign students, scholars, etc., emergency aid to. *See* State Department.

Schools in areas affected by Federal activities, financial assistance to. *See* Education, Office of.

States, grants or loans from Federal Government. *See* States.

FISH AND WILDLIFE SERVICE:

Alaska:

Animals, birds, and game fishes, taking of — 701

Commercial fisheries:

Announcements, field (seasonal in nature), respecting changes in regulations issued prior to Jan. 1, 1952, Region VI; rescission — 1228

Definitions; commercial fisherman — 1475

FISH AND WILDLIFE SERVICE—Continued — Page

Alaska—Continued

Commercial fisheries—Continued

General provisions:
- Boat (and fishing gear); annual registration — 1475
- Herring fishery; traps prohibited, except pounds used in purse seines — 1475
- Personal use fishery; prohibited:
  - By commercial fisherman — 1475
  - Near weirs, dams, ladders, etc — 1475
  - Katmai National Monument; regulations of National Park Service to apply — 1475
  - Snagging salmon prohibited — 1475

Salmon, shellfish, etc., fishing; various areas:

Alaska Peninsula; salmon fishery:
- Closed waters:
  - Canoe Bay, inner — 1476
  - Traders Cove — 1476
- Maximum length of seine boats; excepted areas, redesignation — 1476
- Open seasons, except Port Moller district — 1475

Bering River:
- Personal use fishery:
  - Closed season, razor clams — 1477
  - Designation — 1477
- Salmon fishery:
  - Closed period, weekly — 1477
  - Closed seasons; redesignation and revision — 1477
  - Nets, drift gill, fishing limited to — 1477
  - Open seasons — 1477

Bristol Bay:
- Personal use fishery; notification of intention to take, deletion — 1475
- Salmon fishery:
  - Boats, registration and marking of; position in owner's fleet to be identified — 1475
  - Closed period, weekly — 1475
  - Report, daily, of operators — 1475

Chignik; salmon fishery:
- Nets, gill:
  - Drift gill nets and purse seines prohibited — 1476
  - Length, total aggregate, of gill nets; deletion — 1476
  - Set nets, length of — 1476
- Open seasons — 1476
- Seines, purse, and drift gill nets prohibited — 1476

Cook Inlet:
- Personal use fishery:
  - Closed season on razor clams — 1476
  - Closed waters — 1476
  - Intention to take, notification of; deletion — 1476
- Salmon fishery:
  - Closed period, weekly — 1476
  - Open seasons — 1476
  - Reporting of salmon taken from area — 1476

Copper River:
- Personal use fishery:
  - Closed season on razor clams — 1477
  - Intention to take, notification of; deletion — 1477
- Salmon fishery:
  - Closed period, weekly — 1476
  - Closed seasons; redesignation and revision — 1476
  - Closed waters — 1476
  - Limited to drift gill nets — 1476
  - Open seasons — 1476
- Shellfish (Dungeness crabs) fishery:
  - Closed seasons — 1477
  - Crab pots, identification of — 1477

Kodiak; salmon fishery:
- Catch limitation, Olga Bay red salmon — 1476
- Drift gill nets prohibited — 1476
- Open seasons:
  - Afognak district — 1476
  - General district — 1476
  - Karluk district — 1476
  - Mainland district — 1476
  - Red River district — 1476
- Traps, areas open to; Raspberry Island — 1476

Kotzebue-Yukon-Kuskokwim; salmon fishery:
- Districts open; Kuskokwim district, deletion — 1475
- Gear permitted, types of:
  - Exception — 1475
  - Yukon district and Kuskokwim River; deletion — 1475
- Maximum take of king salmon — 1475
- Open season — 1475

FISH AND WILDLIFE SERVICE—Continued — Page

Alaska—Continued
Commercial fisheries—Continued
Salmon, shellfish, etc., fishing; various areas—Continued
Prince William Sound:
Personal use fishery:
Closed season on razor clams — 1476
Designation — 1476
Salmon fishery; open seasons, general and Eshamy — 1476
Shellfish (Dungeness crabs) fishery:
Closed season — 1476
Crab pots, identification of — 1476
Southeastern Alaska; salmon fisheries:
General provisions; closed season:
Coho salmon; redesignation and revision — 1477
Troll caught salmon:
Coho salmon — 1477
King salmon — 1477
In certain districts:
Clarence Strait District; open seasons:
Central, southeast, southwest, and north Behm Canal sections — 1478
Northern section — 1478
Eastern District:
Areas open to traps; mainland:
East side of Stephens passage, certain designated locations — 1478
Frederick Sound, certain designated locations — 1478
Gear restriction, mainland shore of Stephens Passage; deletion — 1478
Open seasons, exceptions — 1477
Taku Inlet, Port Snettisham and adjacent waters; season and gear restrictions — 1478
Icy Strait District:
Closed waters; Port Frederick — 1477
Open seasons:
East of Point Carolus — 1477
West of Point Carolus — 1477
South Prince of Wales Island District:
Open seasons — 1478
Registration by fishing boats — 1478
Southern District; open seasons — 1478
Stikine District:
Closed period, weekly — 1478
Closed seasons; exception — 1478
Gear restrictions — 1478
Sumner Strait District:
Closed waters, Blake Channel and Eastern Passage; exception — 1478
Open season:
Ernest Sound and Anan — 1478
Exception — 1478
Western District:
Closed season for trolling, Lynn Canal — 1477
Closed waters:
Chilkat Inlet, Lynn Canal; deletion — 1477
Teneakee Inlet and Fresh Water Bay; trolling, deletion of dates restricting — 1477
Open seasons:
Central, southern, and western sections — 1477
Northern section, Sullivan Island:
North of — 1477
South of — 1477
Yakatut; salmon fishery:
Catch limitations, Situk red salmon — 1477
Closed period, weekly — 1477
Closed season on trolling — 1477
Closed waters:
Ankau Inlet — 1477
Divide Slough; deletion — 1477
Nets, gill, size of; exceptions:
Ahquay Inlets, Dangerous River and Dry Bay — 1477
Ankau Inlet; deletion — 1477
Kaliakh River — 1477
Situk Ahrnklin Inlets and Italio River — 1477
Open seasons; exceptions:
Dry Bay — 1477
Italio River — 1477
Remainder of Yakatut area — 1477
Situk-Ahrnklin Inlets — 1477

FISH AND WILDLIFE SERVICE—Continued — Page

Alaska—Continued
Wildlife protection:
Alaska Game Commission; proposed rule making respecting guides, poisons, etc. *See main heading* Alaska Game Commission.
Taking of animals, birds, and game fishes; proposed rule making — 701
Herring fisheries, commercial, in Alaska, general provisions respecting. *See* Alaska.
Hunting, fishing, etc.:
In Alaska. *See* Alaska.
In wildlife conservation areas. *See* Wildlife conservation areas.
National wildlife refuges. *See* Wildlife conservation areas.
Salmon fisheries, commercial, in Alaska. *See* Alaska.
Shellfish (clams and crabs) fisheries, commercial, in Alaska. *See* Alaska.
Wildlife conservation areas, management of; refuges in various regions:
Central Region; Horicon National Wildlife Refuge, Wisconsin, fishing — 928
Pacific Region:
Colusa National Wildlife Refuge, California; hunting, opening of lands to, authority of Regional Director respecting — 927
Salton Sea National Wildlife Refuge, California; hunting, opening of lands to, authority of Regional Director respecting — 927
Sutter National Wildlife Refuge, California; hunting, opening of lands to, authority of Regional Director respecting — 927
Wildlife protection, in Alaska. *See* Alaska.

FISHERIES, COMMERCIAL, in Alaska; regulations respecting. *See* Fish and Wildlife Service.

FISHERY COMMODITIES OR PRODUCTS, production of; authority of Interior Department respecting. *See* Agriculture Department.

FISHING. *See* Hunting and fishing.

FISSIONABLE MATERIALS, in reserved mineral lands, disposal of — 5

FLOOD CONTROL, Missouri River Basin; functions of Missouri Basin Survey Commission respecting (Executive Order 10318) — 133

FOOD COMMODITIES ACQUIRED BY COMMODITY CREDIT CORPORATION, through price support operations. *See* Commodity Credit Corporation.

FOOD AND DRUG ADMINISTRATION:
Color certification (for use in food, drugs, cosmetics); fees for requests for certification shall be 10 cents per pound, but no fee shall be less than $75.00 — 1459
Cosmetics. *See* Color certification; *and* Federal Food, Drug, and Cosmetic Act.
Definitions and standards of identity, etc.:
Fruit butters, jellies, preserves, and related products — 2597
Redesignations — 2597
Standards for canned pineapple and juice, and tea. *See* Pineapple and juice; *and* Tea Importation Act.
Drugs:
See also Federal Food, Drug, and Cosmetic Act.
Antibiotic drugs:
Certification of batches. *See* Certification of batches of drugs.
Tests and methods of assay. *See* Tests and methods of assay.
Certification of batches of drugs:
Antibiotic and antibiotic-containing drugs, various:
Aureomycin capsules — 1419
Aureomycin ointment — 1419
Bacitracin ointment — 2360, 2601
Buffered penicillin powder — 2601
Bull semen, antibiotics for — 2601
Fish diseases, antibiotics for — 2360
Penicillin bougies — 2600
Penicillin dental cones — 1178, 2360
Penicillin ointment — 151
Penicillin tablets — 151, 2600
Penicillin-streptomycin dental cones, penicillin-dihydrostreptomycin dental cones — 151
Penicillin tooth powder — 1419

FOOD AND DRUG ADMINISTRATION—Continued Page
Drugs—Continued
Certification of batches of drugs—Continued
Antibiotic and antibiotic-containing drugs, various—Continued
Penicillin troches 1178
Procaine penicillin 2601
Procaine penicillin for aqueous injection 2601
Streptomycin - bacitracin - polymyxin gauze pads 2601
Streptomycin tablets, dihydrostreptomycin tablets 151, 2601
Insulin, drugs composed wholly or partly of:
Distinguishing colors on packages 1822
Labeling 1822
Color certification. *See* Color certification, *above.*
Insulin, certification of batches of drugs containing. *See* Certification of batches of drugs.
Tests and methods of assay for antibiotic and antibiotic-containing drugs:
Penicillin-streptomycin dental cones, penicillin-dihydrostreptomycin dental cones 150
Streptomycin-polymyxin-bacitracin tablets 2360
Federal Food, Drug, and Cosmetic Act, regulations for enforcement of:
Cosmetics; coal-tar hair dyes, proposed revision 1829
Drugs and devices; proposed rule making:
Drugs and devices; directions for use 1130
Adequate directions for use 1130
Drugs or devices dispensed pursuant to mail-order diagnosis, no exemption for 1132
Exemptions:
Expiration of exemptions 1132
For diagnostic reagents 1131
For drugs and devices for professional use, in possession of licensed practitioners, hospitals, clinics, or public health agencies 1131
For inactive ingredients 1131
For new drugs 1131
For prescription devices 1131
For prescription drugs 1130
For veterinary drugs 1131
Prescription chemicals and other prescription components 1131
Processing, repacking, or manufacture 1131
Retail exemption for veterinary drugs and prescription devices 1131
When directions are commonly known for drugs and devices 1131
Drugs for prescription dispensing 1132
Diagnosis by mail 1132
Exemption from prescription requirements 1132
Interpretations 1132
Refills, oral prescriptions and authorizations 1132
Retail exemption for drugs dispensed upon prescription 1132
Use of prescription legend 1132
Foods, repackaged in retail food establishments:
See also Statements of general policy or interpretation.
Artificial flavoring or coloring; chemical preservatives 1577
Designation of ingredients 1577
Required statements; when exempt 1577
Foods:
Color certification. *See* Color certification.
Definitions and standards. *See* Definitions and standards of identity.
Repackaged in retail food establishments. *See* Federal Food, Drug, and Cosmetic Act; *and* Statements of general policy or interpretation.
Fruit butters, jellies, preserves, and related products; definitions and standards 2597
Pineapple and juice, canned; hearing with respect to standards, postponed 1829
Statements of general policy or interpretation; labeling exemptions for foods repackaged in retail food establishments 1578
Tea Importation Act, enforcement of; tea standards 2601

FOREIGN AGENT, registration of, authority to make determination respecting. *See* Justice Department.

FOREIGN ASSISTANCE. *See* Mutual Security Agency.

FOREIGN AND DOMESTIC COMMERCE BUREAU: Page
See International Trade, Office of.
Appeals Board; decision in Office of International Trade case respecting suspension of license privileges of Siegel Chemical Co., Inc., et al 670
Field offices, location of 1158

FOREIGN DUTY OF GOVERNMENT PERSONNEL; compensation for. *See* State Department.

FOREIGN MONEYS, value of. *See* Treasury Department.

FOREST SERVICE:
Grazing, on national forest lands; fees, payments and refunds (additional charge of 2 cents per head for sheep or goats) 1305
Trespassing animals; orders for removal from certain national forests:
Fremont National Forest; removal of horses 2136
Gila National Forest; removal of horses, mules and burros 668

FUEL OIL. *See* Heating oil.

G

GAS. *See* Petroleum and petroleum products.

GENERAL ACCOUNTING OFFICE:
Procurement Policy Board, Office of Defense Mobilization; representation on 103
Small purchases, joint regulations respecting. *See* General Services Administration.

GENERAL SERVICES ADMINISTRATION:
Acting Administrator; authority of Commissioner, Public Buildings Service, to serve as 1399
Administrative management services respecting personnel, supplies and services, etc., delegation of authority from Defense Materials Procurement Agency respecting 238, 965
Archives and records management; records in custody of Archivist of United States, authentication and attestation 234
Archivist of United States, records in custody of. *See* Archives and records management.
Authority, delegation of:
By Administrator to various officials:
Atomic Energy Commission; authority to lease space for Idaho Operations Office of Commission 1234
Attorney General; unclaimed privately owned personal property, payment of claims against, authority to include cash or negotiable instruments not to exceed $500 1165
Defense Department, Secretary; represention of Government agencies before certain bodies in connection with rates and charges:
California Public Utilities Commission, in matter of investigation into rates and practices of Pacific Lighting Corporation and Pacific Lighting Gas Supply Company 2401
Interstate Commerce Commission:
Motor carrier freight rates; transcontinental and Rocky Mountain increases in class and commodity rates 217
Pullman rates 876
Heads of Services, Public Buildings Service:
Commissioner to serve as Acting Administrator in absence or disability of General Services Administrator 1399
District of Columbia hospital program, authority of Commissioner respecting acquisition of lands, construction, etc 1840
Housing and Home Finance Agency; authority of Administrator to represent Government agencies in matter of application of Arkansas Louisiana Gas Co. for approval of proposed rate for gas service to local housing authorities 1981
Panama Canal Company; authority of President of Company to procure supplies and services for use of Company and Canal Zone Government 1672
Treasury Department, Secretary; building and space management functions under Reorganization Plan No. 18 of 1950, revocation of authority of respecting 177

GENERAL SERVICES ADMINISTRATION—Con. Page

Authority, delegation of—Continued
From Defense Materials Procurement Agency; authority of GSA Administrator to perform certain staff functions for Agency:
Administrative management services 238, 965
Financial management services 965
Investigative and security services 965
Public information and reports services 965
Supersedure of Delegation No. 5, and Amendment 1 965
Building and space management functions under Reorganization Plan No. 18 of 1950; revocation of delegation of authority by General Services Administrator respecting 177
Claims against privately owned property in possession of Attorney General, payment of 1165
Construction of certain Federal buildings and facilities; delegation of authority respecting:
From National Production Authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to 1488
Substitution of Order M–100 for M–4A 1971
To Public Buildings Service; authority of Commissioner respecting District of Columbia hospital program 1840
Contracts and purchases. *See* Procurement.
District of Columbia hospital program; authority of Public Buildings Service respecting acquisition of land, construction, etc 1840
Financial management services for Defense Materials Procurement Agency; authority of GSA Administrator to perform functions relating to 965
Gas service to local housing authorities, rates for; authority of Administrator, Housing and Home Finance Agency to represent Government agencies in connection with 1981
Hospital program for District of Columbia; authority of Public Buildings Service respecting acquisition of land, construction, etc 1840
Imprest funds, utilization for small purchases. *See* Small purchases.
Information and reports services for Defense Materials Procurement Agency; authority of GSA Administrator to perform functions relating to 965
Investigative services for Defense Materials Procurement Agency; authority of GSA Administrator to perform functions relating to 965
Leases. *See* Procurement.
Mica. *See* Minerals.
Minerals:
Mica, domestic, procurement of:
Delegation of authority to Administrator by Defense Materials Procurement Agency respecting 2291
Purchase programs A and B 2279
Quartz materials, stock pile of. *See* Stock pile of quartz materials.
Procurement:
Areas of current or imminent labor surplus, procurement in:
Designation of areas for Government procurement, notification respecting. *See main heading* Defense Mobilization, Office of.
Policy respecting 1195
Canal Zone; authority of President, Panama Canal Company, to procure supplies and services for use of Panama Canal Company and Canal Zone Government 1672
Lease of space; authority of Atomic Energy Commission to lease space for Idaho Operations Office 1234
Mica, domestic, procurement of. *See* Minerals.
Small purchases. *See* Small purchases, utilizing imprest funds for.
Procurement Policy Board, Office of Defense Mobilization; representation on 103
Quartz materials in stockpile, disposition of. *See* Stock pile of quartz materials.
Rates and charges, representation of Government agencies in hearings in connection with; authority of Administrator, Housing and Home Finance Agency and Secretary of Defense respecting. *See* Authority.

GENERAL SERVICES ADMINISTRATION—Con. Page

Records management. *See* Archives and records management.
Reports service. *See* Information and reports services.
Representation of Government agencies in hearings respecting certain rates and charges; authority of Administrator, Housing and Home Finance Agency, and Secretary of Defense respecting. *See* Authority.
Security services for Defense Materials Procurement Agency; authority of GSA Administrator to perform functions relating to 965
Small purchases, utilizing Imprest funds for; joint regulations of General Accounting Office, General Services Administration, and Treasury Department 2236
Accounting and accountability 2237
Establishment of imprest funds 2236
General provisions 2237
Utilization 2236
Space in buildings. *See* Building and space management.
Stockpile of quartz materials, determined by Munitions Board not to be strategic and critical material; proposed disposition of:
B. T. cut quartz crystal blanks; proposed transfer to Signal Corps, Army Department 1137
Low-grade quartz crystals and quartz crystal chips; availability as excess property prior to disposal as surplus property 2797
Surplus Manpower Committee, Office of Defense Mobilization; representation on 1196
Surplus (or excess) property; quartz materials in national stockpile, proposed disposition of:
B. T. cut quartz crystal blanks; proposed transfer to Signal Corps, Army Department 1137
Low-grade quartz crystals and quartz crystal chips; availability as excess property prior to disposal as surplus property 2797

GEOLOGICAL SURVEY:
Authority, delegation of, to various officials with respect to contracts for construction, supplies or services, etc.:
Assistant Director and Executive Officer, irrespective of amount involved 1228
Chief, Exploration Engineering Unit, Geologic Division, for contracts to carry out functions of Unit 1228
Chief, Service and Supply Branch and Procurement Officer, with respect to contracts not exceeding $25,000 1228
Regional, Project and District Officials with respect to contracts not exceeding $1,000 1228
Power site classifications:
Oregon; No. 421, Snake River, correction 214
Washington; No. 423, Hamma Hamma, Dosewallips, and Duckabush Rivers, correction 214

GERMANY:
Award of Medal for Humane Action for meritorious participation in military effort to supply necessities of life to people of Berlin (Executive Order 10325) 1239
Importation of meat and meat products from Western German States. *See* Animal Industry Bureau.
Property of nationals of. *See* Alien Property, Office of.

GIRL SCOUTS OF AMERICA, donation of surplus personal property under control of Defense Department to 2201

GOLD, SILVER, ETC., revision of table of charges respecting, at United States mints and assay offices 2547

GOVERNMENT BUSINESS, investigations relating to conduct of; functions and responsibilities in connection with (Executive Order 10327) 1645

GOVERNMENT EMPLOYEES:
Civil service regulations. *See* Civil Service Commission.
Foreign duty, compensation. *See* State Department.
Housing facilities for. *See* Rent Stabilization Office.

GRANTS, FEDERAL. *See* Fellowships, grants, etc.

Page

GRAZING LANDS, DISTRICTS, ETC. *See* Forest Service; Indian Affairs Bureau; *and* Land Management Bureau.

GUAM. *See* Territories and possessions.

H

HANDICAPPED PERSONS; employment in sheltered workshops. *See* Wage and Hour Division.

HAWAII:
- Price control regulations affecting commodities sold in. *See* Price Stabilization, Office of.
- Selective Service. *See* Selective Service System.
- Special Agricultural Conservation Program, 1952. *See* Agriculture Department.
- Sugar requirements and quotas, etc. *See* Agriculture Department.
- Unemployment compensation laws, certification by Secretary of Labor ---- 483

HEALTH NEEDS OF NATION, President's Commission on; establishment, membership and functions (Executive Order 10317) ---- 57

HEATING OIL, supplies of, for East Coast:
- Requests for assistance in obtaining supplies. *See* Petroleum Administration for Defense.
- Voluntary plan respecting. *See* Defense Production Administration.

HISTORIC PARKS AND SITES. *See* National parks, forests, monuments, etc.

HOME LOAN BANK BOARD:
- Federal Savings and Loan Insurance Corporation, insurance of accounts, operations; loans secured by real estate insured by FHA, removal of restriction on lending beyond 100-mile limit (proposed) ---- 668

HOSPITALIZATION BENEFITS:
- Wage stabilization regulations respecting health and welfare benefits. *See* Wage Stabilization Board.
- World War II veterans. *See* Veterans' Administration.

HOSPITALS:
- District of Columbia hospital program; authority of Public Buildings Service respecting acquisition of land, construction, etc ---- 1840
- Price control regulation respecting rates, charges, etc. *See* Price Stabilization, Office of.

HOUSING AND HOME FINANCE AGENCY:
- *See Federal Housing Administration.*
  Home Loan Bank Board.
  Public Housing Administration.
- Arkansas, gas service rates for local housing authorities; authority of HHFA Administrator to represent Executive agencies of Government before Public Service Commission of Arkansas respecting application of Arkansas Louisiana Gas Co. for approval of proposed rates ---- 1981
- Authority, delegations of:
  - By Administrator to designated HHFA officials. *See* Organization, delegations of authority, etc.
  - To Administrator from various agencies:
    - Construction, certain; authority to process applications under National Production Authority Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6, delegated by National Production Authority ---- 1488
    - Substitution of Order M–100 for M–4A ---- 1971
    - Gas service rates case, in Arkansas; authority to represent Executive agencies of Government respecting application of Arkansas Louisiana Gas Co. for approval of proposed rate for gas service to local housing authorities, delegated by General Services Administrator ---- 1981
  - Construction; delegation of authority to Administrator from National Production Authority, to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction ---- 1488
  - Substitution of Order M–100 for M–4A ---- 1971

HOUSING AND HOME FINANCE AGENCY—Con. Page
- Gas service rates case, Arkansas; authority of HHFA Administrator to represent Executive agencies of Government before Public Service Commission of Arkansas respecting application of Arkansas Louisiana Gas Co. for approval of proposed rate for gas service to local housing authorities ---- 1981
- Organization, delegations of authority, etc.; Administrator, Office of:
  - Administration, Division of, Finance and Accounts Branch; Agency Accounting Officer and Assistant, and Chief of Financial Control Section, authorized to execute legends on bonds, notes, or other obligations evidencing loans made under Title I, Housing Act of 1949, indicating acceptance of such instruments and payment therefor ---- 1838
  - Regional Representative and Engineer, Region 5; disaster relief program, authority to execute proofs of loss and certificates of satisfaction with respect to damages to insured trailers owned by United States, provided for use in connection with ---- 1400
  - Slum Clearance and Urban Redevelopment Division, Director, and designees of; authority respecting administration of program for provision of sites for necessary development in connection with isolated defense installations, under Defense Housing and Community Facilities and Services Act of 1951 ---- 2293
  - Special Representatives; designation of, and authority respecting relaxation of housing credit controls in areas near certain installations of Atomic Energy Commission ---- 1400
- Residential credit controls in critical defense housing areas:
  - Atomic Energy Commission installations, in areas of Savannah River, S. C. and Ga., Paducah, Ky., and Idaho:
    - Authority, delegation of, to designated Special Representatives of Administrator; respecting relaxation of housing credit controls, including release of obligation for holding certain one- or two-family dwellings for rent to permit purchase of same by persons obtaining certificate of ownership eligibility from AEC ---- 1400
    - Regulation for processing and approval of exceptions and terms ---- 1721
    - Atomic Energy Commission programs:
      - Owner-occupancy, housing built or sold for ---- 1724
      - Rent, housing to be held for ---- 1722
    - General; geographic area affected by installation at Paducah, Ky., additions to ---- 478
    - Other programs, housing credit exceptions for ---- 1724
  - Critical defense housing areas; processing and approval of terms for certain areas, listed ---- 893
  - *See also* Defense housing programs *below.*
  - Arizona:
    - Flagstaff ---- 479
    - Yuma ---- 479
  - California:
    - Barstow ---- 2281
    - Trona ---- 1425
    - Victorville ---- 479
  - Connecticut; New London ---- 2764
  - Florida:
    - Eglin Air Force Base ---- 895
    - Orlando ---- 2281
  - Georgia:
    - Camp Stewart ---- 1725
    - Moultrie ---- 479
    - Valdosta ---- 479
    - Warner Robins ---- 895
  - Idaho; Cobalt ---- 2281
  - Indiana:
    - Dana; withdrawn ---- 479
    - Gary-Hammond-East Chicago ---- 2281
  - Kansas:
    - Lawrence-Olathe ---- 2281
    - Parsons ---- 2281
  - Maine; Bangor ---- 2764
  - Maryland; Indian Head ---- 2281
  - Massachusetts; Bedford ---- 2281
  - Michigan; Oscoda ---- 2281

HOUSING AND HOME FINANCE AGENCY—Con. Page

Residential credit controls in critical defense housing areas—Continued
Critical defense housing areas; processing and approval of terms for certain areas, listed—Con.
Missouri, Knob Noster (Sedalia Air Force Base) 479, 1425
Montana:
Anaconda 479
Great Falls 479
Nevada:
Reno 479
Yerington 2764
New Jersey:
Monmouth County 479
New Brunswick-Perth Amboy 2764
North Carolina; Townsville 895
Oklahoma:
Altus 1726
Ardmore 895
Oregon; Umatilla-Hermiston 2281
Pennsylvania:
Midland 479, 2764
Williamsport 2764
Rhode Island; Newport 2281
South Carolina:
Charleston 2281
Sumter 895
South Dakota; Edgemont 479
Tennessee; Smyrna 1425
Texas:
Brady 895
Del Rio 2281
Laredo Air Force Base 2764
Lone Star 479, 1425
Port Lavaca 2764
Rockdale 2281
Virginia; Dahlgren 895
Washington:
Arlington 2281
Port Townsend 479
Wenatchee 895
Wisconsin; Baraboo 895
Defense housing programs; needed housing units for use of employees in designated activities 740, 1864
Listed areas, amendments and additions:
Alabama: Anniston 1868
Arizona:
Flagstaff 1865
Fort Huachuca 743
Tucson 1868
Yuma 744
California:
Camp Roberts-Camp Cooke 1867, 1868
Herlong 741
Monterey-Fort Ord 741
Trona 1867
Connecticut; New London 740
Florida:
Green Cove Springs 744
Palatka 743
Pensacola 740
Georgia:
Camp Stewart 1864
Moultrie 1865
Savannah River Installation, AEC 1867
Valdosta 740
Warner Robins 1866
Idaho:
Arco-Blackfoot-Idaho Falls 740
Soda Springs 1864
Kansas:
Salina 743
Topeka 1868
Kentucky:
Fort Campbell 1868
Paducah 740
Maine:
Brunswick 741
Winter Harbor 742
Michigan; Ishpeming-Negaunee 742
Missouri; Knob Noster (Sedalia Air Force Base) 744, 1864

HOUSING AND HOME FINANCE AGENCY—Con. Page

Residential credit controls in critical defense housing areas—Continued
Defense housing programs; needed housing units for use of employees in designated activities—Continued
Listed areas, amendments and additions—Con.
Montana:
Anaconda 1865
Great Falls 1865
Nevada:
Hawthorne 742
Pioche 741
Reno 745
New Jersey; Monmouth County 1865
New York; Utica-Rome 742
North Carolina:
Camp Lejeune 745
Kinston 743
Oklahoma:
Altus 1867
Ardmore 1866
Oregon; Umatilla-Hermiston 742
Pennsylvania; Midland 744
South Carolina:
Parris Island 741
Sumter 1866
South Dakota; Edgemont 744
Tennessee; Smyrna 1867
Texas:
Big Spring 742
Brady 1866
Florence-Killeen 746
Lone Star 740, 1864
Victoria 744
Virginia:
Dahlgren 1866
Newport News 745
Quantico 743
Washington:
Port Townsend 1865
Wenatchee 1866
Whidbey Island 741

HUNTING AND FISHING. *See* Alaska Game Commission; *and* Fish and Wildlife Service.

I

IMMIGRATION AND NATURALIZATION SERVICE:
Board of Immigration Appeals, cases appealable to; exclusion proceedings, certain, elimination of appeals in 883
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 2741
Immigration regulations:
Armed forces of United States, citizen members, of; admission of alien fiancées and fiancés, revocation 346
Bonds, immigration, violation of conditions; notification of Commissioner by district director when bond is declared breached, revocation of provisions for 2044
Deportation proceedings, hearing and adjudication; conduct of hearing, assignment of examining officer in addition to hearing officer and duties respecting 1820
Fiancées and fiancés, alien, of citizen members of United States armed forces, admission of; revocation 346
Ports of entry. *See* Primary inspection and detention.
Primary inspection and detention; ports of entry, except by aircraft:
Class A ports; listed:
District No. 7, Buffalo, N. Y.:
Oswego, N. Y.; "(June 15–Sept. 15)", deletion 1082
Rochester, N. Y.; board of special inquiry, deletion 1082
District No. 9, Chicago, Ill.; Winton, Minn., addition 1082
District No. 12, Seattle, Wash.; Havre, Mont., board of special inquiry, addition 1082

IMMIGRATION AND NATURALIZATION SERVICE—Continued — Page

Immigration regulations—Continued
Primary inspection and detention; ports of entry except by aircraft—Continued
Class B ports, defined; port of entry for certain aliens, including aliens admissible without nonresident aliens' border crossing identification cards under waivers of documentary requirements for certain nonimmigrants visiting from Canada ... 1334
Class C ports; listed:
District No. 2, Boston, Mass.; New London, Conn., includes port facilities at Groton, Conn ... 1082
District No. 12, Seattle, Wash.; Pelican, Alaska, addition ... 1082
Nationality regulations:
Classes of persons who may be naturalized, special; former U. S. citizens (proposed rule making):
Persons who lost citizenship through service in one of Allied Armies during World War I or II; required to establish intention to fulfill obligations of oath of allegiance and favorable attitude toward Constitution ... 1772
Woman, citizen by birth, who lost citizenship by marriage to alien prior to Sept. 22, 1922, and whose marriage terminates on or after Jan. 13, 1941; oath of allegiance:
Abroad, provision for taking oath before U. S. diplomatic or consular officer ... 1772
Intention to fulfill obligations of oath, and favorable attitude toward Constitution to be established by applicant ... 1772
Oath of allegiance; applicant to establish intention to fulfill obligations of oath and favorable attitude toward Constitution and laws of United States prior to naturalization (proposed) ... 1773
Qualifications for naturalization; proof of attachment to principles of Constitution and favorable disposition toward United States (proposed rule making):
Attachment to Constitution and disposition toward United States; requirement for all persons ... 1773
Subversive organizations, activities, and beliefs, absence of affiliation with; requirement for all persons ... 1773

IMPORTS AND EXPORTS:
Agricultural commodities. *See* Agriculture Department.
Bulk grain:
Preference and priority in storage and handling. *See* Defense Transport Administration.
Transportation of, under "Warshipvoy" charter. *See* National Shipping Authority.
Customs regulations. *See* Customs Bureau.
Export control. *See* International Trade, Office of.
Food commodities acquired through price support programs; export prices. *See* Commodity Credit Corporation.
Investigation of imports. *See* Tariff Commission.
Mail, importations by, unclaimed or refused. *See* Customs Bureau.
Meat and meat products. *See* Animal Industry Bureau.
Petroleum and petroleum products, tariff quota on:
Customs regulations respecting. *See* Customs Bureau.
Under Venezuelan Trade Agreement with respect to Venezuela, Netherlands and other foreign countries (Proclamation 2959) ... 185
Price control regulation affecting exported commodities. *See* Price Stabilization, Office of.
Priority order respecting maintenance, repair and operating supplies for export. *See* National Production Authority.
Quotas, tariff, on certain imports. *See* Customs Bureau.
Tariff classification of certain imports. *See* Customs Bureau.
Taxable status on certain imports for 1952. *See* Customs Bureau.
Trade agreements; customs duties on. *See* Customs Bureau.

INDIAN AFFAIRS BUREAU: — Page

Attorneys and agents; notice of action on proposed rule making:
Contracts, attorney, with Indian tribes ... 897
Recognition of attorneys and agents to represent claimants ... 897
Authority, delegation of, from Secretary of Interior respecting funds and fiscal matters; authority of Commissioner to approve Attorney and other contracts with Indian tribes and payment of fees and expenses thereunder ... 1570
Charges, operation and maintenance. *See* Irrigation projects.
Cheyenne River Reservation, South Dakota; restoration of certain lands of tribal ownership ... 1065
Contracts, with Indian tribes:
Attorney:
Approval of, and other contracts and payment of fees and expenses thereunder; authority of Commissioner respecting ... 1570
Notice of action on proposed rule making ... 897
Authority of Commissioner respecting approval of attorney and other contracts and payment of fees and expenses thereunder ... 1570
Credit to Indians; loans to Navajo and Hopi Indians ... 465
Funds and fiscal matters; authority of Commissioner to approve attorney and other contracts with Indian tribes and payment of fees and expenses thereunder ... 1570
Gas mining, leasing of Osage Reservation lands for ... 2602
Grazing; general grazing regulations:
Definitions ... 1420
Area director ... 1420
Substitution of, for "regional forester" ... 1420
Of terms; redesignation and revision ... 1420
Regional forester redesignated "area director" ... 1420
Nonconcurrence between superintendent and regional forester; rescission ... 1420
Heirs and wills; determination of heirs and approval of wills, except as to members of Five Civilized Tribes and Osage Indians:
Appeals ... 2306
Rehearing ... 2305
Wills:
Inspection of, and approval of form during testator's lifetime; redesignation and revision ... 2306
Making, approval as to form, and revocation of wills ... 2306
Hopi Indians, loans to ... 465
Irrigation projects; operation and maintenance charges for various projects:
Blackfeet Indian Irrigation Project, Montana; payment, correction ... 277
Crow Indian Irrigation Project, Montana ... 660, 2306
Flathead Indian Irrigation Project, Montana; proposed rule making:
Camas Division ... 1773
Jocko Division ... 1773
Mission Valley and Camas Divisions ... 1773
Fort Belknap Irrigation Project, Montana; payment, correction ... 277
Fort Peck Indian Irrigation Project, Montana; proposed rule making ... 2194
Lummi Indian Diking Project, Washington ... 700, 2547
Warm Springs Agency, Warm Springs Unit, Oregon ... 701, 2749
Wind River Irrigation Project, Wyoming ... 1773, 2387
Leases, on restricted Indian lands; Osage Reservation lands, leasing of, for oil and gas mining, revision ... 2602
Loans to Navajo and Hopi Indians ... 465
Mining, oil and gas, leasing of Osage Reservation lands for ... 2602
Navajo Indians, loans to ... 465
Oil mining, leasing of Osage Reservation lands for ... 2602
Operation and maintenance charges. *See* Irrigation projects.
Trust periods on Indian lands expiring during calendar year 1952, extension of ... 799
Water charges, for operation and maintenance of irrigation projects. *See* Irrigation projects.
Wills. *See* Heirs and wills.

INDIANS: Page
Alaska, town sites; Indian possessions. *See* Land Management Bureau.
Irrigation projects. *See* Indian Affairs Bureau.
Regulations, etc., respecting. *See* Indian Affairs Bureau.
Studies, by Senate Committee on Interior and Insular Affairs, of relations of United States with Indians and Indian tribes and measures relating to care, education, and management of Indians, including care and allotment of Indian lands, and claims paid out of Indian funds; inspection of income tax returns by Committee in connection with (Executive Order 10331) 1963
Teachers, in Indian schools; educational requirements. *See* Civil Service Commission.

INSURANCE, GOVERNMENT:
Crop insurance. *See* Federal Crop Insurance Corporation.
Farm ownership loans, insured. *See* Farmers Home Administration.
Housing; mortgages, loans, etc. *See* Federal Housing Administration.
Life insurance for veterans. *See* Veterans' Administration.
Old age and survivors insurance. *See* Old Age and Survivors Insurance Bureau.
Postal insurance. *See* Post Office Department.
Reports of insured banks. *See* Federal Deposit Insurance Corporation.
Veterans' life insurance. *See* Veterans' Administration.

INTER-AMERICAN CULTURAL AND TRADE CENTER, Miami, Florida; cooperation and participation invited (Proclamation 2962) 983

INTERIOR DEPARTMENT:
See Fish and Wildlife Service.
Geological Survey.
Indian Affairs Bureau.
Land Management Bureau.
Mines Bureau.
National Park Service.
Petroleum Administration for Defense.
Reclamation Bureau.
Southeastern Power Administration.
Amortization of emergency facilities under Section 124A (e) of Internal Revenue Code in connection with production of fishery commodities or products, delegation of authority from Secretary of Agriculture respecting, revision of Defense Food Delegation No. 2 2369
Attorneys:
See also Practitioners.
Attorney contracts with Indian tribes; authority of Commissioner of Indian Affairs respecting 1570
Authority, delegation of:
By Secretary:
Indian Affairs Bureau; funds and fiscal matters, authority of Commissioner to approve Attorney and other contracts with Indian tribes and payment of fees and expenses thereunder 1570
National Park Service:
Assistant Directors to exercise authority of Director 482
Director:
Authority to make negotiated contracts with educational institutions in connection with scientific, research, and investigatory programs and activities of Service 964
Membership on certain Commissions:
National Capital Park and Planning Commission 482
Zoning Commission of District of Columbia 483
Reclamation Bureau; authority of Commissioner to represent interests of executive agencies in negotiations with carriers in connection with construction activities of Reclamation Bureau 1861
Southeastern Power Administration:
Authority with respect to advertising 2022
Chief Counsel; authority respecting tort claims not exceeding $1,000 1734

INTERIOR DEPARTMENT—Continued Page
Authority, delegation of—Continued
From Agriculture Department; fishery commodities or products, authority to exercise certain defense functions respecting, revision of Defense Food Delegation No. 2 2369
Certificates of necessity, under section 124A (e) of Internal Revenue Code; delegation of authority from Secretary of Agriculture to issue certificates in connection with production of fishery commodities or products 2369
Cheyenne River Reservation, South Dakota; restoration of described lands to tribal ownership 1065
Chicago Portage National Historic Site; designation as national historic site 236
Claims, tort; delegation of authority to Chief Counsel of Southeastern Power Administration respecting 1734
Coastal lands, submerged, Gulf of Mexico; continuation of oil and gas operations to and including March 31, 1952 43
Construction; delegation of authority to Secretary from National Production Authority, to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to facilities for departmental programs, solid fuels, and fishery products 1488
Deletion of authority with respect to facilities for certain metals and minerals 901
Substitution of Order M–100 for M–4A 1971
Contracts:
With educational institutions in connection with scientific, research, and investigatory programs and activities of National Park Service; delegation of authority to Director, National Park Service respecting 964
With Indian tribes; approval of Attorney and other contracts and payment of fees and expenses thereunder, authority of Commissioner of Indian Affairs respecting 1570
Educational institutions. negotiated contracts with, in connection with scientific, research, and investigatory programs and activities of National Park Service; delegation of authority to Director of National Park Service respecting 964
El Morro National Monument, New Mexico, revised boundaries of 935
Everglades National Park, Florida; acceptance by Secretary of exclusive jurisdiction of area, letter of notification to Governor of Florida 169
Fiscal matters; certain contracts with Indian tribes, authority of Commissioner respecting 1570
Fishery commodities or products; delegation of authority by Secretary of Agriculture to exercise certain defense functions respecting, revision of Defense Food Delegation No. 2 2369
Fort Raleigh National Historic Site on Roanoke Island, Dare County, North Carolina, addition to 236
Great Smoky Mountains National Park; acceptance by Secretary of exclusive jurisdiction over certain lands and highways, letters of notification to Governors of Tennessee and North Carolina respecting 669, 1484
Guam. *See* Territories, Office of.
Historic parks and sites; designation of:
Chicago Portage National Historic Site 236
Fort Raleigh National Historic Site on Roanoke Island, Dare County, North Carolina 236
Independence National Historical Park Project, administration of properties acquired for; authority of Director of National Park Service respecting 964
Virgin Islands National Historic Site, Christiansted, St. Croix, Virgin Islands; designation as historic site by Secretary 2200
Independence National Historical Park Project, administration of properties acquired for; authority of Director of National Park Service respecting 964
Indians:
See also main heading Indian Affairs Bureau.
Contracts with Indian tribes; approval of Attorney and other contracts and payment of fees and expenses thereunder, authority of Commissioner of Indian Affairs respecting 1570

INTERIOR DEPARTMENT—Continued Page

Indians—Continued
Lands:
Cheyenne River Reservation, South Dakota; restoration of described lands to tribal ownership 1065
Extension of trust periods on Indian lands expiring during calendar year 1952 799
Investigatory programs of National Park Service. *See* Scientific, research, and investigatory programs and activities of National Park Service.
Lands:
Administration and exchange of lands under Taylor Grazing Act, transfer of certain lands from Agriculture Department (Executive Order 10322) 855
Indian lands. *See* Indians.
Oil and gas operations in submerged coastal lands of Gulf of Mexico; continuation to and including March 31, 1952 43
Practitioners, Committee on:
Membership; addition of Assistant Solicitor of Public Lands and Chief Counsel of Bureau of Land Management 1425
Quorum to consist of two members 1425
Records, testimony respecting. *See* Testimony of employees.
Representation of executive agencies in negotiations with carriers concerning matters in connection with construction activities of Reclamation Bureau; redelegation of authority of Secretary to Commissioner of Reclamation respecting 1861
Research programs of National Park Service. *See* Scientific, research, and investigatory programs and activities of National Park Service.
Scientific, research, and investigatory programs and activities of National Park Service, negotiated contracts with educational institutions in connection with; authority of Director of National Park Service respecting 964
Territories, Office of:
Guam; transfer of land to Government of Guam for homesteads, rehabilitation and resettlement and other purposes 2339
Virgin Islands National Historic Site, Christiansted, St. Croix, Virgin Islands; designation as historic site by Secretary 2200
Virgin Islands public works, revocation of part 2062
Testimony of employees, relating to Government business or official records; requirements 481
Virgin Islands. *See* Territories, Office of.

INTERNAL REVENUE BUREAU:
Abolition and establishment of certain offices (Reorganization Plan No. 1 of 1952) 2243
Administrative provisions common to various taxes; inspection of tax returns by various Senate Committees:
Senate Committee on Armed Services 17
Executive Order 10316, respecting 1
Senate Committee on Expenditures in Executive Departments 1384
Executive Order 10326, respecting 1381
Senate Committee on Interior and Insular Affairs 1967
Executive Order 10331, respecting 1963
Senate Committee on Rules and Administration in connection with Federal elections 807
Executive Order 10321, respecting 791
Alcohol. *See* Excise tax regulations.
Appointment of Assistant and District Commissioners and other officers (Reorganization Plan No. 1 of 1952) 2243
Authority, delegation of. *See* Organization and delegation of authority.
Coin-operated gaming devices, tax on. *See* Excise tax regulations.
Collection of income tax at source. *See* Employment tax regulations.
Employment tax regulations:
Amendments conforming employment tax regulations to Social Security Act Amendments of 1950; proposed rule making 1764
Collection of income tax at source; additional withholding tax on wages, after November 1, 1951, upon agreement by employer and employee 86, 2045

INTERNAL REVENUE BUREAU—Continued Page

Employment tax regulations—Continued
Federal Insurance Contributions Act, employee and employer tax under; definitions, Social Security Act Amendments of 1950, proposed 1765
Federal Unemployment Tax Act, excise tax on employers under:
Credit, proof of, in connection with contributions under State unemployment compensation law 2225
Credits against tax:
Credit against tax for contributions paid; refund of State contributions, notification respecting receipt of refund 2225
Proof of credit:
Additional credit under section 1601 (b) of act:
Returns filed after December 31, 1951 2226
Returns filed prior to January 1, 1952 2226
Credit under section 1601 (a) of act or section 602 (b) of Revenue Act of 1943; allowance of credit, submittal of documents with respect to 2225
Special credit under section 902 (e) of Social Security Act Amendments of 1939; allowance of special credit against taxes for 1940–1942, submittal of documents respecting 2225
Definitions; proposed rule making:
Casual labor not in the course of employer's trade or business; revision and redesignation 1766
Employees; definitions respecting certain classes of employees 1766
Employment after December 31, 1939:
Editorial change 1766
References respecting Social Security Act Amendments of 1950, effective January, 1951 and relating to wages 1766
Employment prior to January 1, 1940; change in references relating to wages 1766
Exclusions from wages:
Exclusions from wages with respect to remuneration paid after December 31, 1950 1769
Applicability of section 1771
Dismissal payments 1771
Employees, stand-by, payments to 1770
Employees' tax or contributions under State law, payment by an employer 1770
Employers' plans providing for payments on account of retirement, sickness, or accident disability, medical or hospitalization expenses, or death 1770
Miscellaneous provisions 1771
Retirement payments 1770
Services not in course of employer's trade or business, payments other than in cash for 1770
Sickness or accident disability, medical or hospitalization expenses, payments on account of 1770
Stand-by employees, payments to 1770
$3,000 limitation 1769
Wages paid by predecessor attributed to successor 1769
Trusts; payments from or to certain tax-exempt trusts or under or to certain annuity plans 1770
Exclusions from wages with respect to remuneration paid prior to January 1, 1951 1769
Redesignation 1769
General definitions and use of terms; Social Security Act Amendments of 1950 1766
Organizations exempt from income tax; remuneration not in excess of specified amount for calendar quarter 1767
Redesignation 1767
Remuneration less than $50 for calendar quarter after 1950 1767
Remuneration not in excess of $45 for calendar quarter of 1951 1767

INTERNAL REVENUE BUREAU—Continued — Page

Employment tax regulations—Continued
Federal Unemployment Tax Act, excise tax on employers under—Continued
Definitions; proposed rule making—Continued
Services in general, excepted:
Editorial change — 1766
Reference respecting Social Security Act Amendments of 1950, effective January, 1951 — 1766
Services not in the course of employer's trade or business — 1766
Casual labor performed prior to January 1, 1951 — 1766
Services performed after December 31, 1950 — 1766
Students employed by schools, colleges, or universities not exempt from income tax — 1768
Services performed prior to January 1, 1951 and after 1950 — 1768
Wages:
Applicability of section — 1769
Editorial change — 1769
Medium of payment of remuneration, exception respecting — 1769
References:
Change in — 1769
Reference respecting Social Security Act Amendments of 1950, effective January 1951 — 1769
Who are employees; certain classes of, definitions respecting — 1766
Forms; use of prescribed forms, filing of tentative returns, proposed — 1771
Measure of tax; references, change in, proposed — 1771
Miscellaneous provisions; proposed rule making:
Interest, accrual of, provision with respect to minimum addition to tax — 1771
Returns, delinquent:
Additions to tax for delinquent returns; amount to be added to tax, computation of, provision respecting minimum addition — 1771
Minimum addition to tax; returns filed prior to January 1, 1951 and after December 31, 1950 — 1771
Records of employers; references, change in, proposed — 1771
Returns, proposed rule making:
Delinquent returns. *See* Miscellaneous provisions.
Place and time for filing returns; reference, change in — 1771
Use of prescribed forms; filing of tentative returns — 1771
State unemployment compensation law, proof of credit in connection with contributions under — 2225
Tax, payment of; references, change in, proposed — 1771
Railroad Retirement Tax Act, employer, employee, and employee representatives' tax under:
Forms; use of prescribed forms, filing of tentative returns, proposed — 1772
Miscellaneous provisions; proposed rule making:
Interest, accrual of, provision with respect to minimum addition to tax — 1772
Returns, delinquent:
Additions to tax for delinquent returns; amount to be added to tax, computation tion of, provision respecting minimum addition — 1772
Minimum addition to tax, returns filed prior to January 1, 1951 and after December 31, 1950 — 1772
Returns; proposed rule making:
Delinquent returns. *See* Miscellaneous provisions.
Place and time for filing returns; references, change in — 1771
Use of prescribed forms; filing of tentative returns — 1771
Tax payment; references, change in, proposed — 1772
Social Security Act Amendments of 1950, conformance of employment tax regulations to, proposed rule making — 1765

INTERNAL REVENUE BUREAU—Continued — Page

Estate and gift taxes regulations:
Estate tax; regulations relating to taxes on estates of decedents dying after February 10, 1939:
Aliens, nonresident, works of art loaned by, for public exhibition; exception respecting, with regard to estates of decedents dying after September 1, 1950, proposed — 930
Determination of tax liability; proposed rule making:
Deductions:
Dependents, support of, during settlement of estate; when support is deductible — 929
Property previously taxed:
Transfers for public, charitable, religious, etc., uses; trusts for both charitable and private purposes, changes in references — 84
Valuation of property interest passing to surviving spouse, remainder interests; changes in example and references — 84
Gross estate:
Insurance receivable by other beneficiaries, in case of decedent dying after December 31, 1947; reversionary interest as an incident of ownership — 929
Transfers by decedent during life:
Power relinquished in contemplation of death; relinquishment, consideraton of, in case of decedent's death on, before, or after September 23, 1950 — 929
Transfers in contemplation of death:
Estates of decedents dying after September 23, 1950 — 929
Estates of decedents dying on or before September 23, 1950 — 929
Redesignations — 929
Relinquishments of life estates and other interests in income — 929
Transfers, taking effect after decedent's death, made prior to October 8, 1949; changes in references — 84
Transfers with power to change enjoyment; change in reference — 84
Valuation date, optional; examples — 83
Valuation of property:
Annuities, life estates, remainders, reversions:
Estates of decedents dying after December 31, 1951 — 82
Estates of decedents dying before January 1, 1952 — 83
Annuities, life, remainder, and reversionary interests; revision and redesignation — 82
Nonresidents not citizens of United States; works of art loaned for exhibition by, exception respecting, proposed — 930
Gift tax under chapter 4 of Internal Revenue Code; regulations applicable to transfers of property by gift during calendar year 1940 and thereafter:
Deductions; proposed rule making:
Charitable, etc., gifts; determination of value of remainder of property — 84
Gifts to spouse after April 2, 1948, remainder interests; changes in example and references — 84
Future interests in property; valuation, change in reference, proposed — 84
Transfers reached; example, change in, proposed — 84
Valuation of property; proposed rule making:
Annuities, life estates, remainders, and reversions:
Gifts made after December 31, 1951 — 84
Gifts made prior to January 1, 1952 — 86
Redesignations — 84, 86
Tenancies by entirety:
Computation of value of interests in property — 86
Submittal of cases to Commissioner — 86
Transfers conditioned upon survivorship (deletion) — 86

INTERNAL REVENUE BUREAU—Continued Page

Excess profits tax. *See* Income and excess profits taxes regulations.
Excise tax regulations:
Alcohol. *See* Liquors, distilled spirits, etc.
Coin-operated gaming devices, special taxes with respect to; increase in rate of tax 63
Administrative provisions; registry, return, and payment of tax:
Forms, subscribing and attesting of; deletion 63
Returns, information required on, respecting corporations; deletion 63
Effective dates of tax and rates 63
Rates and computation of tax; effective dates and increased rates 63
Additional tax liability of certain persons for period from November 1, 1951 through June 30, 1952 63
Firearms, shells, and cartridges, sales by manufacturer, excise taxes on:
Credits and refunds, allowance of, under prescribed provisions, for tax paid on sale of firearms, shells, and cartridges to military departments 1423
Exempt sales:
For use of United States, State, Territory, or possession of United States 1422
Purchases for military departments of United States; firearms, shells, and cartridges paid for, after certain date, with funds appropriated for military departments not subject to tax 1422
Termination of U. S. exemptions 1422
Gasoline; increased rate of tax on, and floor stocks tax 1499
Administrative provisions; promulgation of regulations, redesignation 1499
Editorial correction 1749
Floor stocks tax on gasoline; rate and scope of tax 1499
Credit or refund of tax, preparation of inventory of floor stocks subject to tax, records and returns 1500
Rate of tax, increase in, for certain period 1499
Industrial alcohol. *See* Liquors, distilled spirits, etc.
Liquors, distilled spirits, etc.; industrial alcohol (denatured alcohol):
Equipment:
Denaturing plants; pipelines 1748
Transfer of specially denatured alcohol to bonded dealers' premises; tanks 1748
Operations by dealers in specially denatured alcohol; receipt of specially denatured alcohol, railroad tank cars, tank trucks, or pipelines 1748
Redesignation 1748
Operations by users of specially denatured alcohol, receipt of denatured alcohol in railroad tank cars, tank trucks, or pipelines 1748
Operation of industrial alcohol denaturing plants; approved containers, pipelines:
Completely denatured alcohol 1748
Specially denatured alcohol 1748
Removal by pipeline of specially denatured alcohol from denaturing plant to contiguous bonded dealer's premises operated by denaturer, provisions respecting 1747
Withdrawal of specially denatured alcohol 1748
Pistols and revolvers, excise tax on sale of:
Credits or refunds, allowance of, under prescribed provisions, for taxes paid on sale of pistols and revolvers to military departments 1207
Exempt sales:
For use of United States, State, Territory, or possession of United States 1207
Purchases for military departments of United States; pistols and revolvers paid for, after certain date, with funds appropriated for military departments, not subject to tax 1207
Redesignation 1207
Sales on and after July 1, 1947 1207
Slot machines. *See* Coin-operated gaming devices.

INTERNAL REVENUE BUREAU—Continued Page

Excise tax regulations—Continued
Transportation and communications services:
Miscellaneous provisions; proposed rule making:
Duty to collect, return, and pay tax; collection of tax for transportation when payment is made outside of United States 1901
Returns in connection with collection of tax:
By person furnishing initial transportation for which payment is made outside United States 1902
By person receiving payment in United States for transportation to be furnished by carrier within United States 1902
Transportation of persons; proposed rule making:
Payments for transportation subject to tax:
All-expense tours; payment for, subject to tax, not limited to United States 1900
Chartered conveyances; payment for, subject to tax, not limited to United States 1900
Payments remitted to foreign countries by persons in United States 1900
Prepaid orders, exchange orders, or similar orders 1900
Redesignations 1900
Tickets 1900
Payments not subject to tax; payments made outside United States for transportation which begins or ends outside United States, tax not applicable to 1901
Scope of tax:
Collection of tax, by whom made 1900
Payments made outside United States for transportation within United States, tax imposed on 1900
Taxability of payments for transportation made in or outside of United States, determination of 1900
Seats, berths, etc., scope of tax respecting; imposition of tax on payments, in connection with transportation, made in or outside of United States after certain dates 1901
Tax on transportation of persons which begins and ends in United States 1900
Firearms, shells, and cartridges, tax on sale of. *See* Excise tax regulations.
Gasoline, floor stocks tax and increase in tax on. *See* Excise tax regulations.
Gift taxes. *See* Estate and gift taxes.
Income and excess profits taxes regulations:
Excess profits taxes; taxable years ending after June 30, 1950:
Computation of net income for taxable year, life insurance companies; provisions modified with respect to taxable year 1951 1747
Corporations; affiliated corporation groups, extension of time for filing income and excess profits tax returns by members of, for taxable years after March 31, 1951 and before April 1, 1952 2161
Income tax, taxable years beginning after December 31, 1933 and before January 1, 1942; taxability of certain corporate distributions out of increase in value of property accrued prior to March 13, 1913 (amendment of Reg. 111 made applicable to Regs. 86, 94, 101, and 103), proposed 1189
Income tax, taxable years beginning after December 31, 1941:
Aliens, nonresident, taxation of, return of income; Supplement U tax returns, proposed rule making 205
Artistic compositions, copyright, etc., gains from sale or exchange of; exclusion, under certain conditions, from regulations respecting capital assets, for taxable years beginning after September 23, 1950 1420
Assets, capital, and certain short sales of; regulations respecting, for taxable years beginning after September 23, 1950 1420
Business income of certain tax-exempt organizations, taxation of; proposed rule making 204
Collection of income tax at source. *See* Employment tax regulations, *above*.

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, for taxable years beginning after December 31, 1941—Continued
Computation of net income:
Credit for "special refunds" of employee social security tax, proposed rule making — 1764
Federal and State employees — 1764
Deductions:
Attorney's fees in divorce, etc. cases; deduction allowable when paid for production or collection of alimony includible in gross income — 2282
Charitable and other contributions, unlimited deduction; proposed rule making — 1899
Contributions or gifts; disallowance of certain charitable, etc., deductions (proposed rule making):
By corporations — 78
By individuals — 78
To subversive organizations — 78
Personal and family expenses, nondeductible; attorney's fees in divorce or separate maintenance cases deductible when attributable to production or collection of amounts includible in gross income — 2282
Distributions (dividends, etc.) by corporations; proposed rule making:
Distributions other than dividend:
Distributions from depletion or depreciation reserves; references, change in — 1189
Distribution out of increase in value of property accrued before March 1, 1913, provision respecting — 1189
Reference, deletion — 1189
Exclusions from gross income; interest upon State obligations, provision respecting special tax bills, deletion — 62
Gain or loss:
Capital gains and losses:
Alternative tax in case of net long-term capital gain or loss:
Applicability of regulations — 205
Trusts, tax-exempt; imposition of tax on — 205
From involuntary conversions, and sale or exchange of certain property used in trade or business; inapplicability of provisions with respect to copyright, artistic compositions, etc., for taxable years beginning after September 23, 1950 — 1420
Meaning of terms; copyright, literary, musical, artistic composition, etc., excluded from term "capital assets", under certain conditions, for taxable years beginning after September 23, 1940 — 1420
Short sales, certain, of capital assets, gains and losses from, for taxable years beginning after September 23, 1950 — 1421
Commodity futures transactions — 1422
Husband-wife short sale of property — 1422
Substantially identical property — 1422
Treatment of — 1421
Short sales, gains and losses from, in general (redesignation) — 1420
Certain short sales of capital assets, made after September 23, 1950 — 1420
Computation, general rule:
Distributions from increase in value of property accrued before March 1, 1913, includible in gross income as gains, etc — 1189
Example, change in — 1189
Sales or exchanges; short sales of capital assets, gains and losses from. *See* Capital gains and losses.
State obligations, interest upon; provision respecting special tax bills, deletion — 62
Cooperatives, exempt, income tax treatment of; statutory provisions and proposed regulations respecting information returns — 1689

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, for taxable years beginning after December 31, 1941—Continued
Corporations:
Affiliated corporations, groups of; extension of time for filing income and excess profits tax returns by members of, for taxable years after March 31, 1951 and before April 1, 1952 — 2161
Foreign corporations, taxation of, returns; Supplement U tax proposed — 205
Taxability of certain corporate distributions out of increase in value of property accrued prior to March 1, 1913, proposed rule making — 1189
Employee social security tax, credit for "special refunds" of — 1764
Federal and State employees — 1764
Foreign corporations, taxation of, returns; Supplement U tax, proposed — 205
Imposition of tax (Supplement U—taxation of business income of section 101 organizations); proposed rule making — 206
Business net income, unrelated; definition of — 208
Deductions taken into account, percentage of — 212
Indebtedness; Supplement U lease indebtedness — 211
Organizations subject to tax — 207
Organizations that are members of partnerships — 209
Rates of tax — 206
Section 421 (Imposition of tax) as applicable to taxable years beginning before 1948 and after 1950 — 206
Supplement U leases:
Deductions taken into account, percentage of — 212
Definition of — 210
Indebtedness — 210
Rent from, treatment of — 211
Supplement U net income; definition — 207
Supplement U tax, provisions generally applicable to — 207
Assessment and collections — 207
Foreign tax credit — 207
Taxable years, method of accounting, etc., returns — 207
Trade or business, unrelated; definition of — 209
Unrelated business net income, definition of — 209
Unrelated trade or business, definition of — 209
Insurance companies:
Adjustment for certain reserves; addition of certain amount to normal-tax net income as factor in determining 1951 adjusted normal-tax net income, taxable years beginning 1951 — 1746
Increase in rate of corporation income taxes; statutory provisions — 1746
Life insurance companies:
Adjusted reserves; certain reserves adjusted for purpose of determining required interest for taxable years beginning in 1951 — 1746
Interest paid; use of, in computing required interest in determining certain reserve interest credit, taxable years beginning in 1951 — 1746
Normal tax and surtax, imposition of, with respect to taxable years beginning before July 1, 1950, and after June 30, 1950 — 1746
References, with respect to taxable years beginning in 1951 — 1746
Tax on life insurance companies beginning in 1951 — 1747
Reserve interest credit — 1747
Mitigation of effect of limitation and other provisions in income tax cases; proposed rule making:
Deductions, certain charitable, etc., disallowance of — 81
Exemption, denial of:
Denial of, to organizations engaged in prohibited transactions — 81

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, for taxable years beginning after December 31, 1941—Continued
Mitigation of effect of limitation and other provisions in income tax cases; proposed rule making—Continued
Exemption, denial of—Continued
Denial of, under section 101 (6) (relating to charitable, educational and other nonprofit organizations) in the case of certain organizations accumulating income, statutory provisions — 81
Future status of organization denied exemption — 81
Future status of organization denied exemption — 81
Organizations:
Business income of educational, charitable, and certain other tax-exempt organizations, taxation of; proposed rule making — 204
Subversive organizations; certain tax-exempt organizations listed as subversives; proposed rule making:
Deductions for contributions to, for purposes of income tax, not permitted — 78
Exemption not permitted — 78
Overpayments, social security tax; credit for "special refunds" of employee social security tax, proposed rule making — 1764
Personal holding companies, taxation of; proposed rule making — 2231
Definition of personal holding company:
Corporations, certain; exclusion from term "personal holding company" — 2232
Finance companies, certain, exclusion from term "personal holding company" for taxable years ending August 9, 1950 — 2232
Loan or investment corporations, taxable years 1938–1942 — 2232
Income of personal holding company, compensation for use of property; reference respecting treatment of certain rents received 1945–1950, from commercial, industrial, or mining property — 2232
Rates of tax:
Artistic work or invention, gain from sale or exchange of, treated as non-capital asset in determining tax attributable to such gain, taxable years beginning after September 23, 1950 — 1420
Limitations on exemption; proposed — 79
Nonprofit organization; exemption from tax on corporations; proposed rule making:
Proof of exemption; annual returns for accounting periods beginning on or after January 1, 1943, Supplement U tax returns — 205
Various types of nonprofit organizations, eligible for exemption:
Business leagues, chambers of commerce, real estate boards, and boards of trade; taxable on Supplement U net income after December 31, 1950 — 205
Corporations organized to hold title to property for exempt organizations — 205
Labor, agricultural, and horticultural organizations, tax-exempt; taxable upon Supplement U net income after December 31, 1950 — 205
Religious charitable, scientific, literary, and educational organizations and community chests:
Exemption to be denied certain organizations — 80
Organizations other than churches taxable on Supplement U net income after December 31, 1950 — 205
Returns and payment of tax; proposed rule making:
Corporation returns; tax-exempt organizations subject to taxation of Supplement U net income, references — 204

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, for taxable years beginning after December 31, 1941—Continued
Returns and payment of tax; proposed rule making—Continued
Fiduciary returns; taxable years beginning before January 1, 1944, Supplement U tax returns — 205
Information returns, by corporations (cooperative associations); returns of information as to patronage dividends, rebates or refunds — 1688
Definitions of terms used and preparation and filing of returns — 1689
Records and income tax forms; Supplement U tax — 205
Withholding tax at source:
Aliens, nonresident, income of, from sources outside United States; gross amount of rents paid under Supplement U lease, withholding of — 205
Foreign corporations, nonresident; rents paid under Supplement U lease, withholding on — 205
Supplement U tax:
Leases; definition of Supplement U lease — 210
Supplement U (taxable years beginning before January 1, 1948, abatement of tax for members of armed forces on death); amendment of title — 206
Supplement U taxation of business income of certain Section 101 organizations — 206
Industrial alcohol. *See* Excise tax regulations.
Inspection of tax returns by various committees:
Senate Committee on Armed Services — 17
Executive Order 10316, respecting — 1
Senate Committee on Expenditures in Executive Departments — 1384
Executive Order 10326, respecting — 1381
Senate Committee on Interior and Insular Affairs — 1967
Executive Order 10331, respecting — 1963
Senate Committee on Rules and Administration in connection with Federal elections — 807
Executive Order 10321, respecting — 791
Insurance companies, taxability of. *See under* Income and excess profits taxes regulations.
Organization and delegation of authority:
Authority, delegation of, to Commissioner by Secretary of Treasury respecting disposition of real estate acquired by United States — 2290
Reorganization Plan No. 1 of 1952 (Internal Revenue Bureau) — 2243
Abolition of existing offices (Assistant and Deputy Commissioners, Assistant General Counsel, Collector and Deputy Collector) — 2243
Appointment and compensation of Assistant and District commissioners and other officers — 2243
Establishment of new offices (Assistant and District Commissioners and others) — 2243
Transfer of certain functions to Secretary of Treasury — 2243
Personnel; appointment of Assistant and District Commissioners of Internal Revenue, and other officers under classified civil service, and the compensation of appointees (Reorganization Plan No. 1 of 1952) — 2243
Pistols and revolvers, tax on sale of. *See* Excise tax regulations.
Real estate acquired by United States, disposition of; delegation of authority to Commissioner respecting — 2290
Reorganization Plan No. 1 of 1952 (Internal Revenue Bureau) — 2243
Social Security Act Amendments of 1950, conformance of employment tax regulations to. *See* Employment tax regulations.
Subversive organizations; denial of tax deductions and exemptions, proposed rule making — 78
Wages; additional withholding tax on wages, after November 1, 1951, upon agreement by employer and employee — 86, 2045

INTERNAL REVENUE BUREAU—Continued — Page
Withholding tax at source:
Aliens, nonresident, income of, from sources outside United States; withholding of gross amount of certain rents — 205
Foreign corporations, nonresident; withholding on certain rents — 205
Wages, additional withholding tax on, under certain conditions — 86, 2045

INTERNATIONAL AGREEMENTS, CONVENTIONS, ETC.:
Claims Convention between Republic of Panama and United States. *See* International Claims Commission.
North American Broadcasting Agreement. *See* Federal Communications Commission.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO; exemption of Lawrence M. Lawson from compulsory retirement for age (Executive Order 10320) — 693

INTERNATIONAL CLAIMS COMMISSION:
Attorneys:
Proceeding to censure, suspend, or revoke right of any attorney to appear before the Commission; rules of procedure, filing of papers, charges, answers, hearings, testimony, proof, decisions, appeal, etc — 693
Suspension of attorneys; rules of procedure, reference — 693
Panama, Republic of, Claims Convention between United States and; special rules for claims under Articles I and II (c), time within which claims may be filed, extended — 1517

INTERNATIONAL MONETARY FUND; information required for balance-of-payments purposes, report on earnings of imports into United States and expenses incurred in United States on passenger and freight operations by operators of foreign-owned vessels and aircraft in connection with compilation of statistics — 2020

INTERNATIONAL ORGANIZATION; designation of Provisional Intergovernmental Committee for Movement of Migrants from Europe as organization entitled to certain immunities and privileges under International Immunities Act (Executive Order 10335) — 2741

INTERNATIONAL TRADE, OFFICE OF:
Authority, delegation of, to various officials, from Secretary of Commerce:
Compliance Commissioners for Export Control; authority to administer oaths and affirmations and to issue subpoenas in proceedings for denial of licensing privileges — 1229
Deputy Director, Assistant and Deputy Assistant Director for Export Supply, authority respecting inspection of records, premises or property, and issuance of subpoenas — 1229
Director; authority respecting inspection of records, premises or property, and issuance of subpoenas, rules and regulations — 1229
Special agents in Investigation Staff; authority to make investigations, to administer oaths and affirmations, etc., concerning matters under investigation — 1229
British Token Import Plan:
Certification of prewar exports, procedure for obtaining:
Applying for certification; applications to be submitted before June 30, 1952 — 961
Eligibility; 40% changed to 30% — 961
Token scrip, issuance of:
40% changed to 30% — 961
Applications to be filed before June 30, 1952 — 961
Introduction; what plan is, 40% changed to 30% — 961
China (including Manchuria), shipments to; restrictions — 1578
Export control:
Amendments or alterations of licenses:
Procedure for submitting requests for amendments; note respecting licenses held by collectors — 1419
Where to file, Baltimore added — 276
Export clearance; presentation for export, shipments via mail — 1578

INTERNATIONAL TRADE, OFFICE OF—Continued — Page
Export control—Continued
General orders:
China, mainland of (including Manchuria), order revoking certain general licenses to; note respecting transshipment — 1578
Validity of export licenses for coal, orders modifying — 799
Licenses, individual and other validated; provisions for:
Applicability and general provisions; representations in license applications, note respecting change in intermediate consignee — 797
Application for licenses:
Second applications; renumbered — 1578
Separate or additional licenses for partial shipments by mail, applications for — 1578
How to file application for export license:
Data supplementing application — 1174, 1930, 2591
Information required — 797, 2591
Clearance by teletype, note — 2591
Preparation of forms, submission of application, inquiries and correspondence, etc., notes respecting — 798
In-transit shipments, license applications for — 2594
Issuance and use of export licenses:
Partial shipments, note — 1578
Unit-process licenses, validation, note — 798
Licensing policies and related special provisions:
Blood plasma, human — 2224
Certain commodities, special provisions for; evidence of availability, metalworking machines and machine tools — 799
Coal and coke — 2594
Copper under Controlled Materials Plan, special provisions for — 2594
Cotton duck; licensing policy — 2224
Cryolite — 2225
Hides and skins — 2305
Iron and steel, special provisions for; carbon steel, including steel plates and structurals, but not including tinplate — 1578
Japan and Ryukyu Islands (including Okinawa), special provisions for exportations of certain commodities to — 1419
Machinery and parts:
Automotive replacement parts:
Additional application requirements — 1175
List of parts — 1174
Metalworking machines — 798
Mines, smelters, and mineral prospecting operations abroad, serialized; special provisions for exports to — 2224
Past participation in exports for certain commodities — 1417
All controlled materials and commodities with processing code NONF — 2223
Plumbers' brass goods, special provisions for — 2043
Rubber, synthetic; special provisions for (GR–S) — 9, 2594
Switzerland, special provisions for exportations to — 276
Synthetic rubber, special provisions for (GR–S) — 9, 2594
Time schedules, supplement 1, for submission of applications for export licenses — 10, 799, 2043, 2225, 2305, 2594
Tinplate, licensing policies for — 276
Totally allocated commodities, certain; special provisions for:
Commodities included — 9
Selenium — 1175
Forms, NPAF; submission of, with license applications:
Exceptions, "small-users" — 1175
Outstanding validated licenses, note — 1175
Pending applications — 1175
Time for filing NPAF forms and "small-user" certification with OIT — 1175
Ultimate destination, confirmation of country of, and vertification of actual delivery — 1991
Wool waste and yarns, special provisions for; deletion — 1175

INTERNATIONAL TRADE, OFFICE OF—Continued Page

Export control—Continued
Positive List of Commodities and related matters:
Appendix A, Positive List of Commodities 11, 1579, 1609, 1610, 1932, 1935, 2484, 2509
Additions, deletions, or changes of commodities in listed categories:
Blankets, wool 11
Burlap cloth, jute 1610
Cloth or dress goods, wool 11
Cocoanut oil, crude 2484
Cocoanut oil, refined 2484
Copper sulphate 2511
Cotton cloth, duck, and tire fabric 11
Dental alloys and amalgams containing cobalt 1934
Industrial chemicals; copper sulphate 2511
Jute bags, sacks, or burlap cloth 1610
Nylon waste, rags, etc 1610
Synthetic fiber waste, rags, etc 1610
Vegetable oils and fats, crude:
Coconut oil, crude 2484
Oiticica oil, inedible 2484
Wearing apparel, wool 11
Wire strand 11, 276
Wool blankets 11
Wool cloth or dress goods 11
Wool wearing apparel 11
Column entitled "Commodity List A—Import Certif." added to Positive List 1992
Revision 1579, 1609, 1932
Priority ratings and supply assistance assigned by OIT:
DDT, deletion 1175
Essential export requirements, special supply assistance for; steel drums for shipments of petroleum products, deletion 2594
Export allocations and procedures (CMP):
Controlled materials; steel mill products, castings and forgings, and metal manufactures added 11
Renumbered 1419
Exceptions to time schedules; renumbered 1419
Export quotas and allotment symbols for controlled materials:
Conversion of allotments, requests for CMP class A products 2043
Procurement allotment numbers and symbols for certain steel mill products, right to apply 10
Japan and Ryukyu Islands (including Okinawa), additional requirements for shipment to 1419
Maintenance, repair, and operating supplies for export, priority ratings for (DO-MRO):
Export license requirements 9
Manufacturing exporters 9
Questions and answers on MRO under Order M–79 10
Scope, list of excluded items (as listed in NPA Order M–79) 10
Supply assistance assigned by OIT. *See* Priority ratings and supply assistance.
Japan and Ryukyu Islands (including Okinawa), exportations of certain commodities to 1419
Okinawa, exportations to. *See* Japan.
Ryukyu Islands, exportations to. *See* Japan.
Suspension of license privilege; orders affecting various firms or persons:
Arnholz, Thomas A., decision of Appeals Board 670
Bialick, William E 2136
Bilik, John, Jr 1633
Colson, William C 1634
Croton Trading Co., Inc 2136
Dualca Steamship Company 1633
Dudek, Marion 1633
Etablissements Due Grel 167
Expreso Aero Freight Terminal 1634
Girol-Trust, Reg 167
Givatowsky, A 167
International Marketers, Ltd 2792
International Trade Mart 1633
Jessel, George J 1634
Kung Shin Co 965
Marton Distributors, Inc 2793
Marton, Irving 2793

INTERNATIONAL TRADE, OFFICE OF—Continued Page

Suspension of license privilege; orders affecting various firms or persons—Continued
Marton, Olga H 2793
Maurice May, Inc 964
Maurice May, Ltd 964
Nord, Guy N. F 1633
Nord, Guy N. F., Ltd 1633
Parisi, Francesco 483
Polak, Arnost 2792
Ratner, A. E., Chemical Co 45
Schwarz, Ivan Otto 2792
Shu, Frank M. S 964
Siegel Chemical Co., Inc.; decision of Appeals Board 670
Siegel, Robert; decision of Appeals Board 670
Sobers, Madeline M 964
Switzerland, exportations to 276

INTERSTATE COMMERCE COMMISSION:
See Defense Transport Administration.
Accounts, uniform system of. *See* Uniform system of accounts.
Agreements, carrier; application filed by listed applicants for approval of agreements relating to rates, rules, regulations, etc.:
California Household Goods Carriers' Bureau; agreement respecting transportation of household goods and related articles between points in California 686
Western States Movers' Conference; agreement respecting transportation of household goods between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming 688
Amortization accounting for emergency carrier facilities; steam roads. *See* Uniform system of accounts.
Authority, delegation of, from Defense Transport Administrator to Director, Bureau of Water Carriers and Freight Forwarders; respecting water transportation and port utilization, inland 1489
Brokers of property. *See* Motor carriers.
Car service:
Charges:
Demurrage charges:
On freight cars 896
Saturdays to be included in computing 896
On tank cars 1857
Free time:
Box cars unloaded at ports 1858
Freight cars loaded at ports 1857
Embargo of lake-cargo coal; appointment of agent 2765
Ferry cars. *See* Trap and ferry cars.
Fruit and vegetable containers and box shooks, transportation of; substitution of refrigerator cars for box cars 896
Grain and grain products:
Loading requirements 2132
Permits, general, to rail carriers to disregard certain provisions of order respecting listed companies and shipments:
Blatchford Calf Meal Co 2379
Buttermilk feeds, condensed 2378
Central Soya Co., Inc 2378
Cooperative G. L. F. Exchange, Inc., Mills Division 2378
Corn gluten feed, and/or corn gluten meal 2379
Decatur Milling Co 2380
Distillers dried feed, solubles, dried grains, and/or dried spent grain mash 2379
Eastern States Farmers' Exchange 2377
Evans Milling Co 2380
Fish meal, fish roe meal, and/or fish scrap meal 2380
Grain, grain products and byproducts 2378
Liquid starch 2380
Livestock feed with high molasses content 2379, 2505
Ralston Purina Co 2379
Rice; bran, polish, and hulls 2378
Starch, dextrine, corn syrup, and/or glucose, liquid 2377
Wabash Railroad Co 2378
Webster Co., H. K 2380
Movement to terminal elevators by permit; appointment of agent 896

INTERSTATE COMMERCE COMMISSION—Con. Page

Car service—Continued
Lumber:
Loading requirements 2765
Restrictions on reconsigning 2764
Railroad operating regulations for freight car movement 2765
Refrigerator cars:
Substitution of, for box cars:
In Oregon, California, Arizona and Nevada 895
In transporting fruit and vegetable containers and box shooks 896
Use for certain commodities prohibited 2765
Tank cars, control of; appointment of agent 482
Trap and ferry cars, restrictions on 1857
Colorado intrastate freight rates and charges; investigation of 368
Commercial zones and terminal areas, for motor carriers. *See* Motor carriers.
Emergency carrier facilities, amortization accounting for; steam roads. *See* Uniform system of accounts.
Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of:
Appendix; reasons for proposed rule making 2692
Commodity list of explosives and other dangerous articles, containing shipping name or description of all dangerous articles; changes, additions and deletions 1558
Proposed rule making 2686
Common and contract carriers by public highway. *See* Motor carriers.
Motor carriers, common or contract; loading and storage chart 1563
Rail express carriers 1563
Protection of packages; proposed rule making 2690
Waybills 1563
Rail freight carriers:
Handling of carriers, proposed rule making 2689
Loading and storage chart; notes 1563
Loading, unloading, placarding and handling cars; loading packages into cars, restrictions on mixed loading and storage, etc 1563
Proposed rule making 2689
Placards on cars, use of certain 1563
Unloading from cars:
Removal of placards after unloading; proposed rule making 2689
Waybills, switching orders, etc 1563
Shippers, regulations applying to; preparation of explosives and other dangerous articles for transportation (packing, labeling, loading, staying, etc.):
Acids and other corrosive liquids; definition and preparation of certain 1561
Proposed rule making 2687
Classification; dangerous articles having more than one hazardous characteristic 1558
Compressed gases, definition and preparation; liquefied gases, proposed rule making 2688
Explosives; definitions and preparation:
Class A explosives, definition of 1559
Black powder and low explosives 1559
Blasting caps and electric blasting caps 1560
With safety fuse; note 1560
Detonating primers 93, 1560
High explosives:
With liquid explosive ingredient 1559
With no liquid explosive ingredient 1559
With no liquid explosive ingredient nor any chlorate 1559
Lead azide; proposed rule making 2686
Class B explosives, definition of 1560
Propellant explosives for cannon, small arms, or other devices 1560
Smokeless powder for small arms; cancellation 1561
Special fireworks 1560
Proposed rule making 2687
Class C explosives, definition of:
Igniter cord, proposed rule making 2687
Railway fusees, truck flares, etc., proposed rule making 2687
Small-arms ammunition 1561

INTERSTATE COMMERCE COMMISSION—Con. Page

Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of—Con.
Shippers, regulations applying to; preparation of explosives and other dangerous articles for transportation (packing, labeling, loading, staying, etc.)—Continued
Flammable liquids; definition and preparation:
Automobiles, motorcycles, tractors, or other self-propelled vehicles, fuel tanks to be drained; proposed rule making 2687
Certain flammable liquids, proposed rule making 2687
Exemptions for flammable liquids 1561
Proposed rule making 2687
Flammable solids and oxidizing materials; definition and preparation of certain 1561
Proposed rule making 2687
Labeling explosives. *See* Marking and labeling explosives.
Marking and labeling explosives and other dangerous articles:
Explosives 1562
Labeling dangerous articles 1562
Labels for mixed packing 1562
Propellant explosives label for express shipment 1563
Poisonous articles; definition and preparation of certain 1562
Proposed rule making 2689
Preparation of articles for transportation by carriers by rail freight, rail express, highway or water:
Containers, reused; carboys to be retested 1558
Cylinders, qualification, maintenance, and use of; retests 1558, 1559
Proposed rule making 2686
Tank cars, qualification, maintenance, and use of; note respecting retests 1558
Shipping container specifications:
Cylinders 1564
Proposed rule making 2690
Fiberboard boxes, drums, and mailing tubes 93, 1564, 1726
Metal barrels, drums, kegs, cases, trunks and boxes 1564, 1726
Proposed rule making 2690
Tank cars; proposed rule making 2691
Wooden barrels, kegs, boxes, kits, and drums; proposed rule making 2691
Forms, motor carrier. *See* Motor carriers.
Freight classification, consolidated; special rule of practice 2803, 2804
Freight forwarders; terminal areas of 1727
Freight rates. *See* Rates and charges.
Grain:
Car service. *See* Car service.
Freight charges, investigation of, on carload shipments in Minnesota and Wisconsin 179
Movement to terminal elevators by permit; appointment of agent 896
Lease and interchange of motor vehicles. *See* Motor carriers.
Long-and-short-haul-charges. *See* Tariffs and schedules.
Missouri intrastate freight rates and charges, investigation of 2377
Motor carriers:
Agreements, carrier; applications filed by listed applicants for approval of agreements relating to rates, rules, regulations, etc. *See* Agreements, carrier, *above*.
Brokers of property, practices of; definitions:
Broker 451, 1474
Brokerage or brokerage service 451, 1474
Commercial zones and terminal areas:
Kansas City, Mo.-Kansas City, Kans 235
Operating authority for particular municipality 1726
Where commercial zone exemption has been removed 1726
Operating authority for service at particular unincorporated community 1726
Terminal areas of motor carriers and freight forwarders:
At municipalities served 1727
At unincorporated communities served 1727

INTERSTATE COMMERCE COMMISSION—Con. Page

Motor carriers—Continued
Control or consolidation of motor carriers or their properties, applications for authority:
To acquire control 234
To merge properties or franchises 234
Explosives, handling and shipment of. *See* Explosives, *above.*
Forms; BMC 15A added 234
Lease and interchange of vehicles; postponement of effective date 927, 2729
Reports, annual report form A for class I common and contract motor carriers of property and of passengers prescribed 235
Transfers of operating rights for limited periods, contracts to operate, and consideration involved in such transfers and contracts to operate; proposed rule making 1190
Transversal States, motor carrier operations involving; adoption of interpretative rules, proposed rule making:
Designation of process agents 932
Interpretation of outstanding certificates and permits, where "transversal States" are or are not named 932
Policy to be observed in future 932
Nebraska intrastate freight rates and charges; investigation of 368
Persons furnishing protective services against heat or cold:
Records, destruction of; proposed rule making 2630
Uniform system of accounts. *See* Uniform system of accounts.
Protective services against heat or cold. *See* Persons furnishing protective services against heat or cold.
Railroads:
Accounts, uniform system of, for steam railroads. *See* Uniform system of accounts.
Car service. *See* Car service.
Explosives and other dangerous articles, packing and transporting of. *See* Explosives.
Long-and-short haul charges provisions, section 4 (1), Interstate Commerce Act; applications for relief from. *See* Tariffs and schedules.
Routing and rerouting of traffic. *See* Routing of traffic.
Steam railroads; amortization accounting for emergency carrier facilities of. *See* Uniform system of accounts.
Rates and charges:
See also Tariffs and schedules.
Class rate investigation, 1939; special rule of practice 2804
Freight rates:
Increased rates, 1951; hearing 905
Intrastate freight rates and charges, investigation of, in Missouri 2377
Grain, freight charges on carload shipments of, in Minnesota and Wisconsin; investigation of 179
Intrastate freight rates and charges, investigation of, in listed States:
Colorado 368
Nebraska 368
Utah 367
Wyoming 369
Records, destruction of, by persons furnishing protective services against heat or cold; proposed rule making 2630
Refrigerator cars. *See* Car service.
Reports:
Motor carriers. *See* Motor carriers.
Water carriers. *See* Water carriers.
Routing and rerouting of traffic; authority and direction to carriers to reroute or divert certain traffic:
All railroads in United States where work stoppage prevents transport of traffic routed over their line 2302
All railroads shipping certain commodities through Canada 1985
Arkansas, Missouri, Kentucky, Tennessee, Mississippi, Alabama and Georgia, railroads serving 2733
Atlanta and West Point R. R. Co 406, 539
Chicago area, railroads in 105, 876, 1702

INTERSTATE COMMERCE COMMISSION—Con. Page

Routing and rerouting of traffic; authority and direction to carriers to reroute or divert certain traffic—Continued
Chicago, Milwaukee, St. Paul and Pacific Railroad Co 1726
Georgia R. R 406, 539
Louisville and Nashville R. R. Co 406, 539
Nashville, Chattanooga and St. Louis R. R. 105, 2380, 2581
New York Central Railroad Co 2238
Pennsylvania, Ohio and West Virginia, railroads serving 1075
Southern Pacific Co 629
Terminal Railroad Association of St. Louis 2239
Western Maryland Railway Co 1492
Tariffs and schedules:
See also Rates and charges.
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities:
Acid:
Acetic:
From Charleston, Elk, Owens, South Charleston, and South Ruffner, W. Va., to Asheville and Biltmore, N. C 2467
From Texas City, Houston, Bishop, and Brownsville, Tex., and Crossett, Ark., to Columbus, Ga., Upjohn, Mich., Phillipsburg, N. J., Black Rock, N. Y., Concord and Roanoke Rapids, N. C., and Stonewall, Va 2467
Muriatic, from Ladora, Colo., to specified points in Kansas 178
Sulphuric:
From Bartlesville, Okla., to St. Louis, Mo., and East St. Louis, Ill 853
From Mobile, Ala.:
To Georgetown, S. C 1077
To St. Louis, Mo., and East St. Louis, Ill 539
From Spring Hill, La., to Mobile, Ala 957
Spent, from Baldwin, Ark., to St. Louis, Mo., and East St. Louis, Ill 2156
Agricultural implements, from Longview, Tex., to New Orleans, La 1233
Alcohol:
From Houston, Tex., and other specified points in Texas, Crossett, Ark, Sterlington, La., and Tallant, Okla., to Berlin, N. H., Boston, Mass., and Portland, Me 239
From Longview, Tex., to Holston, Tenn 2343
From points in Arkansas, Louisiana, Oklahoma, and Texas, to New Haven, Ind., and Avon Lake, Ohio 1574
From points in Texas, to Onalaska, Wis., and Scotchlite Siding, Minn 1490
From South Point, Ohio, Terre Haute, Ind., Belle and Charleston, W. Va., to Kenosha, Wis 1168
From specified points in Arkansas, Louisiana, Oklahoma, and Texas., to Hutchinson, Minn., and Richland Center, Wis 539
Alcoholic liquors:
Between points in trunk-line and New England territories, and points in central territory 1673
From, to, and between stations in official territory 55
All and/or various commodities:
See also Merchandise.
Between Boston and Springfield, Mass., and Harlem River, N. Y 1954
Between points in official territory 1538, 2156
Between points in southern territory and points in that territory and official territory 853
Between points in Texas 1784
Between Springfield, Mass., and Harlem River, N. Y 1785
From Barrington, Ill., to Wichita Falls, Tex 1380
From New York, N. Y., Philadelphia, Pa., and points taking same rates, to Ocala, Orlando, and Tampa, Fla 1380
From points in official territory to points in southern territory 1538
From specified points in trunk-line and New England territories to specified points in southern territory 2376

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
All and/or various commodities—Continued
From, to, and between points in southern territory 1702
Asbestos fibre, from Vermont to Baton Rouge and North Baton Rouse, La 628
Asphalt:
Between Point Comfort, Tex., and points in Arkansas, Illinois, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas 1841
From Kansas City, Mo.-Kans., Sugar Creek, Mo., and specified points in Kansas, to points in Kentucky 853
From points in Arkansas and Texas, to Cincinnati, Ohio 1400
From Southwestern and mid-continent origins to points in Illinois, Indiana, and Wisconsin 1430
Asphalt filler, from Chatsworth, Ga., to points in official and Illinois territories 1785
Automobile parts, from Cincinnati, Ohio, to Detroit, Mich 2634
Barite, from Butterfield and Malverne, Ark., Fountain Farm and Mineral Point, Mo., to points in Colorado, Wyoming, and Utah 972
Beet sugar final molasses. *See* Molasses.
Billets, iron and steel. *See* Iron and steel.
Blackstrap molasses. *See* Molasses.
Brick:
From Chicago, Ill., to points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas 1139
From Columbia, Mo., to Kansas City, Mo 1910
From Des Moines, Fort Dodge, Mason City, and Ottumwa, Iowa, and other points in Iowa, to points in southern Minnesota 56
From Mexico, Mo., to Jacksonville, Ill 2344
Building blocks, concrete; from Shreveport, La., to Baldwin and Shumaker, Ark 1673
Canned goods, from Blytheville and Paragould, Ark., to Hutchinson, Medora, Newton, Wellington, White City, and Wichita, Kans 706
Cans, pails, and drums, iron or steel. *See* Iron and steel.
Caustic soda:
From Houston, Tex., to St. Louis, Mo., and East St. Louis, Ill 2301
From Huntsville and Redstone Arsenal, Ala., to Hamilton, Ohio 2301
From Kansas City, Mo-Kans., to Chicago, Ill., and St. Louis, Mo 1986
From McIntosh, Ala., to specified points in southern territory 1076
Cement:
From Mobile, Ala., to Woodruff, Fla 628
From points in Kansas, Missouri, Oklahoma and Texas, to points in New Mexico 2402
Cheese:
From Siebert, Ala., to points in southern territory 2466
From West Point, Miss., Glasgow, Lawrenceburg, Russellville, and Sparta, Ky., to points in southern territory 1319
Chlorine gas, liquefied:
From Memphis, Tenn., to Chillicothe, Ohio 852
From Velasco, Tex., to East St. Louis, Ill., St. Louis, Mo., and Kansas City, Mo.-Kans 1637
Citrus fruit, from points in Florida to Memphis, Tenn., and points grouped therewith 339
Cleaning compounds, from Chicago, Ill., to Kansas City, Mo-Kans 1986
Clothing, used; from St. Louis, Mo., to Maspeth and New York, N. Y 1574
Coal:
From Alabama mines to Boykin, Fla 1490
From Bass and Stevenson, Ala., to Wilmington, N. C 1572
From Champion, Pa., to points in Indiana, Illinois, Ohio, southern Wisconsin, and adjacent points 179
From Danville, Ill., group and Murdock, Ill., to Fort Wayne, Ind 2634

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Coal—Continued
From Dunlap, Ky., to points in official territory 1492
From Manchester and Marigold, Ala., to central of Georgia Railway stations in Alabama 1380
From mines in Missouri, to points in Iowa 1911
From mines on Alabama Great Southern Railroad and Southern Railway in Alabama, to Chattahoochee, Fla 1673
Coal tar oil; from points in Kentucky, North Carolina, Tennessee, and Virginia, to points in trunkline and New England territories 1985
Coke:
From Birmingham, Ala., and points grouped therewith, and Chattanooga, Tenn., to Colorado Springs, Denver, Minnequa, and Pueblo, Colo 853
From Chicago, Ill., and points grouped therewith, and Lockport, Ill., to Suspension Bridge and Niagara Falls, N. Y., Chippawa, Niagara Falls, Port Colborne, Thorold, and Welland, Ontario 2238
From Gary and Ivanhoe, Ind., and Joliet, Ill., to Virginia, Minn 2100
Concrete blocks. *See* Building blocks.
Corn syrup. *See* Syrup.
Cotton, from Southern Railway stations in Virginia, to Southeastern and Carolina points 2238
Cotton piece goods, between points in southwestern territory and points in southern territory 779
Cryolite, from Natrona, Pa., to Gregory, Tex 1430
Doors, solid composition core, from Algoma, Wis.:
To points in official territory 486
To points in southern territory 486
Drums, iron or steel. *See* Iron and steel.
Electrical goods, from New York and Brooklyn, N. Y., Elizabethport and Manville-Findarene, N. J., to Anderson, S. C 748
Engines, from Milwaukee, Wis., to Chicopee Falls, Mass 1513
Feed, animal or poultry, mineral mixtures, from Winona, Minn., to Memphis, Tenn 340
Fertilizer:
Between points in southern territory 2633
From Albany, Ga., to Jamieson, Quincy, Gretna, Mount Pleasant, Chattahoochee, and Chattahoochee River, Fla 1701
From points in Arkansas, Kansas, Louisiana, and Texas 463
Fibreboard. *See* Pulpboard, fibreboard, or woodpulp.
Fish, fresh or frozen, between Boston, Mass., and Harlem River, N. Y 1573
Fish meal, from Empire and Lake Charles, La., to specified points in southern territory 780
Flavoring syrup. *See* Syrup.
Formaldehyde, from Bishop and Winnie, Tex., and Tallant, Okla., to West Plains, Mo., and Greensboro, N. C 1233
Fruit, citrus. *See* Citrus fruit.
Grain and grain products:
Between Leavenworth, Kans., and points in Illinois, Iowa, Minnesota, Missouri, and South Dakota 2803
Between points in Colorado, Nebraska, Wyoming and Texas 1574
From Cairo and East St. Louis, Ill., to St. Louis, Mo., and Memphis, Tenn., to Alexandria, La 2402
From Clayton, N. Mex., to Texline, Tex., for points beyond 1785
From Council Bluffs, Iowa, Omaha and South Omaha, Nebr., to points in Texas 1076
From Kansas City, Mo., to Corpus Christi and Laredo, Tex 974
From points in Illinois, to points in Louisiana and Texas 2075
From points in Texas, to points in Arkansas, Kansas, and Missouri 2026

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Grain and grain products—Continued
From points in Wyoming, Colorado, and New Mexico, to points in Texas 2700
From specified points in Texas, to Natchez, Miss., Cairo, Ill., St. Louis, Mo., and East St. Louis, Ill 957
Sorghum grains, between points in western trunk line territory 1430
Gravel. *See* Sand, gravel and crushed stone.
Hay:
From points in Kansas and Oklahoma, to destinations in southern territory 2076
From specified points in Michigan, to points in southern territory 748
Hides, pelts, or skins, from Hazelwood, N. C., to Peabody and Newburyport, Mass 1911
Houses, prefabricated or portable:
From Baton Rouge, La., to points in Colorado and Cheyenne, Wyo 904
From Dallas, Tex., to Auburn, Ala., Clover, S. C., and Gastonia, N. C 1490
Iron and steel:
Articles:
From Cincinnati, Ohio, Limeville, Ky., and Portsmouth, Ohio, to Orangeburg, S. C 1491
From Haines City, Fla., to North Atlantic ports and points grouped therewith 706
From points in central, western, southwestern, and trunk-line territories 854
From Sparrows Point, Md., to Houston, Tex 1491
From West Point, Miss.:
To North Carolina and southern Virginia points 1076
To Ohio River crossings, and points in Midwest and South 1077
Billets, from Buffalo, Lockport, Niagara Falls, and Suspension Bridge, N. Y., to Mount Vernon and Port Chester, N. Y 2026
Can ends, from specified points in Pennsylvania, Cincinnati, Ohio, and Elwood, Ind., to Houston, Tex 2301
Cans, pails and drums, from Hamilton, Ohio, to Omaha, Nebr., and from Cincinnati, Ohio, to Lawrence, Kans 973
Drums. *See* Cans.
Pails. *See* Cans.
Pipe:
From Cincinnati, Ohio, Covington and Newport, Ky., and Waynesburg, Pa., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas 2634
From Cordele, Ga., to points in Southwest 1841
From Houston and Galveston, Tex., to Kankakee and West Kankakee, Ill 1953
From Massachusetts, New Jersey, Ohio and Virginia points to points in northern Illinois and southern Wisconsin 486
From Newport News, Norfolk, Va., and points grouped therewith, to points in southern Virginia, North Carolina, and South Carolina 1572
Rods, from Chicago, Ill., to Kansas City, Mo 973
Scrap:
From Baton Rouge, La., to Birmingham, Ala., and points grouped therewith, Chattanooga and North Chattanooga, Tenn 178
From Milwaukee, Wis. (across Lake Michigan by car ferry) to Hamilton, Ont 2302
From points in southern territory to Burlington, N. J 2302
Lead, in pigs; from Richmond, Va., to Carney's Point, N. J., Crescentville, S. C., and Philadelphia, Pa 685
Lime, from Eden, Wis.:
To points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas 749
To points in Southern territory 1138
Liquors, alcoholic. *See* Alcoholic liquors.

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Lumber:
From Big Stone Gap, Va., to Bluefield, W. Va 1673
From North Pacific coast points, to Wichita Falls, Tex 1573
From Ora, S. C., to Louisville, Ky 852
From Pacific coast points to Moberly, Mo 1574
From points in South, to Lone Star, Va 1953
Meat meal, feeding tankage, NOIBN, or dried meat scraps, from Baton Rouge and New Orleans, La., Natchez and Vicksburg, Miss., and other points in Louisiana, to points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas 1195
Meats, fresh, and packinghouse products:
From Chicago, Ill., Cudahy, Madison, North Madison, and Milwaukee, Wis., to North Carolina, South Carolina, Tennessee, Kentucky, and Virginia 1911
From Fremont, Nebr., to points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas 1491
From Indianapolis, Ind.:
To Atlanta, Ga 56
To specified points in Alabama, Florida, Louisiana, Mississippi, and Tennessee 177
From points in western trunk-line territory to Loring Quarry Spur, Kans 1538
Merchandise, in mixed carloads:
From Chicago, Ill., to points in southern territory 340
From Cincinnati, Ohio, to Jacksonville, Fla., and Moody Field, Ga 854
From Nashville, Tenn., to St. Louis, Mo., and East St. Louis, Ill 2734
From Philadelphia, Pa., New York, N. Y., and stations taking same rates, to Savannah and Port Wentworth, Ga 339
Molasses:
Beet sugar final molasses, from New Orleans, La., and points grouped therewith, and Mobile, Ala., to St. Louis, Mo., and East St. Louis, Ill 462, 585
Blackstrap:
From Gulf ports (imports):
To Peoria and Pekin, Ill., St. Louis, Mo., and East St. Louis, Ill 747, 748
To points in Iowa, Kansas, and Missouri 462
From Jacksonville and South Jacksonville, Fla., to Columbus, Ga 1077
From New Orleans, La., Mobile, Ala., and points in Louisiana, to Chicago, Ill 1169
Oil, coal tar. *See* Coal tar oil.
Onions, from Lake Mills and Racine, Wis., to Mississippi Valley territory 106, 2735
Oyster shells, from Galveston, Houston, and Texas City, Tex., to points in Missouri on St. Louis-San Francisco Railway 1701
Pails, iron or steel. *See* Iron and steel.
Paper and paper articles:
Articles:
From Atchison and Leavenworth, Kans., Kansas City, Mo.-Kans., and St. Joseph, Mo., to Vicksburg and Natchez, Miss., Baton Rouge and New Orleans, La., and Helena, Ark 2466
From Brainerd and Cloquet, Minn., and other producing points in Minnesota, Port Arthur and Fort William, Ont., to Chicago, Ill., and points intermediate thereto in Illinois, Indiana, Wisconsin, etc 2401
From Cairo, Ill., to points in New Mexico 1986
From East Port and Eastport Junction, Fla., to points in official territory 1785
From Houston, Tex., and specified points in Texas, to Natchez, Miss 178
From Hudson and Palatka, Fla., to St. Louis, Mo., and East St. Louis, Ill 2376
From producing points in Wisconsin, Michigan, and Ontario, to Des Moines, Iowa 2402

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Paper and paper articles—Continued
Bags, from Pensacola and Cantonment, Fla., to New Orleans, La 1538
Boxes:
From Bogalusa, La., to St. Louis, Mo 1194
From Hudson and Palatka, Fla., to St. Louis, Mo., and East St. Louis, Ill 2376
From Jasper, Fla., to points in official territory 2026
Drinking cups:
Between points in Southwest 1318
From points in Southwest to points in Kansas 1318
From points in United States and Canada to Southwest 1318
Newsprint:
From Brainerd and Cloquet, Minn., and other producing points in Minnesota, Port Arthur and Fort William, Ont., to Chicago, Ill., and points intermediate thereto in Illinois, Indiana, Wisconsin, etc 2401
From points in eastern Canada, to Memphis, Tenn 106
From producing points in Wisconsin, Michigan, and Ontario, to Des Moines, Iowa 2402
Printing paper, from Houston, Tex., to St. Louis, Mo 1233
Wrapping paper, from Pensacola and Cantonment, Fla., to New Orleans, La 1538
Peanuts, from Suffolk, Va., and Albany, Ga., to Devils Lake, Grand Forks, Minot, and Williston, N. Dak., and Thief River Falls, Minn 2402
Pelts. *See* Hides, pelts, or skins.
Perlite. *See* Vermiculite.
Petroleum and petroleum products:
Between Point Comfort, Tex., and points in Arkansas, Illinois, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas 1841
From Casper, Cheyenne, Glenrock, and Osage, Wyo., to points in North Dakota 957
From Cheyenne and Sinclair, Wyo., to Stations in North Dakota 1431
From Lovell and Zube, Wyo.:
To Grand Forks, N. Dak., and East Grand Forks, Minn 1232
To Morris, Minn 1233
From New Orleans, La., and other points in Louisiana to South Pacific coast territory 747
From New Orleans, La., to points in New York, Ohio, Pennsylvania, and West Virginia 1954
From points in Southwest and Kansas, to Sterling, Ill., and points grouped therewith 1784
From Tuscaloosa, Ala., to points in western trunk-line territory 106
Phosphate, di calcium; from Chicago and Chicago Heights, Ill., to points in Ohio, Indiana, and Michigan 2467
Phosphate rock, from Florida mines:
To Albany, Ga 2238
To Chicago Heights and Joliet, Ill 1138
To Hattiesburg, Miss 1232
To Huntington, W. Va 2100
To Knoxville, Tenn 178
Piling (foreign woods). *See* Woods.
Pipe:
Iron pipe. *See* Iron and steel.
Sewer pipe, fibre. *See* Sewer pipe.
Polyethylene glycol, from Port Neches, Tex., to Chicago and Seneca, Ill 1573
Polypropylene glycol, from points in Arkansas, Louisiana, Oklahoma, and Texas, to points in Illinois and western trunk-line territories 1840
Potassium, bichromate of. *See* Sodium and potassium.
Potatoes, sweet, from points in western Louisiana, to Jeffersonville and New Albany, Ind., Louisville, Ky., Cincinnati, Ohio, and Charleston, W. Va 973

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Prefabricated houses. *See* Houses, prefabricated or portable.
Propyl aldehyde, from Brownsville and Bishop, Tex., to points in Western trunk-line, official, and southern territories 2076
Pulpboard, fibreboard, or woodpulp:
Between points in Southwest 1318
From Austell, Ga., to points in official territory 2025
From High Point, N. C., to official and Illinois territory 585
From Houston, Tex., to St. Louis, Mo 1233
From Knoxville, Tenn., to Greenville, S. C 462
From Natchez, Miss., to Lawrence, Kans 2735
From points in Illinois, Evansville, Ind., and St. Louis, Mo., to Chillicothe, Ohio 2157
From points in Southwest to points in Kansas 1318
From points in United States and Canada to Southwest 1318
Rates:
Class and commodity rates:
Between points in Oklahoma, Louisiana, and Texas, including Memphis, Tenn., Natchez and Vicksburg, Miss 1138
Between points in Southwest 1232
Between points in western territory and points in eastern territory 2076
Between Rocky, Plastic, and Leyden Jct., Colo., and points in western trunkline territory 780
Class rates, between points in United States 1233
Motor-rail-motor rates:
Between Boston, Mass., and Harlem River, N. Y 1139, 2401, 2734
Between Boston, Mass., New Haven, Conn., or Springfield, Mass., and Harlem River, N. Y 628
Between Boston, Mass., Providence, R. I., and Springfield, Mass., on one hand and Harlem River, N. Y., on other 56, 2734
Between Bridgeport, Hartford, New London, Conn., and Springfield, Mass., on one hand, and Harlem River on other 1492
Between Harlem River, N. Y., and North Dighton, Mass., Pawtucket, Providence or Westerly, R. I 462
Between points in western and eastern territory 2076
Between Providence, R. I., and Harlem River, N. Y 1139, 1168
Between St. Paul, Minn., and Chicago, Ill 106
Between Springfield, Mass., and Harlem River, N. Y 628
Rock, phosphate. *See* Phosphate rock.
Rods, iron or steel. *See* Iron and steel.
Roofing granules, from Little Rock, Ark., to Marrero, La 2343
Rubber:
Crude:
From Baton Rouge and North Baton Rouge, La., to points in southern, official, and Illinois territories 1195
From Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La.:
To Athens, Ga 1076
To Cicero and Montpelier, Ind 904
To Matteawan, N. Y 1195
Reclaimed, from Butler, N. J., to Waco, Tex 905
Rubber tires. *See* Tires.
Salt, from Detroit, Mich., to Chicago, Ill 340, 2803
Sand, gravel and crushed stone:
From Beloit, Wis., and South Beloit, Ill., to Milwaukee, Wis 1077
From Georgia, Ind., to Clay City and Noble, Ill 1537
From La Grange, Mo.:
To Colchester, Ill 1841
To Macomb, Ill 1234
From Muskegon and Muskegon Heights, Mich., to Memphis and Chattanooga, Tenn 1318

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Sand, gravel, and crushed stone—Continued
From Rittenours, Richmondale, and R. A. Junction, Ohio, to Graham, W. Va. 1513
From Vincennes, Ind.:
To Clay City and Noble, Ill. 1573
To Harrisburg, Ill. 2156
Silica sand, from Guion, Ark., to Talladega, Ala. 2302
Sawdust, from Memphis, Tenn., to St. Louis, Mo. 2634
Seed, from Del Norte, Durango, Grand Jct., Montrose, and Somerset, Colo., to Clarinda and Shenandoah, Iowa. 1430
Sewer pipe, fibre; from points in trunk-line and New England territories and eastern port cities, to points in Kentucky, North Carolina, Tennessee, and Virginia. 1985
Skins. *See* Hides, pelts, or skins.
Slag, volcanic. *See* Volcanic scoria or slag.
Soap, soap powders, and cleaning and washing compounds, from Jersey City, N. J., to Charleston, S. C., Jacksonville and South Jacksonville, Fla. 367
Soda ash:
From Baton Rouge and North Baton Rouge, La., to Tennessee and Georgia. 685
From Baton Rouge, North Baton Rouge, and Lake Charles, La., and Corpus Christi, Tex., to Savannah and Port Wentworth, Ga. 1492
From Corpus Christi and Velasco, Tex., to East Moss Point, Miss. 957
Sodium and potassium, bichromate of; from Baltimore, Md., Philadelphia, Chester, and Marcus Hook, Pa., North Claymont, Del., Newark and Jersey City, N. J., to specified points in southern territory. 706
Sodium hyposulphite:
From Chicago, Ill., to Baton Rouge, La. 178
From North Claymont, Del., Chester and Marcus Hook, Pa., to Baton Rouge, La. 1637
Sodium perborate monohydrate, from Niagara Falls and Suspension Bridge, N. Y., to certain Missouri River cities. 463
Sodium phosphate:
From Chicago, Chicago Heights, and Joilet, Ill., to points in Alabama, Louisiana, and Tennessee. 1538
From points in official territory to points in southern territory. 1234
Sound-deadening compounds; from El Dorado, Ark., Cyril and Stroud, Okla., and Mount Pleasant, Tex., to points in trunk-line territory. 1953
Stone, crushed. *See* Sand, gravel, and crushed stone.
Sugar:
From Corpus Christi, Tex.:
To points in southern territory. 1954
To Tampa, Fla. 1958
From New Orleans, La., to Chicago, Ill. 106, 107
Sulphate black liquor skimmings, from points in Arkansas, Louisiana, and Texas, to Bay Minette, Ala. 1911
Sulphur, from Starks, La.:
To points in southern and official territories. 105
To points in southern, official, and western territories. 956
Superphosphate:
From Cottondale, Fla., to Fort Lauderdale, Fla. 56
From points in southern territory to points in western trunk-line territory. 1513
Sweetpotatoes. *See* Potatoes.
Syrup:
Corn; from Cedar Rapids, Iowa, to points in Florida. 1168
Flavoring; from New Orleans, La., to Jackson, Tenn. 1318
Tea and tea dust, from Beaumont, Corpus Christi, Galveston, Houston, and Texas City, Tex., to points in Arkansas, Louisiana, and Texas. 55

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Tile building; from Kankakee, Ill., to Memphis, Tenn. 1637
Tin or terne plate; from Fairfield, Ala., to Dallas, Tex. 1169
Tires, rubber:
From Birmingham and North Birmingham, Ala., to points in official and Illinois territories. 1672
From Cumberland, Md., and New Bedford, Mass., to Elba, Ala. 876
From Gadsden, Gaird, Tuscaloosa, and Hobbins, Ala., Memphis, Tenn., Natchez, Miss., and Fort Estell, Ky., to specified points in official and Illinois territory. 748
From Memphis, Tenn., to Houston, Tex. 1841
Various commodities. *See* All and/or various commodities.
Vegetable oil cake or meal, between points in southern territory. 585
Vermiculite and perlite, between points in southern territory. 1491
Volcanic scoria or slag, from Colorado and Southern Railway stations, Folsom to Clayton, N. Mex., to points in Missouri. 1986
Wallboard:
From El Paso and Presidio, Tex., to Cairo and East St. Louis, Ill., St. Louis, Boonville, and Sedalia, Mo. 2075
From points in trunk-line and New England territories to points in southern territory. 1169
Woodpulp. *See* Pulpboard.
Woods, foreign:
See also Lumber.
From Baltimore, Md., Boston, Mass., Cateret, N. J., New York, N. Y., Philadelphia, Pa., Wilmington, Del., and Cockeyville, Md., to points in southern territory. 2301
From Junction City, Ky., to points in trunk-line and New England territories. 852
From Memphis, Tenn., to Hampton, S. C. 2467
Zinc pig or slab, from Bristol, Pa., to Schenectady, N. Y. 585
Terminal areas, for motor carriers. *See* Motor carriers; commercial zones and terminal areas.
Transfers of operating rights. *See* Motor carriers.
Transversal States, motor carrier operations involving. *See* Motor carriers.
Uniform system of accounts:
Persons furnishing protective services against heat or cold:
Balance sheet:
Credit; other unadjusted credits. 1857
Debit:
Acquisition adjustment; note respecting. 1857
Cars or protective service property. 701, 1857
Donations and grants; note respecting. 1857
Improvements on leased property; cancellation. 701, 1857
Miscellaneous physical property; note respecting. 1857
Other unadjusted debits. 1857
Investment in property and equipment, leased property; cancellation. 1857
Steam roads; emergency carrier facilities, amortization accounting for:
Equipment—amortization of defense projects; cancellation. 613
Road—amortization of defense projects, cancellation. 613
Utah intrastate freight rates and charges, investigation of. 367
Water carriers, reports; annual report form M prescribed for Maritime Carriers. 1475
Water transportation and port utilization, inland, authority of Director, Bureau of Water Carriers and Freight Forwarders, respecting. 1489
Wyoming intrastate freight rates and charges; investigation of. 369
INVENTION SECRECY ACT, functions of Patent Office respecting. 1361

Page

INVESTIGATIONS, by Special Assistant to Attorney General, relating to conduct of Government business; functions and responsibilities in connection with (Executive Order 10327) ---- 1645

IRRIGATION PROJECTS. *See* Indian Affairs Bureau; Land Management Bureau; *and* Reclamation Bureau.

J

JUSTICE DEPARTMENT:

See Alien Property, Office of.
Immigration and Naturalization Service.
Authority, delegation of, to Assistant Attorney General in charge of Criminal Division to make written determination that registration of agents of foreign principal would not be in interest of national security ---- 1971
Investigations by Special Assistant to Attorney General relating to conduct of Government business, functions and responsibilities in connection with (Executive Order 10327) ---- 1645
Procurement Policy Board, Office of Defense Mobilization; representation on ---- 103
Registration of foreign agent; authority of Assistant Attorney General in charge of Criminal Division to make determination that registration would not be in interest of national security ---- 1971
Unclaimed privately-owned personal property, disposition of; payment of claims, authority of Attorney General to include cash or negotiable instruments not to exceed $500 ---- 1165
Voluntary plans approved by Attorney General. *See main heading* Defense Production Administration.

L

LABOR DEPARTMENT:

See Public Contracts Division.
Wage and Hour Division.
Child labor regulations; occupations hazardous for employment of minors between 16 and 18 years of age, occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components:
Nonexplosive area:
Definition of area in which minors between years of 16 and 18 may be employed ---- 2398
Exception respecting ---- 2397
Small-arms ammunition not exceeding .60 caliber in size, occupations in or about plants or establishments manufacturing or storing ---- 2397
Defense Manpower Administration; certification of areas of current or imminent labor surplus for procurement purposes ---- 1196
Hazardous occupations for minors. *See* Child labor regulations.
Labor surplus. *See* Surplus manpower.
Manpower surplus. *See* Surplus manpower.
Minors, employment of. *See* Child labor regulations.
Surplus manpower; areas of current or imminent labor surplus:
Certification by Defense Manpower Administration ---- 1196
Standards to be established by Secretary ---- 1196
Surplus Manpower Committee, representation on ---- 1196
Unemployment compensation laws of various States, Alaska and Hawaii; certification to Secretary of Treasury for taxable year 1951 ---- 483

LABOR DISPUTES, emergency boards to investigate. *See* National Mediation Board.

LAND MANAGEMENT BUREAU:

Air Force Department, lands in Alaska, Arizona, and New Mexico withdrawn for. *See* Withdrawals.
Air-navigation sites, withdrawals of lands for, in Alaska and Nevada. *See under* Withdrawals.
Alaska:
Air-navigation sites, withdrawal of lands for. *See under* Withdrawals, *below.*
Airport, Girdwood; lands reserved for maintenance of airstrip in connection with (PLO 797) ---- 925
Alaska Aeronautics and Communications Commission, Department of Aviation; described lands near Seward Meridian withdrawn for use of (PLO 802) ---- 1358

LAND MANAGEMENT BUREAU—Continued Page

Alaska—Continued
Alaska Communication System; described lands reserved for use of Army Department:
Radio communication site, lands near Cascade Creek and Sitka Sound (PLO 786) ---- 347
Radio receiving station, lands near Dark or Island Lake (PLO 781) ---- 160
Alaska Railroad:
Lands near Seward Meridian withdrawn for use for railroad purposes (PLO 802) ---- 1358
Railroad reserves, described lands withdrawn for use as:
Anchorage Townsite, lands within (PLO 789) ---- 522, 534
Seward Townsite, lands within (PLO 782) ---- 161, 169
Whittier Townsite, tract within (PLO 787) ---- 481
Anchorage Townsite:
Lands withdrawn for protection of water supply (PLO 797) ---- 925
Lands withdrawn for use as railroad reserve (PLO 789) ---- 522, 534
Transfer of jurisdiction of interest in certain blocks of, to Office of Territories ---- 1192, 2339
Cemetery purposes; certain lands at Seward Meridian (reserved for use of Territorial, State and Federal Governments, for institutional and residential purposes), subject to sale for (PLO 795) ---- 866
Classification, examination, or in aid of legislation, lands withdrawn for. *See under* Withdrawals, *below.*
Coast and Geodetic Survey, lands reserved as magnetic and seismological observatory site for; prior order (EO 8854) revoked as to lands comprising Tract No. 2 (Proclamation 2965) ---- 1787
Flood control purposes, lands withdrawn for, by EO 8020, in connection with Tanana River and Chena Slough project; notice of filing of plat of survey ---- 1524
Homesites. *See* Homesites, *below.*
Homesteads, lands opened to entry for. *See* Lands opened to homestead entry, *below.*
Indian possessions in trustee towns. *See* Town sites.
Lands opened to entry by veterans and general public. *See* Lands opened to homestead entry, *below.*
National Forests, Chugach and Tongass. *See* National forests, *below.*
Native towns. *See* Town sites.
Native village of Barrow and vicinity, lands withdrawn for proposed designation as native reservation for inhabitants of, by PLO 324; establishment within lands of air navigation site No. 205 (PLO 806) ---- 1650
Natives, rights of, respecting hunting, trapping, fishing, shelters, etc., on lands near St. Lawrence Island withdrawn for Air Force for military purposes (PLO 790) ---- 733, 738
Petroleum reserve, naval, at Barrow, established by EO 3797–A; certain lands in, withdrawn for air-navigation site No. 205 (PLO 806) ---- 1650
Power lines, underground. *See* Telephone and power lines.
Public purposes, described lands reserved for; prior order (PLO 576) amended to include cemetery purposes (PLO 795) ---- 866
Radio communication site, and receiving station. *See* Alaska Communication System.
Railroad reserves. *See* Alaska Railroad.
Schools, common, certain lands near Fairbanks Meridian reserved for support of (PLO 796) ---- 867
Shore space reserves; restorations:
No. 469 ---- 323
No. 470 ---- 531
No. 471 ---- 531
No. 472 ---- 532
No. 473 ---- 1429
No. 474 ---- 2339
No. 475 ---- 2695
No. 476 ---- 2696
No. 477 ---- 2696
No. 478 ---- 2696
No. 479 ---- 2697

LAND MANAGEMENT BUREAU—Continued Page

Alaska—Continued
Sitka National Monument, redefining boundaries of; amending Proclamation 959, and revoking Executive Order 8854 as to lands comprising Tract No. 2 (Proclamation 2965) 1787
Small tracts. *See* Small tracts, *below.*
Survey, notice of filing of plats of. *See* Survey, *below.*
Telephone and power lines, permission to Civil Aeronautics Administration to construct, operate, and maintain, in connection with air-navigation site No. 205 (PLO 806) 1650
Timber, on certain lands in Kenai National Moose Range reserved for use of Army Department; restrictions on cutting of timber (PLO 778) 160
Town sites:
See also Anchorage Townsite.
Lands reserved for townsite purposes, at or near certain places:
Buffalo Center (PLO 808) 1942
Kenai, Kasilof, and Ninilchik Areas (PLO 800) 1187
St. Peter Claver Mission and Yukon River (PLO 792) 771
Seward Meridian (PLO 802) 1358
Native towns, administration of. *See* Trustee towns.
Trustee towns, native:
Administration, requirements on entry, occupancy by white occupants, etc 770
Deeds, restricted and unrestricted; application for and issuance of 770
Indian possessions in trustee towns, administration of 770
Regional Administrator designated as town site trustee; footnote 779
Trustee towns. *See* Town sites.
Walrus, protection of, within area (near St. Lawrence Island) withdrawn for use of Air Force for military purposes (PLO 790) 734
Wildlife refuges (moose range, reindeer station, etc.). *See* Wildlife refuges, *below.*
Withdrawals of lands for various agencies. *See* Withdrawals, *below.*
Appeals:
Right to appeal action of district forester 1946
When appeal may be taken to Secretary of Interior 1130
Army Department, lands in Alaska, California, Idaho and Nevada, withdrawn for. *See* Withdrawals.
Atomic Energy Commission, lands and minerals in Colorado, Nevada and Wyoming, withdrawn for. *See* Withdrawals.
Authority, delegations of:
Contracts and leases; authority of regional administrators, chiefs of Administration Divisions, etc 2399
Regional employees:
Region VI, redelegation of authority to District Foresters 1946
Designation of employees to be Acting District Forester in absence of District Forester 1946
Specific authority, respecting bonds, cancellations of contracts, licenses and permits, trespass, disposition of timber, etc 1946
Region VII (Alaska); Regional Forester and District Foresters, authority respecting contracts and leases 2399
Cemetery purposes, certain lands in Alaska subject to sale for (PLO 795) 866
Certificates, issuance of, for homesteads, etc. *See* Desert-land entries, *and* Soldiers' additional homestead rights.
Civil Aeronautics Administration:
Air-navigation sites, lands in Alaska, Nevada and Wyoming, withdrawn for. *See under* Withdrawals.
Telephone and power lines in Alaska, permission to construct, operate, and maintain, in connection with air-navigation site No. 205 (PLO 806) 1650
Coast and Geodetic Survey, lands reserved for, in Alaska. *See* Alaska.
Commerce Department, lands reserved for use of, in Arizona. *See under* Withdrawals.
Contracts and leases, authority of certain officers and employees respecting 2399

LAND MANAGEMENT BUREAU—Continued Page

Defense Plant Corporation, lands in Arizona withdrawn for. *See under* Withdrawals.
Desert-land entries, collection of purchase money and fees; issuance of final certificate, duplicate not required 346
Electrical generating plant, right-of-way for. *See* Rights-of-way.
Flood control purposes, lands withdrawn for, by EO 8020, in connection with Tanana River and Chena Slough projects, Alaska; notice of filing of plat of survey 1524
Grazing districts:
California Grazing District No. 2, certain lands in, withdrawn for use of Army Department as ordnance depot (PLO 813) 2576
Nevada:
Grazing district No. 3; described lands within, reserved for Navy Department for aviation purposes (PLO 788) 482
Grazing district No. 5; described lands within, subject to air-navigation site Nevada No. 1 1065
Oregon grazing district No. 2; prior order (Executive Order of June 13, 1925) creating public water reserve No. 91 within, revoked as to described lands (PLO 803) 1358
Wyoming:
Grazing district No. 3; certain lands within (withdrawn as air-navigation site No. 92), opened to entry 1974
Grazing district No. 4; certain lands within (withdrawn as air navigation sites Nos. 14, 39, 207, and 208), opened to entry 1974, 1975
Highways, rights-of-way for, in California; lands subject to application for, or as source of materials for construction of highways 2631
Homesites:
Lands available for lease or sale as, under Small Tract Act. *See* Small tracts.
Lands formerly within Chugach National Forest, occupied and improved under permits from Agriculture Department, restored for purchase as homesites (PLO 797) 926
Homestead entrymen, loans to. *See main heading* Farmers Home Administration.
Homesteads:
Lands opened to entry for. *See* Lands opened to homestead entry.
Soldiers' additional homestead rights; allowance of application and issuance of final certificate, duplicate not required 346
Indian lands; restoration to tribal ownership of undisposed surplus lands within Cheyenne River Reservation, South Dakota 1065
Indian possessions in trustee towns in Alaska. *See* Alaska.
Interior, Secretary of; certain lands in Alaska and Idaho reserved under jurisdiction of. *See under* Withdrawals.
Lands opened to homestead entry by veterans and general public:
For small tracts open to lease or purchase, see Small tracts.
Alaska 529, 530, 531, 532, 736, 898, 926, 1134, 1188, 1733, 1942, 2283, 2695, 2696, 2697
Arizona 532, 926, 1973, 2073, 2095
California 1898, 2288, 2631
Colorado 1508
Idaho 771, 1508, 1830, 2289, 2290, 2460
Michigan 2021, 2577
Minnesota 1668
Montana 868, 2134
Nevada 1396, 2060, 2460
New Mexico 532, 771, 1732, 2061
Oregon 1945, 2461, 2694
South Dakota 2367
Utah 582, 898, 2095
Wisconsin 738
Wyoming 1974, 1975, 2135
Leases and contracts, authority of certain officers and employees respecting 2399
Minerals in certain lands in Colorado and Wyoming reserved for use of Atomic Energy Commission. *See* Withdrawals.
Moose range, Alaska. *See* Wildlife refuges.

LAND MANAGEMENT BUREAU—Continued — Page

National forests, lands in:
Alaska:
Chugach National Forest:
Homesites; described tracts occupied as, excluded from national forest and restored for purchase as homesites (PLO 784, 785) 204
Lands near Turnagain Arm excluded (PLO 797) 925
Tongass National Forest:
Homesites; described tracts occupied as, excluded from national forest and restored for purchase as homesites (PLO 784, 785) 204
Military purposes, lands withdrawn for; prior orders (EO 9114, 9526) revoked as to described lands, and lands restored to national forest status (PLO 786) 347
Arizona, Tonto National Forest; described lands in, restored to homestead entry 2073
California:
Klamath National Forest, described lands transferred to, from Shasta National Forest (PLO 804) 1425
Modoc National Forest, described lands transferred:
From Shasta National Forest (PLO 804) 1426
To Shasta National Forest (PLO 804) 1426
Shasta National Forest, described lands transferred:
From Modoc National Forest (PLO 804) 1426
To Modoc National Forest (PLO 804) 1426
Idaho:
Boise National Forest; lands reserved for protection of water supply of Boise Barracks, Ft. Boise, prior order (EO 1297) revoked as to described lands (PLO 777) 159
Kaniksu (formerly Pend Oreille) National Forest; prior order (order of First Assistant Secretary of Interior, December 13, 1917) opening certain lands to entry revoked as to described lands near Boise Meridian 2400
Michigan, Hiawatha National Forest; islands in Fish Lake, notice of filing of plat of survey 2022
Minnesota:
Chippewa National Forest; island in Big-Too-Much Lake, notice of filing of plat of survey 2073
Superior National Forest; notice of filing of plat of survey as to described lands within exterior boundaries of 1774
Oregon:
Deschutes National Forest; certain lands in, restored from Deschutes Project 2135
Willamette National Forest; certain lands in, restored from Deschutes Project 2135
Utah, Fish Lake National Forest Reserve; notice of filing of plat of survey and opening described lands to entry 2095
Natives, in Alaska; rights of, towns, etc. *See* Alaska.
Navy Department; lands withdrawn for use of, in Alaska and Nevada. *See under* Withdrawals.
Petroleum reserve, naval, near Barrow, Alaska, established by EO 3797–A; certain lands in, withdrawn for air-navigation site No. 205 (PLO 806) 1650
Power lines, in Alaska. *See* Alaska.
Power projects, power site reserves, etc., restoration of lands to entry:
California:
Power projects (proposed):
No. 187 2631
No. 247 2630
No. 284 2630
No. 687 2630
Power-site reserves:
No. 87 2630, 2631
No. 201 2630
No. 322 2630
No. 560 2630
Colorado, power site classification No. 89; correction 1973
Practitioners, Committee on; addition to membership of Chief Counsel of Land Management Bureau 1425

LAND MANAGEMENT BUREAU—Continued — Page

Proceedings before Director and Secretary of Interior; when appeal may be taken to Secretary of Interior 1130
Railroad reserves, in Alaska. *See* Alaska.
Radio communication site, receiving station, etc., lands in Alaska withdrawn for use of Army Department as (PLOs 781, 786) 160, 347
Reclamation and irrigation:
First form reclamation withdrawals. *See main heading* Reclamation Bureau.
Reclamation projects, lands restored from, opened to entry:
Arizona; Salt River Project 2095
Colorado; San Luis Valley Project 1508
Idaho:
Boise Project 1508, 1830
Mountain Home Project 2289, 2460
Montana:
Milk River Project 2134
Sun River Project 868
Nevada; Newlands Project 2460
New Mexico; Tucumcari Project 1732
Oregon:
Deschutes Project 2135
Vale Project 1945
Umatilla Project 2461, 2694
Wyoming; Kendrick Project 2135
Reindeer station, Alaska. *See* Wildlife refuges.
Restorations of public lands; processing of simultaneous applications 481
Restoration to tribal ownership of undisposed surplus lands within Cheyenne River Reservation, South Dakota 1065
Rights-of-way, for various purposes:
Electrical generating plant; construction, operation, and maintenance of, on described lands near Mount Diablo Meridian, Nevada 2460
Highways, lands subject to application by California for. *See* Highways.
Telegraph, telephone, and transmission lines, near Mount Diablo Meridian, Nevada 2460
Tramroads, tramways, logging, and other roads:
Cross reference, note 1425
Statutory authority 1425
Tramroads defined 1425
Scenic areas, protection and preservation of; lands near Turnagain Arm, Alaska, reserved under jurisdiction of Secretary of Interior (PLO 797) 925
Schools, in Alaska, certain lands near Fairbanks Meridian reserved for use of (PLO 796) 867
Shore space reserves in Alaska. *See* Alaska.
Sitka National Monument. *See* Alaska.
Small tracts:
Classifications:
Alaska:
No. 39 124
No. 47 323
No. 48 702, 1134
No. 49 532
No. 50 839
No. 51 1133
No. 52 1359
No. 53 1360
No. 54 2199
California; No. 327 1629
Nevada:
No. 77 778
No. 79 1482
No. 80 1483
New Mexico:
No. 30, correction 451
No. 31 451
Lands opened for purchase or lease as homesites, etc., under Small Tract Act:
Alaska 867, 925, 926, 1133, 1134, 1187, 1358, 1359, 1360, 1943, 2199, 2283, 2695, 2696, 2697
Arizona 926, 1973, 2095
California 1629, 1898, 2631
Idaho 2289, 2290, 2460
Michigan 2021, 2577
Montana 2134
Nevada 1482, 1483, 2060, 2460
New Mexico 2061
Oregon 1945, 2461, 2694

LAND MANAGEMENT BUREAU—Continued Page

Small tracts—Continued
Lands opened for purchase or lease as homesites, etc., under Small Tract Act—Continued
Utah ... 2095
Wyoming ... 2135, 2367
Soldiers' additional homestead rights; allowance of application and issuance of final certificate, duplicate not required ... 346
Stock-driveways, withdrawals of lands for, in Arizona, New Mexico, and Wyoming. *See under* Withdrawals.
Survey, notice of filing of plats of:
Alaska:
Fairbanks Meridian ... 529, 530, 898, 1524, 1733
Seward Meridian ... 736, 737, 1524, 1733, 1734
Arizona; Gila and Salt River Meridian ... 324
Michigan:
Michigan Meridian ... 2021, 2022
Twin Island in Munuskong Bay ... 2577
Minnesota:
Fifth Principal Meridian ... 1668, 2073
Fourth Principal Meridian ... 1774
Oregon; Willamette Meridian ... 533
Utah; Salt Lake Meridian ... 582, 2095
Wisconsin; 4th Principal Meridian ... 738
Telegraph and telephone lines, rights-of-ways for. *See* Rights-of-way.
Telephone and power lines, in Alaska. *See* Alaska.
Territories, Office of; transfer of jurisdiction of interest in certain blocks of Anchorage townsite ... 1192, 2339
Timber:
Authority of District Forester, Region VI, regarding disposition of ... 1946
Lands withdrawn for protection of water supply of City of Sandpoint, Idaho; timber resources subject to disposal by Land Management Bureau (PLO 783) ... 203
Lands within Kenai National Moose Range, Alaska, reserved for use of Army Department; restrictions on cutting of timber (PLO 778) ... 160
Townsites:
In Alaska. *See* Alaska.
Notice of sale of lots; Nevada, Lida ... 1358
Tramroads, tramways; rights-of-way for. *See* Rights-of-way.
Veterans, homestead rights of. *See* Lands opened to homestead entry; *and* Soldiers' additional homestead rights.
Walrus, protection of, in Alaska, within area near St. Lawrence Island withdrawn for use of Air Force for military purposes (PLO 790) ... 734
Water reserves, public:
Oregon, public water reserve No. 91; prior order (Executive Order of June 13, 1925) revoked as to described lands at Willamette Meridian (PLO 803) ... 1358
Utah, public water reserve No. 107; prior order (Executive Order of April 17, 1926) revoked as to described lands at Salt Lake Meridian (PLO 803) ... 1358
Wyoming, public water reserve No. 107; prior order (Executive Order of April 17, 1926) revoked as to described lands at Sixth Principal Meridian (PLO 803) ... 1358
Water supply of certain cities, etc.; lands withdrawn for protection of:
Anchorage, Alaska (PLO 797) ... 925
Boise Barracks, Ft. Boise, Idaho; prior order (EO 1297) revoked as to described lands (PLO 777) ... 159
Sandpoint, Idaho (PLO 783) ... 203, 214
Wildlife refuges:
Alaska:
Kenai National Moose Range, established by EO 8979:
Certain lands in, withdrawn for various purposes:
Army Department use for military purposes (PLO 778) ... 159
Townsite purposes (PLO 800) ... 1187
Lands, described, opened to homestead, etc.; entry (PLO 812) ... 2283
St. Lawrence Island, reindeer station (established by EO of January 7, 1903); described lands reserved for use of Air Force subject to (PLO 790) ... 733, 738

LAND MANAGEMENT BUREAU—Continued Page

Wildlife refuges—Continued
New York, Shinnecock Migratory Bird Refuge; prior order (EO 7532) establishing revoked (PLO 801) ... 1357
Oregon; described lands to be administered jointly by Fish and Wildlife Service and State Game Commission, for wildlife and livestock purposes ... 533
Vermont, Morgan Farm Wildlife Refuge; prior order (EO 8086) establishing, revoked (PLO 801) ... 1357
Withdrawals; processing of simultaneous applications ... 481
Withdrawals of lands in Alaska and various States, for specified uses of Federal agencies, etc.:
Alaska:
Air Force Department; military purposes:
Lands at Fairbanks Meridian (PLO 794) ... 866, 868
Lands near St. Lawrence Island, reserved subject to certain conditions respecting rights of natives, killing of certain animals, dumping of refuse, etc. (PLO 790) ... 733, 738
Air-navigation site withdrawals:
No. 3, established ... 736
No. 138, partial revocation respecting described lands at Seward Meridian ... 1134
No. 205, establishment (PLO 806) ... 1650
Prior order (PLO 151), revocation (PLO 806) ... 1650
Alaska Aeronautics and Communications Commission, Department of Aviation; described lands near Seward Meridian withdrawn for use of (PLO 802) ... 1358
Alaska Railroad:
Lands near Seward Meridian withdrawn for use for railroad purposes (PLO 802) ... 1358
Railroad reserves; described lands withdrawn for use as:
Anchorage Townsite, lands within (PLO 789) ... 522, 534
Seward Town Site, lands within (PLO 782) ... 161, 169
Whittier Town Site, tract within (PLO 787) ... 481
Army (War) Department:
Aerial bombing and gunnery range, lands at Fairbanks Meridian withdrawn for; prior order (EO 8847, 9526) revoked as to described lands (PLO 796) ... 867
Military purposes, certain lands withdrawn for:
Kenai National Moose Range; withdrawal subject to certain restrictions respecting timber, conservation laws, use of firearms, etc. (PLO 778) ... 159
Lands near Seward Meridian; prior orders (PLO 20, 95) revoked as to described lands (PLO 802) ... 1357
Seward, lands reserved (by PLO 724); provision for sale for cemetery purposes (PLO 795) ... 867
Tongass National Forest; prior order (EO 9114, 9526) revoked as to described lands (PLO 786) ... 347
Whittier Townsite; prior order (PLO 587) revoked as to described tract (PLO 787) ... 481
Radio receiving station or communication site for Alaska Communication System; described lands reserved for use in connection with (PLO 781, 786) ... 160, 347
Telegraph communication, lands reserved for use by Signal Corps in maintenance of; prior order (EO 3473) revoked (PLO 792) ... 771
Civil Aeronautics Administration; air-navigation sites withdrawn for use of. *See* Air-navigation site withdrawals.
Classification, examination, or in aid of legislation, lands withdrawn for:
Prior orders subject to orders withdrawing lands for use by Army Department for military purposes:
EO 8344 (PLO 781) ... 160
PLO 487 (PLO 778) ... 159
Lands at Buffalo Center; prior order (PLO 386) revoked as to described lands (PLO 808) ... 1942
Lands in Kenai-Kasilof Areas; prior orders (PLO 487, 585) revoked as to described lands (PLO 800) ... 1187

LAND MANAGEMENT BUREAU—Continued Page

Withdrawals of lands in Alaska and various States, for specified uses of Federal agencies, etc.—Continued
Alaska—Continued
Classification, examination, or in aid of legislation, lands withdrawn for—Continued
Lands in Kenai-Kasilof and Ninilchik Areas; prior orders (PLO 487, 585) partially revoked as to described lands (PLO 812) 2283
Lands near Fairbanks Meridian; prior order (EO 7309 revoked in part by PLO 738) revoked as to remaining lands (PLO 798) 926
Lands near Seward Meridian (PLO 802) 1358
Lands near Turnagain Arm (formerly within Chugach National Forest) (PLO 797) 926
Coast and Geodetic Survey, lands reserved as magnetic and seismological observatory site by Executive Order 8854; revocation of withdrawal order as to lands comprising Tract No. 2 (Proclamation 2965) 1787
Interior, Secretary of:
Lands near Seward Meridian withdrawn (by PLO 576) for public purposes (institutional and residential use by Territorial, State or Federal Governments); provision added for sale of lands for cemetery purposes (PLO 795) 866
Lands near Seward Meridian reserved for railroad, aviation, and townsite purposes, and for classification (PLO 802) 1358
Lands near Turnagain Arm reserved for classification, protection of Anchorage water supply, maintenance of airstrip for Girdwood Airport, etc. (PLO 797) 925
Native village of Barrow and vicinity, lands withdrawn for proposed designation as native reservation for inhabitants of, by PLO 324; establishment within lands of air-navigation site No. 205 (PLO 806) 1650
Navy Department; petroleum reserve near Barrow, Alaska, established by EO 3797–A, certain lands in, withdrawn for air-navigation site No. 205 (PLO 806) 1650
Townsite purposes, lands reserved for, at or near certain places:
Buffalo Center (PLO 808) 1942
Kenai-Kasilof area (PLO 800) 1187
St. Peter Claver Mission and Yukon River (PLO 792) 771
Seward Meridian (PLO 802) 1357
Arizona:
Air Force Department:
Dateland Air Force Auxiliary Field, described lands withdrawn for use in connection with (PLO 780) 160
Rittenhouse Air Force Auxiliary Field, Williams Air Force Base; described lands reserved for used in connection with (PLO 776) 159
Commerce Department, air-navigation facilities; described lands reserved for use for (47 Stat. 301) restored to public domain 532
Defense Plant Corporation, operation of school for army aircraft pilots, lands withdrawn for; prior orders (PLO's 44, 51, 72) revoked at to described lands at Gila and Salt River Meridian (PLO 799) 926
Stock driveway withdrawals:
No. 56, Arizona No. 2, modified 1973
No. 164, Arizona No. 6, reduced 1973
California; Army (War) Department:
Bombing target sites, lands withdrawn as; prior order (PLO 125) revoked as to described lands (PLO 807) 1898
Ordnance depot, described lands near Mount Diablo Meridian withdrawn for use as (PLO 813) 2576
No. 235, California No. 17; reduced 2288
Colorado, Atomic Energy Commission; described lands and reserved minerals in patented lands withdrawn for use of (PLO 779) 160
Idaho:
Army (War) Department:
Military purposes, lands reserved for, at Boise Meridian; prior order (PLO 94, 9526) revoked as to described lands (PLO 793) 771

LAND MANAGEMENT BUREAU—Continued Page

Withdrawals of lands in Alaska and various States, for specified uses of Federal agencies, etc.—Continued
Idaho—Continued
Army (War) Department—Continued
Water supply of Boise Barracks, lands withdrawn for protection of; prior orders (EO 1297) revoked as to described lands in Boise National Forest (PLO 777) 159
Interior, Secretary of; lands reserved under jurisdiction of, for protection of water supply of City of Sandpoint (PLO 783) 203
Nevada:
Air-navigation site withdrawal; Nevada No. 1 1065
Army (War) Department:
Aerial bombing and gunnery range, lands withdrawn for; prior orders (EO 8578, 9010) revoked as to described lands (PLO 805) 1522
Air base, lands withdrawn for use as; prior order (PLO 6) revoked as to described lands (PLO 809) 2060
Atomic Energy Commission; lands near Mount Diablo Meridian withdrawn for use of, as weapons testing site (PLO 805) 1522, 1942
Civil Aeronautics Administration; air-navigation site withdrawal, Nevada No. 1 1065
Navy Department; aviation purposes, described lands at Mount Diablo Meridian reserved for (PLO 788) 482
New Mexico:
Air Force Department; bombing and gunnery range, lands withdrawn for, prior order (PLO 629) revoked as to lands at New Mexico Principal Meridian (PLO 791) 771
Classification, lands withdrawn for; prior orders (EO 5909, 7723) revoked as to described lands (PLO 810) 2061
Stock driveway withdrawals reduced:
No. 61, New Mexico No. 10 532, 1396
No. 81, New Mexico No. 12 532, 1396
South Dakota, stock driveway withdrawals reduced:
No. 200, South Dakota No. 4 2367
No. 208, South Dakota No. 5 2367
Wyoming:
Air-navigation site withdrawals:
No. 14, revoked 1974
No. 39, revoked 1974
No. 92, reduced 1974
No. 207, revoked 1975
No. 208, reduced 1974
No. 301, established 2290
Atomic Energy Commission; described public lands and minerals in patented lands reserved for use of (PLO 811) 2132
Civil Aeronautics Administration; air navigation sites withdrawn for use of. *See* Air-navigation site withdrawals.
Stock driveways:
Withdrawals:
No. 48 1191
No. 49 1191
Withdrawals reduced:
No. 23, Wyoming No. 6 2367
Correction 582
No. 36, Wyoming No. 7; correction 582
LAND AND WATER RESOURCES, of Missouri River Basin; functions of Missouri Basin Survey Commission respecting (Executive Order 10318) 133
LIBRARIES:
American Merchant Marine Library Service, authority to provide for. *See* National Shipping Authority.
Armed Forces Medical Library; establishment. *See* Defense Department.
LOYALTY REVIEW BOARD:
Operations of Board; post-audit and review of files 631

M

MANPOWER ADMINISTRATION, DEFENSE. *See* Labor Department.
MANPOWER SURPLUS, policy respecting. *See* Defense Mobilization, Office of.

MARITIME ADMINISTRATION: Page

See National Shipping Authority.

Application of American Export Lines, Inc., for renewal of waiver of provisions of section 804, Merchant Marine Act, 1936, as amended, and Article II–14 of its Operating Differential Subsidy Agreement, relative to its agreement with Società Italia; notice of administrative action respecting 964

Authority, delegation of, to Assistant General Counsel in charge of Division of Litigation, with respect to tort claims 45

Cadets, appointment and training of, in United States Merchant Marine Cadet Corps; appointments and assignments, agreement to serve as licensed officer in ships of Merchant Marine or Government for three years immediately after graduation, requirement for 1856

Citizenship oath forms for documentation, transfer or charter of United States vessels 295

Claims, tort; authority of Assistant General Counsel in charge of Division of Litigation with respect to 45

Documentation, transfer or charter of vessels; citizenship oath by owners or mortgagees of vessels of United States, forms for 295

Forms, citizenship oath, for documentation, transfer or charter of United States vessels 295

Maritime carriers; documentation, transfer or charter of vessels of United States, citizenship oath forms of United States Maritime Commission to be used as long as available 295

Merchant Marine Cadet Corps, United States, appointment and training of cadets in; appointments and assignments, requirement for, agreement to serve as licensed officer in ships of Merchant Marine or Government immediately after graduation 1856

Price control; exemption for sales of certain military items to Defense agencies. *See main heading* Price Stabilization, Office of.

Subsidized vessels and operators, information and procedure under operating-differential subsidy agreements respecting; current financial reports, revision of 522

Training, merchant marine; United States Merchant Marine Cadet Corps, appointment and training of cadets in, appointments and assignments, requirement for, agreement to serve as licensed officer in ships of Merchant Marine or Government immediately after graduation 1856

MARITIME BOARD, FEDERAL:

Agreements, transportation. *See* Transportation agreements.

Chartering of war-built dry-cargo vessels, applications for. *See* Merchant Ship Sales Act of 1946.

Marine terminal companies, rates and charges for; price control regulation affecting. *See main heading* Price Stabilization, Office of.

Maritime carriers and related activities:

Agreements, transportation; notices, hearings. *See* Transportation agreements.

Documentation, transfer or charter of vessels; citizenship oath forms. *See main heading* Maritime Administration.

Merchant Marine Act of 1936, operating-differential subsidy under. *See* Subsidies.

Merchant marine training. *See main heading* Maritime Administration.

Merchant Ship Sales Act of 1946; applications of listed companies for bareboat chartering of war-built vessels:

American Export Lines, Inc 325

American President Lines, Ltd 964

Isbrandtsen Co., Inc 326

Luckenbach Gulf Steamship Co., Inc 615

Price control regulation affecting rates and charges for marine terminal companies. *See main heading* Price Stabilization, Office of.

Shipping Act of 1916; price control regulation to establish or adjust uniform rates and charges for marine terminal companies operating under written agreements filed pursuant to. *See main heading* Price Stabilization, Office of.

MARITIME BOARD, FEDERAL—Continued Page

Subsidies; operating-differential subsidy:

Information and procedure under operating-differential subsidy agreements. *See main heading* Maritime Administration.

Review of subsidy agreement of Mississippi Shipping Co., Inc. concerning operation of vessels on Trade Route No. 14, Service No. 2 (United States ports/West Coast of Africa); hearing postponed 237

Transportation agreements; approval, hearings, etc., affecting listed companies:

Aktieselskapet Hav. (agreement No. 7723–2) 405

Aktieselskapet Havtank (agreement No. 7723–2) 405

Aktieselskapet Inger (agreement No. 7723–2) 405

American-Hawaiian Steamship Co. (agreement No. 3363–A) 325

Atlantic and Gulf-Indonesia Conference, member lines (agreement No. 8080, revised) 1103

Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference, member lines:

Agreement No. 3868–A 739

Agreement No. 3868–B 739

Barber-Wilhelmsen Line, joint service (agreement No. 7842) 583

China Mutual Steam Navigation Co., Ltd. (agreement No. 7676–1) 1526

Empresna Naviera de Cuba:

Agreement No. 3363 325

Agreement No. 3363–A 325

Kokusai Line joint service (agreement No. 7843) 615

Koninklijke Rotterdamsche Lloyd n. v. (agreement No. 7676–1) 1526

Leeward and Windward Islands and Guinas Conference, member lines (agreement No. 7540–5) 935

Moore-McCormack Lines, Inc. (agreement No. 7841) 935

N. V. Nederlandsche-Amerikaansche Stoomvaart Maatschappij "Holland-Amerika Lijn" (agreement No. 7676–1) 1526

N. V. Stoomvart Maatschappij "Nederland" (agreement No. 7676–1) 1526

Nederlandsche Stoomvaart Maatschappij "Oceaan" N. V. (agreement No. 7676–1) 1526

Ocean Steam Ship Co. Ltd. (agreement No. 7676–1) 1526

Pacific Argentine Brazil Line, Inc. (agreement No. 7836) 44

Pacific Atlantic Steamship Co., Quaker Line, (agreement No. 3868–A) 739

Pacific Coast European Conference, member lines:

Agreement No. 5200–11 405

Agreement No. 5200–12 1779

Pacific Westbound Conference, member lines (agreement No. 57–32) 325

Panama Canal Company, Panama Line (agreement No. 7841) 935

Pool Shipping Co. Ltd (agreement No. 7626–1) 615

Pope & Talbot, Inc. (agreement No. 7836) 44

Ropner Shipping Co. Ltd. (agreement No. 7626–1) 615

Ropner, Sir R., & Co. (Management) Ltd. (agreement No. 7626–1) 615

States Steamship Co.:

Agreement No. 7836 44

California-Eastern Line (agreement No. 3868–B) 739

U. S. Atlantic & Gulf-Netherlands West Indies & Venezuela Conference, member lines (agreement No. 6190–12) 1623

United Fruit Co (agreement No. 7842) 583

Waterman Steamship Corp.:

Agreement No. 57–32 325

Agreement No. 7843 615

Williams Steamship Corp. (agreement No. 3363) 325

Terminal companies, marine, rates and charges for; price control regulation affecting. *See main heading* Price Stabilization, Office of.

Vessels, war-built, dry-cargo. *See* Merchant Ship Sales Act of 1946.

MEDALS; Humane Action, Medal for, award for meritorious participation in military effort to supply necessities of life to people of Berlin, Germany (Executive Order 10325) 1239

Page

MEDICAL LIBRARY, ARMED FORCES, establishment. *See* Defense Department.

MERCHANT MARINE CADET CORPS, appointment and training. *See* Maritime Administration.

METALS. *See* Minerals and metals.

MEXICO; International Boundary and Water Commission, United States and Mexico, exemption of Lawrence M. Lawson from compulsory retirement for age (Executive Order 10320) ---- 693

MILITARY ACADEMY, UNITED STATES. *See* Army Department.

MILITARY APPEALS, COURT OF. *See* Court of Military Appeals.

MINERALS EXPLORATION ADMINISTRATION. *See* Defense Minerals Exploration Administration.

MINERALS AND METALS:
- Exploration projects. *See* Defense Minerals Exploration Administration.
- Manganese ore, foreign produced, allocation authorizations. *See* Defense Materials Procurement Agency.
- Mica, domestic, purchase for Government use resale, authority of General Services Administration respecting ---- 2291
- Ores, assays of; revision of table of charges respecting, at United States mints and assay offices ---- 2547
- Precious metals; revision of table of charges respecting, at United States mints and assay offices ---- 2547
- Priority orders respecting specific minerals and metals. *See* National Production Authority.
- Reserved minerals:
  - Disposition of; designation of areas in which mineral interests are to be sold. *See* Agriculture Department; Farm Credit Administration; Farmers Home Administration; *and* Soil Conservation Service.
  - In public lands; withdrawal of lands and minerals in various States for use of Atomic Energy Commission. *See* Land Management Bureau.

MINES BUREAU:
- Mechanical equipment for mines; dust collectors for use in connection with rock drilling in coal mines ---- 1118

MINORS, employment of. *See* Child labor.

MINTS AND ASSAY OFFICES, charges for services. *See* Treasury Department.

MISSOURI BASIN SURVEY COMMISSION:
- Effective date of establishment (Executive Order 10329) ---- 1705
- Establishment, composition and functions (Executive Order 10318) ---- 133
- Executive Director; appointment without regard to civil service laws (Executive Order 10318) ---- 133
- Expenditures to be paid out of allotment from emergency fund for President (Executive Order 10318) ---- 133
- Report to President (Executive Order 10318, 10329) ---- 133

MONUMENTS, NATIONAL. *See* National parks, forests, monuments, etc.

MOTOR CARRIERS. *See* Interstate Commerce Commission.

MUNITIONS BOARD:
- Authority, delegation of, from Chairman to listed officials, to reschedule delivery of DO-rated materials required in support of various Defense Department programs:
  - Director, Aircraft Production Resources Agency (Defense Department); aircraft program (A–1) ---- 214
  - Secretary of Army, tank-automotive program (A–4) ---- 213
  - Secretary of Navy, ships program (A–3) ---- 213
- Chairman to serve as Acting Secretary of Defense; order of succession (Executive Order 10332) ---- 2083

MUTUAL SECURITY AGENCY:
- Assistance to participating countries, procedure for furnishing:
  - Continuance in effect of certain ECA issuances ---- 17
  - Definition of terms ---- 17

MUTUAL SECURITY AGENCY—Continued — Page
- Assistance to participating countries, procedure for furnishing—Continued
  - Price provisions, bulk purchases:
    - Determination of adjusted market price ---- 17
    - Scope ---- 17
    - Upper price limits that may be approved by MSA ---- 17
  - Redesignation of ECA Regulatiton 1 as MSA Regulation 1 ---- 17
  - Substitution of "MSA" and "The Director" for "ECA" and "The Administrator" in regulation ---- 17
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) ---- 267, 1681
- Defense Transportation and Storage Committee; representation on ---- 369

N

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS:
- Construction; delegation of authority from National Production Authority, to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction ---- 1488
- Procurement Policy Board, Office of Defense Mobilization; representation on ---- 103

NATIONAL MEDIATION BOARD:
- Emergency board created to investigate dispute between Northwest Airlines, Inc., and certain of its employees (Executive Order 10319) ---- 188

NATIONAL MONUMENTS. *See* National parks, forests, monuments, etc.

NATIONAL PARK SERVICE:
- Animals, feeding of, in national parks, monuments, etc ---- 895
- Authority, delegation of, from Secretary of Interior, to various officials:
  - Assistant Director:
    - Acting Director, in case of death, resignation, absence, or sickness of Director ---- 533
    - Exercise of authority of Director ---- 482
  - Chief Counsel; Acting Director in case of death, resignation, absence, or sickness of Director ---- 533
  - Director:
    - Educational institutions; authority of Director to make negotiated contracts with, in connection with scientific, research, and investigatory programs and activities of Service ---- 964
    - Historical Park Project, Independence National; administration of properties acquired for, authority of Director respecting ---- 964
    - Membership on certain Commissions:
      - National Capital Park and Planning Commission ---- 482
      - Zoning Commission of District of Columbia ---- 482
- Bears, prohibitions against feeding, molesting, etc., in national parks, monuments, etc.; redesignation and revision ---- 895
- Contracts with educational institutions in connection with scientific, research, and investigatory programs and activities of Service; delegation of authority to Director by Secretary of Interior respecting ---- 964
- Death Valley National Monument, California and Nevada; addition of Devil's Hole, Nevada (Proc. 2961) ---- 691
- Educational institutions, negotiated contracts with, in connection with scientific, research, and investigatory programs and activities of National Park Service; authority of Director respecting ---- 964
- Everglades National Park, Florida; acceptance by Secretary of Interior of exclusive jurisdiction of area, letter of notification to Governor of Florida ---- 169
- Feeding of animals in national parks, monuments, etc ---- 895
- Firearms or missiles capable of destroying animal life, prohibitions against, in national parks and monuments ---- 480
  - Types of firearms or missiles ---- 480

NATIONAL PARK SERVICE—Continued Page
National parks, monuments, historic sites, etc.:
Grand Teton National Park; fishing 1556
Great Smoky Mountains National Park, acceptance by Interior Department of exclusive jurisdiction of certain lands and highways in North Carolina and Tennessee 669, 1484
Independence National Historical Park Project, administration of properties acquired for: delegation of authority to Director respecting 964
Sitka National Monument, Alaska, redefining boundaries of (Proclamation 2965) 1787
Research and investigatory programs. *See* Scientific, research, and investigatory programs.
Scientific, research, and investigatory programs and activities of National Park Service, negotiated contracts with educational institutions in connection with; authority of Director respecting 964
NATIONAL PARKS, FORESTS, MONUMENTS, ETC.:
Chicago Portage National Historic Site; designation as historic site 236
Death Valley National Monument, California and Nevada; addition of Devil's Hole, Nevada (Proclamation 2961) 691
El Morro National Monument, New Mexico, revised boundaries of 935
Everglades National Park, Florida; acceptance by Secretary of Interior of exclusive jurisdiction over area 169
Fort Raleigh National Historic Site on Roanoke Island, Dare County, North Carolina; designation as historic site 236
Great Smoky Mountains National Park, acceptance by Interior Department of jurisdiction over certain lands and highways in Tennessee and North Carolina 669, 1484
Independence National Historical Park Project, administration of properties acquired for. *See* National Park Service.
National Zoological Park, Smithsonian Institution; regulations 700
Public lands in. *See* Land Management Bureau.
Regulations respecting. *See* Forest Service; *and* National Park Service.
Sitka National Monument, Alaska, redefining boundaries of (Proclamation 2965) 1787
Virgin Islands National Historic Site, Christiansted, St. Croix, Virgin Islands; designation as historic site by Secretary of Interior 2200
NATIONAL PRODUCTION AUTHORITY:
Adversary proceedings. *See* Hearings.
Appeals Board. *See* Establishment and functions.
Compliance; hearing procedures. *See* Hearings.
Controlled Materials Plan. *See* Priorities system operation..
Delegations of authority, to various agencies or officials:
Agriculture, Secretary of; authority to process applications under NPA Order M–4A, and to make allotments and assign rating under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Substitution of Order M–100 for M–4A 1971
Army, Secretary of; authority to process applications under NPA Order M–4A, and to make allotments and assign rating under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Substitution of Order M–100 for M–4A 1971
Atomic Energy Commission; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Substitution of Order M–100 for M–4A 1971
Commerce, Secretary of; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Substitution of Order M–100 for M–4A 1971
NATIONAL PRODUCTION AUTHORITY—Continued Page
Delegations of authority, to various agencies or officials—Continued
Defense, Department of; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Authority delegated to Secretary of Defense 1971
Substitution of Order M–100 for Order M–4A 1971
Defense Materials Procurement Administrator:
Allocation and claimant responsibilities respecting certain listed metals and minerals (Delegation 5) 902
To process applications under NPA Order M–4A and to make allotments and assign ratings under CMP Regulation 6 with respect to certain construction (Delegation 14) 902, 1488
Substitution of Order M–100 for M–4A 1971
Defense Transport Administrator; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Substitution of Order M–100 for M–4A 1971
Federal Civil Defense Administrator; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 326, 1488
Substitution of Order M–100 for M–4A 1971
Federal Security Administrator; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Substitution of Order M–100 for M–4A 1971
General Services Administration; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Authority delegated to Administrator 1971
Substitution of Order M–100 for M–4A 1971
Hearing Commissioners; authority to conduct hearings, administer oaths or affirmations, issue subpoenas, and to issue suspension orders, etc 2098
Housing and Home Finance Administrator; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Substitution of Order M–100 for M–4A 1971
Interior, Secretary of; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Facilities for production and processing of certain metals and materials, deleted 901
Substitution of Order M–100 for M–4A 1971
National Advisory Committee for Aeronautics; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Petroleum Administrator for Defense; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Substitution of Order M–100 for M–4A 1971
Veterans' Affairs Administrator; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 1488
Substitution of Order M–100 for M–4A 1971
Disaster damage. *See* Priorities system operation.
Establishment and functions:
Appeals Board; organization and functions 326
Small Business, Office of; transfer of functions administered by Office to Small Defense Plants Administration together with certain personnel, records, funds, etc. (Executive Order 10323) 1145

NATIONAL PRODUCTION AUTHORITY—Continued Page

Hearings, of cases involving non-compliance with orders and regulations:
Hearing Commissioners; delegation of authority to conduct hearings, administer oaths or affirmations, issue subpoenas, and to issue suspension orders, etc 2098
Suspension orders, to withdraw or withhold priority assistance, allocations or allotments of materials, etc.:
Alside, Inc 453
American Steel and Iron Works, Inc 1159
Jones, L. A. L 1159
Kaufman, Jerome J 453
Lifewall Corp. of Akron 453
M & B Metal Products Co 2791
Pacific Tire and Rubber Co 453
State Siding and Roofing Co 453
Inventory control:
Certain listed materials (Regulation 1); certain materials subject to specific calendar day, or practical minimum working inventory limitation; rutile and non-nickel-bearing stainless steel, added to list 836
Priority orders respecting inventory limitations for specific materials. *See* Priority orders.
Priorities system operation; regulations:
See also Priority orders.
Appeals Board. *See* Establishment and functions.
Basic rules respecting DO ratings (Regulation 2); ratings for chemicals, restrictions upon use of (Direction 3) 293
Controlled Materials Plan:
Basic rules; authorization of production schedules for manufacturing operations, and procurement of materials (CMP Regulation 1):
Producers of class B products; procedure for obtaining minimum quantities of materials (Direction 1) 202, 865
Producers of controlled materials, rules applicable to; carry-over shipments made on basis of original order and customer is not to charge allotment for quarter in which shipment is made 201
Production schedules, authorization of; producers of class B products, additional provisions respecting 201
Shipments of controlled materials in fourth quarter, 1951, which were scheduled for shipment in third quarter, 1951 (Direction 7); revocation 609
Stainless steel, non-nickel-bearing; designation as non-controlled material (Direction 9) 866, 2499
Construction; rules limiting construction, methods for obtaining schedules and allotments, and procedure for use of foreign or used steel (CMP Regulation 6) 2002
Categories of construction and quantities of controlled materials for which purchase orders may be self-authorized (Table II) 2010
Controlled materials, list of (Table III) 2010
Disaster damage, materials for reconstruction or repair of (Direction 2) 2728
Jurisdiction of claimant agencies; categories of construction, etc. (Table IV) 2011
Machines, metalworking, procedure for use of ratings in acquisition of (Direction 5) 2001
Metalworking machines, construction equipment and construction machinery, items of (Table V) 2012
Recreational, entertainment, and amusement (Table I) 2009
Shipments of controlled materials in fourth quarter, 1951, which were scheduled for shipment in third quarter, 1951 (Direction 3); revocation 610
Small quantities of materials for use in construction projects, procedure for obtaining (Direction 1); revocation 2018
Water wells, procedure to be followed by drillers and prime contractors in applying for schedules for (Direction 4) 558, 1999

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priorities system operation; regulations—Continued
Controlled Materials Plan—Continued
Delivery orders, preference status of (CMP Regulation 3):
Automatic conversion of delivery orders bearing certain ratings (Direction 2); revocation 609
Orders for controlled materials during fourth quarter, 1951, certain; status of (Direction 3); revocation 609
Orders for delivery during September, 1951, status of (Direction 1); revocation 609
Distributors' deliveries of controlled materials (CMP Regulation 4) 2499
Maintenance, repair and operating supplies and minor capital additions under Controlled Materials Plan (CMP Regulation 5):
List of materials to which allotment symbol MRO or rating DO–MRO may not be applied or extended (Schedule I); printing plates, added to list 2658
Materials, specified; acquisition of certain materials as MRO regardless of established accounting practice (Director 1) 2658
Repair parts and materials for repairmen (CMP Regulation 7); amount of controlled materials a repairman may buy, copper wire mill products not to exceed certain amount of that used in calendar year 1950 work, including installation work 1216
Priority orders:
Aluminum:
Distributors; rules for accepting, filling and placing orders, and obtaining replacement of stock (M–88):
Definitions; aluminum wrought forms and shapes 827
Distributors who operate more than one warehouse; election to treat as one or several distributors may not be thereafter changed without authorization 827
Obtaining aluminum; orders placed with consumer unable to use them for purpose permitted by CMP Regulation 1 827
Foil, converted; restrictions for use of, in certain containers or packaging material (M–67) 2762
See also Containers and closures.
List of products with limitations as to use of aluminum foil converted for packaging (Schedule I) 2764
Rules for placing, accepting and scheduling rated orders (M–5) 762
Order acceptance (Direction 1); revocation 764
Reservation of fourth quarter, 1951, production (Direction 2); revocation 764
Shipments on and after October 1, 1951 (Direction 3); revocation 764
Use by electric utilities. *See* Electric utilities.
Use of, in certain consumer durable goods and related products. *See* Metals.
Asbestos fibre. *See* Fibre, chrysolite asbestos.
Automobile wreckers; required inventory report, limitations on acceptance of delivery of motor vehicles or car-units, and certain other requirements (M–92) 2658
Second 3-month period to begin on April 1, 1952 1762
Automobiles. *See* Passenger cars.
Batteries, starting, lighting, and ignition electric storage; prohibition of manufacture or rebuilding certain batteries, and requirements for distribution (M–93); revocation 1721
Bismuth; deliveries, uses, inventories and limitations on acceptance of rated orders (M–48) 478
Brass mill products. *See* Copper and copper-base alloy.
Butyl. *See* Rubber.
Cabrettas. *See* Hides and skins.
Cadmium; deliveries from producer or distributor, inventory controls, and purposes for which listed products containing cadmium may be produced (M–19) 2226
Calfskins. *See* Hides and skins.

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Cans, tin plate, terneplate, and black plate:
Restrictions upon acceptance, delivery and uses of cans, and specifications for listed products (M–25) 722
Definitions; tin plate 2228
Determination of adjustment (Direction 1); revocation 25
Determinations of adjustment for 1952 (Direction 3) 25
Exceptions; special allotments of can materials 2228
Used cans (tin plate, terneplate, or black plate); making supply available to copper producers and limiting deliveries in certain areas (M–98) 1473
Cars, passenger. *See* Passenger cars.
Cattlehides. *See* Hides and skins.
Chemical wood pulp. *See* Wood pulp, chemical.
Chemicals:
Allocation of chemicals and allied products (M–45):
Appendix A materials:
Plastic type nylon (Schedule 4); revocation 477
Poly tetra-fluor ethylene (Schedule 2); revocation 1613
Appendix B materials:
Methyl chloride (Schedule 8); revocation 477
Sulfuric acid (Schedule 3); revocation 25, 1827
Chlorine. *See* Chlorine.
Ratings for chemicals; restrictions upon use (Regulation 2, Direction 3) 293
Sulphuric acid:
Allocation. *See* Allocation: Appendix B materials.
Distribution by producers (M–94) 31, 1825
Chlorine; rules for placing, accepting and scheduling rated orders (M–31), redesignation 203
Public health chlorine:
Orders for; deliveries to consumers during 1952 203
Sources of supply; orders for delivery in 1952 203
Supply to distributors; purchases for 1952 203
Closures made of aluminum or tin plate. *See* Containers and closures.
Construction:
Controlled Materials Plan for. *See* Priorities system operation, *above*.
Limitation on construction and use of certain critical materials in (M–4A):
Delegation of authority to various agencies or officials to process applications under M–4A and to make allotments and assign ratings under CMP Regulation 6 (Delegation 14) 326, 901, 1487
Revocation 2001
Residential construction; limitations on construction or alteration of residential structures and restrictions on use of controlled materials (M–100) 2012
Delegation of authority to various agencies or officials to process applications under M–100 and to make allotments and assign ratings under CMP Regulation 6 (Delegation 14) 1971
Consumer durable goods, use of controlled materials in. *See* Metals.
Containers and closures:
Glass containers, simplification and use of (M–51); revocation 26
Simplified designs (Schedule I); revocation 26
Metal strappings for shipping containers. *See* Strappings.
Packaging closures made of aluminum or tin plate; restrictions on use (M–26) 560
Limitation on inventory (Interpretation 1); revocation 562
Schedule I; maximum tin coatings for closures for certain products 562
Schedule II; quantity limitations for aluminum closures for certain products 562
Controlled Materials Plan. *See* Priorities system operation.
Copper and copper-base alloy:
Brass mill products; distribution to distributors (M–82) 1469
Consumer goods, certain, and related products, use of copper in. *See* Metals.

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Copper and copper-base alloy—Continued
Producers, supply of used cans for. *See* Cans.
Rules for placing, accepting and scheduling rated orders (M–11) 765
Order acceptance (Direction 2); revocation 766
Powder mill products and foundry copper and copper-base alloy products, procedure for distributors to obtain (Direction 5) 767
Production and shipment to fill orders calling for delivery after October 1, 1951 (Direction 4); revocation 766
Reservation of fourth quarter, 1951, production (Direction 3); revocation 766
Use by electric utilities. *See* Electric utilities.
Use by repairmen; Controlled Materials Plan. *See* Priorities system operation.
Use in lighting fixtures. *See* Lighting fixtures.
Wire mill products, distribution of (M–86) 1471
Cryolite; limitations on purchases and inventories (M–99) 1854
Deerskins. *See* Hides and skins.
Diamonds and materials:
Diamond crushing bort, diamond powder or dust, and unreclaimed diamond material; required monthly reports by importers, dealers, consumers, reclaimers, and other holders (M–102) 2229
Wheels, diamond grinding; restrictions on users and manufacturers (M–103) 2230
Electric utilities; procurement and use of materials by (M–50):
Aluminum (Appendix A); quotas 1217
Copper (Appendix B); quotas 1217
Steel (carbon, alloy, stainless) (Appendix C, D, E); quotas 1217
Export, procedure to meet requirements for MRO supplies for; exporters' quotas (M–79) 1996
Fibre, chrysotile asbestos; prohibitions and limitations on use of spinning grades (M–96) 562
Glass containers. *See* Containers and closures.
Goatskins. *See* Hides and skins.
Hides and skins:
Cattlehides, calfskins and kips, allocation of; prohibition of sales or deliveries prior to March 15, 1951, and required reports on hides tanned during calendar year 1950 (M–35); revocation 1613
Horsehides, horsehide parts, goatskins, cabrettas, sheepskins, sheepskin parts, shearlings, kangaroo skins, and deerskins, restrictions on tanning, sale and use (M–62) 26
Revocation 1613
Horsehides and parts. *See* Hides and skins.
Iron and steel:
Alloying materials and alloy products, requirements for melters and processors of, and authorization of melting or processing schedules (M–80) 2178
See also Stainless steel, non-nickel-bearing.
Nickel-bearing stainless steel, high nickel alloy, and nickel silver; list of prohibited products (Schedule A) 2569
Distributors; requirements regarding shipments, and identification and acceptance of purchase orders (M–6A) 1760
Earmarked stocks—aircraft quality alloy steel products (Schedule 1) 1469
Earmarked stocks—oil country casing, oil country tubing, and oil country drill pipe (Schedule 2) 24
Industrial steel and merchant trade steel products (List A) 1762
Purchase orders bearing certain allotment symbols, treatment of (Direction 1) 657
Distributors, rules to assist in obtaining supplies of steel for carrying out normal functions (M–6); revocation 24
Authorized controlled materials orders during third quarter, 1951, allotments, and tonnage and item limitations (Direction 1); revocation 24
Flood damaged area relief (Direction 3); revocation 24
Required shipments of alloy or stainless steel (Direction 2); revocation 24

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Iron and steel—Continued
Foreign or used steel; Controlled Materials Plan for procedure for use in construction. *See* Priorities systems operation, *above*.
Requirements concerning production, authorization for production and certain reports, and provisions respecting orders and deliveries (M–1) 1051
Authorized controlled materials orders during third quarter, 1951; allotments for conversion, production limitations, and precedence of DO and ACM orders for September 1951 tonnage (Direction 1), revocation 1055
Lead time, required filling of orders, required converter and distribution allotments of stainless and alloy, carryover (Direction 2); revocation 1055
List of products to which order applies (Table I) 1054
Order acceptance, set-aside cancellation (Dition 3); revocation 1055
Tonnage reservation (Direction 4); revocation 1055
Scrap; allocation and inventory limitation (M–20) 921
Stainless steel, non-nickel-bearing:
Designation as non-controlled material (CMP Regulation 1, Direction 9) 866, 2499
Inventory control 866
Use of steel by electric utilities. *See* Electric utilities.
Use in manufacture and assembly of consumer durable goods (M–47):
See also Metals.
Revocation 732
Kangaroo skins. *See* Hides and skins.
Kips. *See* Hides and skins.
Lead; limitations on inventories (M–38) 1896
Lighting fixtures; limitations on use of copper (M–97) 1127
Machines and machinery:
Controlled Materials Plan respecting construction. *See* Priorities system operation, *above*.
Metalworking machines, certain used and imported; reporting of inventory (M–101) 2059
Marine maintenance, repair and operating supplies, and minor capital additions (M–70): first calendar quarter, 1952, and increase in cost limitation 24
Metals (iron, steel, copper, and aluminum), use of, in certain consumer durable goods:
To prohibit use of copper and aluminum for certain ornamental, decorative, nonfunctional and nonoperational purposes (M–47A):
Filing of CMP–4B application forms covering manufacture during fourth quarter of products subject to NPA Order M–47A (Direction 1); revocation 26
Status of adjustments granted under NPA Orders M–47, M–7 and M–12 (Direction 2); revocation 26
To provide for flexibility in production and to prohibit use of copper and aluminum for certain ornamental and decorative purposes (M–47B):
Authority to use allotments of controlled materials to produce other products 448
Furniture, fixtures, morticians' goods, domestic appliances, lamps, fans, lawnmowers, tinware, cutlery, silverware, fabricated products, musical instruments, jewelry, smokers' articles, etc. (Schedule I) 448, 478
Metalworking machines. *See* Machines and machinery.
Mining industries; priorities for obtaining MRO material for maintenance repair and operating supplies and capital additions (M–78), "Defense Materials Procurement Agency" substituted for "Defense Minerals Administration" 922
Molybdenum. *See* Tungsten, pure, and molybdenum.

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Passenger cars:
See also Automobile wreckers.
Limitation on use of controlled materials in manufacture of (M–68):
Revocation 2279
Scope of order 24
Petroleum and gas industries; foreign petroleum operations, priorities assistance for obtaining material for construction operations, maintenance, repair, operating supplies, and laboratory equipment (M–46A):
Construction operation; definition 2673
Schedule II; list of controlled materials, additions to 2673
Poly tetra-fluor ethylene. *See* Chemicals.
Printing plates; Controlled Materials Plan for maintenance, repair and operating supplies. *See* Priorities system operation.
Railroad transportation equipment; information pertaining to production or delivery (M–95) 157
Products covered (locomotives, freight cars, industrial cars, etc.) (Schedule A) 157
Rubber; distribution, use and allocation of natural and synthetic rubber for tires, tubes, camelback, and various household and industrial products and equipment (M–2) 2660
Butyl; list of agency programs for which additional quantities of butyl can be made available (Appendix B) 2673
Importation and purchase of natural rubber; private importation of natural rubber crepe soles, prohibited (Int. 1) 762
Limitations on production of tires and tubes and certain industrial products (belts, hose, wire and cable) (Supp. 1); revocation 203
Products subject to simplification and manufacturing specifications as provided in section 13 (Appendix A) 1127, 2663
Purchase and allocation of synthetic rubber:
Limitation on purchase of GR–S; purchase for export pursuant to license, "validated", deleted 1721
Limitations on inventory of GR–S and butyl 1127
Rubber product requirements and limitations; limitation on high-tenacity rayon for rubber products 1127
Selenium; conservation and distribution, and prohibitions for delivery and use (M–91), restrictions on delivery and use 1898
Shearlings. *See* Hides and skins.
Sheepskins and parts. *See* Hides and skins.
Skins. *See* Hides and skins.
Steel. *See* Iron and steel.
Strappings, metal, for use on shipping containers; limitations on inventories and restrictions on use (M–59); revocation 2615
Sulfur, conservation of; restrictions on use and prohibitions on deliveries (M–69) 28, 1824
Sulfuric acid. *See* Chemicals.
Tanning materials, vegetable; restrictions on use (M–57) 2673
Tin plate and terneplate:
Permitted uses (M–24) 1939
Additional permitted uses (Schedule B) 1942
List of products in which use of tin materials permitted (Schedule A) 1941
Use in cans. *See* Cans.
Use in packaging closures. *See* Containers and closures.
Transportation equipment, railroad. *See* Railroad transportation equipment.
Tungsten, pure, and molybdenum; conservation, distribution and use (M–81) 1938
Wells, water; Controlled Materials Plan for obtaining minerals. *See* Priorities system operations, *above*.
Wheels, diamond grinding. *See* Diamonds and materials.
Wire mill products, copper. *See* Copper and copper-base alloy.
Wood pulp, chemical, limitations on inventories and consumption of (M–72) 29, 2175
Wreckers, automobile. *See* Automobile wreckers.
Yarn; chrysotile asbestos fibre. *See* Fibre.

NATIONAL PRODUCTION AUTHORITY—Continued Page
Priority orders—Continued
Zinc:
Distribution, prohibitions on certain deliveries and limitations on use (M–9) 2057
Scrap; acceptance, delivery and distribution (including toll agreements, etc.), and accumulation (M–37); revocation 2059
Use in civilian economy (M–15); revocation 2059
Small Business, Office of; transfer of functions administered by Office to Small Defense Plants Administration together with certain personnel, records, funds, etc. (Executive Order 10323) 1145
Surplus Manpower Committee, representation on 1196
Suspension orders, issuance of, to various firms, after hearings on noncompliance with regulations and orders. *See* Hearings.
Violations. *See* Hearings.

NATIONAL SHIPPING AUTHORITY:
Agents, general agents, and berth agents:
Certificate of ownership and operation for vessels operated under general agency agreement 32
Compensation for services rendered in connection with Service Agreement GAA, 3–19–51:
Agents, general agents, berth agents, compensation payable to 2615
General agents' compensation; redesignation and revision 2615
General agents:
Authority of, to enter into agreement with American Merchant Marine Library Association to furnish GAA vessels with library books 2182
Compensation of, for services rendered in connection with Service Agreement GAA, 3–19–51 2615
Library service, for GAA vessels; authority of general agents to enter into agreement with American Merchant Marine Library Association respecting 2182
Brokerage commissions applicable to NSA vesels 33, 203
Certificate of ownership and operation for vessels operated under general agency agreement 32
Commissions, brokerage, maximum, payable for servicing of voyage charter parties covering cargoes carried by vessels operated for NSA 33, 203
Renegotiation; compensation paid or payable subject to 33
Compensation for agents, general agents, and berth agents. *See* Agents, general agents, and berth agents.
Insurance, marine protection and indemnity, instructions under general agency and berth agency agreements; vessels insured and terms of insurance:
C1–M–AV1 type cargo vessels 610
S. S. "LaGuardia" 610
S. S. "Washington" 610
Termination date, revised 610
Library service, for GAA vessels; authority of general agents to enter into agreement with American Merchant Marine Library Association respecting 2182
Renegotiation Act of 1951; applicability to brokerage commissions for servicing of NSA vessels 33
Transportation of grain in bulk between United States ports (Atlantic, Gulf, or Pacific Coast) and various countries under "Warshipvoy" charter; rates, terms, and conditions required:
Eire 1614
Northern Ireland 1614
United Kingdom 1614
Vessels operated under general agency agreement; certificate of ownership and operation 32

NATIONAL ZOOLOGICAL PARK. *See* Smithsonian Institution.

NAVIGATION LAWS AND REGULATIONS:
Airways. *See* Civil Aeronautics Administration; *and* Civil Aeronautics Board.
Waterways. *See* Coast Guard; *and* Customs Bureau.

NAVY DEPARTMENT:
Acting Secretary; order of succession to position in case of death, disability, or absence of Secretary of Navy (Executive Order 10332) 2083
Aircraft danger areas over military installations, designation in coordination with Navy. *See main heading* Civil Aeronautics Administration.

NAVY DEPARTMENT—Continued Page
Authority, delegation of, to Secretary:
From Chairman of Munitions Board, to reschedule delivery of DO-rated materials required in support of Department of Defense Ships Program (A–3) 213
From Secretary of Defense; to eliminate excessive profits under Renegotiation Act of 1948 1065
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 1145
Employees, civilian; designation of Secretary by Secretary of Defense to exercise certain powers, functions and duties respecting Social Security Act amendments of 1950 pertaining to 615
Library, medical, Armed Forces; establishment in Defense Department 2084
Medal for Humane Action, award for meritorious participation in military effort to supply necessities of life to people of Berlin (Executive Order 10325) 1239
Medical library, Armed Forces; establishment in Defense Department 2084
Organization; Bureau of Supplies and Accounts 2093
Renegotiation Act of 1948; authority to Secretary from Secretary of Defense to eliminate excessive profits under 1065
Secretary of Navy:
Acting Secretary; order of succession to position in case of death, disability, or absence of Secretary of Navy (Executive Order 10332) 2083
Delegations of authority to Secretary. *See* Authority, delegation of, *above.*
Order of succession to position of Acting Secretary of Defense in case of death, disability, or absence of Secretary of Defense (Executive Order 10332) 2083
Ships program, delivery of materials required in support of; authority to reschedule (DO–A3) 213
Social Security Act amendments of 1950; designation by Secretary of Defense to exercise certain powers, functions and duties respecting, pertaining to civilian employees of Department 615
Succession to position of Acting Secretary of Defense in case of death, disability, or absence of Secretary of Defense (Executive Order 10332) 2083

OIL AND GAS. *See* Petroleum and petroleum products.

OLD-AGE AND SURVIVORS INSURANCE BUREAU:
Federal old-age and survivors insurance; regulations effective after August 1950 (Reg. 4):
Benefits and lump-sum payments:
Basic computation; editorial changes and corrections 989, 1357
Evidence as to right to benefits and lump-sum payments; editorial changes and corrections 989
Insurance benefits; editorial changes and corrections 989
Definitions; editorial changes and corrections 989, 1357
Family relationships; editorial change and correction 989
Records of wages and self-employment income, maintenance and revision of; editorial change and correction 989
State and local governments, coverage of employees of; editorial changes and corrections 989

OVERTIME COMPENSATION, for customs employees; rate for night service. *See* Customs Bureau.

P

PANAMA CANAL COMPANY:
Authority, delegation of, to President of company by General Services Administrator to procure supplies and services for use of Panama Canal Company and Canal Zone Government 1672
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 1145
Postal regulations for Canal Zone. *See main heading* Post Office Department.
Procurement of supplies and services for use of Company and Canal Zone Government; authority of President of Panama Canal Company respecting 1672

PANAMA, ISTHMUS OF, all civil service positions in (with certain exceptions) excepted from competitive service (Schedule A) ---- Page 1145

PANAMA, Republic of, Claims Convention between United States and; special rules for claims under Articles I and II (c), time within which claims may be filed, extended ---- 1517

PATENT OFFICE:

Appeals, rules of practice. *See* Trade-mark cases.

Authority, delegation of, from Secretary of Commerce respecting functions under Invention Secrecy Act of 1951 providing for withholding of certain patents detrimental to national security ---- 1361

Coatings, protective and decorative, classification for trade-mark purposes; formerly classified as "paints and painters' materials" ---- 1218

Invention Secrecy Act of 1951; delegation of functions relating to Commissioner ---- 1361

Paints and painters' materials. *See* Coatings, protective and decorative.

Trade-mark cases:

Forms for trade-mark cases; application for registration, Principal Register:

By corporations ---- 1219

By firms ---- 1219

By individuals ---- 1218

Rules of practice:

Appeals:

Appeal to Commissioner from decision of Examiner of Interferences ---- 1218

Time and manner of ex parte appeals ---- 1218

Application, written:

Statement requirements, when more than one item of goods is specified ---- 1218

Supplemental Register; registration without full year's use of mark ---- 1218

Attorneys for applicants, correspondence with ---- 1218

Classification:

Applications may be combined; issuance of consolidated certificate ---- 1218

Goods and services; paints and painters' materials, class changed to read "protective and decorative coatings" ---- 1218

Federal label approval; labels for wines and alcoholic liquors approved by Alcohol Tax Unit, Bureau of Internal Revenue ---- 1218

Interferences; motions to dissolve interference, oral hearings and briefs respecting ---- 1218

Opposition; notice filed by attorney ---- 1218

PATENTS:

Electrical communications services, patents used in. *See* Federal Communications Service.

Invention Secrecy Act of 1951; functions of Commissioner of Patent Office respecting ---- 1361

Property of foreign nationals. *See* Alien Property, Office of.

PAY, COMPENSATION, ETC.:

See also Wages and hours.

Compensation of certain personnel without regard to numerical limitations on positions in certain grades:

Assistant General Counsel, Treasury Department (Reorganization Plan No. 1 of 1952) ---- 2243

Internal revenue officers, certain, appointed by Secretary of Treasury (Reorganization Plan No. 1 of 1952) ---- 2243

Foreign duty of Government employees; compensation for designated posts. *See* State Department.

Increase in annual aggregate salaries permitted for certain positions in entire executive civil service, and Navy Department ---- 1145

Overtime compensation for customs employees; rate for night service. *See* Customs Bureau.

Veterans, subsistence allowances for. *See* Veterans' Administration.

PENSIONS AND PROFIT-SHARING. *See* Wage Stabilization Board.

PETROLEUM ADMINISTRATION FOR DEFENSE:

Construction; delegation of authority to Administrator from National Production Authority, to process applications under NPA Order M–4A and to make allotments and assign ratings, under CMP Regulation No. 6 with respect to construction facilities for production and distribution of petroleum, gas, industrial chemicals, etc ---- 1488

Substitution of Order M–100 for M–4A ---- 1971

PETROLEUM ADMINISTRATION FOR DEFENSE—Con. Page

Heating oil, requests for assistance in obtaining delivery of additional supplies of, to East Coast, instruction respecting ---- 1521

List of participating supply companies (Appendix A) ---- 1522, 1661

Products of petroleum and gas origin:

Heating oil, requests for assistance in obtaining delivery of additional supplies of, to East Coast, instruction respecting ---- 1521

List of participating supply companies (Appendix A) ---- 1522, 1661

Limitation on use of automotiye tetraethyl lead fluid (Motor Fuel Anti-knock Compound) by petroleum refiners in interest of national defense and military aviation gasoline program; revision of order respecting ---- 1505

Tetraethyl lead fluid, automotive (Motor Fuel Anti-knock Compound); limitation on use by petroleum refiners in interest of national defense and military aviation program, revision of order respecting ---- 1505

PETROLEUM AND PETROLEUM PRODUCTS:

Coastal lands, oil and gas operations in submerged coastal lands of Gulf of Mexico; continuation of operations to and including March 31, 1952 ---- 43

Foreign petroleum operations, priority assistance for. *See* National Production Authority.

Heating oil, supplies of. *See* Petroleum Administration for Defense.

Importation of, tariff rate quota:

Allocating tariff quota under Venezuelan Trade Agreement with respect to Venezuela, Netherlands and other foreign countries (Proclamation 2959) ---- 185

Customs regulations. *See* Customs Bureau.

Liquefied petroleum gases; transportation on tank ships and barges. *See* Coast Guard.

Petroleum Administration for Defense ,orders, etc., respecting products of petroleum and gas origin. *See* Petroleum Administration for Defense.

Petroleum oil foots, tariff classification. *See* Customs Bureau.

Price control regulations respecting. *See* Price Stabilization, Office of.

Priority orders respecting. *See* National Production Authority.

PHILIPPINE ALIEN PROPERTY ADMINISTRATION, OFFICE OF:

Regulations:

Superseded by Rules of Office of Alien Property, June 29, 1951 ---- 62

Termination, and revocation of chapter ---- 62

PHILIPPINES:

Claims of beneficiaries of Philippine Scouts. *See* Veterans' Administration.

Property or interests in; vesting orders. *See* Alien Property, Office of.

PORTS OF ENTRY. *See* Immigration and Naturalization Service; *and* Customs Bureau.

POST OFFICE DEPARTMENT:

Accounts, settlement of, legal proceedings and compromises; claims against United States, United States as defendant, jurisdiction of courts of appeal ---- 2282

Armed forces; postal regulations respecting A. P. O.'s ---- 2282, 2623

Bureau of Facilities. *See* Department and Postal Service.

Canal Zone; indemnity for loss, rifling, etc., of mails exchanged with. *See* Registry system, insurance and collect-on-delivery services.

Claims:

For damage and losses, functions of Solicitor respecting. *See under* Department and Postal Service.

Settlement of claims against United States. *See* Accounts, settlement of.

Collect-on-delivery service. *See* Registry system, insurance and collect-on-delivery services.

Contracts, supply. *See* Department and Postal Service.

Copyrights, publications for; free matter in mails. *See* Domestic mail matter.

POST OFFICE DEPARTMENT—Continued Page

Delivery service, rural; patrons' boxes, concerns authorized to manufacture and sell, Fawsco Mfg. Division, Falls Stamping and Welding Co., added to list 481

Department and Postal Service:
Establishment and organization of Post Office Department:
Bureau of Facilities, Divisions of:
Buildings Management, Division of 233
Cartography, Division of 233
Federal Building Operations, Division of; deletion 233
Motor Vehicle Service, Division of; deletion 233
Topography, Division of; deletion 233
Vehicle Service, Division of 233
Joint Committee on Postal Service; redesignation, editorial note 1505
Postmaster General, Office of; Solicitor for Department is charged with duty of consideration, settlement and certification of claims for damages and submission to Postmaster General of claims of postmasters for losses 480

Supply contracts, service property:
Property:
Postmaster General to contract for envelopes for all Government departments, subject to applicable regulations under Federal Property and Administrative Service Act of 1949 481
Sale of unsuitable airplanes and aviation materials; rescission 481
Purchasing and Purchasing Agent:
Board of inspection 1556
Invoices; copy of Postmaster General's journal sent to Purchasing Agent, deletion of provisions respecting 1556

Domestic mail matter:
Classification and rates of postage:
Customs declarations required on parcels addressed to Guam; rescission 1556
Mailing of cigarettes and tobacco products at A. P. O.'s; rescission 2283
Parcels addressed to certain A. P. O.'s 2282
Size and weight limit 2623
Free matter in mails, publications for copyright; when copyrights not to subsist, Government publications 2282
Insurance and collect-on-delivery services. *See* Registry system, insurance and collect-on-delivery services.
Several classes of mail matter, provisions applicable to:
Matter liable to damage mails or injure person, preparation and packing where admissible:
Air-mail service, prohibited matter; safety matches added to list 1556
Containers, packing, closures, labeling and indorsements; general requirements 2190
Inflammable substances:
Flammable liquids (nontoxic) in polyethylene bottles 2186
Matches 2186
Nitrate of soda and potassium 2186
Packing and marking 2186
When mailable 2185
Motion-picture films; amateur roll film (nitrate) 2187
Nonintoxicating, noninflammable, and noninjurious matter, mailable:
Cutting edges, return postage guarantee on matter containing 2187
Fire extinguishers and other cylinders containing compressed gas or acid not mailable, with certain exceptions 2187
Safety-razor blades 2187
Nonmailable articles and compositions; matter of harmful nature, list of 2184
Special packing of certain matter:
Fragile articles 2187
Gallon bottles 2187
Hardware items, heavy 2190
In bottles of more than 16 ounces; redesignation 2187
In metal containers; redesignation 2187

POST OFFICE DEPARTMENT—Continued Page

Domestic mail matter—Continued
Several classes of mail matter, provisions applicable to—Continued
Matter liable to damage mails or injure person, preparation and packing where admissible—Continued
Special packing of certain matter—Continued
Polyethylene bottles, good quality 2187
To be marked "fragile"; redesignation 2187
Television picture tubes (cathode ray); rescission 2187
Weight and size limit, first-class matter; note, deletion of "size and" 2282
Guam, parcels addressed to. *See* Domestic mail matter.
Hearings. *See* Procedures and forms.
Insurance services. *See* Registry system, insurance and collect-on-delivery services.
International postal service:
Importations by mail; requirements of Customs Bureau. *See main heading* Customs Bureau.
Postage rates, service available, and instructions for mailing:
Parcel post, prohibitions; licenses covering shipments of firearms or parts thereof, implements of war and other nonexplosive munitions of war 659
Registry service, special provisions applicable to:
Matter admissible to international registered mails; declaration of value:
Paragraph caption amended 2282
Value to be declared at time of mailing 2282
Preparations for mailing:
Declaration of value by mailer 233
General instructions; renumbered 233
Regular (Postal Union) mails; general information and instructions:
Printed matter; preparation for mailing 659
Small packets:
Acceptable; additions to list of countries 2394
Not acceptable; deletions from list of countries 2394
Special delivery (Exprès) service, now in force; additions to list of countries 2394
Various countries, conditions applicable to service in:
Ceylon, parcel post; table of rates, air parcels 2394
Colombia, regular mails; observations, commercial invoices for shipments of books 2624
Denmark, parcel post; insurance, limit of indemnity 2623
Germany:
Parcel post:
Observations 660
Prohibitions:
Articles prohibited in regular mails also prohibited in gift or commercial parcels 660
Gift parcels to Western zone may not contain tobacco or products, cigarette papers or saccharine 660
Regular mails, prohibitions; shotguns and other weapons for hunting use, admitted if addressee possesses import permit 660
Gilbert and Ellice Islands Colony (Fanning, Washington, Christmas, Ocean, Gilbert, and Ellice Islands); parcel post, table of rates 1763
Gold Coast Colony (including Ashanti, British Togoland, and Northern Territories), parcel post; observations, import licenses necessary in most cases 2282
Greece (including Crete and Dodecanese Islands); parcel post, observations:
Exemption from duty granted for certain gifts 2624
Redesignations 2624
Iceland, parcel post; insurance, limit of indemnity 2623
Indonesia; parcel post, table of rates, customs declaration, number 3 Form 2966 234
Israel (State of):
Parcel post, prohibitions, for sanitary reasons; certain pharmaceutical preparations 1763

POST OFFICE DEPARTMENT—Continued — Page

International postal service—Continued
Postage rates, service available and instructions for mailing—Continued
Various countries, conditions applicable to service in—Continued
Israel (State of)—Continued
Regular mails, observations; mail for that part of Jerusalem under Israeli control should show "Israel" or "State of Israel" as destination 1763
Italy (including Republic of San Marino), regular mails, prohibitions; list of articles admissible as samples of merchandise, weight limits up to 200 grams, additions to list 660
Kenya and Uganda, regular mails; classifications, rates, etc., small packets accepted 2394
Morocco, Tangier (International Zone); parcel post, table of rates, air parcels 1764
Norway (including Spitsbergen); parcel post:
Insurance; limit of indemnity 2624
Observations; import licenses required for gift parcels exceeding value of 200 kroner (about $28), and limitations on amount of coffee and sugar in license-free gift parcels 1764
Portugal; regular mails, prohibitions include articles also restricted as parcel post 234
Saudi Arabia (Kingdom of); regular mails, prohibitions, articles whose value exceeds 25 gold francs ($8.17) are admitted at risk of sender and must be registered 234
Sweden, parcel post; insurance, limit of indemnity 2624
Syria, parcel post; table of rates for air parcels, note 660
Tanganyika Territory; regular mails:
Classifications, rates, etc.; small packets accepted 2394
Special delivery 2394
Yugoslavia, parcel post; observations:
Gift parcels exempt from customs duties:
Marking of gift parcels; "Gift-Poklon" 2282
Parcels containing only food, clothing and reasonable quantities of medicine 2282
Streptomycin requires approval 2282
Prohibition respecting clearance of other parcels; rescission 2282
Zanzibar and Pemba, regular mails; classifications, rates, etc., small packets accepted 2394
Treatment of mails, international reply coupons, and disposition of foreign dead matter:
International reply coupons; rate of exchange in postage stamps for coupons of Universal Postal Union shall be 5 cents, and for the Postal Union of the Americas and Spain shall be 3 cents 481
Treatment of mails, at delivery offices; foreign matter, cross references for registered and special delivery matter and advertising of nondelivered letters 481
Joint Committee on Postal Service. *See* Department and Postal Service.
Organization. *See* Department and Postal Service.
Procedures and forms; procedures of Post Office Department, before Postmaster General under Administrative Act:
Appeal from initial decision:
Notice of intention to appeal to be filed with Postmaster General 1130
Time limit for filing notice of appeal 1130
Application for modification or revocation of orders; additional provisions respecting contents of application 1130
Continuances 1129
Hearing examiners; proceedings instituted shall be assigned to hearing examiner by Chief Hearing Examiner 1129
Hearings 1129
Notice of hearing 1129
Offices, business hours 1129
Proposed findings and conclusions 1129
Service of complaint and notice of hearing, Chief Hearing Commissioner to handle duplicate copies of 1129

POST OFFICE DEPARTMENT—Continued — Page

Registry system, insurance and collect-on-delivery services:
Domestic insurance and collect-on-delivery services; indemnity:
Collect-on-delivery mail, scope; localities where c. o. d. articles may be mailed at and addressed to, Wake Island, added 1556
Indemnity for loss, rifling, or damage; when indemnity to be paid and when not:
Any matter exchanged between post offices in United States and post offices in Canal Zone, with certain exceptions 1557
Any matter not rightfully in mails, not lost, etc., while in custody of Postal Service, or for which other compensation has been made 1557
Consequential loss or cost of repairs to article resulting from nondelivery, wrong delivery, delay, etc 1557
Fragile articles damaged regardless of manner in which packed 1557
Incandescent lamps, radio tubes, etc., damaged, but where glass bulbs are intact 1557
Live baby chicks, honey bees and harmless live animals; unless death is attributable to fault of Postal Service 1557
Loss, rifling or damage to article before acceptance or after proper delivery 1557
Matter mailed in execution of any fraudulent scheme or enterprise 1557
Perishable matter, spoiling or deterioration of because of delays beyond control; indemnity may be paid under certain circumstances 1557
Remailed articles after proper delivery, unless article was reinsured and the loss, etc., occurred in Postal Service 1557
Suitcases, handbags, etc., abrasion, scarring or scraping of; unless articles were adequately wrapped 1557
Treatment of registered matter at post offices of delivery:
Registered mail known to be undeliverable, treatment of 2283
Undelivered and refused registered matter; immediate return of certain matter 2283
Rural delivery service. *See* Delivery service, rural.
Supply contracts. *See* Department and Postal Service.
Transportation of mails; star, steamship and steamboat routes, and vehicle service in cities, record of proposals for contract service 481
Treatment of mails. *See* Registry system; *and* International postal service.
Wake Island; collect-on-delivery mail. *See* Registry system, insurance and collect-on-delivery services.

POWER SITE CLASSIFICATIONS. *See* Geological Survey.

PRESIDENT, THE:
Executive orders, proclamations, reorganization plans, etc. *See main heading* Presidential documents.
President's Commission on Health Needs of Nation; establishment, membership, and functions (Executive Order 10317) 57

PRESIDENTIAL DOCUMENTS:
Agriculture Department; transfer of certain lands acquired or administered under Bankhead-Jones Farm Tenant Act to Interior Department (EO 10322) 855
Air carrier, labor dispute involving. *See* National Mediation Board.
Air Force:
Acting Secretary; order of succession to position in case of death, disability, or absence of Secretary of Air Force (EO 10332) 2083
Medal for Humane Action, award for meritorious participation in military effort to supply necessities of life to people of Berlin (EO 10325) 1239
Alaska:
Selective Service, civilian work in lieu of induction (EO 10328) 1645
Sitka National Monument, redefining boundaries of (Proc. 2965) 1787

PRESIDENTIAL DOCUMENTS—Continued Page

Armed Forces Day, 1952 (Proc. 2966) 2587
Armed Services, Senate Committee on; inspection of tax returns in connection with Federal elections (EO 10316) 1
Army Department:
Acting Secretary; order of succession to position in case of death, disability, or absence of Secretary of Army (EO 10332) 2083
Medal for Humane Action, award for meritorious participation in military effort to supply necessities of life to people of Berlin (EO 10325) 1239
United States Military Academy; exemption of Frederick C. Mayer, organist and choirmaster, from compulsory retirement for age (EO 10334) 2741
Boundary and Water Commission, International. *See* International Boundary and Water Commission, United States and Mexico.
Cancer control month, 1952 (Proc. 2967) 2649
Civil service:
Appointment:
Under classified civil service of certain internal revenue officers, and assistant general counsel of Treasury Department (Reorganization Plan No. 1 of 1952) 2243
Without regard to civil service laws; Executive Director of Missouri Basin Survey Commission (EO 10318) 133
Classified service, appointment of Assistant General Counsel, Treasury Department, and certain internal revenue officers under (Reorganization Plan No. 1 of 1952) 2243
Compensation without regard to numerical limitations on positions in certain grades:
Assistant General Counsel, Treasury Department (Reorganization Plan No. 1 of 1952) 2243
Internal revenue officers, certain, appointed by Secretary of Treasury (Reorganization Plan No. 1 of 1952) 2243
Retirement; exemptions from compulsory retirement for age:
Lawson, Lawrence M., United States Commissioner on International Boundary and Water Commission, United States and Mexico; further exemption from compulsory retirement (EO 10320) 693
Mayer, Frederick C., United States Military Academy (EO 10334) 2741
Perkins, Frances, Civil Service Commission (EO 10330) 1875
Pyke, Bernice, Collector of Customs for Customs Collection District No. 41; further exemption from compulsory retirement (EO 10333) 2705
Transfer of personnel to Small Defense Plants Administration from Commerce Department (EO 10323) 1145
Civil Service Commission; exemption of Frances Perkins from compulsory retirement for age (EO 10330) 1875
Commerce Department:
See also National Production Authority.
Small Business, Office of, National Production Authority; transfer of functions administered by Office to Small Defense Plants Administration, together with certain personnel, records, funds, etc., relating thereto (EO 10323) 1145
Committees, boards, etc.:
Health Needs of Nation, President's Commission on; establishment, membership, and functions (EO 10317) 57
Migrants from Europe, Movement of, Provisional Intergovernmental Committee for; international organization entitled to certain privileges and immunities (EO 10335) 2741
Missouri Basin Survey Commission; establishment, composition, and functions (EO 10318) 133
Effective date of establishment (EO 10329) 1705
Senate Committees authorized to inspect tax returns. *See* Internal Revenue Bureau.

PRESIDENTIAL DOCUMENTS—Continued Page

Compensation of certain personnel without regard to numerical limitations on positions in certain grades:
Assistant General Counsel, Treasury Department (Reorganization Plan No. 1 of 1952) 2243
Internal revenue officers, certain, appointed by Secretary of Treasury (Reorganization Plan No. 1 of 1952) 2243
Conscientious objectors; civilian work in lieu of induction. *See* Selective Service System.
Copyright protection, extension of, to works of authors who are citizens of Denmark (Proc. 2963) 1143
Cultural Center, Inter-American. *See* Inter-American Cultural and Trade Center.
Customs Bureau:
Pyke, Bernice, Collector of Customs for Customs Collection District No. 41, further exemption from compulsory retirement for age (EO 10333) 2705
Trade agreements, customs duties under. *See* Trade agreements.
Days of observance:
Armed Forces Day, 1952 (Proc. 2966) 2587
Cancer control month, 1952 (Proc. 2967) 2649
Red Cross Month, 1952 (Proc. 2964) 1547
Death Valley National Monument, California and Nevada; addition of Devil's Hole, Nevada (Proc. 2961) 691
Defense Department:
See also Air Force Department; Army Department; Munitions Board; Navy Department; *and* Research and Development Board.
Acting Secretary of Defense; order of succession to position in case of death, disability, or absence of Secretary (EO 10332) 2083
Medal for Humane Action, Secretary to approve regulations governing award (EO 10325) 1239
Defense Production Act, functions under; prior order amended respecting definitions of "solid fuels" and "domestic transportation, storage and port facilities" (EO 10324) 1171
District of Columbia; "domestic transportation, storage and port facilities" under Defense Production Act, inclusion of District of Columbia in definition (EO 10324) 1171
Elections, Federal; inspection of tax returns by Senate Committee on Rules and Administration in connection with (EO 10321) 791
Emergency board, to investigate labor dispute. *See* National Mediation Board.
Europe, Movement of Migrants from, Provisional Intergovernmental Committee for; international organization entitled to certain privileges and immunities (EO 10335) 2741
Flood control and prevention in Missouri River Basin; functions of Missouri Basin Survey Commission respecting (EO 10318) 133
Germany; award of Medal for Humane Action for meritorious participation in military effort to supply necessities of life to people of Berlin (EO 10325) 1239
Government activities, operation of; inspection of tax returns by Senate Committee on Government Expenditures in connection with studies respecting (EO 10326) 1381
Government business, investigations relating to conduct of; functions and responsibilities in connection with (EO 10327) 1645
Guam. *See* Territories and possessions.
Hawaii; Selective Service, civilian work in lieu of induction (EO 10328) 1645
Health Needs of Nation, President's Commission on; establishment, membership and functions (EO 10317) 57
Imports, under trade agreements. *See* Trade agreements.
Indians; studies by Senate Committee on Interior and Insular Affairs of relations of United States with Indians and Indian tribes and measures relating to care, education, and management of Indians, including care and allotment of Indian lands, and claims paid out of Indian funds, inspection of income tax returns by Committee in connection with (EO 10331) 1963

PRESIDENTIAL DOCUMENTS—Continued — Page

Inter-American Cultural and Trade Center, Miami, Florida; cooperation with and participation in, invited (Proc. 2962) — 983
Interior Department:
See also National Park Service.
Lands for administration and exchange under Taylor Grazing Act, transfer from Agricultural Department of certain lands (EO 10322) — 855
Internal Revenue Bureau:
Abolition of offices of Assistant Commissioner, Deputy and Special Deputy Commissioner, Assistant General Counsel, Collector and Deputy Collector (Reorganization Plan No. 1 of 1952) — 2243
Establishment of limited number of positions for assistant and district commissioners and other officers, appointment of encumbents under classified service, and compensation of appointees (Reorganization Plan No. 1 of 1952) — 2243
Inspection of income, excess-profits, declared value excess-profits, capital stock, estate and gift tax returns:
By Senate Committee on Armed Services (EO 10316) — 1
By Senate Committee on Government Expenditures; in connection with studies of operation of Government activities (EO 10326) — 1381
By Senate Committee on Interior and Insular Affairs; inspection of income tax returns in connection with studies relating to Indians and Indian tribes (EO 10331) — 1963
By Senate Committee on Rules and Administration (EO 10321) — 791
Reorganization (Reorganization Plan No. 1 of 1952) — 2243
International Boundary and Water Commission, United States and Mexico; exemption of Lawrence M. Lawson from compulsory retirement for age (EO 10320) — 693
International organizations; designation of Provisional Intergovernmental Committee for Movement of Migrants from Europe as organization entitled to certain immunities and privileges under International Immunities Act (EO 10335) — 2741
Investigations, by Special Assistant to Attorney General, relating to conduct of Government business; functions and responsibilities in connection with (EO 10327) — 1645
Justice Department; investigations by Special Assistant to Attorney General relating to conduct of Government business, functions and responsibilities in connection with (EO 10327) — 1645
Labor dispute, emergency board to investigate. *See* National Mediation Board.
Land and water resources of Missouri River Basin; functions of Missouri Basin Survey Commission respecting (EO 10318) — 133
Lands; transfer of certain lands acquired or administered under Bankhead-Jones Farm Tenant Act to Interior Department for administration and exchange under Taylor Grazing Act (EO 10322) — 855
Medal for Humane Action, award for meritorious participation in military effort to supply necessities of life to people of Berlin, Germany (EO 10325) — 1239
Military Academy, United States, at West Point. *See* United States Military Academy.
Missouri Basin Survey Commission:
Establishment, composition and functions (EO 10318) — 133
Effective date of establishment (EO 10329) — 1705
Executive Director; appointment without regard to civil service laws (EO 10318) — 133
Expenditures to be paid out of allotment from emergency fund for President (EO 10318) — 133
Report to President (EO 10318, 10329) — 133, 1705
Munitions Board; Chairman to serve as Acting Secretary of Defense, order of succession (EO 10332) — 2083
National Mediation Board; emergency board created to investigate dispute between Northwest Airlines, Inc., and certain of its employees (EO 10319) — 188
National monuments. *See* National Park Service.
National Park Service:
Death Valley National Monument, California and Nevada, addition of Devil's Hale, Nevada (Proc. 2961) — 691
Sitka National Monument, Alaska, redefining boundaries of (Proc. 2965) — 1787

PRESIDENTIAL DOCUMENTS—Continued — Page

National Production Authority, Small Business, Office of; transfer of functions administered by Office to Small Defense Plants Administration together with certain personnel, records, funds, etc. (EO 10323) — 1145
Navy Department:
Acting Secretary; order of succession to position in case of death, disability, or absence of Secretary of Navy (EO 10332) — 2083
Medal for Humane Action, award for meritorious participation in military effort to supply necessities of life to people of Berlin, Germany (EO 10325) — 1239
Netherlands; tariff quota on certain petroleum products under Venezuelan Trade Agreement (Proc. 2959) — 185
Petroleum products, importation of; allocating tariff quota under Venezuelan Trade Agreement with respect to Venezuela, Netherlands, and other foreign countries (Proc. 2959) — 185
Port facilities. *See* Transportation, storage and port facilities.
President's Commission on Health Needs of Nation, establishment, membership and functions (EO 10317) — 57
Red Cross Month, 1952 (Proc. 2964) — 1547
Research and Development Board; Chairman to serve as Acting Secretary of Defense, order of succession (EO 10332) — 2083
Selective Service System:
Civilian work in lieu of induction (EO 10328) — 1645
Conscientious objectors, civilian work for, in lieu of induction (EO 10328) — 1645
Senate Committee on Armed Services; inspection of tax returns (EO 10316) — 1
Senate Committee on Government Expenditures; inspection of tax returns in connection with studies of operation of Government activities (EO 10326) — 1381
Senate Committee on Interior and Insular Affairs; inspection of tax returns in connection with studies of relations of United States with Indians and measures relating to care, education, and management of Indians (EO 10331) — 1963
Senate Committee on Rules and Administration; inspection of tax returns in connection with Federal elections (EO 10321) — 791
Sitka National Monument, Alaska, redefining boundaries of (Proc. 2965) — 1787
Small Business, Office of, National Production Authority; transfer of functions administered by Office to Small Defense Plants Administration together with certain personnel, records, funds, etc. (EO 10323) — 1145
Small Defense Plants Administration; transfer of functions administered by Office of Small Business, National Production Authority, to Administration, together with certain personnel, records, funds, etc. (EO 10323) — 1145
"Solid fuels", definition under Defense Production Act (EO 10324) — 1171
Storage. *See* Transportation, storage, and port facilities.
Tax returns; inspection by various Senate Committees. *See* Internal Revenue Bureau.
Territories and possessions:
"Domestic transportation, storage and port facilities" under Defense Production Act, inclusion of Territories and possessions in definition (EO 10324) — 1171
Selective Service, civilian work in lieu of induction (EO 10328) — 1645
Trade agreements:
General Agreement on Tariffs and Trade:
Modification with respect to hatters' fur (Proc. 2960) — 187, 265
Notification of Secretary of Treasury respecting concessions to Denmark, signatory of Torquay Protocol to Agreement (Letter of January 3, 1952) — 136
Torquay Protocol to General Agreement on Tariffs and Trade, carrying out provisions of; notification of Secretary of Treasury respecting tariff concessions to Denmark, signatory of Protocol (Letter of January 3, 1952) — 136

PRESIDENTIAL DOCUMENTS—Continued Page

Trade agreements—Continued
Various countries, modifications, etc., of trade agreements with:
Denmark, signatory of Torquay Protocol to General Agreement on Tariffs and Trade; notification to Secretary of Treasury respecting concessions (Letter of January 3, 1952) ____ 136
Venezuela; allocating tariff quota on petroleum products imported from Venezuela, Netherlands and other foreign countries under Venezuelan Trade Agreement (Proc. 2959) __ 185
Trade Center, Inter-American. *See* Inter-American Cultural and Trade Center.
Transportation, storage and port facilities, domestic, under Defense Production Act; definition amended to include Territories and possessions of United States and District of Columbia (EO 10324) ____ 1171
Travel and transportation expenses; civilians performing work in lieu of induction into armed forces (EO 10328) ____ 1645
Treasury Department:
See also Customs Bureau; *and* Internal Revenue Bureau.
Functions of Secretary respecting Internal Revenue Bureau:
Abolition of certain existing offices, determination of effective date (Reorganization Plan No. 1 of 1952) ____ 2243
Appointment of assistant and district commissioners and other officers (Reorganization Plan No. 1 of 1952) ____ 2243
Transfer to Secretary of functions vested by statute in officers, agencies, or employees since effective date of Reorganization Plan No. 26 of 1950 (Reorganization Plan No. 1 of 1952) __ 2243
General Counsel, Assistant; establishment of office, appointment under classified civil service, and compensation (Reorganization Plan No. 1 of 1952) ____ 2243
Reorganization (Reorganization Plan No. 1 of 1952) ____ 2243
United States Military Academy; exemption of Frederick C. Mayer from compulsory retirement for age (EO 10334) ____ 2741
Water and Boundary Commission, International. *See* International Boundary and Water Commission, United States and Mexico.
Water resources of Missouri River Basin; functions of Missouri Basin Survey Commission respecting (EO 10318) ____ 133

PRESIDENT'S COMMISSION ON HEALTH NEEDS OF NATION; establishment, membership and functions (Executive Order 10317) ____ 57

PRICE ADMINISTRATION, OFFICE OF; preservation of certain records until January 1, 1953 ____ 18

PRICE STABILIZATION, OFFICE OF:

Abrasive products ____ 861, 1352
Accounting, Director of. *See* Organization and functions.
Accounts or deposits, inactive, in Maryland. *See* Services.
Adjustments:
Ceiling price adjustment for commodities or services governed by specific regulations, *see specific commodities.*
Changes in manufacturers' prices; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) ____ 2307, 2611
Defense Production Act of 1950, adjustments under (GOR 21):
Authority of Regional, District and Territorial Directors. *See* Authority, delegations of.
Changes in manufacturers' prices. *See* Changes.
Determination of adjustment under SR 17 to CPR 22 ____ 2563
Manufacturers' prices. *See* Manufacturers' prices.
Robinson-Patman Act, adjustment of ceiling prices to reconcile regulations with (GOR 18); special order, Freon Refrigerants ____ 1961

PRICE STABILIZATION, OFFICE OF—Continued Page

Adjustments—Continued
Small business concerns, ceiling price adjustments for (GOR 20):
Authority of District and Territorial Directors. *See* Authority, delegations of.
Changes in manufacturers' prices. *See* Changes.
Advertising:
Charges. *See* Services.
Outdoor; rates charged in business of operating, exemption for ____ 73
Agricultural commodities:
Commodity Credit Corporation:
Commodities for which support prices are established by. *See* Government agencies.
Sales of commodities by (GCPR, SR 14) ____ 2549
Exceptions, "parity" adjustments, etc. *See* General Ceiling Price Regulation.
Farm, commodities grown and processed on, when sales do not exceed $200 in any one month ____ 73
Food commodities and feeds processed from certain grains. *See* Grains.
Manufacturers' prices. *See* Manufacturers' prices.
Raw, natural-state, or unprocessed agricultural commodities ____ 73
Air-conditioning equipment ____ 861, 1352
Aircraft and aircraft parts ____ 861, 1352, 1652
Alaska. *See* Territories and possessions of United States.
Aluminum scrap and secondary aluminum ingot (CPR 54); revision ____ 546
Ammunition, small arms; ceiling prices for manufacturers (CPR 22, SR 21) ____ 1460
Anchors ____ 861, 1352
Animals, live; exemption ____ *73
Antennas; radio and television ____ 861, 1352
Anti-freeze:
Alaska, retail sales in (CPR 111) ____ 192
Authority of Territorial Director for Alaska. *See* Authority, delegations of.
Standard types S, SC, P, and N anti-freeze; ceiling prices when sold in certain specified areas, Cordova, Alaska, added to list ____ 700
Ceiling prices for (CPR 57) ____ 2566
Antimony ores, domestic; exemption (GOR 9) ____ 1652
Antiques (commodities made prior to 1850); exemption ____ 73
Anvils ____ 861, 1352
Apparel:
Manufacturers' prices:
Changes in manufacturers' prices for; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) ____ 398, 2611
Manufacturer may not separately state charge for increased packaging costs due to postal regulations limiting size and weight of parcel post packages (Gen. Int. 6) ____ 1043
Manufacturers' general ceiling price regulation (CPR 45); coverage:
Articles covered and not covered, examples of (Appendix A); plastic dipped fabric gloves, excluded from coverage ____ 1758
Sales and sellers covered; plastic dipped fabric gloves, excluded ____ 1758
Retail prices for. *See* Consumer goods.
Appeals:
Meat Distribution Board of Appeals and Hearing Officers. *See* Organization and functions.
Procedures in meat distribution cases. *See* Procedural regulations.
Architectural terra cotta; exemption for sales and installation services by producers and resellers (GOR 9) ____ 1651
Asbestos, raw; exemption (GOR 9) ____ 1651
Asphalt mixing and attendant plants ____ 861, 1352
Augers, earth ____ 861, 1352
Authority, delegations of:
See also Organization and functions.
Director's authority with respect to establishment of ceiling prices in cases of non-compliance, and modification of ceiling prices; general overriding regulation (GOR 25) ____ 1937

PRICE STABILIZATION, OFFICE OF—Continued — Page

Authority, delegations of—Continued
To various officials:
Accounting, Director of; authority respecting administration of industrial accounting program, participation in planning, administration, etc., of price regulations, and other cost or financial analysis (Delegation of Authority 49) — 484
Chief, Livestock and Meat Distribution Branch; livestock and meat distribution, authority to take certain actions, under DR 1 (Delegation of Authority 12, Supp. 2) — 2145
Counsels, Division, Regional or District; authority to issue official price interpretations (Delegation of Authority 3, Supp. 1) — 2296
Director, Food and Restaurant Division; livestock and meat distribution, authority to take certain actions, under DR 1 (Delegation of Authority 12, Supp. 1) — 2145
Director of Price Operations:
Ceiling prices; authority to request further information from seller who submits proposed ceiling price (Delegation of Authority 6) — 2105
Redelegation of authority. *See* Directors of Divisions.
Coupon exchange plans; authority to request further information from seller who submits proposed changes, under GCPR, SR 25 (Delegation of Authority 10) — 2105
Redelegation of authority. *See* Directors of Divisions.
Livestock and meat distribution; authority to take certain actions, under DR 1 (Delegation of Authority 12) — 2145
Redelegations of authority. *See* Chief, Livestock and Meat Distribution Branch; *and* Director, Food and Restaurant Division.
Petroleum products; authority to request further information concerning applications for adjustments, under CPRs 13, 17, 32 (Delegation of Authority 15) — 2106
Redelegation of authority. *See* Director, Transportation, Public Utilities, and Fuels Division.
Director, Transportation, Public Utilities, and Fuels Division; authority to request further information concerning applications for adjustments of prices for petroleum products, under CPRs 13, 17, 32 (Delegation of Authority 15, Supp. 1) — 2106
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations):
Region I:
All Directors:
Adjustments of ceiling prices under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 27) — 872
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Redeleg. 26) — 870
Beef, processed; under GCPR, SR 61 (Redeleg. 16) — 455
Beef, retail prices, under CPR 25 (Redeleg. 23) — 327
Departmentalized establishments; under CPR 7, SR 1 (Redeleg. 34) — 2585
Farm equipment; reports, under CPR 100 (Redeleg. 21) — 99
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 29) — 1956
Lamb, yearling and mutton products at wholesale; statements filed pursuant to CPR 92 (Redeleg. 31) — 2462
Machinery and related goods; reports, under CPR 67 (Redeleg. 14) — 849
Malt beverages; applications and reports, under CPR 117 (Redeleg. 28) — 1639
Manufacturers' prices, adjustments of; applications filed, under GOR 10 (Redeleg. 24) — 456
Milk price regulations, area; issuance, under GCPR, SR 63 (Redeleg. 22) — 260

PRICE STABILIZATION, OFFICE OF—Continued — Page

Authority, delegations of—Continued
To various officials—Continued
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
Region I—Continued
All Directors—Continued
Non-profit clubs, under CPR 11 (Redeleg. 18) — 98
Pork sold at wholesale, under CPR 74:
Applications filed (Redeleg. 30) — 2462
Authority to act under other various provisions (Redeleg. 33) — 2462
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 25) — 456
Services; pricing and reports, under CPR 34 (Redeleg. 17) — 98
Adjustments — 1235
Small business concerns; adjustments, under GOR 20 (Redeleg. 20) — 98
Veal at wholesale; under CPR 101 (Redeleg. 32) — 2462
Directors of designated offices:
Boston, Mass.; consumer goods, markups and pricing methods, under CPR 7 (Redeleg. 1) — 703
Hartford, Conn.; consumer goods, markups and pricing methods, under CPR 7 (Redeleg. 5) — 704
Manchester, N. H.; consumer goods, markups and pricing methods, under CPR 7 (Redeleg. 1) — 703
Montpelier, Vt.; consumer goods, markups and pricing methods, under CPR 7 (Redeleg. 9) — 704
Portland, Maine; consumer goods, markups and pricing methods, under CPR 7 (Redeleg. 9) — 704
Providence, R. I.; consumer goods, markups and pricing methods, under CPR 7 (Redeleg. 1) — 703
Springfield, Mass.; consumer goods, markups and pricing methods, under CPR 7 (Redeleg. 1) — 703
Region II Directors:
Adjustments of ceiling prices under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 17) — 849
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Redeleg. 23) — 849
Beef, processed; under GCPR, SR 61 (Redeleg. 22) — 328
Beef, retail prices, under CPR 25 (Redeleg. 19) — 169
Community pricing; issuance of adopting orders, and authority with respect to reclassification, under GOR 24 (Redeleg. 25) — 1070
Consumer goods; markups and pricing methods, under CPR 7 (Redeleg. 1) — 672
Departmentalized establishments; under CPR 7, SR 1 (Redeleg. 27) — 2240
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 26) — 1639
Livestock and meat distribution; authority to take certain actions, under DR 1 (Redeleg. 29) — 2463
Machinery and related goods; reports, under CPR 67 (Redeleg. 6) — 672
Malt beverages; applications and reports, under CPR 117 (Redeleg. 24) — 1235
Parity adjustments, authority to receive and process notices of; under GCPR (Redeleg. 30) — 2730
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 21) — 327
Services; pricing and reports, under CPR 34 (Redeleg. 9), adjustments — 849
New York City District Office, Director of; authority to accept, disapprove or modify ceiling prices (Redeleg. 28) — 2463
Small business concerns; adjustments, under GOR 20 (Redeleg. 20) — 169

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various officials—Continued
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
Region II Directors—Continued
Veal at wholesale; under CPR 101 (Redeleg. 16) ---------- 2030
Region III:
All Directors:
Beef retail prices, under CPR 25, (Redeleg. 11) ---------- 328
Consumer goods; markups and pricing methods, under CPR 7 (Redeleg. 1) -- 1161, 2463
Contract carriers relating to intrastate operations; adjustments, under GCPR, SR 39 (Redeleg. 27) ---------- 2241
Farm equipment; reports, under CPR 100 (Redeleg. 22) ---------- 672
Machinery and related goods; under CPR 67 (Redeleg. 14) ---------- 1161
Manufacturers' prices, adjustments of; applications filed, under GOR 10 (Redeleg. 23) ---------- 672
Milk price regulations, area; issuance, under GCPR, SR 63 (Redeleg. 21) ------ 171
Services, construction; adjustments, etc. under CPR 93 (Redeleg. 26) ---------- 2240
Services; pricing and reports, under CPR 34 (Redeleg. 25) ---------- 2240
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 24) ---------- 1162, 2346
Directors of designated offices:
Camden, N. J., Erie, Philadelphia, Pittsburgh, Pa., and Wilmington, Delaware, offices:
Food and restaurant commodities, under CPR 15 (Redeleg. 10) ---------- 99
Ice, under GCPR, SR 45 (Redeleg. 9) --- 99
Lamb, yearling and mutton products at wholesale; statements filed pursuant to CPR 92 (Redeleg. 15) ---------- 100
Machinery and related goods; reports, under CPR 67 (Redeleg. 14) -------- 99
Non-profit clubs, under CPR 11 (Redeleg. 16) ---------- 170
Pork sold at wholesale, under CPR 74:
Applications filed (Redeleg. 8) ------- 99
Authority to act under other various provisions (Redeleg. 20) --------- 170
Sausage, certain items of, under GCPR, SR 34 (Redeleg. 17) ---------- 170
Services; pricing and reports, under CPR 34 (Redeleg. 19) ---------- 170
Small business concerns; adjustments, under GOR 20 (Redeleg. 18) ------ 170
Delaware District Office:
Applications filed, under CPR 11 (Redeleg. 13) ---------- 99
Reports, initial, filed by restaurant operators, under CPR 11, and revision of food cost per dollar (Redeleg. 12) - 99
Erie, Pa., office. *See* Camden, N. J.
Philadelphia, Pa., office. *See* Camden, N. J.
Pittsburgh, Pa., office. *See* Camden, N. J.
Wilmington, Del., office. *See* Camden N. J.
Region IV Directors:
Adjustments of ceiling prices under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 20) ---------- 1199
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Redeleg. 21) ---------- 1200
Beef, processed; under GCPR, SR 61 (Redeleg. 18) ---------- 1199
Beef, retail prices, under CPR 25 (Redeleg. 15) ---------- 1199
Community pricing; issuance of adopting orders, and authority with respect to reclassification, under GOR 24 (Redeleg. 24) ---------- 1957

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various officials—Continued
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
Region IV Directors—Continued
Consumer goods; markups and pricing methods, under CPR 7 (Redeleg. 1) ---------- 1197
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 22) ------ 1956
Departmentalized establishments; under CPR 7, SR 1 (Redeleg. 27) ---------- 2730
Farm equipment; reports, under CPR 100 (Redeleg. 13) ---------- 1198
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 26) ---------- 1957
Lamb, yearling and mutton products at wholesale; statements filed pursuant to CPR 92 (Redeleg. 23) ---------- 1956
Livestock and meat distribution; authority to take certain actions, under DR 1 (Redeleg. 28) ---------- 2730
Machinery and related goods; under CPR 67 (Redeleg. 6) ---------- 1197
Malt beverages; applications and reports, under CPR 117 (Redeleg. 25) ---------- 1957
Manufacturers' prices, adjustments of; applications filed, under GOR 10 (Redeleg. 16) ---------- 1199
Milk price regulations, area; issuance, under GCPR, SR 63 (Redeleg. 8) ---------- 171
Non-profit clubs; under CPR 11 (Redeleg. 11) ---------- 1198
Parity adjustments ,authority to receive and process notices of; under GCPR (Redeleg. 29) ---------- 2731
Pork, sales at wholesale; under CPR 74:
Applications filed (Redeleg. 9) ---------- 1198
Authority to act under other provisions (Redeleg. 10) ---------- 1198
Sausage; applications filed, under GCPR, SR 34 (Redeleg. 19) ---------- 1199
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 17) ---------- 1199
Services; pricing and reports, under CPR 34 (Redeleg. 7), adjustments ---------- 1198
Small business concerns, applications filed by; under GOR 20 (Redeleg. 12) ------- 1198
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 14) ---------- 1199, 2730
Region V:
All Directors:
Adjustments of ceiling prices under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 14) - 328, 1700
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Redeleg. 26) ---------- 1640
Beef, processed; under GCPR, SR 61 (Redeleg. 17) ---------- 329
Beef, retail prices, under CPR 25 (Redeleg. 25) ---------- 1639
Consumer goods, markups and pricing methods, under CPR 7 (Redeleg. 22) - 456
Farm equipment; reports, under CPR 100 (Redeleg. 13) ---------- 260
Food and restaurant commodities, applications filed, and non-profit clubs, under CPR 11 (Redeleg. 12) ---------- 260
Food and restaurant commodities, under CPR's 14, 15, 16 (Redeleg. 9, 10, 11) ---- 260
Iron and steel, resellers' prices for; under CPR 98 (Redeleg. 27) ---------- 1640
Lamb, yearling and mutton products at wholesale; statements filed pursuant to CPR 92 (Redeleg. 21) ---------- 456
Machinery and related goods; under CPR 67 (Redeleg. 5) ---------- 1070
Malt beverages; applications and reports, under CPR 117 (Redeleg. 24) -------- 1235
Manufacturers' prices, adjustments of; applications filed, under GOR 10 (Redeleg. 16) ---------- 328

PRICE STABILIZATION, OFFICE OF—Continued — Page

Authority, delegations of—Continued
To various officials—Continued
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
Region V—Continued
All Directors—Continued
Milk price regulations, area; issuance, under GCPR, SR 63 (Redeleg. 15) ____ 328
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 18) ____ 329
Services; pricing and reports, under CPR 34 (Redeleg. 7) ____ 1734
Small business concerns; adjustments, under GOR 20 (Redeleg. 8) ____ 171
Jacksonville, Fla., Director; community pricing, issuance of adopting orders and authority with respect to reclassification, under GOR 24 (Redeleg. 23) ____ 870, 872
Region VI Directors:
Adjustments of ceiling prices under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 17) ____ 261, 673
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Redeleg. 23) ____ 850
Beef, processed; under GCPR, SR 61 (Redeleg. 22) ____ 457
Beef, retail prices, under CPR 25 (Redeleg. 19) ____ 456
Consumer goods; markups and pricing methods, under CPR 7 (Redeleg. 2) ____ 672
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 18) ____ 261
Departmentalized establishments; under CPR 7, SR 1 (Redeleg. 26) ____ 2346
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 25) ____ 1831
Machinery and related goods; reports, under CPR 67 (Redeleg. 6) ____ 673
Malt beverages, applications and reports, under CPR 117 (Redeleg. 24) ____ 1432
Manufacturers' prices, adjustments of; applications filed, under GOR 10 (Redeleg. 20) ____ 456
Milk price regulations, area; issuance, under GCPR, SR 63 (Redeleg. 16) ____ 261
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 21) ____ 457
Services; pricing and reports, under CPR 34 (Redeleg. 8), adjustments ____ 850
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 15), additional authority ____ 2241
Region VII Directors:
Adjustments of ceiling prices under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 22) ____ 1700
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Redeleg. 20) ____ 871
Beef, processed; under GCPR, SR 61 (Redeleg. 18 and 19) ____ 871
Beef, retail prices, under CPR 25 (Redeleg. 14) ____ 329
Consumer goods; markups and pricing methods, under CPR 7 (Redeleg. 6 and 12) ____ 172, 620
Contract carriers relating to intrastate operations, under GCPR, SR 39 (Redeleg. 9) ____ 171
Departmentalized establishments; under CPR 7, SR 1 (Redeleg. 26) ____ 2241
Farm equipment; reports, under CPR 100 (Redeleg. 17) ____ 850
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 24) ____ 1701
Lamb, yearling and mutton products at wholesale; statements filed pursuant to CPR 92 (Redeleg. 28) ____ 2731
Machinery and related goods; reports, under CPR 67 (Redeleg. 7) ____ 870
Malt beverages; applications and reports, under CPR 117 (Redeleg. 21) ____ 1640

PRICE STABILIZATION, OFFICE OF—Continued — Page

Authority, delegations of—Continued
To various officials—Continued
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
Region VII Directors—Continued
Manufacturers' prices, adjustments of; applications filed, under GOR 10 (Redeleg. 23) ____ 1701
Milk price regulations, area; issuance, under GCPR, SR 63 (Redeleg. 13) ____ 172
Pork, sales at wholesale; under CPR 74:
Applications filed (Redeleg. 11) ____ 172
Authority to act under other provisions (Redeleg. 29) ____ 2731
Sausage, certain items of; under GCPR, SR 34 (Redeleg. 27) ____ 2346
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 15) ____ 620
Services; pricing and reports, under CPR 34 (Redeleg. 10) ____ 171
Adjustments ____ 1140
Small business concerns, applications filed by; under GOR 20 (Redeleg. 16) ____ 620, 1640
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 25) ____ 2241
Region VIII Directors:
Adjustments of ceiling prices under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 16) ____ 262, 850
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Redeleg. 23) ____ 850
Beef, processed; under GCPR, SR 61 (Redeleg. 22) ____ 457
Beef, retail prices, under CPR 25 (Redeleg. 19) ____ 621
Community pricing; issuance of adopting orders, and authority with respect to reclassification, under GOR 24 (Redeleg. 25) ____ 872
Consumer goods; markups and pricing methods, under CPR 7, (Redeleg. 1) ____ 457
Departmentalized establishments; under CPR 7, SR 1 (Redeleg. 27) ____ 2242
Farm equipment; reports, under CPR 100 (Redeleg. 14) ____ 262
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 24) ____ 1735
Livestock and meat distribution; authority to take certain actions, under DR 1 (Redeleg. 28) ____ 2585
Machinery and related goods; reports, under CPR 67 (Redeleg. 6) ____ 673
Malt beverages; applications and reports, under CPR 117 (Redeleg. 26) ____ 1235
Manufacturers' prices, adjustments of; applications filed, under GOR 10 (Redeleg. 20) ____ 621
Milk price regulations, area; issuance, under GCPR, SR 63 (Redeleg. 18) ____ 620
Sausage certain items of; under GCPR, SR 34 (Redeleg. 17) ____ 620
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 21) ____ 457
Services; pricing and reports, under CPR 34 (Redeleg. 11), adjustments ____ 673
Small business concerns, applications filed by; under GOR 20 (Redeleg. 13) ____ 261
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 15) ____ 262, 2242
Region IX Directors:
Adjustments under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 19) ____ 100, 871
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Redeleg. 25) ____ 871
Beef, processed; under GCPR, SR 61 (Redeleg. 24) ____ 458
Beef, retail prices, under CPR 25 (Redeleg. 21) ____ 458

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various officials—Continued
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
Region IX Directors—Continued
Community pricing; issuance of adopting orders, and authority with respect to reclassification, under GOR 24 (Redeleg. 26) 1432
Consumer goods; markups and pricing methods, under CPR 7 (Redeleg. 3) 673
Farm equipment; reports, under CPR 100 (Redeleg. 17) 100
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 28) 1957
Machinery and related goods; reports, under CPR 67 (Redeleg. 8) 871
Malt beverages; applications and reports, under CPR 117 (Redeleg. 27) 1432
Manufacturers' prices, adjustments of; applications filed, under GOR 10 (Redeleg. 22) 458
Milk price regulations, area; issuance, under GCPR, SR 63 (Redeleg. 20) 457
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 23) 458
Services; pricing and reports, under CPR 34 (Redeleg. 10), adjustments 871
Veal at wholesale, under CPR 101 (Redeleg. 18) 100
Region X Directors:
Adjustments under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 17) 101, 850
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Redeleg. 23) 937
Beef, processed; under GCPR, SR 61 (Redeleg. 20) 458
Beef, retail prices, under CPR 25 (Redeleg. 21) 459
Consumer goods; markups and pricing methods, under CPR 7 (Redeleg. 1) 673
Departmentalized establishments; under CPR 7, SR 1 (Redeleg. 26) 2586
Farm equipment; reports, under CPR 100 (Redeleg. 18) 458
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 25) 1735
Lamb, yearling and mutton products at wholesale; statements filed pursuant to CPR 92 (Redeleg. 11) 100
Machinery and related goods; reports, under CPR 67 (Redeleg. 8) 673
Malt beverages, applications and reports, under CPR 117 (Redeleg. 24) 1377
Manufacturers' prices, adjustments of; applications filed, under GOR 10 (Redeleg. 19) 851
Pork sold at wholesale, under CPR 74:
Applications filed (Redeleg. 13) 101
Authority to act under other various provisions (Redeleg. 16) 101
Sausage, certain items of, under GCPR, SR 34 (Redeleg. 12) 101
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 22) 459
Services; pricing and reports, under CPR 34 (Redeleg. 7), adjustments 850
Small business concerns; adjustments, under GOR 20 (Redeleg. 14) 101
Veal at wholesale, under CPR 101 (Redeleg. 15) 101, 2347
Region XI Directors:
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Redeleg. 28) 1071
Beef, retail prices, under CPR 25 (Redeleg. 25) 459
Community pricing; issuance of adopting orders, and authority with respect to reclassification, under GOR 24 (Redeleg. 30) 1162

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various officials—Continued
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
Region XI Directors—Continued
Consumer goods; markups and pricing methods, under CPR 7 (Redeleg. 27) 674
Departmentalized establishments; under CPR 7, SR 1 (Redeleg. 33) 2347
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 32) 1957
Lamb, yearling and mutton products at wholesale; statements filed pursuant to CPR 92 (Redeleg. 19) 262
Livestock and meat distribution; authority to take certain actions, under DR 1 (Redeleg. 34) 2731
Machinery and related goods; reports, under CPR 67 (Redeleg. 20) 262, 851
Malt beverages; applications and reports, under CPR 117 (Redeleg. 31) 1735
Manufacturers' prices, adjusments of; applications filed, under GOR 10 (Redeleg. 26) 704
Milk price regulations, area; issuance, under GCPR, SR 63 (Redeleg. 24) 263
Pork sold at wholesale, under CPR 74:
Applications filed (Redeleg. 23) 263
Authority to act under other various provisions (Redeleg. 22) 263
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 29) 1071
Services; pricing and reports, under CPR 34 (Redeleg. 14), adjustments 1071
Veal at wholesale; under CPR 101 (Redeleg. 21) 262, 2347
Region XII Directors:
Adjustments under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 35) 2348
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Redeleg. 25) 872
Beef, processed; under GCPR, SR 61 (Redeleg. 26) 1432
Beef, retail prices, under CPR 25 (Redeleg. 20) 621
Community pricing; issuance of adopting orders, and authority with respect to reclassification, under GOR 24 (Redeleg. 27) 872
Consumer goods; markups and pricing methods, under CPR 7 (Redeleg. 17 and 22) 674, 1669
Contract carriers relating to intrastate operations, under GCPR, SR 39 (Redeleg. 15) 172
Departmentalized establishments; under CPR 7, SR 1, (Redeleg. 32) 2241
Farm equipment; reports, under CPR 100 (Redeleg. 19) 621
Ice, under GCPR, SR 45 (Redeleg. 14) 172
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 31) 1641
Machinery and related goods; reports, under CPR 67 (Redeleg. 16 and 24) 459, 674
Malt beverages; applications and reports, under CPR 117 (Redeleg. 30) 1640
Manufacturers' prices, adjustments of; applications filed, under GOR 10 (Redeleg. 34) 2347
Milk price regulations, area; issuance, under GCPR, SR 63 (Redeleg. 23) 674
Non-profit clubs, under CPR 11 (Redeleg. 12) 621
Pork sold at wholesale; applications filed, under CPR 74 (Redeleg. 11) 172
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 13) 172
Sausage, certain items of; under GCPR, SR 34 (Redeleg. 18 and 29) 621, 1640

PRICE STABILIZATION, OFFICE OF—Continued — Page

Authority, delegations of—Continued
To various officials—Continued
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
Region XII Directors—Continued
Services; adjustments, under CPR 34 (Redeleg. 28) 1071
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 21) 622
Small business concerns; adjustments, under GOR 20 (Redeleg. 10) 102, 2347
Veal at wholesale; under CPR 101 (Redeleg. 33) 2347
Region XIII Directors:
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Redeleg. 12) 1433
Beef, retail prices, under CPR 25 (Redeleg. 11) 1432
Consumer goods; markups and pricing methods, under CPR 7 (Redeleg. 1) 674
Departmentalized establishments; under CPR 7, SR 1 (Redeleg. 16) 2242
Farm equipment; reports, under CPR 100 (Redeleg. 9) 622
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2) 1071
Ice; adjustments, under GCPR, SR 45 (Redeleg. 8) 329
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 14) 1735
Machinery and related goods; reports, under CPR 67 (Redeleg. 4) 704
Malt beverages; applications and reports, under CPR 117 (Redeleg. 13) 1433
Milk price regulations, area; issuance, under GCPR, SR 63 (Redeleg. 7) 263
Non-profit clubs, under CPR 11 (Redeleg. 6) 173
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 10) 937
Services; pricing, reports and adjustments, under CPR 34 (Redeleg. 5) 1071
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 15) 2241
Region XIV. *See* Directors, Territorial.
Directors, Enforcement (District, Acting District, Regional, Acting Regional, Special Agent-Attorneys, and Special Agents in Charge); redelegation of authority to take sworn testimony and administer oaths and affirmations (Delegation of Authority 40, Supp. 1) 789
Special Agents, authority extended to 1956
Directors of Divisions of Office of Price Operations:
Ceiling prices; authority to request further information from seller who submits proposed ceiling price (Delegation of Authority 6, Supp. 1) 2105
Coupon exchange plans; authority to request further information from seller who submits proposed changes, under GCPR, SR 25 (Delegation of Authority 10, Supp. 1) 2105
Directors, Regional (authority with respect to price action or price adjustment for specific commodities under various price regulations):
All Directors:
Adjustments of ceiling prices under Defense Production Act of 1950; applications, under GOR 21 (Delegation of Authority 39), correction 405
Automobiles, used passenger; issue of orders establishing ceiling prices, under CPR 94 (Delegation of Authority 46) 362
Beef, processed; adjustments, etc., under GCPR, SR 61 (Delegation of Authority 48) 363
Commodity Credit Corporation, support prices fixed by; under GOR 26 (Delegation of Authority 58) 2586

PRICE STABILIZATION, OFFICE OF—Continued — Page

Authority, delegations of—Continued
To various officials—Continued
Directors, Regional (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
All Directors—Continued
Community pricing; issuance of adopting orders, and authority with respect to reclassification, under GOR 24 (Delegation of Authority 50) 675
Consumer goods; various provisions, under CPR 7 (Delegation of Authority 5) 98
Departmentalized establishments; under CPR 7, SR 1 (Delegation of Authority 54) 1831
Iron and steel products, resellers' prices for; under CPR 98 (Delegation of Authority 53) 1236
Livestock and meat distribution; authority to take certain actions, under DR 1 (Delegation of Authority 11) 2145
Machinery and related goods, under CPR 67 (Delegation of Authority 22) 219, 2508
Malt beverages; applications and reports, under CPR 117 (Delegation of Authority 52) 904
Parity adjustments, authority to receive and process notices of; under GCPR (Delegation of Authority 57) 2349
Services; pricing and reports, under CPR 34 (Delegation of Authority 28), adjustments 330
Veal; ceiling prices at wholesale, under CPR 101 (Delegation of Authority 38), additional authority 1784
Redelegations of authority. *See* Directors, District; *and* Directors, Territorial.
Region II Director; window washing and building janitorial services, acceptance, disapproval or modification of ceiling prices, under CPR 34, SR 13 (Delegation of Authority 55) 2074
Region V Director; contract motor carrier rates, establishment of group adjustment, under GCPR, SR 39 (Delegation of Authority 47) 363
Region IX Director; contract motor carrier rates, establishment of group adjustment, under GCPR, SR 39 (Delegation of Authority 51) 704
Region XIII Director, graders and scalers found qualified by, under CPR 97. *See* Wood and wood products, *below*.
Directors, Territorial; District Region XIV (authority with respect to price action or price adjustment for specific commodities under various price regulations):
Alaska, Territorial Director for; anti-freeze sold in Alaska, under CPR 111 (Redeleg. 9) 353
All Directors:
Adjustments of ceiling prices under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 8) 353
Farm equipment; reports, under CPR 100 (Redeleg. 13) 1958
Machinery and related goods, under CPR 67 (Redeleg. 11) 1669
Manufacturers' prices, adjustments of; applications filed, under GOR 10 (Redeleg. 14) 1958
Restaurants and eating and drinking establishments, territorial; under CPR 120 (Redeleg. 10) 851, 2242
Services, construction; adjustments, etc., under CPR 93 (Redeleg. 15) 1958
Services; pricing and reports, under CPR 34 (Redeleg. 12) 1957
Small business concerns, applications filed by; under GOR 20 (Redeleg. 7) 353
Hawaii, Territorial Director for; automobiles sold in Hawaii, under CPR 103 (Redeleg. 6) 353

PRICE STABILIZATION, OFFICE OF—Continued — Page

Authority, delegations of—Continued
To various officials—Continued
Directors, Territorial; District Region XIV (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
Puerto Rico, Territorial Director for; authority to act under GOR 25 to disapprove or reduce ceiling prices of fertilizer and fertilizer materials, under CPR 72 (Redeleg. 16) 2348
Hearing Officers; authority to conduct hearings, to act in accordance with provisions of DPR 1, to issue subpenas, and to administer oaths or affirmations (Delegation of Authority 56) 2146
Meat Distribution Board of Appeals; authority to appoint Hearing Officers, to act in accordance with provisions of DPR 1, to issue subpenas, and to administer oaths or affirmations (Delegation of Authority 56) 2146
Automobiles:
Antique automobiles; exemption (GOR 9) 1652
Floor coverings for; interpretation respecting. *See* Floor coverings.
Hawaii, sales of automobiles at retail and wholesale in (CPR 103); authority of Territorial Director. *See* Authority, delegations of.
New, passenger:
Increase in manufacturers' prices (CPR 1); adjustments under Defense Production Act of 1950 (SR 1), alternative price increase adjustment factor 598
Sales at retail and wholesale (CPR 83):
Financing charges (Int. 1) 2306
Hearing, with respect to petitions for amendment; Milan Chevrolet Co., et al 1958, 2466
Rules of practice, special; Milan Chevrolet Co., et al 2106
Special orders for various firms:
Chrysler Corp 1402, 1783
Ford Motor Co 950, 1200, 2155, 2586
General Motors Corp 784, 1202, 2221, 2508
Hudson Motor Co 873, 1237, 1831
Kaiser-Frazer Corp 534, 1982
Nash-Kelvinator Corp 1872, 2299
Studebaker Corp 1641
Willys-Overland Motors, Inc 2464
New and used, retail prices for (GCPR, SR 5) 1124
Used passenger automobiles; listed prices for sales by wholesalers, retailers or individuals (CPR 94):
Authority of Regional and District Directors. *See* Authority, delegations of.
Ceiling prices established (Appendix A) 807
Financing charges (Int. 1) 2606
Tires and tubes for. *See* Tires and tubes.
Automotive and farm tractor repair services. *See* Services.
Automotive trucks, motorcycles, busses, trailers, etc., and parts and equipment 861, 864, 1352, 1355
Baler and binder twine. *See* Twine.
Baseball, professional. *See* Services.
Batteries, lead acid storage. *See* Machines and machinery.
Bearings and bushings 861, 1352
Bedding. *See* Consumer goods.
Beef. *See* Livestock and meat.
Belting, leather and textile 861, 1352
Benzol. *See* Coal, coke, etc.
Berries. *See* Fruits, vegetables, and berries.
Beryl ores; exemption (GOR 9) 1651
Biological material, certain; exemption (GOR 5) 2088
Blocks and tackle 861, 1352
Boats; marine equipment 863, 1354
Boilers 861, 1352
Bolts, nuts, screws, or rivets; prices for producers (CPR 118) 468
Bonds and stocks; exemption 73
Botanical drugs, crude domestic. *See* Drug commodity transactions.
Boxboard. *See* Paper, paperboard, etc.
Boy Scouts of America; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 1936

PRICE STABILIZATION, OFFICE OF—Continued — Page

Brass and bronze. *See* Copper and copper base alloy.
Brick, refractory. *See* Refractory products.
Bronze ingots. *See* Copper and copper base alloy.
Broom corn; exemption 73
Brushes, industrial 861, 1352
Builders' hardware; ceiling prices for manufacturers (CPR 22, SR 22) 1460
Business concerns, small; adjustments. *See* Adjustments.
Butadiene. *See* Chemical commodity transactions.
Camp Fire Girls supplies; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 1936
Camps, summer. *See* Services.
Can closing machinery. *See* Machines and machinery.
CARE relief packages; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 1936
Carpets. *See* Floor coverings.
Cars, freight, rail, etc 861, 863, 1352, 1354
Castings (CPR 60) 1295
Base date formula, prices for castings determined by using; factors to be used in applying formula, zinc base die casting 1613
Base date price list, prices for castings determined by using; zinc base die casting 1613
General pricing provisions, how to calculate metal costs; pricing zinc base die casting 1613
Cattle. *See* Livestock and meat.
Ceiling prices, modification of, or establishment of in cases of non-compliance; Director's authority respecting (GOR 25) 1937
Cellophane. *See* Paper, paperboard, etc.
Chain, power transmission 862, 1352
Chain stores, mail order establishments, departmentalized establishments, consignors and consignee-outlets, special pricing methods for 1210, 2564
Chemical commodity transactions, certain (new, experimental, and reagent chemicals, butadiene, fertilizer materials and uranium compounds); exemption (GOR 3) 1463
Chemicals, modifications and alternative provisions for manufacturers of (CPR 22, SR 7) 756, 1423, 1886, 2169
China and glassware. *See* Consumer goods.
Chrome ores; exemption (GOR 9) 1651
Cigarettes. *See* Tobacco and products.
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 2484
Cleansers. *See* Soaps, cleansers and synthetic detergents.
Clockwork systems 862, 1352
Closures. *See* Containers.
Coal, coke, etc.:
Anthracite (Pennsylvania):
See also Solid fuel exemptions.
Delivered from mine or preparation plant (CPR 4), special services 1884
Coal preparation equipment 862, 1352
Coke, coal chemicals and coke oven gas (GCPR, SR 13):
Benzol and naphthalene, adjustment of ceiling prices for 476
Extension of expiration date 19, 1852
Coke oven doors and jambs 862, 1352
Retail dealers, authority to increase ceiling prices (GCPR, SR 2):
Definitions; "class of purchaser" or "purchaser of same class" 1392
Transportation cost increases by motor carriers 1462
Solid fuel exemptions, certain (GOR 12):
Definitions; "Philterkol" 722
Pennsylvania anthracite, when sold and delivered by producers or distributors under trade name "Philterkol" 722
Cobalt:
See also Ores, concentrates, etc.
Ores, oxide and metal, and conversion services; exemption (GOR 9) 1651
Coke. *See* Coal, coke, etc.
Columbite-tantalite ores; exemption (GOR 9) 1652
Commodity Credit Corporation. *See* Agricultural commodities; *and* Government agencies.

PRICE STABILIZATION, OFFICE OF—Continued Page

Commodity exchange, margin requirements on; exemption 73
Community pricing; provisions common to all community pricing orders which may be issued (GOR 24) 655
Authority of Regional and District Directors. *See* Authority, delegations of.
Reclassification of Group 3A and 4A retailers purchasing from wholesalers 656
Compressors 1352
Conduit 862, 1352
Construction machinery, used. *See* Machines and machinery.
Consumer goods, certain:
Exemptions for certain durable goods of minor significance which have trifling effect on cost of living, defense costs, etc. (GOR 5) 2087
Equipment and supplies (three dimensional anatomical models, wire forms and wire easels for floral wreaths and displays, certain biological material, and sundials) 915, 2088
Furniture (custom built household furniture, hand decorated articles, spinning wheels, etc.) 2088
Exemption not applicable to more than two sales of same specifications 915
Household accessories (ceramic ornaments, Christmas decorations, picture frames, figurines, pictures, bells and chimes, etc.) 2088
Housewares, certain (coffee and pepper grinders, cork wire swabs, toothpicks) 2088
Miscellaneous (game calls, ice creepers, miniature nativity stables) 2088
Notions and novelties (artificial items for decorative use, hand-decorated bottles, novelties made of glass, china, wood, plaster, marble; certain greenery, party novelties made in part of candy or nuts, certain advertising novelties) 915, 2088
Personal accessories (comb cleaners, certain costume jewelry, hair rolls, pin cushions, shoe horns, cigarette rolling machines for home use, certain art glass products, etc.) 915, 2088
Pet supplies (bird cages, bird houses, dog and cat beds, dog license tags, pet toys, etc.) 2088
Pipe organs, custom built 2088
Precious stones and precious jewelry 2088
Rugs, oriental, hand-woven, imported 2088
Sphygmo-oscillometers 2088
Sporting goods, certain (bowling pins, clay targets and traps for target shooting) 915, 2088
Retail ceiling prices (CPR 7) 1013
Authority of Regional and District Directors. *See* Authority, delegations of.
Category markups, tables for (Appendix D, E, F) 599, 600, 1039
Commodities covered (Appendix B) 1026
Apparel:
Infants' apparel and accessories 599, 1029
Men's and boys' apparel and accessories 1026
Boys' play and work clothes 599
Shoes and other footwear 1029
Women's, girls', and children's apparel and accessories 599, 1028, 1035
Consumer durable goods 1031
Bedding 1032
Floor coverings (rugs, linoleum, etc.) and certain wall covering 1032
Furniture, household 1031
Housewares 599, 1033
Jewelry, watches and clocks 599, 1035
Lamps and lamp shades 1032
Luggage and sporting goods 1034
Musical instruments 1032
Notions 1034
Phonographs and recorders 1032
Radios 1032
Silverware, china and glassware 1034
Television sets and accessories 1032
Household textile commodities, drapery hardware, certain yard goods, knitting yarn and crochet thread, laces, trimmings and ribbons 599, 1030
Toys, games and Christmas decorations 1036

PRICE STABILIZATION, OFFICE OF—Continued Page

Consumer goods, certain—Continued
Retail ceiling prices (CPR 7)—Continued
Comparable categories (Appendix C) 599, 1037
Computing ceiling prices 599, 1017
See also Supplementary regulations.
Articles belonging to category where chart has at least three categories in same group; articles which cannot be priced under Rule 6 1212
General provisions (records, reports, sales slips, definitions, etc.) 1022
Definitions; consignor 2564
Prohibitions; combination sales 599
Records and reports of initial markups or gross margins; provisions respecting current records and reports, deletion 1749
Pricing charts 1014
Filing of; note 2564
Scope; sales and sellers covered 1013
Sellers covered 2563
Special cases 1021
See also Supplementary regulations.
Chain stores, mail order establishments, consignors and consignee-outlets, pricing methods for 2564
Uniform prices for branded articles 2484
Special orders for various firms. *See list at end of this agency.*
Supplementary regulations:
Branded articles, uniform ceiling prices for (SR 4) 2485
Special pricing methods for certain chain stores, mail order establishments, departmentalized establishments, consignors and consignee-outlets (SR 1) 1210, 2564
Departmentalized establishments; authority of Regional and District Directors. *See* Authority, delegations of.
Containerboard. *See* Paper, paperboard, etc.
Containers:
Caps, closures, paper and paperboard cups and containers for moist, liquid, oily and frozen foods, certain; manufacturers' prices (CPR 133) 2651
Certain, accumulated and resold to others, are not "supplies or equipment" and are not exempt under GCPR (Int. 46, to GCPR) 717
Deposit charges for containers; refundable container plan (Gen. Int. 7) 2361
Petroleum products; deposits for containers. *See* Petroleum products.
Contract motor carriers. *See* Motor vehicles; *and* Services.
Contracts, open pricing (Int. 49 and 50, to GCPR) 1521, 2361
Conveyors 862, 1352
Copper and copper base alloy:
See also Ores, concentrates, etc.
Brass and bronze ingots, domestic; all sales except export (CPR 127) 1750
Scrap, copper and copper alloy (CPR 46):
Ceiling base prices 2052
Copper scrap and refinery brass (Table A) 2052
Premiums for dealer-to-dealer transactions 2052
Preparation premiums for sale of prepared scrap not used in production of refined copper or brass or bronze ingots 2052
Transactions covered 2052
Copra slab cake, copra oil meal and copra pellets, domestic; exemption (GOR 7) 2762
Corn cobs; exemption (GOR 7) 1185
Corn milling industry. *See* Grains.
Cosmetic manufacturers, advertising and promotional allowances granted by (Int. 47, to GCPR) 1334
Cotton:
American-Egyptian; exemption 73
Extra long staple, grown outside United States; exemption 73
Textiles. *See* Textiles.
When sold by producer; exemption 73
Cotton seed; exemption 73
Cottonseed products (meal, slab cake, sized cake, pellets and hulls); ceiling prices (GCPR, SR 31), revision 1715
Crystals, synthetic; exemption (GOR 9) 1652

PRICE STABILIZATION, OFFICE OF—Continued Page

Cylinders 862, 1353
Dam and lock machinery 862, 1353
Damaged commodities, certain; exemption 73
Dead stock or dead animals; certain; exemption (GOR 7) 1185
Decontrolled or exempted commodities. *See* Consumer goods; General Ceiling Price Regulation; *and specific commodities.*
Defense agencies. *See* Government agencies.
Deposit charges. *See* Containers.
Derricks 862, 1353
Detergents. *See* Soaps, cleansers and synthetic detergents.
Diamond tools 862, 1353
Dies, jigs, and fixtures 862, 1353
Distilled spirits. *See* Liquors, distilled spirits.
Distillers' dried products. *See* Grains.
District offices; activities and organization. *See* Organization and functions.
Dollies, industrial 862, 1353
Dozers, angle, bull and push 862, 1353
Dried products, distillers'. *See* Grains.
Drinks, soft; bottled (GCPR, SR 43) 231
Drug commodity transactions, certain (hog-cholera virus and anti-hog cholera serum and crude domestic botantical drugs); exemption (GOR 3) 1464
Dry cleaning and finishing services. *See* Services.
Ducks. *See* Poultry.
Economizers 862, 1353
Eggs; exemption 73
Electronic devices, equipment and parts 862, 1353
Electroplating equipment 862, 1353
Enforcement:
  Authority delegated to various Enforcement Directors. *See* Authority, delegations of.
  Organization. *See* Organization and functions.
Engines 1353
Escalators and elevators 862, 1353
Establishment of ceiling prices; Director's authority. *See* Ceiling prices.
Exported commodities:
  See also specific commodities.
  Exports (CPR 61):
    Applicability and prohibitions 391, 721
    General provisions:
      Definitions 393
      Duties and taxes, refunds of 393
      Exemptions 393
      Restrictions on multiple handling 393
    Pricing method:
      Base period percentage export markup, calculation of 393
      Formula for export sales 392
      Formula for sales for export 392
    Scope 391
    Supplementary regulations:
      Rubber, synthetic; export sales of GR–S type (SR 2) 2114
      Territories and possessions, ceiling prices for sales or shipments by exporters to (SR 1) 394
Fabrics. *See* Textiles.
Fans and blowers 862, 1353
Farm equipment. *See* Machines and machinery.
Farm tractor and automotive repair services. *See* Services.
Fats and oils (CPR 6):
  Applicability; territories and possessions removed from coverage 753
  Various oils, fats, etc., ceiling prices for:
    Animal waste materials, fat-bearing and oil-bearing 280
    Tallows and greases, sellers of 280
Feathers; exemption for raw and unprocessed chicken and turkey feathers and fibre, and certain goose and duck feathers and down 74
Feeds. *See* Grains.
Federal Maritime Board; rates and charges of marine terminal companies operating under Shipping Act of 1916. *See* Services.
Fertilizer and fertilizer materials:
  See also Chemical commodity transactions.
  Mixed; sold in Puerto Rico by mixers and packers (CPR 72):
    Authority of Territorial Director for Puerto Rico. *See* Authority, delegations of.

PRICE STABILIZATION, OFFICE OF—Continued Page

Fertilizer and fertilizer materials—Continued
  Mixed; sold in Puerto Rico by mixers and packers (CPR 72)—Continued
    Changes in manufacturers' prices; modification of prices for certain sales at retail and wholesale to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) 398, 2611
Field organization. *See* Organization and functions.
Fir. *See* Wood and wood products.
Fish and seafood:
  Fish, seafood, and shellfish, fresh or frozen; exemption 73
  Salmon, fresh Alaska, delivered to canneries; Wage Stabilization Board to have jurisdiction concerning wages, prices, etc., joint recommendation of Director of Price Stabilization and Wage Stabilization Board respecting 782
  Sold in Puerto Rico. *See under* Foods.
Flaxseed feed products. *See* Grains.
Floor coverings (rugs, carpets, etc.):
  Oriental rugs, hand-woven, imported; exemption (GOR 5) 2088
  Retail prices. *See* Consumer goods.
  Wool and various substitute yarns, increase in manufacturers' and wholesalers' prices for (GCPR, SR 11) 2388
  Automobile floor coverings and similar coverings, not within categories enumerated in regulation; section 2 does not extend scope of section 1 (Int. 1) 717
Floor surfacing and floor maintenance machinery 862, 1353
Flowers and floral products, wire forms and wire easels for; exemption (GOR 5) 2088
Fluorspar, acid grade; exemption (GOR 9) 1652
Foods:
  See also specific commodities.
  Caps, closures, containers, etc., for moist, liquid, oily and frozen foods. *See* Containers.
  Dry groceries (canned, dried or frozen commodities, shortening, oils, butter, cheese, and miscellaneous foods):
    Authority of District Directors. *See* Authority, delegations of.
    Reclassification of Group 3A and 4A for community pricing. *See* Community pricing.
    Retail:
      Groups 1 and 2 stores (CPR 16):
        Further provisions supplementing or explaining regulation; perishables 989
        Warehousing and delivery of frozen foods, additional allowance for 2649
        White potatoes, specialty stores 719
      Groups 3 and 4 stores (CPR 15):
        Further provisions supplementing or explaining regulation; perishables 989
        Mail order and express sales 1935
        White potatoes, specialty stores 717
    Wholesale (CPR 14):
      Freight charges and zone differentials 2431
      Owned or exclusively controlled labels or brands of food commodities 754
  Exemption of certain food and restaurant commodities which have trifling effect on cost of living, defense costs, etc. (GOR 7) 1184
  Certain inedible products; dead stock or dead animals 1185
  Corn cobs 1185
  Domestic copra slab cake, copra oil meal and copra pellets 2762
  Fur seal meal 1185
  Honey 201, 1185
  Molasses, edible 1185
  Popcorn, popped and unpopped 1186
  Rare packaged domestic whiskey 19, 1185
  Safflower oil and safflower seeds 1185
  Specialty food items, certain 1185
  Syrup, sorghum 1186
  Water, natural or distilled 1185
Hawaiian retail grocery regulation (CPR 69) 2271
Paperboard containers and closures for. *See* Paper, paperboard, etc.

PRICE STABILIZATION, OFFICE OF—Continued — Page

Foods—Continued
Puerto Rico, certain food products sold in (CPR 51):
Fish, salted codfish; definition — 1886
Milk, for fluid consumption — 2551
Virgin Islands, food products sold in (CPR 73); live hogs and pork — 823
Footwear:
Changes in manufacturers' prices for; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) — 398, 2611
Retail prices. *See* Consumer goods.
Foreign governments, exemption from price control of sales of certain military items to (GOR 9) — 1651
4–H supplies; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) — 1936
Freight cars — 861, 1352
Fruit cake, holiday; exemption — 73
Fruits, vegetables, and berries:
See also specific commodities.
Dried figs, raisins and prunes; exemption — 73
Dry edible beans and peas; exemption — 73
Fresh:
Fruits, vegetables, and berries; exemption — 73
Services in connection with. *See* Services.
Processed fruits and berries of 1951 pack, certain, ceiling prices for (CPR 56):
Ceiling prices:
F. o. b. factory prices for sales by processors of items sold during base period; how to figure raw material adjustment — 1714
Individual authorization of ceiling prices — 1715
Processors who did not sell item during base period but who sold other items during that period — 1714
Reports which must be filed — 1715
Supplementary regulation; adjustment for canned and bottled domestic ripe olive (SR 4) — 390
Processed vegetables of 1951 pack, certain, ceiling prices for (CPR 55):
Ceiling prices:
F. o. b. factory prices for sales by processors of items sold during base period; how to figure raw materials adjustment — 1712
Individual authorization of ceiling prices — 1713
Processors who did not sell item during base period but who sold other items during that period — 1712
Reports which must be filed — 1713
Supplementary regulations:
Canned pumpkin adjustment (SR 6); optional pricing — 1012
Tomatoes and products, canned:
Baltimore, Md., tomatoes canned in; modification of raw materials adjustment for (SR 9) — 1995
Catsup, tomato puree, sauce, and paste; adjustment (SR 5) — 2113
Eastern Shore and Virginia; adjustment for canned tomatoes (SR 10) — 1996
Pricing items for which dollars-and-cents prices are not fixed — 2168
Fuel:
Oils. *See* Petroleum products.
Solid. *See* Coal, coke, etc.
Furnaces and ovens, industrial and laboratory — 862, 1353
Furniture:
Exemption for custom built household furniture, hand decorated articles, spinning wheels, etc. (GOR 5) — 2088
Exemption not application to more than two sales of same specifications — 915
Retail prices. *See* Consumer goods.
Future Farmers of America; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) — 1936
Futures contracts; potato industry. *See* Potatoes.
Futures trading on wool exchange. *See* Wool and wool products.
Galvanometer movements — 862, 1353
Game; exemption — 73

PRICE STABILIZATION, OFFICE OF—Continued — Page

Game calls; exemption (GOR 5) — 2088
Gas burners — 862, 1353
Gaskets and packings — 862, 1353
Gasoline. *See* Petroleum products.
Gauges — 862, 1353
Gears — 862, 1353
General Ceiling Price Regulation — 68
Agricultural commodities:
See also Exemptions and exceptions; *and* Supplementary regulations.
"Parity" adjustments — 70
Authority of Regional, and District Directors. *See* Authority, delegations of.
Notice of "parity" adjustment increases:
Extension of period within which cooperative-processor must file report concerning increases — 200
Notices to be filed with appropriate District Offices — 2307
Processors and manufacturers; extension of period within which producer-owned cooperative processors may make pass-back of increases — 200
Definitions and explanations — 75
Class of purchaser (Int. 48) — 1521
Sell; open pricing contracts prior to Amendment 6 (Int. 49 and 50) — 1521, 2361
Determination of ceiling prices:
All sellers — 68
Apparel, wearing, and consumer durable goods, highest price line limitation for manufacturers of — .2
Differentials, customary price — 70
Advertising and promotional allowances granted by cosmetic manufacturers (Int. 47) — 1334
New categories, new services, new sellers — 69
New commodities:
Manufacturers' prices — 69
Wholesalers' and retailers' prices — 69
Retail sellers, group under common control — 72
Sellers who cannot price otherwise — 70
Exemptions and exceptions — 73
Advertising, outdoor; rates charged in business of operating — 73
Agricultural, food, and related commodities, when sold by producer:
Animals, live — 73
Broom corn — 73
Cotton:
American-Egyptian — 73
Extra long staple, grown outside United States — 73
When sold by producer — 73
Cotton seed — 73
Dry edible beans and peas — 73
Eggs — 73
Farm, commodities grown and processed on, when sales do not exceed $200 in any one month — 73
Feathers; raw and unprocessed chicken and turkey feathers and fibre, and certain goose and duck feathers and down — 74
Figs, raisins and prunes, dried — 73
Fish, seafood, and shellfish, fresh or frozen — 73
Fruit cake, holiday — 73
Fruits, vegetables, berries, and tree nuts, fresh — 73
Game — 73
Goat's milk — 74
Mohair — 73
Nursery products; greens, flowers, Christmas trees, etc — 73
Oils, oilseeds, etc — 73
Pine gum, crude — 73
Popcorn — 73
Poultry, domestic and imported, luxury items (geese, guineas, pheasants, quail, etc.) — 73
Rabbits and hares, domestic and imported — 73
Raw, natural-state, or unprocessed agricultural commodities — 73
Seeds, including hay, pasture, legume, cover-crop and other seeds — 73
Sugar and sugarcane — 73
Tobacco, certain — 73
Wool, raw — 73

PRICE STABILIZATION, OFFICE OF—Continued Page

General Ceiling Price Regulation—Continued
Exemptions and exceptions—Continued
Antiques (commodities made prior to 1850) 73
Bonds and stocks 73
Books, magazines, periodicals or newspapers, prices or rentals for; rates charged in business of operating or publishing 73
Commodity exchange, margin requirements on 73
Damaged commodities, certain 73
Home, commodities made or produced at, providing sales do not exceed $1,000 in any one month 73
Household effects, used, personal:
Sales by private owner 73
Sold at auction, except sales by establishment regularly engaged in business 73
Indian and Eskimo handicraft objects 73
Insurance, selling or underwriting 73
Military and strategic commodities, to certain extent 73
Motion pictures, prices or rentals for, and rates charged in business of operating motion picture or other theatre enterprise 73
Paintings and other objects of art 73
Precious stones 73
Press association or feature service, materials furnished for publication by; prices or rentals 73
Professional services, rates or fees charged for 73
Property:
Abandoned or confiscated by Government agencies or pursuant to court decree 73
Real; prices or rentals 73
Public utility or common carrier, rates charged by 73
Radio-broadcasting or television station; rates charged in business of operating 73
Sales of commodities and services, ceiling prices of which are established by other regulations or by voluntary agreements 73
Stamps and coins 73
Stockyards and Packers Act, rates of services regulated by Department of Agriculture under 73
Used supplies or equipment not acquired or produced for purpose of sale, certain 74, 1936
Containers, certain, accumulated and resold to others are not "supplies or equipment" and are not exempt (Int. 46) 717
Exporters and importers 70
General provisions; records, evasion, penalties, etc. 74
Modification of ceiling prices 70
Packaging costs, increased, due to postal regulations limiting size and weight of parcel post packages; apparel manufacturer may not separately state charge for handling (Gen. Int. 6) 1043
Scope; applicability, effective date, etc. 68
Open pricing contracts prior to Amendment 6 (Int. 49) 1521
Supersedure of GCPR as to certain commodities or services, etc., by specific regulations, *see specific commodities and services.*
Supplementary regulations:
Agricultural commodities. *See* Commodity Credit Corportation; *and* Grains.
Automobiles, new and used; retail prices (SR 5) 1124
Beef, processed (cured, smoked, dried, barbecued, etc.); adjustment of ceiling prices (SR 61) 429
Authority of Regional and District Directors. *See* Authority, delegations of.
Cigarettes:
"Loss-leader" prices covered by Arkansas statute, adjustment of (SR 53), revocation 1049
Postponement of effective date of revocation 1883
Vending machine sales of cigarettes (SR 93) 2657
Coal, coke, etc.:
Coke, coal chemicals and coke oven gas (SR 13):
Benzol and naphthalene, adjustment of ceiling prices for 476
Extension of expiration date 19, 1852

PRICE STABILIZATION, OFFICE OF—Continued Page

General Ceiling Price Regulation—Continued
Supplementary regulations—Continued
Coal, coke, etc.—Continued
Retail dealers, authority to increase ceiling prices (SR 2):
Definitions; "class of purchaser" or "purchaser of same class" 1392
Transportation cost increases by motor carriers 1462
Commodity Credit Corporation; sales of agricultural commodities acquired through price support operations (SR 14) 2549
Contract motor carriers, certain, rate adjustments for (SR 39); authority of Regional and District Directors. *See* Authority, delegations of.
Copper. *See* Ores and concentrates.
Corn milling industry (wet), sales by producers and distributors of feed by-products of (SR 86) 399
Cottonseed products (meal, slab cake, sized cake, pellets and hulls); ceiling prices (SR 31), revision 1715
Coupon exchange rates and other premium programs (SR 25); authority of Director and Directors of Divisions of Office of Price Operations. *See* Authority, delegations of.
Dried products, distillers'; adjustable pricing (SR 90) 1823
Drinks, soft; bottled (SR 43) 231
Flaxseed feed products, interim pricing for (SR 95) 2761
Floor coverings (rugs, carpets, etc.), wool and various substitute yarns, increase in manufacturers' and wholesalers' prices for (SR 11) 2383
Automobile floor coverings and similar coverings, not within categories enumerated in regulation; section 2 does not extend scope of section 1 (Int. 1) 717
Glass prescription ware; adjustment for manufacturers (SR 88) 864, 1216
Grains:
Millers and processors of; ceiling prices for sales of certain food commodities (flour, semolina, farina, meal, grits, etc.), and feeds and feed ingredients processed from wheat, corn, flaxseed, oats, rye, barley and grain sorghums (SR 18) 2562
Milo milling industry, wet; ceiling prices for sales by producers and distributors of feed by-products (SR 92) 2655
Ice, adjustment of ceiling prices for (SR 45):
Authority of District Directors. *See* Authority, delegations of.
Revision 821
Lead and zinc:
See also Ores and concentrates.
Domestic slab zinc, primary lead, lead and zinc ores and concentrates, and other lead and zinc, adjustments in ceiling prices for (SR 70); revision 739
Logs, sawmill, produced in Alaska; suspension (SR 55), restriction on applicability after December 31, 1951, removed 67
Lumber, logs, and allied wood products; ceiling prices for resellers (SR 87) 555
Milk (fluid), cream and milk products; area milk price adjustments (SR 63):
Applicability; removal of territories and possessions 893
Authority of District Directors. *See* Authority, delegations of.
California:
Fresno District (AMPR 15) 1002
Los Angeles County marketing area (AMPR 10) 503, 2172
Los Angeles District (other than Los Angeles County marketing area) (AMPR 11) 505, 2174
Reno District (Nevada and certain Eastern California Counties) (AMPR 13) 997
Sacramento District (AMPR 14) 999, 1853
San Diego District (AMPR 9) 500, 961
San Francisco District (AMPR 12) 991, 1685
Solano County; market milk sold in Vacaville-Dixon area (AMPR 8) 156

PRICE STABILIZATION, OFFICE OF—Continued Page

General Ceiling Price Regulation—Continued
Supplementary regulations—Continued
Milk (fluid), cream and milk products; area milk price adjustments (SR 63)—Continued
Florida; Manatee-Sarasota milk marketing area (AMPR 17) 2128
Illinois; Chicago milk marketing area (AMPR 5) 198, 1209
Indiana; Calumet milk marketing area (AMPR 2) 2719
Nevada; Reno District and certain Eastern California Counties (AMPR 13) 997
New York metropolitan milk marketing area (AMPR 1) 2428, 2614
Pennsylvania:
Philadelphia milk marketing area, area No. 1 (AMPR 20) 2757
Suburban Philadelphia milk marketing area, area No. 1A (AMPR 21) 2759
Retail stores 446
Texas; North Texas milk marketing area (AMPR 19) 2721
Washington; Central Western Washington milk marketing area (AMPR 7) 2171
Wisconsin; Kenosha milk marketing area (AMPR 16) 1717
Mine materials, wooden, ceiling prices when sold for delivery or use in area where produced; Northern Area (Michigan, Wisconsin, and Minnesota) (SR 82), materials of seven-inch diameters and larger, increase in ceiling prices for 1463
Ores and concentrates, copper, lead and zinc; custom smelting and refining (SR 94) 2727
Pork products, retail sales of; adjustment of ceiling prices (SR 65) 1049
Property; suspensions for sales of certain United States Government property (SR 72):
Extension of suspension 67, 1883
Reporting requirements 1883
Railroad ties, Eastern, untreated; suspension from price control (SR 68), extension of expiration date 67
"Replacement squeeze," elimination of, and reflection of manufacturers' price changes; modification of prices for certain sales at wholesale and retail (SR 29) 2611
Inclusion of additional regulations 722, 2307
Relief for intermediate distributors 398
Sausage, fresh and semi-dry, made in whole or in part from beef; adjustment of ceiling prices (SR 34), authority of District Directors. *See* Authority, delegations of.
Services, certain, exceptions for (SR 15); fruits, vegetables, berries and tree nuts, fresh, services in connection with harvesting, preparing for market, etc., exception for rates and charges, revocation of suspension for white flesh potatoes 197
Sodium silicofluoride (SR 50), changes in manufacturers' prices; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (SR 29) 722, 2611
Timber (stumpage); exemption (SR 17), stumps also exempt 1393
Tires; basic tire carcasses, recapped and retreaded tires (SR 49), new prices 398
Twine, baler and binder; ceiling prices for sales by wholesalers and dealers (SR 89) 1299
Zinc. *See* Lead and zinc.
Generators 862, 1353
Glass prescription ware; adjustment for manufacturers (GCPR, SR 88) 864, 1216
Girl Scouts of America; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 1936
Goodwill Industries; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 1936
Government agencies:
Commodity Credit Corporation:
Agricultural commodities; sales by Corporation (GCRR, SR 14) 2549

PRICE STABILIZATION, OFFICE OF—Continued Page

Government agencies—Continued
Commodity Credit Corporation—Continued
Ceiling prices of commodities for which support prices are established by (GOR 26) 2550
Authority of Regional Directors. *See* Authority, delegations of.
Defense agencies, sales to; military items (aircraft, armored trains, electronic and communication devices and related parts and equipment, and ammunition, boats, etc.), exemption (GOR 9) 1651
Sales by United States or agencies; suspensions for sales of certain United States Government property (GCPR, SR 72):
Extension of suspension 67, 1883
Reporting requirements 1883
Sales to United States or agencies; exemption for tungsten concentrates processed from ores produced outside United States, its territories and possessions (GOR 9) 1651
Warehousing, dock, or terminal services of Government or governmental agency. *See* Services.
Governors, engine 862, 1353
Grains:
Corn milling industry (wet), sales by producers and distributors of feed by-products of (GCPR, SR 86) 399
Dried products, distillers'; adjustable pricing (GCPR, SR 90) 1823
Flaxseed feed products, interim pricing for (GCPR, SR 95) 2761
Millers and processors of; ceiling prices for sales of certain food commodities (flour, semolina, farina, meal, grits, etc.), and feeds and feed ingredients processed from wheat, corn, flaxseed, oats, rye, barley and grain sorghams (GCPR, SR 18) 2562
Milo milling industry, wet; ceiling prices for sales by producers and distributors of feed by-products (GCPR, SR 92) 2655
Graphite foundry facings; exemption (GOR 9) 1652
Graphite, natural; exemption (GOR 9) 1652
Groundwood printing and converting papers. *See* Paper, paperboard, etc.
Guam. *See* Territories and possessions of United States.
Gyroscopes 862, 1353
Hardware, builders'. *See* Builders' hardware.
Hawaii. *See* Territories and possessions of United States.
Hearings:
Automobile prices, under CPR 83; hearing with respect to. *See* Automobiles.
Meat distribution cases, procedures in. *See* Procedural regulations.
Heat exchanger equipment 862, 1353
Heating equipment 862, 1353
Hemlock. *See* Wood and wood products.
Hog-cholera virus and anti-hog cholera serum. *See* Drug commodity transactions.
Hoists 862, 1353
Home, commodities made or produced at, providing sales do not exceed $1,000 in any one month; exemption 73
Honey; exemption (GOR 7) 201, 1185
Horsemeat products. *See* Livestock and meat.
Hose and tubing 862, 1353
Hospital services. *See* Services.
Household accessories (ceramic ornaments, Christmas decorations, picture frames, figurines, pictures, bells and chimes, etc.); exemption (GOR 5) 2088
Household effects, used, personal:
Sales by private owner; exemption 73
Sold at auction, except sales by establishment regularly engaged in business; exemption 73
Housewares:
Certain (coffee and pepper grinders, cork wire swabs, toothpicks); exemption (GOR 5) 2088
Retail prices. *See* Consumer goods.
Ice, adjustment of ceiling prices for (GCPR, SR 45):
Authority of District Directors. *See* Authority, delegations of.
Revision 821

PRICE STABILIZATION, OFFICE OF—Continued Page

Ice creepers; exemption (GOR 5) 2088
Indian and Eskimo handicraft objects; exemption 73
Industrial machinery, used. *See* Machines and machinery.
Industrial materials and manufactured goods, certain (antique automobiles, asbestos, graphite, machinery, mercury, military items, monuments, ores, stones, ships, etc.); exemption or suspension from price control (GOR 9) 608, 865, 1650, 1720
Industrial steel products. *See* Iron and steel.
Instruments, electrical and mechanical 862, 1353
Insurance, selling or underwriting; exemption 73
Inter-communicating systems, electronic 862, 1353
Iron and steel:
Castings. *See* Castings.
Products; resellers' prices (CPR 98), republication 2308
Amendments prior to republication:
Coverage:
General pricing instructions 1888
Persons and transactions covered 1888
Products covered 1888, 1892
General pricing provisions:
Applications for establishment of ceiling prices and adjustment of extras 1892
Customary price differentials and terms of sale 1892
Definitions; "customary incoming transportation factor" 1892
Industrial steel products:
Domestic industrial steel products in Tables A, B, C; ceiling warehouse prices 1888
Imported industrial steel products listed in Tables A and B; ceiling warehouse prices 1889
Secondary or rejected domestic steel products; ceiling warehouse prices 1889
Merchant trade wire and tubular products and oil country tubular goods; ceiling jobber prices for merchant wire and roofing and siding products 1890
Reusable products, structural pipe and conversion steel:
Boiler and pressure tubes, used (including locomotive flues) 1891
Industrial iron and steel products, reusable 1891
Pipe, reusable and structural 1890
Structural pipe 1891
Authority of Regional and District Directors. *See* Authority, delegations of.
Scrap, iron and steel (CPR 5):
Ceiling prices; basing point prices for steel scrap of dealer and industrial origin:
Prices from which maximum shipping prices are computed; hard steel cut 2 feet and under, deleted 962
Restrictions on use:
Premiums established for grades 11 through 21 962
Price established for grade 30; deleted 962
Specifications; steel grades of dealer and industrial origin, hard steel cut 2 feet and under, deleted 962
Jacks and jack-screws 862, 1353
Jewelry:
Precious jewelry and precious stones; exemption (GOR 5) 2088
Precious stones; exemption 73
Retail prices. *See* Consumer goods.
Kerosene. *See* Petroleum products.
Kilns 862, 1353
Kyanite and related ores; exemption (GOR 9) 1652
Lamb. *See* Livestock and meat.
Lamps and lamp shades. *See* Consumer goods.
Laundry services. *See* Services.
Lead and zinc:
See also Ores, concentrates, etc.
Domestic slab zinc, primary lead, lead and zinc ores and concentrates, and other lead and zinc, adjustments in ceiling prices for (GCPR, SR 70), revision 760
Lighting equipment, commercial, industrial, marine, highway, etc 862, 1353
Lightning arresters 861, 1352

PRICE STABILIZATION, OFFICE OF—Continued Page

Liquors, distilled spirits, malt beverages, wines, etc.:
Basic alcoholic beverage regulation (CPR 78):
Definitions; "importer" 601
General provisions; modification of ceiling prices 758
Supplementary regulations:
Distributors of imported and domestic packaged distilled spirits and wines (SR 2):
Effective date 66, 608, 1048, 2714
General provisions; payment of brokers' compensation 608
Introductory provisions:
Provisions of CPR 78 which apply; modification of ceiling prices 760
What this regulation does 602
Monopoly States; ceiling prices for items not covered by statute, ordinance, regulation, etc 760
"On premise licenses" and certain importers and processors 608
Determination of ceiling prices for certain items, by importer or processor 608
Primary distributing agents; determining ceiling prices, records to prepare and preserved 760
Retailers:
Category markups:
Items falling within categories dealt in during base period 760, 1048, 2714
Items falling within categories not dealt in during base period 760, 1048, 2714
General provisions; ceiling prices for sales of packaged domestic whiskey purchased under license contracts 605
Individual item markups:
New items, ceiling prices for 760, 1048, 2714
Records to prepare and preserve 760, 1048, 2714
Wholesalers:
Items on which a "special deal" was in effect during base period; approval of initial ceiling price 760
New items, initial prices for; establishment of "markup factor" for new categories 760
Prices for sales of packaged domestic whiskey purchased under license contracts 603
Records to be prepared and preserved 760
Domestic bulk whiskey (SR 1):
Alterations of original proof 759
Determination of age 759
Provisions of CPR 78 which apply 759
Scope 759
Sellers who cannot price otherwise 759
Whiskey distilled before Oct. 1, 1951; ceiling prices 759
Whiskey distilled on and after Oct. 1, 1951, ceiling prices for; deletion 759
Whiskey under license contracts; ceiling prices 759
Eating and drinking establishments, beverages sold by. *See under* Restaurants.
Malt beverages (CPR 117) 432, 1212
Authority of Regional and District Directors. *See* Authority, delegations of.
Brewers 435
General provisions; treatment of fractions, posting ceiling prices, prohibitions, evasions, records, etc 442
"On-premise licensees" 442
Retailers 439
Scope 435
Sellers who price as wholesalers (brewers' branches, importers, wagon vendors) 439
Wholesalers 437
Rare packaged domestic whiskey; exemption (GOR 7) 19, 1185
Livestock and meat:
Beef:
Processed beef (cured, smoked, dried, barbecued, etc.); adjustment of ceiling prices (GCPR, SR 61) 429
Authority of Regional and District Directors. *See* Authority, delegations of.

PRICE STABILIZATION, OFFICE OF—Continued — Page

Livestock and meat—Continued
Beef—Continued
Retail ceiling prices (CPR 25); authority of District Directors. *See* Authority, delegations of.
Wholesale, beef sold at (CPR 24); zone differentials and additions to ceiling price 990
Cattle, live (CPR 23) 1179
Distribution:
Allocation records (DR 2); exemption of baby lambs from grading and grademarking requirements, during April 1952 2607
Fair distribution of livestock and meat; determination and conditions under which slaughter of cattle, calves, sheep, lambs, or swine is permissible (DR 1) 2115
Authority of various officials. *See* Authority, delegations of
Meat Distribution Board of Appeals and Hearing Officers. *See* Organization and functions.
Procedures in meat distribution cases. *See* Procedural regulations.
Statements, reports, notices, forms, applications, etc., filed; treatment of 2721
Hawaii, cane blackstrap molasses sold for feeding to livestock in. *See* Molasses.
Horsemeat products, fresh, frozen, cured, and canned; ceiling prices at wholesale or retail (CPR 129) 2275
Lamb, yearling and mutton products, wholesale ceiling prices for (CPR 92) 2053
See also Distribution.
Authority of District Directors. *See* Authority, delegations of.
Baby lamb carcasses, sales of, during April, 1952 2606
General provisions; allocation of carcasses, foresaddles and hindsaddles, suspension of allocation provision 1178, 2549, 2714
Mutton. *See* Lamb, yearling and mutton.
Pork:
Products, retail sales of; adjustment of ceiling prices (GCPR, SR 65) 1049
Wholesale, ceiling prices of pork at (CPR 74); authority of District Directors. *See* Authority, delegations of.
Sausage, fresh and semi-dry, made in whole or in part from beef; adjustment of ceiling prices of manufacturers and distributors (GCPR, SR 34), authority of District Directors. *See* Authority, delegations of.
Sterile canned meat and dry sausage; manufacturers' prices (CPR 22, SR 15) 153, 991
Veal sold at wholesale (CPR 101):
Additions to ceiling price:
Intermediate distributor and packer's branch house 1006
Wholesaler's 1006
Authority of Regional and District Directors. *See* Authority, delegations of.
Definitions:
General definitions 1006
Zone definitions (Appendix 1) 1006
General provisions; limitations on sales of hideon veal carcasses to retailers 1006
Pricing schedules:
Variety meats and by-products, fresh or frozen 1006
Veal carcasses and wholesale veal cuts 1006
Virgin Islands, sales of pork and live hogs in. *See* Foods.
Yearling. *See* Lamb, yearling and mutton.
Loading and unloading equipment, for industrial or commercial use 862, 1353
Logs. *See* Wood and wood products.
Lubricating systems and devices 863, 1353
Luggage. *See* Consumer goods.
Lumber. *See* Wood and wood products.
Machines and machinery, etc.:
Batteries, lead acid storage (CPR 30, SR 6) 286
Bolts, nuts, screws, etc., used in. *See* Bolts, nuts, screws, or rivets, *above*.
Can closing machinery and related equipment, lease of, and machine services performed in connection with (CPR 114) 396

PRICE STABILIZATION, OFFICE OF—Continued — Page

Machines and machinery, etc.—Continued
Changes in manufacturers' prices; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) 398, 2611
Emergency purchases of, or secret or developmental contracts for machinery and related manufactured goods; suspension of ceiling price regulations in certain cases (GOR 9) 1652
Farm equipment; retail sales of new and used mechanical farm equipment (CPR 100), authority of District and Territorial Directors. *See* Authority, delegations of.
Machine tools and machine tool attachments and parts (CPR 30, SR 2) 154, 1753
Manufacturers' prices for machinery and related manufactured goods (CPR 30) 1335
Calculation of ceiling prices 1336
Base period prices 1336
Labor cost adjustment 1339
Materials cost adjustment 1340
Special provisions 1345
Changes in manufacturers' prices. *See* Changes, *above*.
Coverage:
Commodities covered (Appendix A) 1352
Export sales 1346
Sales and sellers covered 1336, 2087
Installation or erection services 721
Emergency purchases of, or secret or developmental contracts for listed commodities. *See* Emergency purchases, *above*.
Form, OPS Public Form 8, "Manufacturer's Price Adjustment Report"; changes in use of with this regulation (Appendix C) 1356
Manufacturing materials:
Change in net cost may be calculated up to August 1, 1951 (Appendix D) 857, 1356
Change in net cost may be calculated up to March 15, 1951 (Appendix B) 1355
Miscellaneous provisions; taxes, adjustments, definitions, prohibitions, etc 1346
Use of "conversion steel" in calculating materials cost adjustment 422
Use of previous ceiling prices after effective date in certain cases 154
Report of price adjustment, form for. *See* Form.
Supplementary regulations:
Lead acid storage batteries (SR 6) 286
Machine tools and machine tool attachments and parts (SR 2) 154, 1753
Mechanical precision springs, metal stampings and screw machine products. *See* Mechanical precision springs, *below*.
Resellers' prices for machinery and related manufactured goods (CPR 67); republication 857
Amendments prior to republication:
Calculation of ceiling prices 199, 200
Coverage:
Commodities covered, listed (Appendix A); accessories for supporting concrete reinforced bars and wire concrete reinforced mesh, added 200
Sales and sellers covered 199
Scope 199
Miscellaneous provisions; petitions for amendment 200
Authority of Regional, District, and Territorial Directors. *See* Authority, delegations of.
Used industrial and construction machinery and related equipment (CPR 105); ceiling prices, sales in Territory of Alaska 2750
Magnetos 863, 1354
Magnets, lifting, industrial 963, 1354
Malt beverages. *See* Liquors, distilled spirits, malt beverages.
Manganese ores; exemption (GOR 9) 1652
Manufacturers' prices:
See also specific commodities.

PRICE STABILIZATION, OFFICE OF—Continued — Page

Manufacturers' prices—Continued
Adjustments of ceiling prices for manufacturers (GOR 10):
Authority of District and Territorial Directors. *See* Authority, delegations of.
Changes in manufacturers' prices. *See* Changes.
Special orders for various firms:
Dant & Russell, Inc. 330
Gino Pill Co., Inc., Buffalo, N. Y. 937
Harrison Products, Inc., San Francisco, Calif. 329
McDonald Charcoal Co. 1200
Purdy Products, Inc. 970
Thompson Borsoma Co., Titusville, Pa. 937
Adjustments of manufacturers' prices; application for, under Defense Production Act of 1950 (CPR 22, SR 17, Int. 1) 1294
Changes in manufacturers' prices; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) 2611
Inclusion of additional regulations 2307
Relief for intermediate distributors 398
Manufacturers' general ceiling price regulation (CPR 22) 1272
Agricultural commodities and products, list of; current date used in calculating change in net cost (Appendix C) 1290
Calculation of ceiling prices 1273
Base period price 1273
Commodities dealt in between July 1, 1949, and June 24, 1950 1273
Labor cost adjustment 1274
Materials cost adjustment 1274
New commodities, new sellers, new purchasers 1281
New commodities falling within categories dealt in during base period 420, 1121
Special provisions respecting 1280
Use of "conversion steel" in calculating materials cost adjustment. *See* Miscellaneous provisions.
Worksheets, for calculations (Appendix E) 1294
Changes in manufacturers' prices. *See* Changes, *above*.
Coverage:
Commodities not covered, list of Appendix A) 1287
Apparel, apparel furnishings or accessories:
Footwear, deleted from apparel category 1749
Plastic dip fabric gloves, excluded from exemptions 1749
Export 1283
Sales and sellers 420, 1273
Form, OPS Public Form 8, "Manufacturer's Price Adjustment Report" (Appendix D) 1294
Manufacturing materials, listed; change in net cost calculated up to March 15, 1951 (Appendix B) 1289
Miscellaneous provisions 1282
Sellers who cannot price otherwise, use of previous ceiling price after effective date in certain cases 152
Use of "conversion steel" in calculating materials cost adjustment 421
Report of price adjustment, form for. *See* Form.
Supplementary regulations:
Adjustments of manufacturers' prices; application for, under Defense Production Act of 1950 (SR 17):
Applicability of SR 17 or SR 18 to manufacturers of paints, varnishes and lacquers covered by SR 6 (Int. 1) 1294
Changes in manufacturers' prices. *See* Changes, *above*.
Replacement parts; authorization to calculate adjustment under this regulation rather than GOR 21 2562
Ammunition, small arms; ceiling prices (SR 21) 1460
Builders' hardware; ceiling prices (SR 22) 1460
Chemicals, modifications and alternative provisions for manufacturers of (SR 7) 756, 1423, 1886, 2169

PRICE STABILIZATION, OFFICE OF—Continued — Page

Manufacturers' prices—Continued
Manufacturers' general ceiling price regulation (CPR 22)—Continued
Supplementary regulations—Continued
Determining ceiling prices, alternative method for, by adjusting ceiling prices established under the GCPR rather than base period prices (SR 2); changes in manufacturers' prices. *See* Changes, *above*.
Effective date, extension of, for particular commodities (SR 12), certain textile products; additions and deletions to list 1711
Net sales for last fiscal year not exceeding $1,000,000; optional ceiling price adjustment under Defense Production Act of 1950 for certain manufacturers (SR 18), changes in manufactures' prices. *See* Changes, *above*.
Paints, varnishes, and lacquers (SR 6); applicability of SR 17 or SR 18 (respecting adjustments) to manufacturers covered by SR 6 (Int. 1) 1294
Peanuts, shelled; ceiling prices (SR 20) 421
Plastic products, custom molded and custom fabricated; pricing method (SR 14) 1043
Rubber products, certain:
Method of determining ceiling prices (SR 8) 600, 757, 1658
Postponement of price calculations (SR 10):
Adjustments under SR 17 or SR 18, or GOR 20 1750
Scope 1750
Sterile canned meat and dry sausage (SR 15) 153, 991
Marine terminal companies; rates and charges. *See* Services.
Meal, fur seal; exemption (GOR 7) 1185
Meat. *See* Livestock and meat.
Mechanical precision springs, metal stampings and screw machine products; manufacturers' prices (CPR 119) 471
Ceiling prices:
Commodities for which you have previous production experience; change in section reference 1357
Correction 753
Price determining method 1357
Coverage; sales and sellers covered 1356
Definitions; mechanical precision spring 1357
Reports; price determining methods reports to be filed on or before April 1, 1952 1357
Merchant trade wire and tubular products. *See* Iron and steel.
Mercury, domestic; exemption (GOR 9) 1652
Metal stampings. *See* Mechanical precision springs, metal stampings and screw machine products.
Metals and alloys, special, electrical 863, 1354
Mica, raw, and mica parts; exemption (GOR 9) 1651
Military and strategic commodities; exemption, to certain extent 73
Milk:
Fluid milk, cream and milk products; area milk price adjustments (GCPR, SR 63):
Applicability; removal of territories and possessions 893
Authority of District Directors. *See* Authority, delegations of.
California:
Fresno District (AMPR 15) 1002
Los Angeles County marketing area (AMPR 10) 503, 2172
Los Angeles District (other than Los Angeles County marketing area) (AMPR 11) 505, 2174
Reno District (Nevada and certain Eastern Counties) (AMPR 13) 997
Sacramento District (AMPR 14) 999, 1853
San Diego District (AMPR 9) 500, 961
San Francisco District (AMPR 12) 991, 1685
Solano County; market milk sold in Vacaville-Dixon area (AMPR 8) 156
Florida; Manatee-Sarasota milk marketing area (AMPR 17) 2128
Illinois; Chicago milk marketing area (AMPR 5) 198, 1209

PRICE STABILIZATION, OFFICE OF—Continued Page

Milk—Continued
Fluid milk, cream and milk products; area milk price adjustments (GCPR, SR 63)—Con.
Indiana; Calumet milk marketing area (AMPR 2) 2719
Nevada; Reno District and certain Eastern California Counties (AMPR 13) 997
New York metropolitan milk marketing area (AMPR 1) 2428, 2614
Pennsylvania:
Philadelphia milk marketing area, area No. 1 (AMPR 20) 2757
Suburban Philadelphia milk marketing area, area No. 1A (AMPR 21) 2759
Retail stores 446
Texas; North Texas milk marketing area (AMPR 19) 2721
Wisconsin; Kenosha milk marketing area (AMPR 16) 1717
Washington; Central Western Washington milk marketing area (AMPR 7) 2171
Goat's milk; exemption 74
Puerto Rico, food products (including milk for fluid consumption) sold in. *See* Foods.
Milo milling industry. *See* Grains.
Mine materials, wooden. *See* Wood and wood products.
Modification of Ceiling prices; Director's authority. *See* Ceiling prices.
Mohair; exemption 73
Molasses:
Edible; exemption (GOR 7) 1185
Industrial; cane blackstrap, beet final sugar, citrus, or Hydrol (CPR 89):
Distributor prices for industrial molasses sold in at least tank car lots 1823
Prices for cane blackstrap sold for feeding to livestock in Hawaii 1823
Prices for sale of industrial molasses in less than tank car lots 1823
Producer prices, for cane blackstrap sold for feeding to livestock in Hawaii 1823
Sorghum syrup; exemption (GOR 7) 1186
Monuments and memorials; exemption for sales and installation services by producers and resellers (GOR 9) 1651
Motion pictures:
Equipment 863, 1354
Prices or rentals for, and rates charged in business of operating motion picture or other theatre enterprise; exemption 73
Motor vehicles:
Automobiles. *See* Automobiles.
Automotive trucks, motorcycles, busses, trailers, etc., and parts and equipment 861, 863, 1353, 1355
Contract carriers by motor vehicle; adjustable pricing for certain services. *See* Services.
Contract motor carriers, certain, rate adjustments for (GCPR, SR 39); authority of Regional and District Directors. *See* Authority, delegations of.
Motors, electrical 863, 1354
Musical instruments. *See* Consumer goods.
Mutton. *See* Livestock and meat.
Naphthalene. *See* Coal, coke, etc.
Nativity stables, miniature; exemption (GOR 5) 2088
Neon indicator attachments 863, 1354
Non-compliance; establishment of ceiling prices in cases of. *See* Ceiling prices.
Nonprofit organizations, certain; exemption of sales of merchandise bearing insignia or brand of (GOR 6) 1936
Notions and novelties:
Certain (artificial items, hand-decorated bottles, novelties made of glass, wood, etc., certain greenery, party novelties made in part of candy or nuts, advertising novelties); exemption (GOR 5) 915, 2088
Retail prices. *See* Consumer goods.
Novelties. *See* Notions and novelties.
Nursery products; greens, flowers, Christmas trees, etc., exemption for 73
Nuts:
Peanuts, shelled, manufacturers' prices (CPR 22, SR 20) 421
Tree nuts; exemption 73

PRICE STABILIZATION, OFFICE OF—Continued Page

Nuts, bolts, etc. *See* Bolts.
Oil burners 863, 1354
Oil country tabular goods. *See* Iron and steel.
Oils, oilseeds, etc.:
Animal or vegetable oils. *See* Fats and oils.
Certain; exemption 73
Petroleum oils. *See* Petroleum products.
Safflower oil and seeds; exemption (GOR 7) 1185
Oil-well and oil-field machinery and equipment 863, 1354
Olives. *See* Fruits, vegetables.
Optometrists. *See* Services.
Ores, concentrates, etc.:
Copper, lead and zinc ores and concentrates, custom smelting and refining of (GCPR, SR 94) 2727
Exemption (GOR 9):
Cobalt ores, oxide and metal, and conversion services 865
Rutile ores and concentrates 608, 1652
Organization and functions:
Meat Distribution Board of Appeals and Hearing Officers; establishment and delegations of authority (Delegation of Authority 56) 2146
Organizational statement 675
Delegations of final authority, to various officials 678
Field organization and activities:
Basic field organization 677
Boundaries, District and Regional (map) 680
District offices 677
Field offices, location of 677
Regional offices 677
General plan of organization 675
National Office activities:
Accounting 677
Director of Accounting, establishment of position of 484
Chief Counsel 676
Cooperation with other Government agencies 677
Director of Price Stabilization 675
Economic Policy 676
Enforcement 676
Field Operations 677
Management 676
Price Operations 676
Public Information 676
Ovens, industrial and laboratory 863, 1354
Packaging costs, increased, due to postal regulations limiting size and weight of parcel post packages; apparel manufacturer may not separately state charge for handling (Gen. Int. 6) 1043
Paintings and other objects of art; exemption 73
Paints, varnishes and lacquers, manufacturers' prices (CPR 22, SR 6, Int. 1) 1294
Paper, paperboard, etc.:
Boxboard, containerboard, and certain other paperboard (CPR 108); corrections 552
Changes in manufacturers' prices; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) 2307, 2611
Converted paperboard products, certain (CPR 84); applicability, inclusion of Territory of Hawaii 721
Food containers:
Cups, etc. *See* Containers, *above*.
Paperboard. *See* Special paperboard.
Groundwood printing and converting papers; sales by manufacturers (CPR 131) 2492
Printing, printed products, allied products and certain paper products such as cellophane, paper back foil, flexible film packaging material, etc. (CPR 121) 888
Changes in manufacturers' prices. *See* Changes, *above*.
Shipping sacks, paper; manufacturers' prices (CPR 115) 423
Special paperboard, food container and closure paperboard; manufacturers' prices (CPR 116) 427
Waxed papers (CPR 130) 2420
Wholesale paper merchant (CPR 112) 227
Changes in manufacturers' prices. *See* Changes, *above*.
Writing paper and other fine papers, ceiling prices for manufacturers of (CPR 91); miscellaneous minor corrections 395
Peanuts. *See* Nuts.

PRICE STABILIZATION, OFFICE OF—Continued Page

Perishable foods. *See* Foods.
Personal accessories (comb cleaners, certain costume jewelry, hair rolls, pin cushions, shoe horns, cigarette rolling machines for home use, certain art glass products, etc.); exemption (GOR 5) ---- 915, 2088
Pet supplies (bird cages, bird houses, dog and cat beds, dog license tags, pet toys, etc.); exemption (GOR 5) ---- 2088
Petroleum products (gases, oils, gasoline, kerosene, liquefied petroleum gases, Diesel fuels, naphthas, solvents, etc.):
Authority of Director of Price Operations and Director of Transportation, Public Utilities, and Fuels Division, under CPRs 13, 17, 32. *See* Authority, delegations of.
Crude petroleum (CPR 32); adjustment of certain ceiling prices (SR 2), special orders:
Arneckeville Field, DeWitt County, Tex---- 2647
Basterville Field, Lamar and Marion Counties, Miss ---- 1235
Ham Gossett Field, Kaufman County, Tex---- 2648
Isom Springs Field, Marshall County, Okla---- 1672
Joyce Field, Winn Parish, La---- 1202
Lucht Field, Bay County, Mich---- 1961
Pentwater Field, Oceana County, Mich---- 1402
Permian Basin---- 2463
Sam Houston Field, Walker County, Tex---- 2648
South Adams Field, Arenac County, Mich---- 2370
Sales other than retail (CPR 17):
Containers; deposits, certain reductions in ceiling price, etc---- 2086
Supplementary regulations:
Adjustment of ceiling prices in Upper New York State (SR 6)---- 1885
Kerosene and certain oils; sales in Greater Boston Area, Massachusetts (SR 44), inclusion of city of Everett---- 198
Navy Special Fuel Oil, specific ceiling prices for sales and deliveries at certain points (SR 5)---- 1517
Sales of gasoline in certain areas of California (SR 1); resellers of Los Angeles "rack price gasoline" outside Los Angeles basin---- 18
Phonographs and recorders. *See* Consumer goods.
Pile drivers---- 863, 1354
Pine gum, crude; exemption---- 73
Pipe. *See* Iron and steel.
Pipe organs, custom built; exemption (GOR 5)---- 2088
Pistons and piston rings---- 863, 1354
Plastic products, custom molded and custom fabricated; pricing method for manufacturers (CPR 22, SR 14)---- 1043
Plywood. *See* Wood and wood products.
Popcorn; exemption---- 73, 1186
Pork. *See* Livestock and meat.
Potatoes, white flesh:
Ceiling prices except at retail (CPR 113)--- 194, 696, 2715
Compliance; evasion---- 1685
Country shippers and growers, ceiling prices for:
See also Supplementary regulation.
Adjusted base price; grade, size and washing allowance (Table II)---- 1393, 1684
Base prices (Table I)---- 1684, 2325
Ceiling prices; packaging adjustments (Table III)---- 1685
Growers who are not country shippers, ceiling prices for---- 1685
Sales by growers to ultimate consumers---- 2325
Sales through brokers---- 1685
Sales through commission merchants; correction ---- 1212
Section heading amended---- 1684
Definitions:
Carlot distributor---- 2325
Carlot or trucklot receiving market---- 2325
Cost of rail transportation---- 1685, 2325
Less-than-carlot or less-than-trucklot receiving market---- 2325
Shipping point distributor---- 2325
Storage potatoes---- 1393
Washed potatoes---- 1393
Wholesale receiving point---- 2325
Grade, size, washing and packaging differentials- 1393

PRICE STABILIZATION, OFFICE OF—Continued Page

Potatoes, white flesh—Continued
Ceiling prices except at retail (CPR 113)—Con.
Intermediate sellers and shipping point distributors:
Long distance delivered sales---- 2325
Primary price; correction---- 1212
Primary receivers, sales by; delivered sales---- 2325
Section heading changed to include shipping point distributors---- 2325
Shipping point distributors, sales by---- 2325
Potato futures; New York and Chicago Mercantile Exchange futures contracts---- 1685
Scope:
Month to be used in computation of ceiling prices ---- 1684
Pricing provisions to be used---- 1684
Supplementary regulation; Maine potatoes, "prevailing costs" for grower sales (SR 1)---- 2388
Sales at retail. *See* Foods.
Services in connection with. *See* Services.
Poultry:
Domestic and imported luxury items (geese, guineas, pheasants, quail, etc.); exemption---- 73
Processed ducks, ceiling prices except at retail (CPR 79:
Definitions:
Processor ---- 1758
Transportation factor---- 1758
Markups to basic ceiling prices (Table C)---- 1758
Prescription ware, glass. *See* Glass prescription ware.
Press association or feature service, materials furnished for publication by, and prices or rentals for; exemption---- 73
Presses, industrial or commercial---- 863, 1354
Pressure and non-pressure tanks and vessels---- 863, 1354
Printing and binding, etc.:
Certain printed paper products. *See* Paper, paperboard, etc.
Machinery and equipment---- 863, 1354
Procedural regulations:
General price procedures (PPR 1), right to file petition for amendment; hearing with respect to automobile prices under CPR 83. *See* Automobiles.
Meat distribution cases, procedures in (DPR 1)---- 2125
Appeals ---- 2126
General provisions---- 2127
Hearing Officers and Meat Distribution Board of of Appeals; establishment and functions. *See* Organization and functions.
Hearings ---- 2127
Suspensions and revocations---- 2126
Professional services, rates or fees charged for; exemption---- 73
Property:
Abandoned or confiscated by Government Agencies or pursuant to court decree; exemption--- 73
Real; prices or rentals, exemption for---- 73
Sales by United States or agencies. *See* Government agencies.
Public address apparatus---- 863, 1354
Public utility or common carrier, rates charged by; exemption---- 73
Publications; books, magazines, periodicals or newspapers, prices or rentals for and rates charged in business of operating or publishing, exemption for---- 73
Puerto Rico. *See* Territories and possessions of United States.
Pumpkin, canned. *See* Fruits, vegetables, and berries.
Pumps, power and hand operated---- 863, 1354
Pyrometer movements---- 862, 1353
Rabbits and hares, domestic and imported; exemption---- 73
Radio and television:
Antennas. *See* Antennas.
Sets. *See* Consumer goods.
Station, radio-broadcasting or television exemption for rates charged in business of operating ---- 73
Railroad ties. *See* Wood and wood products.
Rectifiers---- 863, 1354

PRICE STABILIZATION, OFFICE OF—Continued Page

Refractory products, manufacturers of (CPR 125) 1213
Refrigeration equipment 863, 1354
Regional offices; activities and organization. *See* Organization and functions.
Restaurants:
Eating and drinking establishments, meals, food items and beverages sold by; ceiling prices (CPR 134) 2750
Exemption of certain food and restaurant commodities. *See* Foods.
Increase in prices to reflect increases in cost of food (CPR 11):
Authority of District Directors. *See* Authority, delegations of.
Supersedure for certain items and establishments. *See* Eating and drinking establishments.
Territorial restaurants and eating and drinking establishments (CPR 120) 552
Authority of Territorial Directors. *See* Authority, delegations of.
Rivets. *See* Bolts, nuts, screws, or rivets.
Road building equipment 863, 1354
Robinson-Patman Act, adjustments under. *See* Adjustments.
Rock crushers and plants 863, 1354
Rope fittings 863, 1354
Rubber:
Export sales of GR–S type. *See* Exported commodities.
Products, certain; manufacturers' prices:
Method for determining ceiling prices (CPR 22, SR 8) 600, 757, 1658
Postponement of price calculations (CPR 22, SR 10):
Adjustments under SR 17 or SR 18 of CPR 22, or GOR 20 1750
Scope 1750
Products, machinery and equipment 863, 1354
Rubber commodity transactions; exemption of experimental rubber products (GOR 3) 1465
Rugs. *See* Floor coverings.
Rules of practice, special, concerning petitions of the automobile industry. *See* Automobiles.
Rutile ores and concentrates. *See* Ores, concentrates, etc.
Sales of commodities and services, ceiling prices of which are established by other regulations or by voluntary agreements; exemption from GCPR 73
Salmon. *See* Fish and seafood.
Salvation Army; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 1936
Sausage. *See* Livestock and meat.
Scaffolds and towers 863, 1354
Scales, weighing, industrial and laboratory 863, 1354
Screw machine products. *See* Mechanical precision springs, metal stampings and screw machine products.
Screws. *See* Bolts, nuts, screws.
Searchlights 863, 1354
Seeds, including hay, pasture, legume, covercrop and other seeds; exemption 73
Separators 863, 1354
Services:
Services in connection with specific commodities, see specific commodities.
Certain services, suspensions for (GCPR, SR 15) 1520
Adjustable pricing authority; contract carriers by motor vehicle 1520
Suspensions:
Fresh fruits, vegetables, berries and tree nuts, services in connection with 1520
Hospitals 1520
Summer camps 1520
See also Excepted services; *and* Suppliers of services.
White flesh potatoes, revocation of suspension for 197
Construction services (building, highway, heavy, railroad and miscellaneous construction), ceiling prices, markups, and fees for sellers and purchasers (CPR 93); authority of District and Territorial Directors. *See* Authority, delegations of.

PRICE STABILIZATION, OFFICE OF—Continued Page

Services—Continued
Excepted services; rates, fees and charges for the supply of certain services, and the services which fall within the scope of certain occupations (GOR 14):
Advertising charges, certain 545
Government, Federal, State or local; operation of terminal, dock, or warehousing facilities 2657
Maryland accounts or deposits, inactive 19
Optometrists 545
Summer camps, certain non-profit 1187
Suppliers of services, in trade, commerce and industry (CPR 34):
Adjustments 288
Authority of Regional, District, and Territorial Directors. *See* Authority, delegations of.
Special orders for various firms:
Chrysler Corp., Airtemp Division 1442
DeCoppet & Doremus 2036
Louisiana State Rice Milling Co., Inc., Abbeville, La.; rice brokerage services 851
Richmond-Chase Co., San Jose, Calif.; canned products brokerage services 783
Supplementary regulations:
Automotive and farm tractor repair services; approval of certain flat rate manuals for use in establishing ceiling prices (SR 3), preliminary Diesel engine flat rate manual and supplement to Chevrolet body flat rate schedule, added to coverage 1757
Baseball, professional; prices which may be charged at home parks (SR 11) 820, 888
Laundries in Dade County, Florida (SR 10) 463
Marine terminal companies operating under joint agreements pursuant to provisions of Shipping Act of 1916; establishment or adjustment of uniform ceiling rates and charges (SR 14) 2564
Summer camps for children (SR 12) 1184
Tobacco redrying and related services (SR 9) 154
Window washing and building janitorial services in New York area (SR 13) 2049
Authority of Regional Directors, Region II. *See* Authority, delegations of.
Territorial supplementary regulation; retail dry cleaning and finishing and commercial laundry services in Virgin Islands (TSR 1) 1519
Sharpening and filing equipment 863, 1354
Shipping sacks, paper. *See* Paper, paperboard, etc.
Ships 863, 1354, 1652, 1720
Shoes. *See* Footwear.
Signalling apparatus 863, 1354
Silverware. *See* Consumer goods.
Siren blowers 863, 1354
Small business concerns; adjustments. *See* Adjustments.
Snow plows 863, 1354
Soaps, cleansers and synthetic detergents (CPR 10); revision 280
Sodium silicofluoride (GCPR, SR 50), changes in manufacturers' prices; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) 722
Sound recording and reproducing equipment 863, 1354
Sphygmo-oscillometers; exemption (GOR 5) 2088
Sporting goods:
Certain (bowling pins, clay targets and traps for target shooting); exemption (GOR 5) 915, 2088
Retail prices. *See* Consumer goods.
Spraying devices, industrial 863, 1354
Spring rigging, snubbers, etc 863, 1354
Springs, mechanical precision. *See* Mechanical precision springs.
Sprockets, power transmission 863, 1354
Stackers, industrial 863, 1354
Stampings, metal. *See* Mechanical precision springs, metal stampings.
Stamps and coins; exemption 73
Steam cleaning equipment and specialties 863, 1354
Steel. *See* Iron and steel.
Stockyards and Packers Act, rates of services regulated by Department of Agriculture under; exemption 73
Stokers, industrial and marine 863, 1354

PRICE STABILIZATION, OFFICE OF—Continued Page

Stones, dimension and building; exemption for sales by producers and resellers (GOR 9) 1651
Stones, precious. *See* Jewelry.
Stumpage and stumps (timber). *See* Wood and wood products.
Sugar and sugarcane; exemption 73
Sundials; exemption (GOR 5) 2038
Supplies and equipment:
Certain (anatomical models, wire forms and easels, biological material, sundials, etc.); exemption (GOR 5) 915, 2038
Used; exemption when not acquired or produced for purpose of sale 74, 1936
Certain containers, accumulated and resold to others, are not "supplies or equipment" and are not exempt under GCPR (Int. 46, to GCPR) 717
Surgical catgut sutures; ceiling prices for manufacturers and resellers (CPR 124) 1121
Geographical coverage 2087
Scope 2087
Surveying instruments 863, 1354
Sutures (surgical catgut). *See* Surgical catgut sutures.
Switches and switchboxes 863, 1354
Syrup, sorghum; exemption (GOR 7) 1186
Telephone and telegraph apparatus 863, 1355
Templates 861, 1352
Territories and possessions of United States:
Anti-freeze sold in Alaska. *See* Anti-freeze.
Automobiles sold in Hawaii. *See* Automobiles.
Ceiling prices for all commodities not produced or manufactured in territories and possessions where sold (CPR 9); establishment of uniform prices (SR 3):
Special orders for various firms:
Bulova Watch Co., Inc 1671
Gladding, McBean & Co 2036
Gruen Watch Co 1782
Heller, L., and Son, Inc 1671
Kops Bros., Inc 971
Longines-Wittnauer Watch Co., Inc 972
Uniform dollar-and-cents prices for certain articles; records for articles established by order need not be prepared or maintained 1391
Dry cleaning and commercial laundry services in Virgin Islands. *See* Services.
Exemptions, territorial; no regulations previously issued shall apply in territories and possessions, except in Alaska, Guam, Hawaii, Puerto Rico and Virgin Islands (GOR 23), definition of "territories and possessions" 2563
Exporters' prices for sales or shipments to. *See* Exported commodities.
Fertilizer and materials sold by mixers and packers in Puerto Rico; authority of Territorial Director for Puerto Rico. *See* Authority, delegations of.
Food products sold in Hawaii, Puerto Rico and Virgin Islands. *See* Foods.
Molasses, cane blackstrap, for feeding to livestock in Hawaii. *See* Molasses.
Restaurants and eating and drinking establishments. *See* Restaurants.
Sawmill logs produced in Alaska. *See* Wood and wood products.
Used industrial and construction machinery sold in Alaska. *See* Machines and machinery.
Textile commodities, household. *See* Consumer goods.
Textiles:
Changes in manufacturers' prices, modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) 398, 2611
Cotton textiles, primary, manufacturers' prices for (CPR 37):
Changes in manufacturers' prices. *See* Changes, *above*.
Definitions; "cost of labor", clarification as to fringe benefits which may be included 1711
Manufacturers of certain products, extension of effective date for (CPR 22, SR 12); additions and deletions to list 1711

PRICE STABILIZATION, OFFICE OF—Continued Page

Textiles—Continued
Wool yarns and fabrics, manufacturers' prices for (CPR 18):
Changes in manufacturers' prices. *See* Changes, *above*.
Miscellaneous provisions; reports, deletion 1179
Obtaining ceiling prices for yarns and fabrics dealt in during various periods, suspension of reporting requirements 1179
Thermal strips, bimetallic 861, 1352
Timber. *See* Wood and wood products.
Tires and tubes; basic tire carcasses, recapped and retreaded tires (GCPR, SR 49), new prices 338
Tobacco and products:
Certain exemption 73
Cigarettes:
"Lost-leader" prices covered by Arkansas statute, adjustment of (GCPR, SR 53); revocation 1049
Postponement of effective date of revocation 1833
Vending machine sales of cigarettes (GCPR, SR 93) 2657
Redying and related services. *See* Services.
Tomatoes. *See* Fruits, vegetables.
Tools, hand, machine, etc 863, 1352, 1353, 1354
Toys and games. *See* Consumer goods.
Track work, fabricated 863, 1355
Tractors 863, 1355
Trailers 863, 1355
Transformers 863, 1355
Trucks, automotive and industrial 864, 1355
Tungsten and products:
Concentrates, processed from ores produced outside United States, its territories and possessions; sales to agencies of United States, exemption (GOR 9) 1651
Ores; exemption (GOR 9) 1651
Turbines 864, 1355
Turnbuckles 864, 1355
Twine, baler and binder; ceiling prices for sales by wholesalers and dealers (GCPR, SR 89) 1299
United States, sales to or by. *See* Government agencies.
Uranium compounds. *See* Chemical commodity transactions.
Vacuum cleaners, industrial 862, 1353
Veal. *See* Livestock and meat.
Vegetables. *See* Fruits, vegetables.
Virgin Islands. *See* Territories and possessions of United States.
Vices, vise mounts, stands and supports 864, 1355
Voltage, regulators, feeder 863, 1354
Warehousing, dock, or terminal services of Government or governmental agency. *See* Services.
Watches and clocks. *See* Consumer goods.
Water, natural or distilled; exemption (GOR 7) 1185
Water-power equipment; conditioning and purifying equipment 864, 1355
Waxed papers. *See* Paper, paperboard, etc.
Welding apparatus 864, 1355
Well-drilling equipment 864, 1355
Wheels 864, 1355
Whiskey. *See* Liquors, distilled spirits.
Winches and windlasses 864, 1355
Wines. *See* Liquors, distilled spirits, malt beverages, wines.
Wire accessories, insulated wire, machinery and wiring devices 864, 1355
Wood and wood products:
Douglas fir and Ponderosa pine poles, piling, anchor logs, reinforcing stubs and short round materials produced in Pacific Northwest; ceiling prices (CPR 126) 1653
Lumber, logs, and allied wood products; ceiling prices for resellers (GCPR, SR 87) 555
Mine materials, wooden, ceiling prices when sold for delivery or use in area where produced; Northern Area (Michigan, Wisconsin, and Minnesota) (SR 82), materials of seven-inch diameters and larger, increase in ceiling prices for 1463
Pacific Northwest Douglas fir, true fir, and West Coast hemlock lumber, ceiling prices for (CPR 128) 2248
Pacific Northwest logs, ceiling prices for designated species (CPR 97) 2607
Graders and scalers, accredited (Appendix A) 656, 1271, 2247, 2611

PRICE STABILIZATION, OFFICE OF—Continued — Page

Wood and wood products—Continued
Railroad ties, Eastern; untreated:
Ceiling prices (CPR 123) 1007
Suspension from price control (GCPR, SR 68), extension of expiration date 67
Sawmill logs produced in Alaska, suspension of (GCPR, SR 55); restriction on applicability after December 31, 1951, removed 67
Southern hardwood and yellow Cypress lumber (CPR 132) 2552
Timber (stumpage); exemption (GCPR, SR 17), stumps also exempt 1393
Western softwood plywood and veneer (CPR 122) 915
Wool and wool products:
Fibres, wool, and related fibres; prices at other than growers' level (CPR 35), revision 289
Futures trading on wool exchange (CPR 20):
Deliveries of wool and wool top on futures contracts 286
Futures contracts, wool and wool top 286
Raw wool; exemption 73
Rugs, carpets, etc. *See* Floor coverings.
Yarns and fabrics. *See* Textiles.
Wrenches, torque 861, 1352
X-ray and electro-therapeutic apparatus 864, 1353
Yard goods, certain. *See* Consumer goods.
Yarns:
Knitting yarns and crochet thread. *See* Consumer goods.
Wool yarns and fabrics. *See* Textiles.
Yearling. *See* Livestock and meat.
Zinc. *See* Lead and zinc.

Special orders for various firms, under CPR 7 (retail prices for certain consumer goods):

A-1 Manufacturing Co 940
Abbey Imports, Inc 355
Aberle, Inc 1869
Adam Hat Stores, Inc 2033
Adrian "Designs for Men", Inc 1670
Aisenstein, Louis, & Bros., Inc 251
Alexandria Bedding Co 1433
Aluminum Goods Mfg. Co 1531
Amelia Earhart Luggage 2640
American Girl Shoe Co 674, 1960
American Luggage Works, Inc 2731
American Metal Specialties Corp 969, 2242
Amity Leather Products Co 2642
Annis Sportswear, Inc 2640
Anson, Inc 1441
Arctic Feather & Down Co 2152
Aristocrat Leather Products, Inc 2407
Artcraft Hosiery Mills, Inc 1529
Arvin Industries, Inc 1914
Barclay Knitwear Co., Inc 1871
B.V.D. Co., Inc 2641
Barron-Anderson Co 968
Bauxbaum Co 2031
Benner Leather Goods Co 1072
Berk-Ray Corp 1925
Berkshire Knitting Mills 240
Beverly Vogue Co 1200, 2032
Blue Bell, Inc 942, 2219
Bon Hop, Paul, Inc 1530
Botany Mills, Inc 1872
Brearley Co 2219
Buchsbaum, S., & Co 2220
Bunny Bear, Inc 243
Buntly, Nan, Inc 2220, 2641
Burlington Mills Corp 173
Buxton, Inc 2217
Casco Products Corp 942
Cash, J. & J., Inc 1312
Central Commercial Industries, Inc 941
Charles, Jack, Inc 947
Chicago Musical Instrument Co 1531
Chipman Knitting Mills 946
Chittenden & Eastman Co 1440, 2408
Cincy Products Co 250
Cole of California, Inc 588, 1869
Consolidated Trimming Corp 173
Continental Vogue Luggage Co 949
Copeland & Thompson, Inc 2216
Corning Glass Works 1960
Corp Corp 52

PRICE STABILIZATION, OFFICE OF—Continued — Page

Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.

Cortland Line Co., Inc 255
Craig Mfg. Co., Inc 246
Crosley Division, Avco Mfg. Corp 942
Croton Watch Co., Inc 948
Crown Fastener Corp 2146
Crown-Rest Bedding Co 1435
Cutler, H. H., Co 588
Dawnelle, Inc 681
Dazey Corp 1074
Decorative Cabinet Corp 589, 2645
Doeskin Products, Inc 588
Dominion Electric Corp 2033
Dorby Co 2644
Dormeyer Corp 2032
Dritz, John, & Sons 1073
Dulane, Inc 947
Duofold, Inc 1315
Dutchess Underwear Corp 945
Eclipse Sleep Products, Inc 1960
Ecuadorian Panama Hat Co., Inc 2215
Edlow Mfg. Co 244
Edmont Mfg. Co 1439
Ekco Products Co 1142
Elgin National Watch Co 1313
Englander Co., Inc 2405
Enterprise Mfg. Co 1437, 2408
Famous-Sternberg, Inc 2463
Fashioncraft Products 2296
Fay, Leslie, Fashions, Inc 2406
Fischer & Co., Inc 2218
Fisher, Bruce & Co 354
Forstmann Woolen Co 1310, 2218
Forstner Chain Corp 2644
Fortune Cravats, Inc 2147
Future Fashions, Inc 938
Gant Madeleine, Inc 1870
Gemex Co 2220
General Electric Co., Small Appliance Division, Clock Dept 2220
General Mills, Inc., Mechanical Division, Home Appliance Dept 941, 1871
Gibson, Inc 2221
Glendale Knitting Corp 1871, 2219
Glovitt, Inc 252
Gold Seal Co 258, 1531
Golden Fleece Tissue Mills, Inc 938
Gordon, Pauline, Inc 360
Gothic Jarproof Watch Corp 51
Grand Rapids Bedding Co 1434
Green Shoe Mfg. Co 1924
Grona, A., Mattress Co., Inc 1916
Gruen Watch Co 2216
Hamley & Co 1530
Hand-Craft Bedding Corp 622
Hanes Hosiery Mills Co 354
Hansen Glove Corp 2034
Hathaway, C. F., Co 1162
Hickok Mfg. Co 1140
Hoffman Radio Corp 2217
Holeproof Hosiery Co 1315
Hollins, William, & Co., Ltd. and Inc 2215
Hollydale Pottery, Inc 943
Huffman Mfg. Co 361, 783
Huyck, F. C., & Sons (Kenwood Mills) 2031, 2642
Ideal Bedding Co 942
Ideal Toy Corp 2406
Illinois Watch Case Co 175
Ingraham, E., Co 2033
International Latex Corp 2215
Interwoven Stocking Co 946, 1308, 2406
Iroquois China Co 218
Jacobson, F., & Sons, Inc 1201
Jacoby-Bender, Inc 2035
Jewel Radio Corp 625, 1985
Johnson Bros 1310, 1433
Kabo, Inc 587
Kaylon Inc 1870
Kayser, Julius, & Co 681, 1529
Kemline Metal Products Co., Inc 248
Kendall Mills Division of Kendall Co 1310
Kestenman Bros. Mfg. Co 2148
Keystone Chemical Co., Inc 2298

PRICE STABILIZATION, OFFICE OF—Continued Page
Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.
Khouri, A. N., & Bro 2645
Kirk, Samuel, & Son, Inc 2036, 2219
Knapp-Monarch Co 1872
Krementz & Co 947
Kroehler Mfg Co 587
Landers, Frary and Clark 2242
Land-O-Nod Co 2154
Leblanc, G., Co 1872
Lee-Rowan Co 2641
Lewis Engineering and Mfg. Co 1923
Libbey Glass, Division of Owens-Illinois Glass Co 2218
Liberty Electric Co., Inc 1316
Linder Brothers, Inc 2702
Little Rock Furniture Mfg. Co 623
Loom-Tex Corp 1530
Luber-Finer Inc 2149
Lunt Silversmiths 2702
Lux Clock Mfg. Co., Inc 967
Mabs, Inc 1141
MacGregor Goldsmith, Inc 2147
Mackie-Lovejoy Mfg. Co 684
Magnavox Co 1959
Malone, E. B., Co 969
Manhattan Shirt Co 1142
Marioness & Co., Inc 1236
Masland, C. H., & Sons 2153
Mason, L. E., Co 1915
McKay Products Corp 945
McKettrick-Williams, Inc 2297
Mendel-Drucker, Inc 2216
Metlox Mfg. Co 1162
Michaels Stern & Co., Inc 945
Middishade Clothes 1308
Mohawk Carpet Mills, Inc 1871
Morris Furniture Mfg. Co., Inc 1869
Munsingwear, Inc 1870, 2643
Naken, M. I., Co 2035, 2646
National-Rose Co 49
Neely Mfg. Co 254
Newland, Schneelock & Pick, Inc 173
North Star Woolen Mill Co 1140, 1528, 2214
Nutone, Inc 2147
Oakville Co. Div.; Scovill Mfg. Co 1920
Oneida Ltd 1914, 2406
Orchard Industries, Inc 360
Orco Products, Inc 1438
Oster, John, Mfg. Co 1316
Ostermoor & Co 1918
Packard-Bell Co 241
Padi Clothes, Inc 1669
Parker Sweeper Co 253
Pendleton Woolen Mills 1072
Penn Fishing Tackle Mfg. Co 359
Pipe, Eddie, & Co 2151
Plastic Products Co., Inc 1915
Platt Luggage Inc 2034, 2645
Prince Gardner Co 2641
Proctor Electric Co 1311
Progress Bedding Co 257
Propper-McCallum Hosiery Co., Inc 1670
Pyramid Rubber Co 1311
Quality Mattress Co 259
Radio Corporation of America, RCA Victor Division 683
Rainfair, Inc 2215
Randahl Co 256
Ransburg, Harper J., Co., Inc 355
Red Wing Potteries, Inc 2030
Reed & Barton Corp 2406
Reid, Rose Marie, Inc 1959
Remington Rand, Inc 2154
Rensie Watch Company, Inc 2348
Rentner, Maurice, Inc 1670
Reo Motors, Inc 2646
Revere Copper and Brass Inc., Rome Mfg. Co. Division 174, 1915, 2407
Ritts, Herbert, Inc 2036
Rival Mfg. Co 2218
Riverdale Mfg. Co., Inc 589
Robinson Reminders 2703
Rollins Hosiery Mills, Inc 245, 2646

PRICE STABILIZATION, OFFICE OF—Continued Page
Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.
Rose-Derry Co. and its subsidiary corporations, Rose-Derry Chicago, Inc., Rose-Derry Co. of California 1670
Roth, Chester H., Co., Inc 240
Royal China, Inc 2217
Rumpp, C. F., & Sons 1529
Sagner's Sons, A., Inc 939, 1528
St. Marys Woolen Mfg. Co 354, 2407
Sanson Hosiery Mills, Inc 2407
Schaefer Tailoring Co 1870
Schmitz, Bailey, Co 249
Scott Radio Laboratories, Inc 241
Seal-Dri Sportswear Co 1921
Sealy Mattress Co 624, 969
Seller, M., Co 174
Seller Lowengart Co 355
Sessions Clock Co 2644
Shakespeare Co 357
Shane, C. B., Corp 356
Shifman Bros 1961
Siebert, Rudolph R., Co 53
Simmons Co 1141
Simpson Imports, Inc 240
Skyway Luggage Co 49
Slumber Products Corp 941
Snug-Fit Foundations Co 247
Sohmer and Co., Inc 587
So-Lo Works, Inc., D/B/A So-Lo Marx Rubber Co 2032
Sondheim, Herbert, Inc 2297
South Bend Bait Co 2702
Southern Spring Bed Co 2642
Sparks-Withington Co 2031
Speidel Corp 1870
Sperry Top-Sider Footwear, Division of U. S. Rubber Co 966
Statler Mfg. Co 353
Stein, A., & Co 1914
Steubenville Pottery Co 1869
Stieff Co 1530
Stradivari Sportswear, Inc 249
Sutton, O. A., Corp 589
Tabin-Picker & Co 241
Telechron, Inc 849, 1529
Tex Tan of Yoakum 242, 2221
Toy Tinkers, Inc 2034
Trimount Clothing Co., Inc 1914, 2640
Trundle Bundle Products Co 1669
Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary 2732
Uncle Josh Bait Co 2150
Union Underwear Co., Inc 1309
United States Rubber Co 966, 1317, 2035
United States Trunk Co., Inc 1917
Valco Mfg. Co 1922
Van Raalte Co., Inc 1312, 2032
Vanity Fair Mills, Inc 1309, 1982
Volupte, Inc 1436
Wadsworth Watch Case Co., Inc 2642
Waltham Watch Co 2645
Wamsutta Mills 939, 1528
Weber Lifelike Fly Co 938
Webster-Chicago Corp 1919
Wedgwood, Josiah, & Sons, Inc 2216
West Bend Aluminum Co 2034
Westclox Division of General Time Corp 2643
Western Garment Co 2036
Westinghouse Electric Corp 1313, 2218
Television-Radio Division 682, 2105
Wheary, Inc 51
Whiting, Frank M., & Co., Division of The Ellmore Silver Co., Inc 2702
Whitney, W. F., Co., Inc 50
Wile, M., and Co., Inc 1528
Williams Hollins & Co 1314
Wilmington Hosiery Mills, Inc 1312
Wilson and Jansen 1529
Winer Mfg. Co., Inc 2030
Winship Co., Inc 947
Wiss, J., & Sons Co 354, 1959, 2405
Wooster Rubber Co 2217
Worcester Royal Porcelain Co., Inc 1309
Wuest, Adam, Inc 2031
Wurlitzer, Rudolph, Co 2220

PROCLAMATIONS. *See* Presidential documents. Page

PROCUREMENT, GOVERNMENT:
- Armed services procurement regulations. *See* Defense Department.
- Army procurement. *See* Army Department.
- Government procurement. *See* General Services Administration; *and* Public Contracts Division.
- Labor surplus, utilization of. *See* Defense Mobilization, Office of.

PROCUREMENT POLICY BOARD, establishment. *See* Defense Mobilization, Office of.

PRODUCTION AND MARKETING ADMINISTRATION. *See* Agriculture Department.

PROFIT SHARING. *See* Salary Stabilization Board; *and* Wage Stabilization Board.

PROXIES, solicitation of, rules respecting. *See* Securities and Exchange Commission.

PUBLIC BUILDINGS SERVICE:
- Authority, delegation of, to Commissioner by General Services Administrator:
  - Acting Administrator in absence or disability of General Services Administrator, authority to serve as 1399
  - District of Columbia hospital program; authority respecting acquisition of land, construction, etc 1840
- Hospital program, District of Columbia; delegation of authority to Commissioner by General Services Administrator respecting acquisition of land, construction, etc 1840
- Oregon; transfer of portion of property known as Fern Ridge Reservoir, Lake County, Oregon, to State of Oregon for wildlife conservation purposes (other than migratory birds), pursuant to Public Law 537, 80th Congress 2797

PUBLIC CONTRACTS DIVISION, DEPARTMENT OF LABOR:
- Contracts, Government:
  - Procurement of certain canned fruits and vegetables for Armed Forces; order granting exemption from provisions of Walsh-Healey Public Contracts Act, extension of effective period 76
  - Revision of general regulations; proposed rule making 2069
- Minimum wage determinations; various industries:
  - Drug, medicine, and toilet preparations 518
  - Instruments, surgical and apparatus 520
  - Medicine 518
  - Neckwear, men's; reopening of record for admission of additional wage data, notice 1860
  - Paint and varnish 611
  - Small arms ammunition, explosives and related products 2573
  - Surgical instruments and apparatus 520
  - Toilet preparations 518
  - Varnish 611
  - Woolen and worsted; notice of hearing 2576

PUBLIC DEBT BUREAU. *See* Treasury Department.

PUBLIC HEALTH SERVICE:
- Cancer control programs, grants for. *See* Grants.
- Foreign quarantine. *See* Quarantine, foreign.
- Gifts to PHS for use by Service, or for patients at Service hospitals, etc.; general provisions for acceptance and administration 77
- Grants for cancer control programs, with respect to fiscal year 1952 and succeeding fiscal years 767
- Hospital and station management with respect to disposition of money and effects left by other than deceased patients who cannot be located; title of account deposited into Treasury 1898
- Quarantine, foreign; ports at which vessels and aircraft may touch without becoming subject to quarantine inspection upon arrival at ports under United States control, additions, Islands of Aruba and Curacao 78

PUBLIC HOUSING ADMINISTRATION:
- Organization and final delegations of authority:
  - Central Office:
    - Acting Commissioner, designation of; General Counsel, Marshall W. Amis, to serve as Acting Commissioner in absence of both Commissioner and First Assistant Commissioner 705

PUBLIC HOUSING ADMINISTRATION—Continued Page
- Organization and final delegations of authority—Con.
  - Central Office—Continued
    - Administrative and Fiscal Division, Comptroller, Deputy Comptroller for Technical Services and Mortgage Service Officer; revocation of authority to execute releases from liens of mortgages held by Government in connection with certain programs 406
    - Development Division, Assistant Commissioner:
      - Defense Housing and Community Facilities and Services Act, 1951; authority to approve selection of sites and accept options for purchase of land with respect to 899
      - Interim delegations. *See* Interim delegations.
    - Interim delegations:
      - Development, Assistant Commissioner for:
        - Construction, multi-unit residential; authority respecting, under National Production Authority CMP Regulation 6 2633
        - Federally owned projects, certain; authority to approve advance of funds to field offices and local authorities with respect to 263
      - Land Branch, Director; power to accept options for purchase of land with respect to Defense Housing and Community Facilities and Services Act, 1951 899
      - Management and Disposition, Assistant Commissioner for; authority to execute releases from liens of mortgages held by Government in connection with certain programs 405
      - Mortgage Servicing Branch, Director and Assistant Director; authority to execute releases from liens of mortgages held by Government in connection with certain programs 405
      - War Emergency Housing, Deputy Assistant Commissioner for; authority to execute releases from liens of mortgages held by Government in connection with certain programs 405
    - Land Branch, Director; interim delegation. *See* Interim delegations.
    - Management and Disposition, Assistant Commissioner for; interim delegation. *See* Interim delegations.
    - Mortgage Servicing Branch, Director and Assistant Director; interim delegation. *See* Interim delegations.
    - Operations Division; Assistant Commissioner:
      - Defense Housing and Community Facilities and Services Act of 1951; authority to execute and approve contracts, etc., with respect to 899
      - Leases for commercial and noncommercial facilities with respect to certain projects; authority to execute and terminate 627
      - War Emergency Housing, Deputy Assistant Commissioner for; interim delegation. *See* Interim delegations.
  - Field Organization:
    - Field Office Directors:
      - Defense Housing and Community Facilities and Services Act of 1951; authority to execute and approve contracts, etc., with respect to 900
      - Federally owned projects, certain; authority to execute and terminate leases for commercial and noncommercial facilities with respect to 627
      - Projects initiated after March 1, 1949:
        - Conveyance or dedication of land by Local Authority for use as streets, alleys, etc.; authority to approve 973
        - Easements, granting of, by Local Authority for establishment, operation and maintenance of public utilities; authority to approve 973
      - Personal Property Sections, Chiefs of; authority to execute contracts for transportation, equipment, supplies, etc., with respect to provisions of Defense Housing and Community Facilities and Services Act, 1951 900

PUBLIC HOUSING ADMINISTRATION—Continued Page
Organization and final delegations of authority—Con.
Field Organization—Continued
Project Engineers; authority to purchase emergency supplies in amounts not exceeding $25 per purchase, with respect to Defense Housing and Community Facilities and Services Act, 1951 936
PUERTO RICO. *See* Territories and possessions.

Q

QUARANTINE REGULATIONS:
Canal Zone regulations respecting. *See* Canal Zone Government.
Plant and plant products. *See* Entomology and Plant Quarantine Bureau.
Public health regulations. *See* Public Health Service.

R

RADIO REGULATIONS. *See* Federal Communications Commission.
RAILROAD RETIREMENT BOARD:
Employers' contributions and contributions reports:
Contributions; adjustments 2305
Reports; quarterly and annual contribution reports:
Form DC–1, for use in filing reports 2303
Place and time for filing 2305
RAILROADS:
Benefits for employees; employers' contributions. *See* Railroad Retirement Board.
Operation, rates, etc. *See* Interstate Commerce Commission.
Transportation equipment; priority order with respect to production or delivery. *See* National Production Authority.
RECLAMATION BUREAU:
Authority, delegation of; by Commissioner to various officials:
Assistant Commissioner in charge of construction and supply, authority with respect to contracts and purchases under First War Powers Act 167
Regional Directors, Chief of Supply, Field Division, and Director of Supply, authority with respect to disposal and transfer of personal property 1065
Community center purposes, reservation of lands for; certain lands formerly withdrawn for reclamation, Newlands Project, Nevada 1978
Contracts and purchases under First War Powers Act; redelegation of authority to Assistant Commissioner in charge of construction and supply respecting 167
Entry on lands in irrigation and reclamation projects. *See* Irrigation and reclamation projects.
Farm units:
Entry on, with preference rights to veterans, Gila Project, Yuma Mesa Division, Arizona 1695
Loans to owners of newly irrigated farms in reclamation projects. *See main heading* Farmers Home Administration.
Sale of, in irrigation and reclamation projects. *See* Irrigation and reclamation projects.
Irrigation and reclamation projects:
Community center purposes, reservation of land for; Newlands Project, Nevada, certain lands formerly withdrawn for reclamation 1978
Entry on lands, with preference rights to veterans:
Gila Project, Yuma Mesa Division, Arizona 1695
Sun River Project, Montana 868
Loans to owners of newly irrigated farms in reclamation projects. *See main heading* Farmers Home Administration.
Sale of full-time farm units, with preference rights to veterans; Columbia Basin Project, Washington:
East Columbia irrigation district 1775
Quincy-Columbia Basin irrigation district 615
Veterans' preference respecting lands opened to entry or for sale. *See* Entry on lands; *and* Sale of full-time farm units.

RECLAMATION BUREAU—Continued Page
Irrigation and reclamation projects—Continued
Water made available, rental charges, operation and maintenance charges, etc.:
Annual water rental charges:
Gila Irrigation Project, Yuma Mesa Division, Arizona 168
Klamath Irrigation Project, Oregon-California 1632
Yuma Irrigation Project, Arizona-California 2368
Availability of water for public, state, and private lands and opening of public lands to entry, notice of; Gila Irrigation Project, Yuma Mesa Division, Arizona 1695
Operation and maintenance charges:
Klamath Irrigation Project, Oregon-California 1632
Yuma Irrigation Project, Arizona-California 2368
Withdrawal of land for various projects:
First form reclamation withdrawals:
Boise Project, Payette Division, Idaho 1065
Central Valley Project, California 2367
American River Division 1902
Feather River Division 1976
Kern River Division 1903
Kings River Division 1904
Mill-Deer Division 1905
Trinity River Division 1975
Upper San Joaquin River Division 1905
Colorado River Storage Project, Arizona 1632
Eden Project, Wyoming 1907
Hells Canyon Project, Idaho and Oregon 1629, 1631
La Barge Project, Wyoming 2368
Missouri River Basin Project, Montana and Nebraska 1632, 1775
Solano Project, California 1975
Sun River Project, Montana, certain described lands, order of revocation respecting 868
Personal property, disposal and transfer of; redelegation of authority to Regional Directors, Chief of Supply Field Division, and Director of Supply respecting 1065
Reclamation projects. *See* Irrigation and reclamation projects.
Veterans' preference respecting lands opened to entry or for sale in irrigation or reclamation projects 615, 868, 1695, 1775
Withdrawal of lands in connection with various projects. *See* Irrigation and reclamation projects.
RECONSTRUCTION FINANCE CORPORATION:
Procurement Policy Board, Office of Defense Mobilization; representation on 103
RECORDS, INFORMATION, ETC.:
Archives and records management. *See* General Services Administration.
Medical records of members and former members of armed forces, release of information from. *See* Defense Department.
Military or naval records, correction of. *See* Defense Department.
Minors, records to be kept by employers of. *See* Wage and Hour Division.
Price Administration, Office of; preservation of certain records until January 1, 1953 18
Testimony by employees of Interior Department. *See* Interior Department.
RED CROSS MONTH, 1952 (Proclamation 2964) 1547
RENEGOTIATION BOARD:
Authority, delegations of:
From Board:
To Regional Boards, to conduct renegotiation under Acts of 1948 and 1951 1401
Class B cases 2077
To Secretary of Defense, respecting elimination of excessive profits under Renegotiation Act of 1948, as amended 736
To Board, from Secretary of Defense; all powers, functions, and duties conferred by Renegotiation Act of 1948 as amended 736
Definitions:
Applicable to Act of 1951 297, 2512
"Board" and "Regional Board" 1404
Financial statements, extension of time for filing 1401

RENEGOTIATION BOARD—Continued — Page

Renegotiation Act of 1948, Military Renegotiation Board regulations under:
- Impasse procedure; deletion — 1387
- Procedure:
  - Agreement procedure — 1386
  - Assignment of contractors for renegotiation — 1384
  - Cancellation of assignment — 2045
  - Assignments and cancellations; deletion — 1384
  - Clearance procedure — 1386
  - Conduct of renegotiation — 1385
  - Impasse procedure; deletion — 1387
  - Preliminary information required of contractors; Renegotiation Board, substitution of, for Military Renegotiation Policy and Review Board — 1384
  - Statement to contractors — 1387
  - Tax Court, review by — 1387
  - Unilateral order procedure — 1386
- Redesignation — 711
- Transfer of regulations from joint regulations of armed forces, Defense Department — 711

Organization:
- Activities — 1401
- Copies of regulations, statutes, etc — 1401
- Creation, authority, and purpose — 1400
- Definitions; "Board" and "Regional Board" — 1384
- Location of Board and Regional Boards — 1401
- Regional Boards, composition, delegations of authority, etc — 1401

Personnel, property, records and funds, transfer of, from Defense Department — 736

Prior orders, continuance of — 736

Procurement Policy Board, Office of Defense Mobilization; representation on — 103

Renegotiation Act of 1951, regulations under:
- Agreement procedure — 1389
- Assignment of contractors for renegotiation — 1388, 2541
- Clearance procedure — 1389
- Conduct of renegotiation — 1389
- Consolidated renegotiation of affiliated groups and related groups — 319, 2536
- Control of renegotiation records and information contained therein — 2542
- Costs allocable to and allowable against renegotiable business — 309, 2525
- Definitions and scope — 297, 2512
- Excessive profits:
  - Interim prepayment of — 318, 2534
  - Principles and factors in determining — 314, 2529
  - Recovery after determination — 316, 2532
- Exemptions from renegotiation:
  - Mandatory exemptions — 300, 2515
  - Partial mandatory exemption of subcontracts for new durable productive equipment — 304, 2519
- Fiscal year basis for renegotiation and exceptions — 306, 2522
- Information contained in renegotiation records, control of — 2542
- Limitations on commencement and completion of renegotiation — 322, 2538
- Permissive exemptions from renegotiation — 277, 2539
- Preliminary information required of contractors — 322, 1387, 2541
- Prime contracts and subcontracts within scope of Act — 298, 2513
- Receipts or accruals under statutory minimum — 308, 2524
- Records and information contained therein, control of — 2542
- Segregating renegotiable and non-renegotiable sales, methods of — 305, 2520
- Segregation of renegotiable sales, instructions to prime and subcontractors on:
  - Redesignation — 1391
  - Revocation — 2543
- Statements to contractors — 1391
- Statutes and orders — 2543
- Tax Court, review by — 1391
- Taxes, renegotiation and — 317, 2533
- Unilateral order procedure — 1390

RENT STABILIZATION OFFICE:

Authority, delegations of; designation of Acting Director. *See* Organization.

RENT STABILIZATION OFFICE—Continued — Page

Federal employees, rooms and housing supplied to, by agencies — 923, 924, 1615, 1616, 2616, 2618

Organization and delegations of final authority; Acting Director of Rent Stabilization, designation of Assistant General Counsel (Field Review and Appeals Branch) to act in absence of Director — 1672

Procedures for adjustments, administrative review and interpretations; review by Local Advisory Board — 2018

Rent control regulations under Housing and Rent Act of 1947, as amended:
- Hotel regulation (RR 3):
  - *See also* Rooms in rooming houses and other establishments.
  - General provisions:
    - Adjustments and other determinations:
      - Decrease of maximum rent, grounds for:
        - Orders where facts are in dispute, in doubt, or not known — 2622
        - Rent higher than rent generally prevailing — 2621
        - Seasonal demand — 2622
      - Increase in maximum rent, grounds for:
        - Change from year-round to seasonal renting, or from seasonal to year-round renting — 2621
        - Change prior to maximum rent date — 2621
        - Inequitable rents — 2621
        - Seasonal demand — 2621
      - Rent generally prevailing — 2621
    - Definitions and scope:
      - Definitions; 60-day period determining maximum rent — 2620
      - Exempted housing accommodations; resort housing — 2620
    - Maximum rents:
      - Rent fixed by order of Director — 2621
      - Seasonal demand, rent based on — 2621
    - Posting requirements; posting maximum rents — 2622
    - Registration and records:
      - List of actual daily rates — 2622
      - Registration — 2622
    - Security deposits; deposits based on prior rental practices — 2620
  - Schedule A, Defense Rental Areas; amendments affecting listed areas:
    - Alabama; Anniston — 76, 2573
    - Alaska — 610
    - Arizona:
      - Flagstaff — 1056
      - Fort Huachuca — 610
    - Arkansas; Pine Bluff — 232
    - California:
      - Barstow — 2281
      - Lancaster-Mojave — 1763
      - Richmond-Vallejo — 403
      - Southern Alameda County — 403
      - Ventura — 159, 1558
    - Colorado; Colorado Springs — 2432
    - Connecticut:
      - Bridgeport — 732
      - New Haven — 732
    - Florida:
      - Clay County — 508
      - Key West — 159
      - Pensacola — 480
      - Putnam County — 1662
      - Seminole County — 733
    - Georgia:
      - Colquitt County — 1304
      - Hinesville — 1856
      - Valdosta — 450
    - Illinois:
      - Joliet — 1763
      - Paducah — 450
    - Indiana:
      - Columbus — 1056
      - Indianapolis — 1558
    - Kansas; Salina — 403
    - Kentucky; Paducah — 450
    - Maryland:
      - Baltimore — 1970
      - Indian Head-Patuxent River — 963
      - Montgomery-Prince Georges — 1970

RENT STABILIZATION OFFICE—Continued Page

Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Hotel regulation (RR 3)—Continued
Schedule A, Defense Rental Areas; amendments affecting listed areas—Continued
Missouri; Sedalia 1304, 1856
Montana; Great Falls 1394
Nevada; Hawthorne 827
New Jersey:
Mount Holly-Lakehurst 294, 2132
Northeastern 1304
New Mexico; Clovis 403
North Carolina; Lenoir County 1662
Oregon; Umatilla County 1304, 2281
Pennsylvania; Pittsburgh 1763
South Carolina; Beaufort 480
Tennessee; Nashville 1662
Texas:
Hondo 232
Howard County 658
Kingsville 232, 2432
Mount Pleasant-Daingerfield 450, 1970
San Marcos 232
Wichita Falls 449
Virginia; Quantico 508
Washington:
Othello 232
Port Townsend 1394
Whidbey Island 658
Wisconsin: Sparta 76
Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof:
Illinois; Joliet 1304
Mississippi; Biloxi-Pascagoula 1304
Housing rent regulation (RR 1):
General provisions:
Adjustments and other determinations:
Decrease of maximum rent, grounds for:
Rent higher than rents generally prevailing 923, 2617
Special relationship between landlord and tenant, or peculiar circumstances 2617
Effective date of rent increases 479
Increase of maximum rent, grounds for 479
Alternate adjustment for increases in costs and prices 479
Change from year-round to seasonal renting and from seasonal to year-round renting 2617
Change prior to maximum rent date 2617
Inequitable rents 2617
Landlord's certification as to services, etc 479
Proceedings, miscellaneous:
Interim orders 479
Orders where facts are in dispute, in doubt, or not known 2617
Standards; rent generally prevailing 2617
Definitions and scope; exempted housing accommodations:
Housing subject to national rent schedule of Army, Navy, or Air Force; revocation 922
Resort housing 2616
Maximum rents:
Housing not under control on September 19, 1951:
Army, Navy, or Air Force, housing subject to rent schedule of 923
Federal employees, housing supplied to, by their agencies 923, 1615, 2616
Rents received subject to refund 2616
Seasonal demand, rent based on 2616
Housing under control on September 19, 1951:
Army, Navy, or Air Force, housing subject to rent schedule of 922
Federal employees, housing supplied to, by their agencies 923, 1615
Maximum rents in effect on June 30, 1947 922
Prohibitions against higher than maximum rents; security deposits 922, 2616
Registration:
Housing operated by governmental agencies, registration of 923, 1615
Registration statement 2617

RENT STABILIZATION OFFICE—Continued Page

Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Housing rent regulation (RR 1)—Continued
General provisions—Continued
Removal of tenant:
Eviction certificate; occupancy by landlord or his parent or child, of housing owned by cooperative association 479
Exceptions; housing for Federal employees 923, 1615
Schedule A, Defense Rental Areas; amendments affecting listed areas:
Alabama; Anniston 76
Alaska 610
Arizona:
Flagstaff 1056
Fort Huachuca 610
Arkansas; Pine Bluff 232
California:
Barstow 2281
Lancaster-Mojave 1762
Richmond-Vallejo 403
Sacramento 1128
Southern Alameda County 403
Ventura 159, 1762, 2131, 2431
Colorado:
Colorado Springs 2431
Grand Junction 2431
Connecticut:
Bridgeport 732
New Haven 732
Florida:
Clay County 508
Key West 159
Pensacola 480
Putnam County 1662
Seminole County 733
Georgia:
Colquitt County 1304
Hinesville 1855
Valdosta 449
Illinois:
Chicago 294, 1128, 1394, 2432
Joliet 1762
Kankakee 294
Paducah 449
Rockford 2432
Woodstock 1128
Indiana:
Anderson 2131
Columbus 1056
Gary-Hammond 1557
Lafayette 1394
Kansas; Salina 403
Kentucky; Paducah 449
Maryland:
Baltimore 1970
Indian Head-Patuxent River 963
Montgomery-Prince Georges 1970
Michigan:
Detroit 578, 1128, 2432
Grand Rapids-Muskegon 294, 578
Kalamazoo-Battle Creek 294, 1129, 2432
Port Huron 1557
Minnesota; Minneapolis-St. Paul 294
Missouri; Sedalia 1304, 1855
Montana; Great Falls 1394
Nevada; Hawthorne 827
New Jersey:
Mount Holly-Lakehurst 294, 2131
Northeastern 294, 578, 1304
Southern 1557
New Mexico; Clovis 403
North Carolina:
Goldsboro 1662
Lenoir County 1662
Rocky Mount 578
Salisbury 2572
Ohio; Columbus 1129
Oregon; Umatilla County 1304, 2281
Pennsylvania:
Indiana County 2572
Philadelphia 1557
Pittsburgh 578, 1129, 1762, 2132, 2572

RENT STABILIZATION OFFICE—Continued Page

Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Housing rent regulation (RR 1)—Continued
Schedule A, Defense Rental Areas; amendments affecting listed areas—Continued
South Carolina:
Beaufort 480
Charleston 480
Tennessee; Nashville 1662
Texas:
Hondo 232
Howard County 658
Kingsville 232, 2432
Mount Pleasant-Daingerfield 449, 1970
San Marcos 232
Wichita Falls 449
Virginia; Quantico 508
Washington:
Bellingham 658
Everett 658
Othello 232
Port Townsend 1394
Puget Sound 1129
Pullman-Moscow 1129
Whidbey Island 658
Wisconsin; Sparta 76
Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof:
Alaska; security deposits 1662
Pennsylvania; Pittsburgh 1942
Tennessee; Oak Ridge 1056
Texas; Mount Pleasant-Daingerfield 2501
Rooms in rooming houses and other establishments (RR 2):
General provisions:
Adjustments and other determinations:
Decrease of maximum rent, grounds for:
Rent higher than rent generally prevailing 2619
Seasonal demand 2620
Effective date of rent increase 2619
Increase of maximum rent, grounds for:
Change from year-round to seasonal renting or from seasonal to year-round renting 2619
Change prior to maximum rent date 2619
Inequitable rents 2619
Seasonal demand 2619
Proceedings, miscellaneous; orders where facts are in dispute, in doubt, or not known 2620
Standards:
Difference in rental value 2619
Rent generally prevailing 2619
Definitions and scope:
Definitions; 60-day period determining maximum rent 2618
Exempted housing accommodations:
Housing subject to national rent schedule of Army, Navy or Air Force; revocation 923
Resort housing 2618
Maximum rents:
Rent fixed by order of Director 2619
Rooms not under control on September 19, 1951:
Army, Navy, or Air Force, housing subject to rent schedule of 924
Federal employees, rooms supplied to, by their agencies 924, 1616, 2618
Seasonal demand, rent based on 2618
Rooms under control on September 19, 1951:
Army, Navy, or Air Force, rooms subject to rent schedule of 924
Federal employees, rooms supplied to, by their agencies 924, 1616
Prohibitions against higher than maximum rents; security deposits 923, 2618
Registration and records:
Exceptions 924, 1616
Posting maximum rents 924, 2620
Registration 924, 2620
Removal of tenant, exceptions; rooms for Federal employees 924, 1616

RENT STABILIZATION OFFICE—Continued Page

Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Rooms in rooming houses and other establishments (RR 2)—Continued
Schedule A, Defense Rental Areas 564
Amendments affecting listed areas:
Alabama; Anniston 76
Alaska 610
Arizona:
Flagstaff 1056
Fort Huachuca 610
Arkansas; Pine Bluff 232
California:
Barstow 2281
Lancaster-Mojave 1762
Richmond-Vallejo 403
Sacramento 1128
Southern Alameda County 403
Ventura 159, 1762, 2131, 2431
Colorado:
Colorado Springs 2431
Grand Junction 2431
Connecticut:
Bridgeport 732
New Haven 732
Florida:
Clay County 508
Key West 159
Pensacola 480
Putnam County 1662
Seminole County 733
Georgia:
Colquitt County 1304
Hinesville 1855
Valdosta 449
Illinois:
Chicago 294, 1128, 1394, 2432
Joliet 1762
Kankakee 294
Paducah 449
Rockford 2432
Woodstock 1128
Indiana:
Anderson 2131
Columbus 1056
Gary-Hammond 1557
Lafayette 1394
Kansas; Salina 403
Kentucky; Paducah 449
Maryland:
Baltimore 1970
Indian Head-Patuxent River 963
Montgomery-Prince Georges 1970
Michigan:
Detroit 578, 1128, 2432
Grand Rapids-Muskegon 294, 578
Kalamazoo-Battle Creek 294, 1129, 2432
Port Huron 1557
Minnesota; Minneapolis-St. Paul 294
Missouri; Sedalia 1304, 1855
Montana; Great Falls 1394
Nevada; Hawthorne 827
New Jersey:
Mount Holly-Lakehurst 294, 2131
Correction 294
Northeastern 294, 578, 1304
New Mexico; Clovis 403
North Carolina:
Goldsboro 1662
Lenoir County 1662
Rocky Mount 578
Salisbury 2572
Ohio; Columbus 1129
Oregon; Umatilla County 1304, 2281
Pennsylvania:
Indiana County 2572
Philadelphia 1557
Pittsburgh 578, 1129, 1762, 2132, 2572
South Carolina:
Beaufort 480
Charleston 480
Tennessee; Nashville 1662
Texas:
Hondo 232
Howard County 658

RENT STABILIZATION OFFICE—Continued Page
Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Rooms in rooming houses and other establishments (RR 2)—Continued
Schedule A, Defense Rental Areas—Continued
Amendments affecting listed areas—Continued
Texas—Continued
Kingsville 232, 2432
Mount Pleasant-Daingerfield 449, 1970
San Marcos 232
Wichita Falls 449
Virginia; Quantico 508
Washington:
Bellingham 658
Everett 658
Othello 232
Port Townsend 1394
Puget Sound 1129
Pullman-Moscow 1129
Whidbey Island 658
Wisconsin; Sparta 76
Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof 571
Alaska; security deposits 1662
California; Ventura 1557
Indiana; Indianapolis 1557
Pennsylvania; Pittsburgh 1942
Tennessee; Oak Ridge 1056

RESEARCH AND DEVELOPMENT BOARD:
Chairman to serve as Acting Secretary of Defense; order of succession (Executive Order 10332) 2083

RESERVATIONS, MILITARY AND NAVAL. *See* Military and naval reservations.

RESERVES, of various services. *See specific services.*

RESERVOIR AREA, public use of. *See* Engineers, Corps of.

RUBBER RESERVE OFFICE; price control, exemption for sales of certain military items to Defense agencies. *See* Price Stabilization, Office of.

RURAL ELECTRIFICATION ADMINISTRATION:
Funds for loans for projects in various States and Territory of Alaska; allocation of:
Alabama 1136
Alaska 1135
Arizona 364
Arkansas 365, 2097
Colorado 1135, 2098
Florida 364, 1137, 1525
Georgia 363, 2098
Illinois 364, 1135, 1524, 1525, 2097, 2098
Kansas 363, 1136, 1137
Kentucky 363, 1135, 1136, 2097
Louisiana 364, 1137, 1524, 1526
Michigan 363, 1526
Minnesota 364, 365, 1135, 1525, 1526, 2097
Missouri 364, 1134, 1135, 1136, 1524, 2097, 2098
Redesignation of projects in connection with transfer of properties and assets of Black River Electric Cooperative:
To Citizens Electric Corporation 1525
To Ozark Border Electric Cooperative 1525
Montana 364
Nebraska 364, 365, 2097, 2098
New Jersey 1135
New Mexico 365, 1136, 2097
North Carolina 364, 365, 366, 1135, 1525
North Dakota 1135, 2097
Redesignation of projects in connection with transfer of properties and assets of Minnkota Cooperative, Inc. to Clearwater-Polk Electric Co-operative, Inc 1524
Ohio 363, 365
Oklahoma 365
Oregon 364
South Carolina 1137, 1525
Tennessee 1135
Texas 363, 1135, 1136, 1525, 2097, 2098
Redesignation of projects in connection with transfer of properties and assets of Mid-South Electric Cooperative Association to Brazos River Transmission Electric Cooperative 1525

RURAL ELECTRIFICATION ADMINISTRATION—Con. Page
Funds for loans for projects in various States and Territory of Alaska; allocation of—Continued
Utah 1526
Vermont 1524
Virginia 1136
Washington 365, 2098
West Virginia 1526, 2097
Wisconsin 364, 365, 1136

S

SALARY STABILIZATION BOARD:
Adjustments:
Applications for adjustments. *See* Procedural requirements.
Authorized adjustments and stabilization of salaries and other compensation (GSSR 1, Revised):
Effective date; postponement 962
Regulations and orders, certain, which were to have been superseded, to remain in effect 962
Ten percent increases under section 8 (Int. 4) 1968
Editorial note; corrections 2089
Increases, promotions, new employees, etc., for individual employees (GSSR 3); record keeping required 1466
Attorneys. *See* Physicians and attorneys.
Bonuses, profit-sharing and others; payment of compensation in form of (GSSR 2), interpretation 1853, 1937, 2614
Compensation relationships, maintenance of; adjustments to reestablish and maintain certain customary relationships and differentials (GSO 6), records and summary statement 1466
Engineers, professional; regularly extended workweek for (GSO 8), supersedure 1759
Extended workweek compensation (GSO 10) 1759
Foremen and supervisors, regularly extended workweek for; additional compensation (GSO 4), supersedure 1759
Health and welfare plans; plans which may be put into effect without approval, and charge-off of contributions and benefits paid under (GSO 11) 1465
Persons employed in bona fide executive, administrative, professional, or outside salesmen capacities, not represented by labor organization (GSSR 1):
Availability and preservation of records and summary statement 1466
Cost of living increases provided by salary plans; reports in connection with, repealed 1465
Increases to correct certain inequities; increases permissible without prior approval 1465
Record-keeping required 1466
Summary statements required 1466
Physicians and attorneys, certain, exemption from salary stabilization; interpretation of Defense Production Act of 1950 (Int. 1) 761
Procedural requirements, regarding applications for adjustments in salaries, etc., of employees subject to jurisdiction of Board (SPR 1) 2089
Stock option and stock purchase plans (GSSR 4); extension of time for filing documents and reports under GSSR 4 (GSO 9) 656, 2762
Supervisors. *See* Foremen and supervisors.
Workweek, extended; compensation. *See* Extended workweek compensation.

SAMOA. *See* Territories and possessions.

SAVINGS BONDS, UNITED STATES. *See* Treasury Department.

SCHOOLS, COLLEGES, ETC. *See* Education and educational facilities.

SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Alabama Gas Corp 2403
Alabama Power Co 781, 2639
Algonquin Gas Transmission Co 1540, 1862
Alleghany Corp 843, 1196, 1638, 1841
Allegheny County Steam Heating Co 1319
Allentown-Bethlehem Gas Co 845, 2102, 2701
Allis-Chalmers Manufacturing Co 2143
American Can Co 1139
American & Foreign Power Co., Inc 1982
American Gas and Electric Co 104, 537, 1448, 1954, 2403

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
American Power & Light Co 103, 780
American Superpower Corp 2404
American Water Works and Electric Co., Inc 2506
Anderson-Prichard Oil Corp 1139
Appalachian Electric Power Co 488
Arkansas Louisiana Gas Co 47
Arkansas Natural Gas Corp 47
Arkansas Power & Light Co 1863, 2239, 2295, 2735
Arlington Gas Light Co 129
Armco Steel Corp 2143
Associated Electric Co 333
Associated Gas and Electric Corp., Trustees of 180, 1446
Atlas Processing Co 2638
Attleboro Steam and Electric Co 1781, 2211
Baker, Earl W., Utilities Co 104
Baker, Weeks & Harden 2802
Baldwin-Lima-Hamilton Corp 406
Bankers Securities Corp 1489, 2800
Bauer, Elmer E 1319
Bear, Stearns & Co 843, 1196, 1638, 1841
Beckman Instruments, Inc 2584
Beebee Island Corp 626, 955
Bellewood & Monongahela City Gas Co 954
Beverly Gas and Electric Co 843, 1196, 1638, 1781, 1841, 2211
Boardman, Roland H 953
Bond Investment Trust of America 2506
Bond & Share Trading Corp 1737
Boston Stock Exchange 369, 461, 705, 849, 2211
Brickley, Bartholomew A 332, 845, 2802
Brocksmith, H. L 370
Burlington Mills Corp 406
Buttrick, Stedman 2507
C. I. T. Financial Corp 843, 1196, 1638, 1841
Canada Southern Oils, Ltd 705
Canadian Chemical & Cellulose Co., Ltd 2507
Canadian River Gas Co 45, 46
Capital Airlines, Inc 1139
Carbide and Carbon Chemicals Corp 461, 1234
Carolina Coach Co 461, 954
Central Illinois Light Co 845
Central Massachusetts Gas Co 129
Central Power and Light Co 180, 335, 878, 956, 1736, 2077, 2375
Central Public Utility Corp 461, 954
Central and South West Corp 335, 878
Century Shares Trust 461
Cheswick and Harmar Railroad Co 1319
Chicago Corp 1139
Chippewa and Flambeau Improvement Co 487, 1069
Christiana Securities Co 739
Cincinnati Stock Exchange 1378
Citizens Heat, Light and Power Co 2403
Clopay Corp 1378
Colonial Trust Co 1166, 2213
Colorado Fuel & Iron Corp 369, 1319
Colorado Interstate Gas Co 45, 46, 487
Columbia Gas System, Inc 128, 781, 2638
Commonwealth Natural Gas System 843, 1196, 1638, 1841
Commonwealth and Southern Corp 127, 876, 1539, 1981
Connecticut River Power Co 2103, 2636
Consolidated Electric and Gas Co 461, 954
Consolidated Natural Gas Co 954, 1234, 1321
Consumers Gas Co 845
Consumers Power Co 845
Corinth Electric Light and Power Co 2802
Corning Glass Works 1069
Delaware Coach Co 845
Delaware Power & Light Co 845, 1197, 1674, 1863, 2345
Delaware Realty and Investment Co 739
Dempsey & Co 843, 1196, 1638, 1841
Dillon, C. Douglas and Clarence 1069, 2507
Dillon, Read & Co., Inc 1069, 1448, 2507
Dover Casualty Insurance Co 130
Driscoll, Denis J 180, 1446
du Mont, Allen B., Laboratories, Inc 2143
du Pont, E. I., de Nemours and Co 739
Duquesne Light Co 48, 1319, 2103, 2801
Eastern Air Lines, Inc 2143
Eastern Gas & Fuel Associates 1540, 1862
Eastern New York Power Corp 2802
Eastern Shore Public Service Co. of Virginia 2345
Eau Claire Dells Improvement Co 487, 1069
Electric Bond and Share Co 103, 780, 1402, 1982

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Electric Power & Light Corp 1402
Eli Lilly and Co 1448
Elmira Water, Light and Railroad Co 130
Emerson Radio & Phonograph Corp 406
Employees Welfare Association, Inc 180
Equitable Gas Co 954
Equitable Real Estate Co 1319
Equitable Sales Co 1319
Equitable Securities Corp 877, 2295
Erie Railroad Co 1139
Escudero Electric Service Co 180
Estabrook & Co 2507
First Boston Corp, The 2506, 2507
First Investment Co. of Concord, N. H 1737
Florida Power Corp 1446
Freeman, John D 953
Fuss, Samuel L 1319
Gatineau Power Co 332
General Gas & Electric Corp 333, 1446
General Public Utilities Corp 47, 130, 180, 332, 333, 877, 1068, 1446, 1780, 1842, 2143, 2344
General Telephone Corp 1139
Gloucester Electric Co 1781, 2211
Gloucester Gas Light Co 129
Goldman, Sachs & Co 843, 1196, 1638, 1841
Greenfield, Albert M., & Co 2800
Gregory, Charles J 1737
Grumman Aircraft Engineering Corp 1139
Gulf Oil Corp 1139
Gulf Power Co 955, 1638, 2078, 2583
Hare's Ltd 2376
Harker & Co 686
Harrisburg Gas Co 845, 2102, 2701
Hastings, Daniel O 48
Haverhill Electric Co 1781, 2211
Hill, Kenneth B., & Co 2100
Home and Foreign Securities Corp 1166, 2213
Hope Natural Gas Co 461, 954, 1234, 1321
Horder's Inc 687
Indiana & Michigan Electric Co 104, 537, 878, 1448, 1954
Institutional Shares, Ltd 2376
Insurance Investors Fund 181
Insurance Investors Fund, Inc 181
Intercoast Petroleum Corp 1166, 2213
Intercontinental Holdings, Ltd 1166, 2213
International Hydro-Electric System 332, 845, 2802
International Nickel Co. of Canada, Ltd 406
International Paper Co 2143, 2802
Interstate Power Co 975, 1842, 2102, 2635
Investors Diversified Services, Inc 687
Jemkap, Inc 843, 1196, 1638, 1841
Jersey Central Power & Light Co 180
Jones, A. R., Oil & Operating Co 46
Kennecott Copper Corp 406
LaForge, John G., & Co 1637
Lamson Corp. of Delaware 2211
Lancaster County Gas Co 845, 2102, 2701
Lawrence Gas and Electric Co 843, 1196, 1638, 1841, 2403
Lebanon Valley Gas Co 845
Lehman Brothers 843, 1196, 1638, 1841, 2584
Lehman Corp 843, 1196, 1638, 1841, 2584
Los Angeles Stock Exchange 1139
Lotus Oil Co 46
Louisiana Land and Exploration Co 369
Louisville Gas and Electric Co 974
Lowell Electric Light Corp 2345
Lownsbury, Elizabeth C 876
Luzerne County Gas & Electric Corp 845
Macomber, John R 2506
Malden Electric Co 1781, 2211
Malden and Melrose Gas Light Co 129
Manila Electric Co 180
Manufacturers Light and Heat Co 781
Merithew, W. L 1737
Merkin & Co 843, 1196, 1638, 1841
Metropolitan Edison Co 1068, 1842, 2344
Middle South Utilities, Inc 877, 1863, 2239, 2295, 2583, 2735
Midwest Stock Exchange 406, 687
Milwaukee Electric Railway & Transport Co 128
Mission Oil Co 45, 46, 487
Mississippi Gas Co 2735
Mississippi Power & Light Co 877, 2295
Mississippi Valley Gas Co 877, 2295

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Missouri Power & Light Co 1197
Monongahela Power Co 407, 848
Monongahela Street Railway Co 1319
Montana-Dakota Utilities Co 2143
Montaup Electric Co 128
Monterey Oil Co 2584
Moreau Manufacturing Co 2802
Morrow, Tevis F 686
Moseley, F. S., & Co 1448
Mott, Charles Stewart, Foundation 843, 1196, 1638, 1841
Mystic Power Co 538, 1447
Narragansett Electric Co 335, 739, 1447, 2240, 2635
National Assn. of Securities Dealers, Inc 370, 953, 1637, 2100
National Container Corp 2144
National Paper and Type Co 1166, 2213
National Phoenix Industries, Inc 849
National Supply Co 1139
New England Electric System 129, 335, 843, 1196, 1638, 1781, 1841, 2103, 2211, 2636
New England Gas and Electric Assn 1540, 1862, 2402, 2736
New England Gas and Electric Assn. Service Corp 2402
New England Power Co 129
New Jersey Power & Light Co 732, 1379
New York Air Brake Co 626, 955
New York State Electric & Gas Corp 2302
New York State Natural Gas Corp 954, 1321
Niagara Mohawk Power Corp 626, 847, 955, 1955, 2375, 2640, 2802
North American Co 1197
North American Oil Consolidated 636
Northampton Electric Lighting Co 1781, 2211
Northampton Gas Light Co 129
Northern Berkshire Gas Co 843, 1196, 1638, 1841
Northern Natural Gas Co 2029, 2468, 2638
Northern Pennsylvania Power Co 180
Northern States Power Co 487, 1069
Norwood Gas Co 1781, 2211
Ohio Edison Co 586, 955, 1378, 1674, 2077, 2345
Ohio Power Co 2030, 2801
Oils and Industries, Inc 1166, 2213
Oklahoma Gas and Electric Co 104, 2029, 2468, 2800
Orr, James H 2506, 2507
Owens-Corning Fiberglas Corp 1069
Owens-Illinois Glass Co 1069
Pancoastal Oil Corp, C. A 705
Pennroad Corp 843, 1196, 1638, 1841
Pennsylvania Electric Co 180
Pennsylvania Power Co 586, 955, 1378
Peoples Natural Gas Co 954, 1321, 2638
Pfizer, Chas., & Co., Inc 1139
Phelps Dodge Corp 406
Philadelphia-Baltimore Stock Exchange 1319, 2144
Philadelphia Co 48, 1319, 2103, 2801
Philadelphia Electric Co 845
Philadelphia Gas Works Co 845
Philco Corp 406, 2143
Phillips Petroleum Co 406, 1139
Pittsburgh and Birmingham Traction Co 1319
Pittsburgh Forgings Co 2144
Pittsburgh Railways Co 1319
Pittsburgh Screw & Bolt Corp 2144
Pittsburgh and West Virginia Gas Co 954
Portland Gas & Coke Co 780
Potomac Edison Co 407, 848
Providence Gas Co 1540, 1862
Public Service Co. of New Hampshire 334, 2103, 2636
Public Service Electric & Gas Co 845
Radford Limestone Co., Inc 488
Railway and Light Securities Co 2507
Raytheon Manufacturing Co 1319
Remington Rand, Inc 1139, 2143
Riter & Co 1448
Robb, Russell 2507
St. Regis Paper Co 2143
Salem Gas Light Co 129
San Francisco Stock Exchange 686, 2143
Schenley Industries, Inc 2143
Schering Corp 1448
Silver Fox Lines 461, 954
Sinclair Oil Corp 45, 46, 487

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Sinclair Refining Co 46
Snyder, Alfred J 877
South Carolina Electric & Gas Co 333, 1446
South Jersey Gas Co 2212, 2637
South Penn Natural Gas Co 461, 1234
Southern Berkshire Power and Electric Co 1781, 2211
Southern Co 955, 1539, 1638, 1981
Southern Production Co., Inc 2506, 2507
Southwestern Development Co 45, 46, 487
Southwestern Gas and Electric Co 335, 878, 1736, 2239, 2583
Standard Gas and Electric Co 48, 974, 1319, 2103, 2801
Standard Oil Co. of Ohio 1139
Standard Power and Light Corp 48
Stifel, Nicolaus & Co., Inc 843, 1196, 1638, 1841
Stockbridge Corp 1448
Stone & Webster Securities Corp 2507
Suburban Gas and Electric Co 843, 1196, 1638, 1841, 2104, 2637
Suburban Rapid Transit Street Railway Co 1319
Sylvania Electric Products, Inc 2143
Taylor, Tom G., & Co 2101
Texas Eastern Transmission Corp 1540, 1862
Thorp, Willard L 180, 1446
Tri-Continental Corp 406, 2143
Ugite Sales Corp 845
Union Electric Co. of Missouri 1197
United Corp 1955, 2375, 2640
United Fuel Gas Co 781
United Gas Corp 130, 686, 1140, 1402, 2638
United Gas Improvement Co 845, 2102, 2701
United Gas Pipe Line Co 130, 686, 1140
United States & Foreign Securities Corp 1069, 2507
United States & International Securities Corp 1069, 1448, 2507
United States Steel Co 781
Utah Power and Light Co 1781, 2144
Utilities Realty Co 845
Virginia Carolina Chemical Corp 1139
Wachusett Gas Co 129
Washington Water Power Co 334, 586, 780
Waverly Electric Light and Power Co 180
Webb & Knapp, Inc 2404
West Penn Electric Co 127, 407, 848, 1167, 2212, 2506, 2701
West Penn Power Co 407, 848, 2212, 2701
West Penn Railways Co 127
Western Colorado Power Co 1781, 2144
Westpan Hydrocarbon Co 45, 46, 487
Weymouth Light and Power Co 1781, 2211
Wisconsin Electric Power Co 128
Wisconsin Public Service Corp 974
Worcester County Electric Co 2104, 2637
Youngstown Sheet and Tube Co 1139
Zeckendorf, William 2404
Zenith Radio Corp 369

Organization:
Corporation Finance, Division of; duties and responsibilities with respect to Commission's functions under Supplement Q of Internal Revenue Code 370
General statement; functions of Commission under Supplement Q of Internal Revenue Code 370
Practice and procedure, rules of practice; information available to public, copies of, proposed fees for photo-duplicating and certification 934
Hearings, etc 1507, 1691, 2093, 2198
Regulations under various acts:
Fees and charges by Commission, for registration, filing, etc.; proposed rule making 932
Extension of time for submitting comments; until March 10, 1952 1507
Hearings scheduled by Commission respecting 2093, 2198
Receipts, estimated, if proposed fees are imposed; statement of estimated total annual receipts 1691
Investment Advisors Act of 1940; registration and filing fees for investment advisors (proposed) 933
Hearings, etc 1507, 1691, 2093, 2198
Investment Company Act of 1940; registration fees (proposed) 933
Hearings, etc 1507, 1691, 2093, 2198

SECURITIES AND EXCHANGE COMMISSION—Con. Page
Regulations under various acts—Continued
Public Utility Holding Company Act of 1935:
Officers, directors and representatives of registered holding companies and subsidiaries; exemption from prohibited financial connections for persons serving as directors of local commercial banking institutions 988
Registration and general exemptions; annual fees of registered holding companies and certain exempt holding companies (proposed) 934
Hearings, etc 1507, 1691, 2093, 2198
Securities Act of 1933:
Exemptions from registration; filing fees, proposed rule making:
General exemptions (Regulation A); letter of notification, fee for filing 933
Oil and gas rights:
Fractional undivided interests (Regulation B), conditions to exemption and relief from liability for non-registration; offering sheet, fee for filing 933
Oil royalty trusts, or similar type of trust or unincorporated association (Regulation B–T), procedural conditions to exemption and relief from liability for non-registration; prospectus, fee for filing 933
Special exemptions for assessable shares of stock of mining corporations (Regulation A–M) prospectus, fee for filing 933
Fees and charges by Commission for registration, filing, etc. (proposed rule making); hearings, etc 932, 1507, 1691, 2093, 2198
Forms prescribed; Form S–1 for registration of securities, amendments to 1177
Information, registered, on matters of public record; sale of photocopies, deletion (proposed) 934
Securities Exchange Act of 1934:
Forms for reports, annual and other, of issuers having securities registered on national securities exchanges:
Form 8–K, for current reports; submission of matters to vote of security holders, information respecting 2418
Form 10–K, annual reports for corporations; respecting registrants filing annual reports with Federal Power Commission 2418
Form 12–K and 12A–K, annual reports for certain companies; information required by companies reporting on Interstate Commerce Commission Form A, instructions respecting 2419
Proxies, solicitations of; proposed rule making:
Definitions contained in forms for applications and reports, deletion of reference to 1153
"Associate", defined; certain relatives of specified persons included 1153
Exemption from proxy rules for solicitations by brokers, bankers, etc., holding securities for other persons; requirement that such solicitation be limited to impartial instruction, clarification of 1153
Extension of time for submitting comments respecting 2021
Information in proxy statement:
Information required (Schedule 14A):
Bonus, profit sharing and other remunerative plans to be acted upon; instructions respecting definition of "plan" and filing requirements 1155
Directors, nominees, officers and others; action to be taken respecting remuneration and other transactions of 1155
Financial statements included in certain proxy statements; instruction respecting preparation and certification 1156
Interest of certain persons in matters to be acted upon; instruction clarifying interest for which information is not required 1155
Matters submitted, though not required, to vote of security holders; statement of action intended by management in event of negative vote 1156

SECURITIES AND EXCHANGE COMMISSION—Con. Page
Regulations under various acts—Continued
Securities Exchange Act of 1934—Continued
Proxies, solicitations of; proposed rule making—Continued
Information in proxy statement—Continued
Information required (Schedule 14A)—Con.
Nominees for election as directors; disclosure of holdings of securities of affiliates of issuer 1155
Pension and retirement plans to be acted upon; specific information concerning plan, and instructions respecting definition of "plan" and requirements for filing 1156
Revocability of proxy; description of procedure or limitations respecting 1155
Presentation of information:
Reference to omitted information contained in other proxy soliciting material; identification of document containing such information 1154
Type; clarification of size and amount of leading required 1154
Prohibition of certain solicitations; undated, post-dated or conditionally dated proxies 1154
Proposals of security holders; provisions respecting inclusion in management's proxy solicitation material 1154
Requirements as to proxy:
Discretionary authority may be conferred on matters of which person making solicitation was not aware at reasonable time beforehand 1154
Form; provisions for omitting reference to proposals to which discretionary authority may be conferred, and providing blank space for dating proxy 1154
Registration:
Brokers and dealers; fees for filing (proposed) 933
Hearings, etc 1507, 1691, 2093, 2198
Securities, matured, redeemed, or retired; provisions respecting registration and removal from listing, including use of Form 25 for notification and certification (proposed) 2685
Withdrawal from listing and registration of matured, redeemed, or retired securities: provisions respecting, including use of Form 25 for notification and certification (proposed) 2685
Trust Indenture Act of 1939:
Fees and charges by Commission for registration, filing, etc. (proposed); hearings, etc 932, 1507, 1691, 2093, 2198
Information, contained in applications, statements and reports, inspection and publication of; sale of copies of information, deletion (proposed) 934
Registration statements for qualification of indentures, covering securities required to be registered under Securities Act of 1933, fees for filing (proposed) 933

SECURITY:
Agents for foreign principal, registration of; authority to make determinations respecting. *See* Justice Department.
Defense Materials Procurement Agency, security services for. *See* Defense Materials Procurement Agency.
Foreign agent, registration of, authority to make determination respecting. *See* Justice Department.
Merchant marine personnel, security check in connection with security of vessels and waterfront facilities. *See* Coast Guard.
Patents detrimental to security, withholding of; authority of Commissioner of Patents respecting 1361
Vessels and waterfront facilities; temporary identification credentials for crews of towing vessels or barges on Great Lakes or western rivers. *See* Coast Guard.

SELECTIVE SERVICE SYSTEM:
Civilian work in lieu of induction, volunteering for, by conscientious objectors (Executive Order 10328) 1645

SELECTIVE SERVICE SYSTEM—Continued — Page
Conscientious objectors, civilian work for, in lieu of induction. *See* Civilian work in lieu of induction.
Information from records. *See* Records administration.
Mail addressed to registrant, forwarding of — 419
Records administration in Federal record depots; supplying information from records:
To Federal agencies and officials; Defense Department — 544
To officials and agencies of listed States:
Colorado — 544
Illinois — 544
Kansas — 544
Maryland — 544
New York — 544
Vermont — 545
SENATE COMMITTEE ON ARMED SERVICES; inspection of tax returns (Executive Order 10316) — 1
SENATE COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS; inspection of tax returns in connection with studies of operation of Government activities (Executive Order 10326) — 1381
SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS; inspection of tax returns in connection with studies of relations of United States with Indians and measures relating to care, education, and management of Indians (Executive Order 10331) — 1963
SENATE COMMITTEE ON RULES AND ADMINISTRATION, inspection of tax returns in connection with Federal elections (Executive Order 10321) — 791
SHIPPING AUTHORITY, NATIONAL. *See* National Shipping Authority.
SMALL BUSINESS CONCERNS, price control regulations respecting. *See* Price Stabilization, Office of.
SMALL BUSINESS ENTERPRISES; voluntary plans, participation in. *See* Defense Production Administration.
SMALL BUSINESS OFFICE; transfer of functions administered by Office to Small Defense Plants Administration together with certain personnel, records, funds, etc. (Executive Order 10323) — 1145
SMALL DEFENSE PLANTS ADMINISTRATION:
Advisory Boards; establishment and operation of Regional and National Advisory Boards — 974
Civil Service Rules; certain positions excepted from competitive service or which may be filled on noncompetitive examination (Schedules A and B) — 1145
Procurement Policy Board, Office of Defense Mobilization; representation on — 103
Regional Committees on Defense Mobilization, interagency; representation on — 179
Surplus Manpower Committee, representation on — 1196
Transfer of functions administered by Office of Small Business, National Productions Authority, to Administration, together with certain personnel, records, funds, etc. (Executive Order 10323) — 1145
SMALL PURCHASES, UTILIZING IMPREST FUNDS FOR; joint regulations of General Accounting Office, General Services Administration, and Treasury Department. *See* General Services Administration.
SMITHSONIAN INSTITUTION:
National Zoological Park regulations — 700
SOCIAL SECURITY ADMINISTRATION:
See Children's Bureau.
Vocational Rehabilitation Administration.
SOIL CONSERVATION SERVICE:
Mineral interests, reserved, disposal of:
Authorities, policies and procedures for sale of reserved interests under jurisdiction of Service pursuant to Public Law 760, 81st Congress:
Application and offer to purchase, filing and processing — 6
Appraisals — 6
Delegation of authorities and responsibilities:
By Chief of Soil Conservation Service to Regional Directors — 5
By Secretary of Agriculture to Soil Conservation Service, Chief — 5
General provisions — 5

SOIL CONSERVATION SERVICE—Continued — Page
Mineral interests, reserved; disposal of—Continued
Authorities, policies and procedures for sale of reserved interests under jurisdiction of Service pursuant to Public Law 760, 81st Congress—Continued
Sales:
Applicants, forms and advice to, issuance of — 5
Terms and conditions — 5
Cash terms — 6
Conveyances — 6
Deed, attaching stamps and recording — 6
Eligible purchasers — 5
Fissionable materials — 6
Interests to be sold — 6
Leases, assignment of, and division of lease income — 6
Sales price — 6
Surface ownership, proof of, and review of title evidence — 6
Title evidence — 6
Surface owners, notice to — 5
Fissionable materials, provision respecting — 6
SOLID FUELS, under Defense Production Act; definition amended to include coal chemicals (Executive Order 10324) — 1171
SOUTHEASTERN POWER ADMINISTRATION:
Authority, delegation of, from Secretary of Interior:
Authority with respect to advertising — 2022
To Chief Counsel respecting tort claims not exceeding $1,000 — 1734
Claims, tort; delegation of authority to Chief Counsel respecting claims not exceeding $1,000 — 1734
STATE DEPARTMENT:
See International Claims Commission.
Authority, delegation of, to Chief, Chinese Assistance Section, Special Services Branch, Division of Exchange of Persons, with respect to emergency aid to Chinese and Korean students and scholars — 1305
China, emergency aid to selected citizens of; revision and redesignation — 1270
China and Korea, emergency aid to selected citizens of (students, teachers, professors, scholars, research workers) — 1270
Delegation of authority respecting, to Chief, Chinese Assistance Section, Special Services Branch, Division of Exchange of Persons — 1305
Selection of Koreans — 1270
Civil Service Rules; certain positions which may be filled on noncompetitive examination (Schedule B) — 265
Compensation, additional, for Federal personnel on foreign duty. *See* Foreign duty; *and* Foreign Service: personnel.
Department, use of term as heading for regulations; deletion — 151
Foreign duty of Federal personnel:
See also Foreign service: personnel.
Compensation, additional, in foreign areas, lists of differential posts, additions and deletions:
Brazil:
All posts, with certain exceptions — 1239, 1241
Fortaleza — 1239
Colombia; all posts with certain exceptions — 1239, 1241
Costa Rica:
Guanacaste Province — 268
Puntarenas Province — 1241
India:
All posts, with certain exceptions — 268
Izatnagar — 268
Iran:
Babol — 1241
Hamadan — 1241
Shiraz — 1241
Mexico; Villahermosa — 268
Morocco; Base 2 — 1241
Nicaragua; Jinotepe — 1239
Peru; Pucallpa — 268
Philippines:
All posts, with certain exceptions — 1239, 1241
Zamboanga — 1239
Radio bases, seaborne — 1241

STATE DEPARTMENT—Continued — Page
Foreign Service:
Personnel:
Compensation, allowances, etc.; unhealthful posts, additions to list of, and effective dates:
Indonesia:
Medan — 2411
Surabaya — 2411
Iran:
Isfahan — 2411
Meshed — 2411
Jordan; Amman — 2411
Korea:
Pusan — 2411
Seoul — 2411
Malaya; Kuala Lumpur — 2411
Pakistan:
Dacca — 2411
Lahore — 2411
Philippines:
Cebu — 2411
Davao — 2411
Iloilo — 2411
Legaspi — 2411
Tuguegarao — 2411
Tanganyika, East Africa; Dar-es-Salaam — 2411
Thailand; Chiengmai — 2411
Vietnam; Hanoi — 2411
Retired personnel; supersedure of regulation respecting — 151
Use of "Foreign Service" as heading for regulations; deletion — 151
Foreign students, etc.; emergency aid to Chinese and Korean students and scholars — 1270
Delegation of authority respecting, to Chief, Chinese Assistance Section, Special Services Branch, Division of Exchange of Persons — 1305
General administrative services; supersedure of regulations respecting — 151
Immigration control; supersedure of regulations respecting — 151
Korea; emergency aid to selected citizens of China and Korea — 1270
Delegation of authority respecting, to Chief, Chinese Assistance Section, Special Services Branch, Division of Exchange of Persons — 1305
Personnel:
Compensation, additional, for personnel on foreign duty. *See* Foreign duty; *and* Foreign Service, *above*.
Bonding; supersedure of regulations — 151
Retired Foreign Service personnel; supersedure of regulations respecting — 151
Protocol; supersedure of regulations respecting — 151
Transportation controls; quarantine laws and regulations, deletion — 151

STATE UNEMPLOYMENT COMPENSATION LAWS, certification to Secretary of Treasury by Secretary of Labor — 483

STATES; grants, loans, etc., by Federal Government for various purposes:
Cancer control program. *See* Public Health Service.
Civil defense purposes. *See* Federal Civil Defense Administration.
School lunch program. *See* Agriculture Department.

STOCK PILE, NATIONAL. *See* General Service Administration.

STRATEGIC AND CRITICAL MATERIAL IN NATIONAL STOCK PILE, disposition of. *See* General Services Administration.

STUDENTS:
Employment tax regulations respecting under Federal Unemployment Tax Act. *See* Internal Revenue Bureau.
Foreign students, emergency aid to. *See* State Department.

SUBVERSIVE ORGANIZATIONS:
Absence of affiliation with, qualification for naturalization; nationality regulations respecting. *See* Immigration and Naturalization Service.
Tax deductions and exemptions, denial. *See* Internal Revenue Bureau.

SURPLUS MANPOWER COMMITTEE, establishment and functions. *See* Defense Mobilization, Office of. — Page

SURPLUS PROPERTY:
Lands in Cheyenne River Reservation, South Dakota; restoration to tribal ownership of described lands — 1066
Quartz materials in national stock pile, disposition of. *See* General Services Administration.

T

TARIFF COMMISSION:
Cotton having staple length of 1⅜ inches or more but less than 1 11/16 inches in length entered, or withdrawn from warehouse, for consumption prior to February 1, 1951, under Proclamation 2907, procedure for issuance of import licenses for; revocation — 2303
Investigation of imports under Trade Agreement Extension Act and Tariff Act of 1930:
Bicycles and parts — 587
Bonito — 48
Cherries, candied, crystallized or glace — 688
Figs, dried — 2585
Garlic — 587
Household china tableware, kitchenware, and table and kitchen utensils, specified — 1639, 2376
Tobacco pipes and tobacco pipe bowls of wood or root — 488, 1321
Tuna — 48

TAX COURT OF UNITED STATES:
Rules of practice:
Briefs; number of copies — 500
Submission of cases without hearing where acts are uncontested — 500
Correction — 2484

TAXES:
Drawback of taxes, customs regulations respecting. *See* Customs Bureau.
Import taxes on coal, coke and briquets. *See* Customs Bureau.
Income, excise, employment, etc., regulations, respecting. *See* Internal Revenue Bureau.
Inspection of tax returns by various Senate Committees. *See* Internal Revenue Bureau.

TELEPHONE AND TELEGRAPH COMPANIES, common carrier regulations. *See* Federal Communications Commission.

TERRITORIES AND ISLAND POSSESSIONS:
Alaska. *See* Alaska.
"Domestic transportation, storage and port facilities" under Defense Production Act, inclusion of Territories and possessions in definition (Executive Order 10324) — 1171
Farm ownership loans, Puerto Rico. *See* Farmers Home Administration.
Government of Guam, transfer of lands to, for homesteads, rehabilitation and resettlement and other purposes — 2339
Hawaii. *See* Hawaii.
Minimum wage orders, various industries in Puerto Rico. *See* Wage and Hour Division.
Navigation and vessel inspection laws and regulations, waiver of, with respect to vessels in and around Guam. *See* Coast Guard.
Postal regulations respecting parcels for Guam and articles to and from Wake Island. *See* Post Office Department.
Price control regulations affecting commodities sold in or to Alaska, Guam, Hawaii, Puerto Rico, Samoa, and Virgin Islands. *See* Price Stabilization, Office of.
Quarantine of certain plants and plant products from. *See* Entomology and Plant Quarantine.
Selective Service. *See* Selective Service System.
Special Agricultural Conservation Program, Virgin Islands. *See* Agriculture Department.
Sugar requirements and quotas, etc., Virgin Islands. *See* Agriculture Department.
Virgin Islands National Historic Site at Christiansted, St. Croix, Virgin Islands, designation as historic site by Secretary of Interior — 2200

Page

THEATER TELEVISION SERVICE, allocation of frequencies, etc. *See* Federal Communications Commission.

TRADE AGREEMENTS:
- General Agreements on Tariffs and Trade:
  - Modification with respect to hatters' fur (Proclamation 2960) ---- 187, 265
  - Notification of Secretary of Treasury respecting concessions to Denmark, signatory of Torquay Protocol to Agreement (Letter of January 3, 1952) ---- 136
  - Torquay Protocol to General Agreement for Tariffs and Trade, carrying out provisions of; notification of Secretary of Treasury respecting tariff concessions to Denmark, signatory of Protocol (Letter of January 3, 1952) ---- 136
  - Various countries, modification, etc., of trade agreements with:
    - Denmark, signatory of Torquay Protocol to General Agreement for Tariffs and Trade; notification to Secretary of Treasury respecting concessions (Letter of January 3, 1952) ---- 136
    - Venezuela; allocating tariff quota on petroleum products imported from Venezuela, Netherlands and other foreign countries under Venezuelan Trade Agreement (Proclamation 2959) ---- 185

TRADE CENTER, INTER-AMERICAN. *See* Inter-American Cultural and Trade Center.

TRADE-MARKS. *See* Patent Office.

TRANSPORT ADMINISTRATION, DEFENSE. *See* Defense Transport Administration.

TRAVEL AND TRANSPORTATION EXPENSES:
- Civilians performing work in lieu of induction into armed forces (Executive Order 10328) ---- 1645
- Tax on transportation of persons. *See* Internal Revenue Bureau.

TREASURY DEPARTMENT:
- *See Coast Guard.*
  Customs Bureau.
  Internal Revenue Bureau.
- Accounts Bureau:
  - Surety companies acceptable on Federal bonds; certificates of authority issued to:
    - Automobile Insurance Co. of Hartford, Conn ---- 1228
    - Industrial Indemnity Co ---- 2729
    - Pacific National Fire Insurance Co ---- 529
    - Queen Insurance Co. of America ---- 1830
  - Surety companies, federal process agents of:
    - Appointment of process agents ---- 2605
    - Agent not required in State of incorporation where principal office is located ---- 2606
    - Agent required in District of Columbia ---- 2606
    - Powers of attorney appointing process agents; with whom filed ---- 2606
    - Redesignations ---- 2606
    - United States district courts; location of divisional offices ---- 2606
  - Assay and mints offices of United States, table of charges at; revision ---- 2547
  - Blocked transactions; order respecting steel mill components and certain equipment belonging to Czechoslovakia and nationals ---- 614
  - Bonds, savings, Treasury; issuance, etc. *See* Public Debt Bureau.
  - Building and space management functions under Reorganization Plan No. 18 of 1950; revocation of delegation of authority by General Services Administrator respecting ---- 177
  - Certificates, Treasury, offering of. *See* Public Debt Bureau.
  - Currency transactions. *See* Monetary offices.
  - Czechoslovakia; order, by Secretary, blocking transactions respecting steel mill components and certain equipment belonging to Czechoslovakia or nationals thereof ---- 614
  - Federal process agents of surety companies. *See under* Accounts Bureau.
  - Fiscal service. *See* Accounts Bureau; *and* Public Debt Bureau.
  - Foreign moneys, values of, for quarter beginning January 1, 1952 ---- 152
  - Imprest funds; joint regulation for small purchases utilizing imprest funds jointly issued by General Services Administration, Treasury Department, and General Accounting Office, reference ---- 2234

TREASURY DEPARTMENT—Continued Page
- Monetary offices:
  - Assays offices. *See* Mints and assay offices.
  - Currency transactions, instructions relating to reports and identification required, filing of reports, etc.; revision ---- 1822, 2306
  - Foreign moneys, values of, for quarter beginning January 1, 1952 ---- 152
  - Mints and assay offices of United States, table of charges at; bar, melting, parting and refining charges, withdrawal and rejection of deposits, assays of gold or silver bullion, platinum and non-platinum groups of metals, plated and filled goods, ores, etc., revision of charges respecting ---- 2547
- Office of Secretary:
  - Blocking of transactions respecting steel mill components and certain equipment belonging to Czechoslovakia and nationals thereof; order of Secretary respecting ---- 614
  - Functions of Secretary respecting Internal Revenue Bureau under Reorganization Plan No. 1 of 1952 ---- 2243
- Organization and functions:
  - Functions of Secretary respecting Internal Revenue Bureau under Reorganization Plan No. 1 of 1952:
    - Abolition of certain existing offices, determination of effective date ---- 2243
    - Appointment of assistant and district commissioners and other officers ---- 2243
    - Establishment of limited number of positions for district commissioners and other officers, authority of Secretary respecting ---- 2243
    - Transfer to Secretary of functions vested by statute in officers, agencies, or employees since effective date of Reorganization Plan No. 26 of 1950 ---- 2243
  - General Counsel (Assistant), establishment of office of, appointment under classified civil service, and compensation (Reorganization Plan No. 1 of 1952) ---- 2243
  - Personnel; Assistant General Counsel, establishment of office of, appointment under classified civil service, and compensation (Reorganization Plan No. 1 of 1952) ---- 2243
  - Procurement Policy Board, Office of Defense Mobilization; representation on ---- 102
  - Public Debt Bureau:
    - Bonds:
      - Treasury bonds, 1957–59, 2⅜ percent, offering of ---- 1568
      - United States Savings bonds:
        - Series E bonds, options open to owners of maturing bonds; further interest after maturity, clarification of provisions respecting ---- 751
        - Two names, coownership form of bonds; reissue during lives of both coowners ---- 751
    - Certificates of indebtedness, Treasury, Series A-1953, 1⅞ percent, offering of ---- 1569
    - Purchasing; joint regulation for small purchases utilizing imprest funds, reference ---- 2234
  - Reorganization Plan No. 1 of 1952 (Internal Revenue Bureau) ---- 2243
  - Surety companies. *See* Accounts Bureau.
  - Trade agreements, tariff concessions under. *See main heading* Trade agreements.

TRUST TERRITORY OF PACIFIC ISLANDS, vessels operating near, waiver of navigation laws respecting. *See* Coast Guard.

U

UNEMPLOYMENT COMPENSATION:
- Tax regulations respecting. *See* Internal Revenue Bureau.
- Unemployment compensation laws, State, certification to Secretary of Treasury by Secretary of Labor ---- 483

UNITED STATES MILITARY ACADEMY. *See* Army Department.

UNITED STATES SAVINGS BONDS. *See* Treasury Department.

V

VESSELS: Page
- Atomic attack, instructions for merchant vessels in port. *See* Coast Guard.
- Carriers on inland waterways, authority of Interstate Commerce Commission respecting. *See* Defense Transport Administration.
- Charter of. *See* Maritime Board, Federal.
- Coast Guard regulations respecting. *See* Coast Guard.
- Defense Department Ship Program (A–3), rescheduling of material required for, delegation of authority to Navy Department by Munitions Board respecting ---- 213
- Foreign-owned vessels, carrying goods and passengers to and from United States; reporting by owners, operators, or agents. *See* Business Economics, Office of.
- Navigation laws and regulations. *See* Coast Guard; *and* Customs Bureau.
- Ocean vessels, certain, under control of United States; operation, insurance, etc. *See* National Shipping Authority.
- Quarantine:
  - Canal Zone. *See* Canal Zone Government.
  - Public health regulations. *See* Public Health Service.
- Security of waterfront facilities; temporary identification credentials for crews of towing vessels or barges on Great Lakes or western rivers. *See* Coast Guard.
- Ship radio service. *See* Federal Communications Commission.
- Transportation agreements. *See* Maritime Board, Federal.

VETERANS:
- Benefits of. *See* Veterans' Administration.
- Homestead rights in public lands opened to entry. *See* Land Management Bureau; *and* Reclamation Bureau.
- Loans for agricultural purposes under production credit system. *See* Farm Credit Administration.
- Persons who lost citizenship through service in Allied Armies during World War I or II, naturalization of; nationality regulations respecting. *See* Immigration and Naturalization Service.

VETERANS' ADMINISTRATION:
- Accidents involving employees of Veterans' Administration; initial investigation ---- 2327
- Authority, delegation of, to Administrator, from National Production Authority; to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain hospital construction ---- 1488
  - Substitution of Order M–100 for M–4A ---- 1971
- Automobiles, credit restrictions on loans for purchase of, for business or occupation ---- 1763
- Burial of deceased veterans:
  - Claims of dependents and beneficiaries for expenses. *See* Claims.
  - Use of United States Flag for burial purposes ---- 1616
- Claims, for compensation or pension, by veterans, dependents or beneficiaries:
  - Dependents and beneficiaries claims:
    - Burial and funeral expenses, and transportation of bodies of veterans; definition of "veteran" 1151
    - Death pension and compensation:
      - Apportionment of death pension or compensation:
        - Awards where all beneficiaries do not file claim on same date; awards to minor widows ---- 2326
        - Rates payable, correction ---- 1474
      - Children, payments to, when reaching age of sixteen or eighteen; notice of continuing entitlement ---- 2326
      - Commencement of original awards:
        - Death pension or compensation payable under Public Law 174, 82d Congress ---- 2326
        - World War II; Public No. 2, 73d Congress, as amended ---- 2326
      - Provisional regulations; review of death compensation and pension claims to determine presumptive service-connection for multiple sclerosis, cancellation ---- 2326

VETERANS' ADMINISTRATION—Continued Page
- Claims, for compensation or pension, by veterans, dependents, or beneficiaries—Continued
  - Veterans' claims:
    - Disallowance and awards:
      - Additional allowance for nurse and attendant and adjustment of awards during institutionalization ---- 1150
      - Effective dates of awards purusant to Part III, Veterans Regulation 1 (a), as amended ---- 1150
    - Entitlement, basic, determinations as to:
      - Active service under Public No. 2, 73d Congress; Philippine Scouts or members of Philippine Commonwealth Army ---- 1617
      - Disability of veteran while engaged in extra hazardous service, including such service under conditions simulating war; partial deletion ---- 1149
      - Eligibility of persons discharged to accept commission or change status ---- 1148
    - Hospitalization and/or out-patient treatment of World War II veterans, data for determination of basic eligibility ---- 579
    - Pension, instructions relating to establishment of rate of; cancellation ---- 1151
    - Rating principles; rating of arrest in non-pulmonary tuberculosis ---- 1150
    - Rating schedule, application of; determination of need for nurse or attendant or regular aid and attendance under certain Public Laws ---- 1150
    - Reexaminations for disability rating purposes; scheduling examinations in running award active tuberculosis cases ---- 1150
    - Service connection:
      - For chronic or tropical diseases ---- 1149
      - Under Public No. 2, 73d Congress, as amended ---- 1149
      - For dental disabilities ---- 1149
    - Service requirements; persons included in acts in addition to commissioned officers and enlisted men:
      - Coast Guard, personnel of ---- 1148
      - Lighthouse Service, personnel of ---- 1148
      - Philippine Scouts and others ---- 1617
      - Reserve Officers, members of Enlisted Reserves, and members of National Guard; rating criteria and rates ---- 1148
- Coast Guard personnel, service requirements for veterans' claims ---- 1148
- Credit restrictions on loans for purchase of automobiles for business or occupation ---- 1763
- Disabled veterans, education and training for. *See* Vocational rehabilitation and education.
- Disposition of personal funds and effects of living veterans; note ---- 1687
- Education. *See* Vocational rehabilitation and education.
- Employees of Veterans' Administration, accidents involving; initial investigation ---- 2327
- Flag, eligibility for and disposition of United States Flag for burial purposes ---- 1616
- Foreign countries, medical treatment in; eligibility for treatment ---- 1827
- Hospital construction, delegation of authority respecting, from NPA ---- 1488
- Hospitalization and out-patient treatment, World War II veterans; determination of basic eligibility for ---- 579
- Insurance:
  - National Service life insurance:
    - Dividends:
      - How paid ---- 2362
      - Special dividends ---- 2363
    - Optional settlement, election of, by beneficiary; insurance maturing prior to August 1, 1946, correction ---- 2729
    - Premium waiver under section 622 of National Service Life Insurance Act, as amended April 25, 1951 ---- 2363
    - Taxation and exemption ---- 2363
  - United States Government life insurance:
    - Five-year level premium term plan:
      - Premium waiver under section 622 of National Service Life Insurance Act, as amended April 25, 1951 ---- 2362
      - Reinstatement ---- 2327
      - Renewal; correction ---- 2729

VETERANS' ADMINISTRATION—Continued Page

Insurance—Continued
United States Government life insurance—Con.
Physical examinations for insurance purposes— 579
Total disability provision authorized by section 311, World War Veterans' Act, 1924, as amended July 3, 1930— 2327
Investments, guardianship services. *See* Legal services.
Legal services, solicitor's office:
Domestic relations questions:
Discontinuance of award of compensation or pension because of marriage or remarriage— 2327
Validity of marriage, determination by Veterans' Administration— 2327
Guardianship services; investments, inspection of assets— 659
Torts; motor vehicle accidents, etc., initial investigation— 2327
Lighthouse Service personnel, service requirements for veterans' claims— 1148
Loans. *See* Servicemen's Readjustment Act.
Medical treatment and hospital care, etc.:
Foreign countries, medical treatment in; eligibility for treatment— 1827
Hospitalization and domiciliary care:
Facilities other than Veterans' Administration facilities, utilization of:
Payment or reimbursement for certain emergency treatment— 1827
Service-connection under Public Law 239, 82d Congress— 1827
Hospital treatment for persons discharged, released, or retired from active military or naval service— 1827
Orthopedic and prosthetic appliances:
Repairs to; reimbursement for unauthorized medical services— 1827
Retired personnel, appliances supplied or repaired for— 767
Types, fitting and training, and eligibility to appliances and repairs thereto; appliances to be furnished when necessary to prevent interruption of training under certain laws— 767
Out-patient treatment:
Non-service-connected condition, adjunct outpatient treatment for— 1827
Service-connection under Public Law 239, 82d Congress— 1827
Reimbursement or payment for unauthorized medical services:
Classes of claims comprehended; repairs of prosthetic appliances— 1827
Filing and perfecting claim— 1827
Unauthorized medical services. *See* Reimbursement or payment for unauthorized medical services.
Orthopedic and prosthetic appliances. *See* Medical.
Pension, instructions relating to establishment of rate of; cancellation— 1151
Personal funds and effects, disposition of; cases of living veterans, note— 1687
Philippine Scouts, service requirements for veterans' claims— 1617
Physical examinations for insurance purposes— 579
Retired personnel, orthopedic and prosthetic appliances for— 767
Servicemen's Readjustment Act of 1944, Title III, loan guaranty:
Credit restrictions on loan for purchase of automobile for business— 1763
Direct loans, sale of— 659
Subsistence allowances, reductions because of unauthorized and excessive absences from school or training establishment— 579
Torts; investigation of accidents involving employees of Veterans' Administration— 2327
Training facilities. *See* Vocational rehabilitation and education.
Vocational rehabilitation and education:
Disabled veterans, education and training for; veteran pursuing combination course may perform on-farm part:
As trainee on farm of another— 1828
On farm under his own control— 1828

VETERANS' ADMINISTRATION—Continued Page

Vocational rehabilitation and education—Continued
Registration and research:
Leaves of absence and unauthorized absences over 30 days in calendar year:
Reports required— 579
Subsistence allowance reductions for unauthorized and excessive absences— 579
Subsistence allowance, authorization of; reductions in subsistence allowance because of unauthorized and excessive absences— 579
Subsistence allowances, reductions because of unauthorized and excessive absences— 579
Training facilities:
On-farm training courses. *See* Institutional on-farm training courses.
Institutional on-farm training courses:
Contract rates, review and adjustment of— 1618
Determination of fair and reasonable compensation for:
Certified financial statement required, including cost data on following items
Administration and supervision, allowance for— 1618
Building operation and maintenance, depreciation, and rent— 1618
Instructors— 1618
Estimated cost may be used for new courses— 1618
Limitation of payments— 1619
VIRGIN ISLANDS. *See* Territories and possessions.
VOCATIONAL REHABILITATION AND EDUCATION. *See* Veterans' Administration; *and* Vocational Rehabilitation, Office of.
VOCATIONAL REHABILITATION, OFFICE OF:
Plans and program of vocational rehabilitation; Program Director, may be directed to be responsible for other similar programs— 1829
VOLUNTARY PLANS, AGREEMENTS, PROGRAMS. *See* Defense Production Administration.

W

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR:
Agriculture, processing of agricultural commodities and related subjects; forestry or lumbering operations incident to or in conjunction with farming operations, revision— 2712
Apprentices, employment of. *See* Learners.
Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages:
Handicapped workers or handicapped clients in sheltered workshops; issuance of certificates, to certain workshops— 237, 1306, 1693, 2290
Learners; issuance of certificates, for various industries:
Apparel; single pants, shirts and allied garments, women's apparel, sportswear, rainwear and other odd outerwear, robes and leather and sheep-lined garments divisions— 215, 454, 619, 670, 869, 1192, 1429, 1691, 1741, 1909, 2099, 2370, 2631
Cigar (in continental United States)— 455
Glove— 619, 671, 869, 1429, 1692, 1742, 1909, 2099, 2370, 2631
Hosiery— 216, 455, 619, 671, 869, 1192, 1429, 1692, 1742, 1910, 2099, 2370, 2631
In Puerto Rico (miscellaneous industries)— 619, 1193, 1692, 1742, 2370, 2631
Knitted wear— 216, 455, 671, 870, 1192, 1429, 1692, 1742, 1910, 2100, 2631
Leather and sheep-lined garments. *See* Apparel.
Miscellaneous— 216, 455, 619, 671, 870, 1193, 1429, 1692, 1742, 1910, 2100, 2631
Pants, single. *See* Apparel.
Rainwear. *See* Apparel.
Robes. *See* Apparel.
School-operated— 216
Shirts and allied garments. *See* Apparel.
Shoe manufacturing and industries— 216, 455, 619, 671, 1429
Sportswear. *See* Apparel.
Telephone (independent)— 455, 1692, 1742, 1910, 2100, 2370
Women's apparel. *See* Apparel.

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued — Page

Citrus peel, chemical preservation of. *See* Seasonal industries.
Forestry or lumbering operations incident to or in conjunction with farming operations. *See* Agriculture.
Handicapped persons, employment of:
Certificates, special, issuance to certain workshops. *See* Certificates, above.
Sheltered workshops, employment of handicapped clients in; standards, revision — 388
Learners; employment of, at below minimum wages:
Apprentices, employment of; procedure for employment at subminimum wages, two copies of apprenticeship agreement to be sent to appropriate Regional Office — 1995
Certificates, special, for various industries. *See* Certificates, *above*.
Messengers, engaged primarily in delivering letters and messages in certain industries in Puerto Rico; hearing with respect to proposed subminimum wage rates — 2072
Various industries:
Apparel, women's; increase of rates for all learner occupations, proposed rule making — 2021
Glove industry; notice of extension of time to submit views — 735
Shoe manufacturing industry; subminimum rates — 667, 1500
Messengers, employment of. *See* Learners.
Minors; employers' records pertaining to. *See* Records to be kept by employers.
Puerto Rico:
Homeworkers in needlework and fabricated textile products; piece rates established in accordance with minimum piece rates prescribed by Administrator — 389
Minimum wage orders for workers in various industries:
Alcoholic beverages and industrial alcohol; disapproval of minimum wage rate for Beer Division — 1227, 1946
Communications, utilities, and miscellaneous transportation — 1208
Messengers to be engaged in; hearing with respect to proposed subminimum wage rates — 2072
Special industry committee for. *See* Special industry committee.
Records to be kept by employers, respecting wages; proposed rule making:
Form of records; scope of subpart C — 2398
Minors, records pertaining to — 2399
Seasonal industries, wages and hours of employees in; application for exemption of chemical preservation of citrus peel in Florida — 1226, 2113
Special industry committee, to investigate conditions and recommend minimum wage rates in various industries; Puerto Rico, Committee No. 11:
Appointment of member — 1489
Hearing on minimum wage recommendations for certain industries — 2285

WAGE STABILIZATION BOARD:
Adjustments. *See* Increases or adjustments.
Agricultural labor (GWR 11):
See also Seasonal canning.
Implementation of regulation (Res. 37) — 22
Bonuses; payments which may be put into effect without prior Board approval (GWR 14), payments according to an established plan — 20
Civil Service Rules; certain positions excepted from competitive service (Schedule A) — 1743
Commission basis; adjustments. *See* Increases or adjustments.
Cost-of-living increases. *See* Increases or adjustments.
Delegations of authority:
See also Salmon, fresh Alaska.
Resolutions with respect to:
Executive Director authorized to process cases under GWR 10, under certain conditions (Res. 20A) — 54
Petitions, release of information on (Res. 65) — 55

WAGE STABILIZATION BOARD—Continued — Page

Delegations of authority—Continued
Resolutions with respect to—Continued
Public Member of the Board, appointed by Chairman, shall be responsible for administering policy regarding servicing of independent unions (Res. 28) — 54
Regional Boards; authorization to process and act upon petitions and applications, under listed wage regulations (Res. 64) — 54
Exceptions; Executive Director may authorize Regional Board to act upon petition involving establishments located in more than one region in certain cases — 1443
Special case-processing procedures for selected industries (tool and die, selected automobile companies, and textiles) — 1784
Staff authority:
Member of staff to act as liaison officer for independent unions (Res. 28) — 54
Petitions involving 10 or fewer employees, ruling on (Res. 49) — 54
Enforcement. *See* Procedural regulation.
Equal pay for equal work (Res. 69) — 23
Fringe benefits, such as paid vacation, paid holidays, shift differentials, etc. (GWR 13):
Fringe items (Res. 40, 57) — 22
Instructions to staff and Regional Boards for applying adjustments (Res. 59) — 22
Mondays before Christmas and New Year's Day as paid holidays (Res. 73) — 23
General wage formula (GWR 6):
Alternative methods of computing increases (Res. 61) — 21
Base pay period abnormality cases; handling petitions (Res. 30) — 20
Fair Labor Standards Act, increases required by (Res. 38) — 21
Incentive wage and piece rates (Res. 71) — 21
Multi-employer bargaining negotiations (Res. 68) — 22
Pension or profit-sharing plans; relationship to GWR 21 — 1896
Printing industry, use of contract or scale rates in (Res. 63) — 21
Unions and employers association, joint filing by, or by associations where no collective agent exists on sample basis (Res. 60) — 21
Health and welfare:
Interim policy (Res. 67) — 23
Plans for certain health and welfare benefits, including temporary disability and hospital, surgical and medical expenses, etc. (GWR 19) — 824
Holidays. *See* Fringe benefits.
Improvement factors:
Price warranty in productivity increases cases (Res. 23) — 23
Processing of General Motors-UAM agreement and similar cases (Res. 22) — 23
Incentive wage or piece rates. *See* General wage formula; *and* Increases or adjustments..
Increases or adjustments:
Commission basis, employees compensated in whole or in part on; adjustments (GWR 20) — 1893
Cost-of-living increases, provided by escalator clauses in collective bargaining agreements, and provisions in wage and salary plans (GWR 8):
Alternative methods of computing increases (Res. 61) — 21
Extension of effective date — 1893
Multi-employer bargaining negotiations (Res. 68) — 22
Printing industry, use of contract or scale rates in (Res. 63) — 21
Unions and employers association, joint filing by, or by associations where no collective agent exists on sample basis (Res. 60) — 21
Deferred increases (Res. 43) — 23
Incentive wage or piece rates; adjustments (GWR 15), interpretations — 823
Incentive wage and piece rates (Res. 70) — 23
Tandem wage increases, where "tandem" relationship exists between units of employees (GWR 10); authority of Executive Director to process cases. *See* Delegations of authority.

WAGE STABILIZATION BOARD—Continued
Pension plans and profit-sharing plans of deferred compensation type (GWR 21) 1895
Processing of cases by Executive Director (Res. 85) 1896
Procedural regulation, enforcement procedure; complaint and notice of hearing:
Transcripts of enforcement of hearings 1759
Waiver by written stipulation for entry of consent disallowance 2431
Profit-sharing plans. *See* Pension plans and profit-sharing plans.
Resolutions:
Delegations of authority 54
Policy determinations and other substantive matters 20
Salmon, fresh Alaska, delivered to canneries; jurisdiction of Board concerning wages, prices, etc., in connection with:
Delegation of authority by Economic Stabilization Administrator respecting 783
Joint recommendation of Director of Price Stabilization and Wage Stabilization Board respecting 782
Seasonal canning, packing, freezing and dehydrating perishable fruits and vegetables, wages in establishments engaged in (Res. 45) 23
Vacations, paid. *See* Fringe benefits.

WAGES AND HOURS:
See also, Pay, compensation, etc.
Bonuses. *See* Salary Stabilization Board; *and* Wage Stabilization Board.
Employment tax regulations; withholding tax on wages. *See* Internal Revenue Bureau.
Minimum wages for various industries. *See* Wage and Hour Division.
Sugar beets; workers wage rates. *See* Agriculture Department.
Wage and salary stabilization. *See* Salary Stabilization Board; *and* Wage Stabilization Board.

WAR CLAIMS COMMISSION:
Claims, receipt, adjudication and payment of; receipt of claims 1726

WATER COMMISSION, INTERNATIONAL. *See* International Boundary and Water Commission, United States and Mexico.

WATER FACILITIES:
Irrigation projects, water made available for. *See* Reclamation Bureau.
Loans for. *See* Farmers Home Administration.

WATER AND LAND RESOURCES, of Missouri River Basin; functions of Missouri Basin Survey Commission respecting (Executive Order 10318) 133

WILDLIFE:
Hunting, protection of, etc. *See* Alaska Game Commission; *and* Fish and Wildlife Service.
Wildlife conservation areas, refuges, etc.:
Management of. *See* Fish and Wildlife Service.
Public lands in. *See* Land Management Bureau.
Transfer of portion of property known as Fern Ridge Reservoir, Lane County, Oregon, to State of Oregon for wildlife conservation purposes (other than migratory bird), pursuant to Public Law 537, 80th Congress 2797

Z

ZOOLOGICAL PARK, NATIONAL. *See* Smithsonian Institution.

CODIFICATION GUIDE, JANUARY–MARCH 1952

A numerical list of the sections of the Code of Federal Regulations affected by documents published during January–March 1952. Page numbers of documents affecting sections but not specifically amending the text thereof appear in brackets, except in Titles 3 and 32A.

TITLE 3
Chapter I (Proclamations):
695 (see F. R. Doc. 52–1213) 935
959 (amended by Proc. 2965) 1787
1377 (see F. R. Doc. 52–1213) 935
2028 (see Proc. 2961) 691
2416 (see PLO 801) 1357
2761A (amended by Proc. 2960) 187
2959 185
2960 187, 265
2961 691
2962 983
2963 1143
2964 1547
2965 1787
2966 2587
2967 2649
Chapter II (Executive orders):
Jan. 7, 1903 (see PLO 790) 733
June 13, 1925 (revoked in part by PLO 803) 1358
Apr. 17, 1926 (revoked in part by PLO 803) 1358
1297 (revoked in part by PLO 777) 159
3473 (revoked by PLO 792) 771
3797–A (see PLO 806) 1650
4314 (amended by CZO 25) 2504
5644 (see T. 5, 301.61) 2411
5909 (revoked by PLO 810) 2061
6713 (see CZO 26) 2622
7309 (revoked by PLO 798) 926
7532 (revoked by PLO 801) 1357
7723 (revoked by PLO 810) 2061
8086 (revoked by PLO 801) 1357

TITLE 3—Continued
Chapter II (Executive orders)—Continued
8344 (see PLO 781) 160
8578 (revoked in part by PLO 805) 1522
8847 (revoked in part by PLO 796) 867
8854 (revoked in part by Proc. 2965) 1787
8979; see:
PLO 778 160
PLO 800 1187
PLO 812 2283
9019 (revoked in part by PLO 805) 1522
9114 (revoked in part by PLO 786) 347
9526; see:
PLO 786 347
PLO 793 771
PLO 799 926
10000 (see T. 5, Part 301).
10002 (see EO 10320) 693
10046 (amended by EO 10322) 855
10161:
See EO 10323 1145
Amended by EO 10324 1171
10225 (see EO 10333) 2705
10316 1
10317 57
10318 133
Amended by EO 10329 1705
10319 188
10320 693

TITLE 3—Continued
Chapter II (Executive orders)—Continued
10321 791
10322 855
10323 1145
10324 1171
10325 1239
10326 1381
10327 1645
10328 1645
10329 1705
10330 1875
10331 1963
10332 2083
10333 2705
10334 2741
10335 2741
Chapter III (Presidential documents other than proclamations and Executive orders):
Letter, Jan. 3, 1952 136
Reorganization Plan 26, 1950 (see Reorganization Plan 1, 1952) 2243
Reorganization Plan 1, 1952 2243

TITLE 5
Chapter I:
Part 2:
2.107 1927
2.109 2484
2.113 341
2.114 341
Part 4:
4.301 221

TITLE 5—Continued Page

Chapter I—Continued
Part 6:
6.101 ---- 1145
6.105 ---- 265, 2085
6.106 ---- 1145
6.108 ---- 2741
6.111 ---- 265
6.142 ---- 1457
6.149 ---- 267, 1681
6.155 ---- 1743
6.160 ---- 1145
6.208 ---- 265
6.218 ---- 2484
6.220 ---- 1145
Part 7:
7.105–7.106 ---- 341
Part 8:
8.107–8.115 ---- 343
8.201–8.207 ---- 344
Part 24:
24.14 ---- 959
24.15 ---- 1146
24.36 ---- 1146
24.111 ---- 1146
24.113 ---- 1146
Part 26:
26.2 ---- [2741]
Part 30:
30.206 ---- 1648
Part 36---- 1515
Chapter II:
Part 210:
210.14 ---- 631
Chapter III:
Part 301:
301.61 ---- 2411
Part 325:
325.11 ---- 267, 268, 1239, 1241

TITLE 6

Chapter I:
Part 50:
50.22 ---- 2354
Part 70:
70.4---- 959, 1493
70.5---- 959, 1493, 2587
70.6---- 959, 1493
70.7 ---- 1493
70.9 ---- 1493
Part 71:
71.1a ---- 1147
Chapter III:
Part 301:
301.2 ---- 2383
Part 302:
302.4 ---- 1705
Part 303:
303.2 ---- 2383
Part 304:
304.1–304.24 ---- 409
Part 308---- 268
Part 311:
311.30---- 189, 381, 541, 631, 711, 961, 1457, 1743, 2385, 2509
Part 324:
324.1–324.26 ---- 409
Part 331:
331.12 ---- 1409
331.13 ---- 1409
Part 332:
332.2 ---- 1079
332.10 ---- 1079
332.23 ---- 1081
Part 333:
333.1–333.3 ---- 190
Part 354:
354.5 ---- 1081
Part 355:
355.3 ---- 1875
Part 356---- 1

TITLE 6—Continued Page

Chapter III—Continued
Part 361:
361.25 ---- 2107
361.26 ---- 60
361.27 ---- 2411
361.30 ---- 5, 60
361.31 ---- 2107
361.42 ---- 2705
Part 381:
381.5 ---- 1381
381.7 ---- 1381
Chapter IV:
Part 517:
517.253 ---- 2109
517.301–517.312 ---- 713
517.320–517.331 ---- 1927
Part 601:
601.1112 ---- 2039
Part 607:
607.301–607.311 ---- 1875
607.311 ---- 2484
Part 638:
638.301–638.315 ---- 2587
Part 643:
643.568 ---- 109
643.577 ---- 1515
643.625–643.646 ---- 493
643.655–643.679 ---- 1707
Part 664:
664.331 ---- 1082, 1207
664.332 ---- 1987

TITLE 7

Subtitle A:
Part 3:
3.7 ---- 1457
Part 5:
5.4 ---- 961
5.7 ---- 961
Chapter I:
Part 26:
Proposed rules---- 34, 930, 2284
Part 27:
Proposed rules---- 236, 482
27.93 ---- 1547
27.507 ---- 60
Part 31:
Proposed rules---- 1566
Part 44---- 136
Proposed rules---- 1858
Part 51:
Proposed rules---- 773, 1859
Part 52:
Proposed rules--- 1620, 1621, 2365
Part 55:
Proposed rules---- 86
Part 58:
Proposed rules--- 1221, 1224, 2018
58.43–58.45 ---- 2475
Part 70:
Proposed rules---- 89, 2432
Part 160:
160.1 ----221, 223
160.3–160.100 ---- 223, 224
160.201–160.205 ---- 188
160.301–160.304 ---- 224
Chapter II:
Part 210:
Appendix ---- 189
Chapter III:
Part 301:
Proposed rules---- 772, 1219, 1395, 1506, 1619
Chapter IV:
Part 415:
415.1 ---- 2109
Part 416:
416.19 ---- 2109
Part 417:
417.1 ---- 2110

TITLE 7—Continued Page

Chapter IV—Continued
Part 418:
418.151–418.160 ---- 189
418.151 ---- 2351
418.201–418.210 ---- 189
Part 419:
419.1 ---- 2110
419.4 ---- 2110
419.13 ---- 2110
Part 420:
420.20 ---- 2110
420.24 ---- 2110
420.27 ---- 2385
420.32 ---- 2385
420.33 ---- 2385
Chapter VI:
Part 600:
600.10 ---- 5
Chapter VII:
Part 701:
701.301 ---- 1931
701.312 ---- 2111
701.336 ---- 2111
701.369 ---- 2111
Part 703:
703.117 ---- 268
703.121–703.123 ---- 268
Part 705:
705.101–705.188 ---- 268
Part 707:
707.104 ---- 1171
707.106 ---- 1173
707.153 ---- 1173
Part 729:
Proposed rules---- 404, 2062, 2285
729.270 ---- 2041
729.303 ---- 2743
729.304 ---- 111, 985, 1412, 1549
729.305–729.309 ---- 909
729.316 ---- 1174
Chapter VIII:
Part 801:
Proposed rules---- 734
Part 812:
812.5–812.6 ---- 7
Part 814:
814.7 ---- 2480
814.8 ---- 2482
Part 848:
848.2 ---- 2111
Part 850:
850.5 ---- 986
Part 861:
861.5 ---- 224
Part 862:
862.4 ---- 1500
Part 867:
867.4 ---- 138
Part 877:
877.4 ---- 139, 2112
Part 878:
878.4 ---- 225
Chapter IX:
Part 904:
Proposed rules---- 91, 2063, 2434
904.2 ---- 2707
904.21 ---- 2707
904.40 ---- 2707, 2708
904.51 ---- 2159
904.71–904.74 ---- 2159
Part 905:
Proposed rules--- 1689, 2440, 2442
905.42 ---- 2744
905.46 ---- 2744
905.51 ---- 2744
Part 910---- 1549
Part 913:
Proposed rules---- 1479, 2394
913.51 ---- 2745

TITLE 7—Continued Page

Chapter IX—Continued

Part 920:
920.302 ---------- 111, 345, 1383
Part 924:
Proposed rules---------- 404, 1427
924.52 ---------- 1577
Part 925:
Proposed rules---------- 1665
925.51 ---------- 2708
Part 927:
Proposed rules----- 124, 527, 1623
927.40 ------ 1745, [1746], [1963]
927.45 ---------- 1746
927.46 ------ 1746, [1746], [1963]
Part 931:
931.50 ---------- [1241], [1987]
Part 932:
Proposed rules---------- 2675
Part 933:
Proposed rules---------- 963, 1859
933.1–933.140 ---------- 1327
933.550 ---------- 142
933.552 ---------- 143
933.553 ---------- 381
933.554 ---------- 383
933.555 ---------- 591
933.556 ---------- 593
933.557 ---------- 594
933.558 ---------- 791
933.559 ---------- 793
933.560 ---------- 794
933.561 ---------- 1241
933.562 ---------- 1242
933.563 ---------- 1243
933.564 ---------- 1847
933.565 ---------- 1849
933.566 ---------- 1849
933.567 ---------- 2243
933.568 ---------- 2245
933.569 ---------- 2246
933.570 ---------- 2746
933.571 ---------- 2746
933.572 ---------- 2745
Part 934:
Proposed rules----- 91, 2063, 2434
934.40 ---------- 2709
Part 935:
Proposed rules---------- 2066
935.551 ---------- 142
Part 936:
936.19 ---------- 62
936.27 ---------- 62
936.34 ---------- 62
936.50 ---------- 62
936.57 ---------- 62
936.116 ---------- 541
936.141 ---------- 62, 543
Part 941:
Proposed rules---------- 2018, 2683
Part 942:
Proposed rules---------- 1625
Part 943:
Proposed rules---------- 2133
Part 944:
Proposed rules---------- 93, 527
944.50 ---------- [1241], [1987]
Part 946 :
Proposed rules---------- 2365
Part 947:
Proposed rules----- 91, 2063, 2434
947.50 ---------- 2709, 2710
Part 949:
Proposed rules---------- 828, 1480, 2327, 2504
Part 950:
950.201 ---------- 416
Part 951:
Proposed rules---------- 1506, 2133
Part 952:
Proposed rulcs---------- 213

TITLE 7—Continued Page

Chapter IX—Continued

Part 953:
Proposed rules---------- 580
953.206 ---------- 1244
953.522 ---------- 143
953.523 ---------- 143
953.524 ---------- 384
953.525 ---------- 594
953.526 ---------- 795
953.527 ---------- 987, 1244
953.528 ---------- 1244, 1503
953.529 ---------- 1503, 1681
953.530 ---------- 1681
953.531 ---------- 1850, 1989
953.532 ---------- 2041
953.533 ---------- 2247
953.534 ---------- 2483
953.535 ---------- 2747
Part 955:
955.1–955.170 ---------- 1412
955.21 ---------- 1965
955.25 ---------- 1965
955.342 ---------- 384
955.343 ---------- 1245
955.344 ---------- 2042
Part 956:
Proposed rules---------- 34, 2020
Part 957:
957.204 ---------- 1932
957.308 ---------- 1417
Part 959---------- 1246
959.307 ---------- 1384, 1790
Prior to recodification:
959.307 ---------- 227
Part 961:
Proposed rules---------- 1567, 2627
Part 963:
Proposed rules---------- 580
Part 964:
Proposed rules---------- 1731
Part 965:
965.64 ---------- 2159
965.76 ---------- 2159
Part 966---------- 2085
Prior to termination:
966.551 ---------- 144
966.552 ---------- 385, 2043
966.553 ---------- 595
966.554 ---------- 795
966.555 ---------- 987
966.556 ---------- 1253
966.557 ---------- 1503
966.558---------- 1648, 1851, 2043
966.559 ---------- 1851, 2043
Part 968:
968.5 ---------- 8
968.6 ---------- 8
968.7 ---------- 8
968.40 ---------- 8
968.41 ---------- 8
968.43 ---------- 8
968.44 ---------- 8
968.50 ---------- 8
968.64 ---------- 8
Part 971:
971.62 ---------- 2161
971.80–971.83 ---------- 2161
Part 972:
Proposed rules---------- 613, 2442
972.5 ---------- 1790
Part 974:
Proposed rules---- 930, 2450, 2504
Part 980:
Proposed rules---------- 1480, 2396
980.5 ---------- 2710
Part 982:
Proposed rules---------- 661
Part 983:
Proposed rules---------- 773, 2779

TITLE 7—Continued Page

Chapter IX—Continued

Part 984:
Proposed rules---------- 2232
984.203 ---------- 387
Part 985:
Proposed rules---------- 161
Part 986:
Proposed rules---------- 867, 2195
Part 988:
Proposed rules---------- 1305
Part 989---------- 1255
989.29 ---------- 1555
989.33 ---------- 1555
989.68 ---------- 1555
989.204 ---------- 2748
Part 991:
Proposed rules---------- 2233
Part 992:
992.306 ---------- 797
Part 994:
Proposed rules---------- 1690
Part 996:
Proposed rules----- 91, 2063, 2434
996.40 ---------- 2711
Part 998:
Proposed rules---------- 1690
Part 999:
Proposed rules----- 91, 2063, 2434
999.40 ---------- 2712

TITLE 8

Chapter I:
Part 90:
90.3 ---------- 883
Part 110:
110.1 ---------- 1082, 1334
Part 127---------- 346
Part 151:
151.2 ---------- 1820
Part 169:
169.3 ---------- 2044
Part 330:
Proposed rules---------- 1772
Part 352:
Proposed rules---------- 1772
Part 375:
Proposed rules---------- 1772
Chapter II:
Part 501:
501.80 ---------- 2483
Part 504:
504.1 ---------- 1082
504.2 ---------- 1083
Part 510:
510.30 ---------- 2484
Part 511:
511.01–511.04 ---------- 800
511.1–511.100 ---------- 800
511.101–511.199 ---------- 800
511.201–511.510:
Technical amendment--- 800

TITLE 9

Chapter I:
Part 7:
Proposed rules---------- 2624
7.7 ---------- 465
Part 8:
Proposed rules---------- 2624
Part 9:
Proposed rules---------- 2624
Part 14:
Proposed rules---------- 2624
Part 16:
Proposed rules---------- 2624
Part 17:
Proposed rules---------- 2624
Part 18:
Proposed rules---------- 2624
Part 19:
Proposed rules---------- 2624

TITLE 9—Continued — Page
Chapter I—Continued
Part 24:
Proposed rules 2624
Part 27:
Proposed rules 963, 1427
27.2 1881, 2712
Part 71:
Proposed rules 2626
Part 78:
Proposed rules 2626
Part 94:
94.1 1820
Part 95:
95.4 2113
Part 151:
Proposed rules 867
151.10 2591

TITLE 12
Chapter II:
Part 221:
221.103 191

TITLE 14
Chapter I:
Part 1:
1.2 1083
1.12 1083
1.14–1.19 1083
1.20–1.24 1083
1.64 1083
Part 3:
Proposed rules 1568
3.0–3.48–1 1084
3.109 1086
3.115 1086
3.120 1086
3.124 1086
3.171 1086
3.174 1086
3.265 1086
3.266–3.282 1086
3.311–1 2161
3.361 1086
3.362 1087
3.364 1087
3.365–3.366 1087
3.371 1087
3.390 1087
3.624 1087
3.627 1087
3.658 1087
3.669 1087
3.764 1087
Part 4b:
4b.1 1083
4b.10–4b.19 1088
4b.20–4b.24 1088
4b.102 1088
4b.110 1089
4b.120 1089
4b.131 1089
4b.133 1089, [2112]
4b.143 1089
4b.157 1089
4b.180–4b.182 1089
4b.201 1089
4b.211 1089
4b.212 1089
4b.214 1089
4b.215 1089
4b.220 1089, 1090
4b.222 1090
4b.250–4b.257 1090
4b.260 1093
4b.306 1093
4b.308 1093
4b.309 1093
4b.324 1093
4b.326 1093
4b.329 1093

TITLE 14—Continued — Page
Chapter I—Continued
Part 4b—Continued
4b.334 1093
4b.335 1093
4b.336 1093
4b.337 1093
4b.337–2 2223
4b.338 1093
4b.341 1093
4b.342 1093
4b.352 1094
4b.353 1094
4b.358 1094
4b.359 1094
4b.371 1094
4b.372 1094
4b.373 1094
4b.374 1094
4b.380 1094
4b.381 1094
4b.383 1094
4b.384 1095
4b.385–4b.386 1095
4b.400 1095
4b.401 1095
4b.406 1095
4b.411 1095
4b.426 1095
4b.428 1096
4b.430 1096
4b.432 1096
4b.437 1096
4b.440 1096, 1334
4b.441 1096
4b.443 1096
4b.455 1096
4b.463 1096
4b.467 1096
4b.474 1096
4b.477 1096
4b.478 1096
4b.480 1097
4b.481 1097
4b.482 1097
4b.484 1097
4b.485 1097
4b.487 1097
4b.489 1097
4b.490 1097
4b.603 1097
4b.604 1097
4b.606 1097
4b.612 1098
4b.613 1098
4b.620–4b.627 1098
4b.628 1098
4b.641 1099
4b.643 1099
4b.645 1099
4b.646 1099
4b.650 1099
4b.651 1099
4b.653–4b.655 1099
4b.658 1099
4b.718 1099
4b.734 1099
4b.737 1100
4b.738 1100
Part 5 1100
Part 6:
Proposed rules 1568
6.1 1101
6.10 1101
6.11 1101
6.13 1101
6.14 1101
6.18 1101
6.19 1101
6.20–6.24 1101
6.115 1101

TITLE 14—Continued — Page
Chapter I—Continued
Part 6—Continued
6.335 1101
6.421 1101
Part 13 1101
Part 14 1105
Part 15 1107
Part 16:
16.51–1—16.51–2 146
Part 21:
Proposed rules 1395
Part 25:
25.11 227
Part 26:
26.37 597
Part 40:
Uncodified special regulation 633
Part 41:
Proposed rules 1902, 2092
Uncodified special regulation 633
41.23–1 2748
41.27 1108
41.29 1108
41.30 1108
41.33 1108
41.50 1174
Part 42:
Proposed rules 1153, 1902, 2197, 2685
Uncodified special regulations 633, 1147
42.24–2 2748
42.72 1108
42.74 1108
42.83 1108
Part 45:
Uncodified special regulation 633
Part 50:
Proposed rules 2685
Part 60:
Proposed rules 2629
Part 61:
Proposed rules 1902
Uncodified special regulation 633
61.61–1 2749
61.101–2 146
61.112–1—61.112–5 146
61.215 1109
61.216 1109
61.220 1109
61.231–1 855
Part 242:
242.2–242.3 634
Part 291:
291.1 635
291.2 635
291.3–291.14 635
Part 298 636
Chapter II:
Part 550:
550.7 2354
550.9 2356, 2357
Part 600:
600.13 112
600.19 111, 2386
600.108 112
600.209 2385
600.213 1611
600.214 2386
600.221 1610
600.227 2386
600.274 1611, 2386
600.294 1611
600.607 112
600.621 2386
600.639 544

TITLE 14—Continued Page

Chapter II—Continued

Part 600—Continued

600.644 ---- 2386
600.663 ---- 1611
600.687 ---- 112, 2386

Part 601:

601.14 ---- 2386
601.216 ---- 1611
601.283 ---- 883
601.644 ---- 2386
601.663 ---- 1611
601.687 ---- 112, 2386
601.1006 ---- 1611
601.1014 ---- 1611
601.1027 ---- 2386
601.1085 ---- 112
601.1089 ---- 112
601.1091 ---- 112
601.1112 ---- 1611
601.1137 ---- 112
601.1139 ---- 112, 2387
601.1222 ---- 112
601.1293 ---- 112
601.1294–601.1296 ---- 1990
601.1297 ---- 2387
601.1983 ---- 112, 1611
601.1984 ---- 112, 1611
601.2025 ---- 2387
601.2029 ---- 1611
601.2039 ---- 112
601.2040 ---- 1611
601.2139 ---- 1611
601.2153 ---- 112
601.2179 ---- 2387
601.2199 ---- 1611
601.2208 ---- 2387
601.2220 ---- 112
601.2222 ---- 1611
601.2229 ---- 112
601.2237 ---- 2387
601.2238 ---- 2387
601.2242 ---- 2387
601.2260 ---- 112
601.2262 ---- 1612
601.2301 ---- 112
601.2302–601.2305 ---- 1612
601.2306–601.2307 ---- 2387
601.4101 ---- 1612
601.4108 ---- 112
601.4270 ---- 112
601.4663 ---- 1612
601.4670 ---- 1612
601.4687 ---- 112

Part 608:

608.12 ---- 715, 911
608.13 ---- 715
608.14 ---- 191, 716, 1878
608.17 ---- 1612
608.18 ---- 191, 1207
608.19 ---- 1878
608.29 ---- 716
608.33 ---- 2162
608.38 ---- 191
608.39 ---- 1612
608.40 ---- 693
608.41 ---- 716
608.48 ---- 1612
608.51 ---- 716, 1612, 1990
608.52 ---- 716, 2387
608.54 ---- 716
608.55 ---- 192
608.61 ---- 716

Part 609:

609.3 ---- 1495
609.5 ---- 2162
609.6 ---- 509, 1057, 1879
609.7 ---- 514
609.8 ---- 2163
609.9 ---- 638, 1059, 1880
609.10 ---- 2165

TITLE 14—Continued Page

Chapter II—Continued

Part 609—Continued

609.11 ---- 514, 1059
609.12 ---- 2166
609.15 ---- 647, 1059

Part 610:

610.12 ---- 1060
610.13 ---- 1060
610.14 ---- 1060
610.15 ---- 1060
610.16 ---- 1060
610.19 ---- 2413, 2591
610.103 ---- 1060
610.104 ---- 1060
610.105 ---- 1060
610.106 ---- 1061
610.107 ---- 1061
610.110–610.112 ---- 2413
610.201 ---- 1061
610.204 ---- 1061
610.206 ---- 1061
610.209 ---- 2413
610.210 ---- 1061
610.213 ---- 2413
610.214 ---- 1061
610.215 ---- 2413
610.216 ---- 1061
610.217 ---- 1061
610.219 ---- 1061
610.220 ---- 1061
610.221 ---- 2413
610.225 ---- 1061
610.229 ---- 2413
610.230 ---- 1062
610.231 ---- 1062
610.232 ---- 1062
610.235 ---- 1062
610.237 ---- 1062
610.252 ---- 1062
610.261 ---- 1062
610.262 ---- 1062
610.268 ---- 1062
610.269 ---- 1062
610.270 ---- 1062
610.271 ---- 1062
610.274 ---- 1062
610.281 ---- 1062
610.283 ---- 1062
610.284 ---- 1062
610.285 ---- 1062
610.287 ---- 2413
610.288 ---- 1063
610.298 ---- 1063
610.303 ---- 1063
610.304 ---- 1063
610.603 ---- 1063
610.604 ---- 1063
610.605 ---- 1063
610.609 ---- 1063
610.611 ---- 1063
610.613 ---- 1063
610.615 ---- 1063
610.618 ---- 1063
610.621 ---- 1063
610.622 ---- 1063, 1064
610.628 ---- 1064
610.630 ---- 1064
610.637 ---- 1064, 2591
610.638 ---- 1064
610.639 ---- 1064
610.641 ---- 1064
610.663 ---- 2591
610.666 ---- 1064
610.676 ---- 2591
610.680 ---- 2591
610.686 ---- 1064
610.1001 ---- 1064, 2414
610.1002 ---- 1064, 2414
610.1003 ---- 1064

TITLE 15 Page

Subtitle A:

Part 1:

1.5 ---- 62

Chapter III:

Part 302:

Proposed rules ---- 2020

Part 361:

361.2 ---- 961
361.5 ---- 961
361.6 ---- 961
361.7 ---- 961

Part 372:

372.1 ---- 797
372.2 ---- 1578
372.3 ---- 797, 1174, 1990, 2591
372.4 ---- 2594
372.11 ---- 798, 1578

Part 373:

373.1 ---- 276
373.2 ---- 1578
373.6 ---- 2305
373.7 ---- 798, 1174
373.16 ---- 276, 799
373.22 ---- 276
373.24 ---- 1417, 2223
373.25 ---- 1175
373.27 ---- 2224
373.28 ---- 2224
373.29 ---- 9, 1175
373.30 ---- 2594
373.31 ---- 9, 2594
373.32 ---- 276
373.33 ---- 1419
373.34 ---- 1991
373.35 ---- 2043
373.36–373.37 ---- 2224
373.38 ---- 2594
373.51 ---- 10, 276, 799, 2043, 2225, 2305, 2594

Part 379:

379.1 ---- 1578

Part 380:

380.2 ---- 276, 1419

Part 384:

384.5–384.7 ---- [1579]
384.5 ---- 1578
384.8 ---- 799

Part 398:

398.3 ---- 9, 10
398.4 ---- 2594
398.5 ---- 10, 11, 1419, 2043
398.6 ---- 1175

Part 399:

399.1 ---- 11, 276, 1579, 1609, 1610, 1932, 1934, 1935, 1992, 2044, 2484, 2509, 2511

TITLE 16

Chapter I:

Part 3:

3.15 ---- 11, 1203, 2595
3.20 ---- 1267, 2595
3.30 ---- 12, 1267, 1495
3.45 ---- 1269
3.55 ---- 1203
3.75 ---- 11, 1269
3.105 ---- 11
3.110 ---- 1203
3.115 ---- 1203
3.130 ---- 11
3.135 ---- 1109, 1203
3.170 ---- 1109, 1203, 1267, 1820, 2595
3.205 ---- 1267
3.260 ---- 11, 1203
3.275 ---- 11
3.330 ---- 1203
3.525 ---- 1881
3.670 ---- 275
3.810 ---- 1555, 2044

TITLE 16—Continued Page

Chapter I—Continued

Part 3—Continued

3.820 ---- 1555
3.825 ---- 2044
3.1055 ---- 1965
3.1130 ---- 1457
3.1140 ---- 1457
3.1155 ---- 1457
3.1160 ---- 1457
3.1165 ---- 1457
3.1190 ---- 12, 1175, 1176, 1495, 1881, 1966, 2594
3.1325 ---- 12, 1175, 1881, 2594
3.1425 ---- 1965
3.1490 ---- 1965
3.1845 ---- 12, 1175, 1176, 1495, 1881, 1966, 2594
3.1900 ---- 12, 1175, 1881, 2594
3.1905 ---- 11
3.1930 ---- 2595
3.1955 ---- 11, 1269
3.1985 ---- 11
3.1995 ---- 1203, 1965
3.2015 ---- 1203
3.2080 ---- 11, 1203, 1965
3.2090 ---- 11
3.2270 ---- 11
3.2275 ---- 11
3.2310 ---- 11
3.2315 ---- 1109
3.2325 ---- 1109
3.2370 ---- 1203
3.2410 ---- 1203, 2595
3.2425 ---- 1965
3.2475 ---- 1268, 1965

Part 73 ---- 2357
Part 82 ---- 416
Part 205 ---- 416
Part 206 ---- 497
Part 207 ---- 885
Part 208 ---- 1496
Part 209 ---- 2357
Part 210 ---- 2414
Part 301 ---- 1205

Part 310:

310.1 ---- 113

TITLE 17

Chapter II:

Part 201:

Proposed rules ---- 932, 1507, 1691, 2093, 2198

Part 230:

Proposed rules ---- 932, 1507, 1691, 2093, 2198

Part 239:

239.11 ---- [1177]

Part 240:

Proposed rules ---- 932, 1153, 1507, 1691, 2021, 2093, 2198, 2685

Part 249:

249.308 ---- [2418]
249.310 ---- [2418]
249.312 ---- [2419]
249.312a ---- [2419]

Part 250:

Proposed rules ---- 932, 1507, 1691, 2093, 2198
250.70 ---- 989

Part 260:

Proposed rules ---- 932, 1507, 1691, 2093, 2198

Part 270:

Proposed rules ---- 932, 1507, 1691, 2093, 2198

Part 275:

Proposed rules ---- 932, 1507, 1691, 2093, 2198

TITLE 19 Page

Chapter I:

Part 1:

1.1 ---- 2113
1.3 ---- 2113

Part 4:

4.81 ---- 2547
4.91 ---- 2547
4.95 ---- 2749

Part 9:

9.11 ---- 1852

Part 10:

10.30a ---- [2741]

Part 11:

11.1 ---- 910
11.4 ---- 910

Part 19:

Proposed rules ---- 1688

Part 22:

22.1 ---- 14
22.2 ---- 14
22.3 ---- 14
22.4 ---- 14
22.6 ---- 14
22.7–22.12 ---- 14
22.13 ---- 15
22.14–22.16 ---- 15
22.17 ---- 15
22.18 ---- 15
22.19 ---- 15, 16
22.20 ---- 15, 16
22.21 ---- 15, 16
22.22 ---- 15, 16
22.23 ---- 16
22.24 ---- 16
22.25 ---- 16
22.26 ---- 16
22.27 ---- 16
22.28 ---- 16
22.29 ---- 16
22.30 ---- 16
22.31 ---- 16
22.32 ---- 16
22.33 ---- 16
22.34 ---- 16
22.35 ---- 16
22.36 ---- 16
22.37 ---- 16
22.38 ---- 16, 17
22.39 ---- 16, 17
22.40 ---- 16, 17
22.41 ---- 16
22.42 ---- 17
22.43 ---- 17

Part 23:

23.23 ---- 1517

Part 24:

Proposed rules ---- 1688
24.16 ---- 387

Part 56 ---- 148
Part 210 ---- 2303

TITLE 20

Chapter II:

Part 345:

345.5 ---- 2303
345.9 ---- 2305
345.12 ---- 2305

Chapter III:

Part 404:

404.203 ---- 989
404.212 ---- 989, 1357
404.330 ---- 989
404.704 ---- 989
404.806 ---- 989
404.1004 ---- 989
404.1006 ---- 989, 1357
404.1008 ---- 989
404.1012 ---- 989
404.1023 ---- 989

TITLE 20—Continued Page

Chapter III—Continued

Part 404—Continued

404.1051 ---- 989
404.1052 ---- 989
404.1111 ---- 989
404.1250 ---- 989
404.1255 ---- 989
404.1261 ---- 989

TITLE 21

Chapter I:

Proposed rules ---- 1829

Part 1:

Proposed rules ---- 1130, 1829
1.8 ---- 1577
1.10 ---- 1577
1.12 ---- 1577

Part 3:

3.26 ---- 1578

Part 29 ---- 2597
Part 30 ---- 2597

Part 135:

135.15 ---- 1459

Part 141:

141.50 ---- 150
141.112 ---- 2360

Part 144:

144.6 ---- 1822
144.7 ---- 1822

Part 146:

146.26 ---- 151
146.27 ---- 151, 2600
146.30 ---- 1178
146.31 ---- 1178, 2360
146.40 ---- 2600
146.44 ---- 2601
146.47 ---- 2601
146.51 ---- 2601
146.58 ---- 1178
146.59 ---- 1419
146.71 ---- 151
146.72 ---- 2360
146.73 ---- 2601
146.104 ---- 151, 2601
146.109 ---- 2601
146.202 ---- 1419
146.204 ---- 1419
146.402 ---- 2360, 2601

Part 170:

170.19 ---- 2601

TITLE 22

Chapter I:

Part 67 ---- 1270
Part 102 ---- 151
Part 104 ---- 151

Part 105:

105.1 ---- 151
105.4 ---- 151

Part 108 ---- 151

Part 113:

113.14 ---- 151

Chapter II:

Part 201:

Technical amendment ---- 17
201.1 ---- 17
201.21 ---- 17
201.22 ---- 17
201.25 ---- 17

Chapter III:

Part 300:

300.6 ---- 693

Part 302:

302.3 ---- 1517

Part 303 ---- 693

TITLE 24

Chapter I:

Part 163:

Proposed rules ---- 668

TITLE 24—Continued Page

Chapter II:
Part 201:
201.7 — 2749
Part 221 — 1110
221.30 — 2247
Part 222 — 1114
Part 251 — 1118
Part 252 — 1118
Chapter IV:
Part 400:
400.108–400.109 — 1882
400.150–400.151 — 1882
400.170–400.171 — 1882
400.190–400.191 — 1882
400.200 — 1883

TITLE 25

Chapter I:
Part 14:
Proposed rules — 897
Part 15:
Proposed rules — 897
Part 21:
21.18 — 465
Part 71:
71.6 — 1420
71.8 — 1420
71.13 — 1420
71.14 — 1420
71.16 — 1420
71.19 — 1420
71.24 — 1420
71.25 — 1420
71.26 — 1420
71.27 — 1420
Part 81:
81.17 — 2305
81.19 — 2306
81.28 — 2306
Part 130:
Proposed rules — 660, 700, 701, 1395, 1773, 2194
130.12 — 2306
130.31 — 277
130.49–130.50 — 2547
130.95 — 2387
130.105 — 2749
130.132 — 277
Part 180:
180.1–180.4 — 2602
180.15 — 2602
180.17 — 2602
180.19–180.20 — 2602
180.23–180.24 — 2603
180.30 — 2603
180.39–180.42 — 2603
180.46–180.47 — 2604
180.49 — 2604
180.59 — 2604
180.64 — 2605
180.67 — 2605
180.84 — 2605
180.89 — 2605
180.91 — 2605
180.93 — 2605
180.95 — 2605
Appendix — 799

TITLE 26

Chapter I:
Part 29:
Proposed rules — 78, 204, 1189, 1688, 1764, 1899, 2231
29.22 — 62
29.24–1 — 2282
29.53–3 — [2161]
29.107–2 — 1420
I. R. C. 117 (a) (1) — 1420
I. R. C. 117 (j) (1) — 1420
29.117–1 — 1420
29.117–6 — 1420

TITLE 26—Continued Page

Chapter I—Continued
Part 29—Continued
29.117–7 — 1420
I. R. C. 117 (l) — 1420
29.117–10 — 1421
29.141–1 — [2161]
I. R. C. 201 (a) (1) — 1746
I. R. C. 201 (f) — 1746
29.201–1 — 1746
29.201–5 — 1746
29.201–6 — 1746
29.202–2 — 1746
I. R. C. 203A — 1747
29.203a–1—29.203a–2 — 1747
Part 40:
I. R. C. 433 (a) (1) (H) — 1747
40.433 (a)–2 — 1747
Part 81:
Proposed rules — 82, 928
Part 86:
Proposed rules — 84
Part 130:
Proposed rules — 1900
Part 182:
182.98 — 1748
182.102 — 1748
182.730 — 1748
182.754 — 1748
182.811 — 1748
182.835 — 1748
Part 302:
Statutory provisions — 1207
302.9 — 1207
302.15 — 1207
Part 314:
Statutory provisions — 1499
314.35 — 1499
314.66 — 1499, 1749
314.70–314.74 — 1499
314.75 — 1499, 1749
Part 316:
Statutory provisions — 1422, 1423
316.81 — 1423
316.204 — 1423
Part 323:
Statutory provisions — 63
323.20 — 63
323.22 — 63
323.40 — 63
Part 402:
Proposed rules — 1764
Part 403:
Proposed rules — 1764
403.401 — 2225
403.403 — 2225, 2226
Part 405:
Proposed rules — 86
Statutory provisions — 2045
405.213 — 2045
Part 411:
Proposed rules — 1764
Part 458:
458.307a — 1384
458.309 — 17
458.310 — 807
458.311 — 1967
Chapter II:
Part 701:
701.30 — 500
701.35 — 500

TITLE 29

Subtitle A:
Part 4:
Proposed rules — 2397
Chapter V:
Part 516:
Proposed rules — 2398
Part 521:
521.5 — 1995

TITLE 29—Continued Page

Chapter V—Continued
Part 522:
Proposed rules — 667, 735, 2021
522.253 — 1500
Part 523:
Proposed rules — 2072
Part 525 — 388
Part 526:
Proposed rules — 1226
Part 545:
545.14 — 389
Part 657:
Proposed rules — 2285
Part 670:
Proposed rules — 2285
Part 671 — 1209
Part 672:
Proposed rules — 2285
Part 674:
Proposed rules — 2285
Part 675:
Proposed rules — 2285
Part 684:
Proposed rules — 2285
Part 706:
Proposed rules — 1227
Part 780:
780.60–780.65 — 2713

TITLE 30

Chapter I:
Part 33 — 1118

TITLE 31

Chapter I:
Part 90 — 2547
Part 102 — 1822
102.1 — 2306
Part 129:
129.15 — 152
Chapter II:
Part 224:
224.2–224.3 — 2605
224.8 — 2606
Part 315:
315.45 — 751
Part 329:
329.2 — 753

TITLE 32

Subtitle A:
Part 20 — 695
Part 50 — 696
Chapter IV:
Part 407 — 1791
Part 421 — 711
Part 422 — 711
Part 423 — 711
Part 424 — 711
Part 425 — 711
Part 426 — 711
Part 427 — 711
Part 428 — 711
Chapter V:
Part 515:
515.1–515.26 — 63
Part 535:
535.1 — 467
535.3 — 467
Part 536:
536.31 — 2361
536.32 — 2361
536.85–536.86 — 2749
536.90–536.97 — 2501
Part 578:
578.26 — 911
578.27 — 912
578.40 — 912
578.42 — 912
578.44 — 912
578.45 — 912

TITLE 32—Continued Page

Chapter V—Continued
Part 578—Continued
578.46 912
578.48 912
578.48b–578.48d 913
578.49 914
578.49a 914
578.50–578.51 914
578.55 914
Part 581:
581.3 [323]
Part 590:
590.605 2419
Part 591:
591.102 2419
Part 592:
592.201–2 2419
Chapter VI:
Part 723 [323]
Chapter VII:
Part 835 (see Part 535).
Part 881:
881.1–881.13 [323]
Part 888 597
Chapter XIV:
Part 1421 711
1421.122 1384
Part 1422 711
1422.201–1422.206 1384
1422.222–4 1384
1422.222–5 1384
1422.231–1422.292 1384
1422.233 2045
1422.233–1—1422.233–3 2045
Part 1423 711
Part 1424 711
Part 1425 711
Part 1426 1387
Prior to revocation 711
Part 1427 711
Part 1428 711
Part 1451 2512
Proposed rules 296
Part 1452 2513
Proposed rules 296
Part 1453 2515
Proposed rules 296
Part 1454 2519
Proposed rules 296
Part 1455 2539
Prior to revision 277
Part 1456 2520
Proposed rules 296
Part 1457 2522
Proposed rules 296
Part 1458 2524
Proposed rules 296
Part 1459 2525
Proposed rules 296
Part 1460 2529
Proposed rules 296
Part 1461 2532
Proposed rules 296
Part 1462 2533
Proposed rules 296
Part 1463 2534
Proposed rules 296
Part 1464 2536
Proposed rules 296
Part 1465 2538
Proposed rules 296
Part 1470 2541
Proposed rules 296
Prior to revision 1387
Part 1471 2541
Prior to revision 1388
Part 1472 1389
Part 1473 1389
Part 1474 1389

TITLE 32—Continued Page

Chapter XIV—Continued
Part 1475 1390
Part 1476 1391
Former Part 1476 279
Part 1477 1391
Part 1480 2542
Part 1492 2543
Prior to supersedure 1391
Part 1499 2543
Chapter XVI:
Part 1606:
1606.41 419
Part 1660 1650
Part 1670:
1670.31 544
1670.32 544
Chapter XVII:
Part 1701:
1701.3 1967
1701.6 1967
1701.9 1967
Part 1704:
1704.3 419
1704.5 419
Chapter XVIII:
Part 1800 2046

TITLE 32A

Chapter I (ODM):
DMO 6 179
DMO 7 369
DMO 13 103, 876
DMO 14 103
DMPS 4 1195
Chapter III (OPS):
CPR 1, SR 1:
Sec. 2 599
CPR 4:
Sec. 8 1884
CPR 5:
Sec. 3 962
23 962
CPR 6:
Sec. 2 754
25 280
28 280
CPR 7 1013
Sec. 3 2563
11 2564
37 1212
41 2564
43 2485
53 1749
59 2564
Prior to reissuance:
Sec. 37 599
55 599
Appendix B 599
Appendix C 599
Appendix D 599
Appendix E 600
Appendix F 600
CPR 7, SR 1:
Sec. 1 2564
5 2564
8 1211
CPR 7, SR 4 2485
CPR 9, SR 3:
Sec. 1 1392
CPR 10 280
CPR 14:
Sec. 23 2431
27b–27c 754
CPR 15:
Sec. 8 718
9 718
16 989
21 718
21b 719
25 1936

TITLE 32A—Continued Page

Chapter III (OPS)—Continued
CPR 15—Continued
Sec. 26a 719
37 719
38 719
CPR 16:
Sec. 8 720
9 720
16 990
21 720, 2651
21a 720
24a 720
32 720
33 720
CPR 17:
Sec. 27a 2086
CPR 17, SR 1:
Sec. 1 18
4–5 18
CPR 17, SR 4:
Sec. 2 198
CPR 17, SR 5 1517
CPR 17, SR 6 1885
CPR 18:
Sec. 5 1179
10 1179
11 1179
12 1179
21 1179
CPR 20:
Secs. 2-3 286
CPR 22 1272
Appendix A 1749
Prior to reissuance:
Sec. 1 420
32 420, 421, 1121
34 152
44 421
CPR 22, SR 6, Int. 1 1294
CPR 22, SR 7 2169
Prior to reissuance:
Sec. 5 1424
6 757
7 1424, 1886
CPR 22, SR 8 1658
Prior to reissuance:
Sec. 1 600
6 600
7 757
CPR 22, SR 10:
Sec. 1 1750
6 1750
CPR 22, SR 12:
Sec. 1 1711
CPR 22, SR 14 1043
CPR 22, SR 15 153
Secs. 1–3 991
CPR 22, SR 17, Int. 1 1294
CPR 22, SR 20:
Sec. 4 421, 422
5 422
CPR 22, SR 21 1460
CPR 22, SR 22 1460
CPR 23 1179
CPR 24:
Sec. 40 990
CPR 30 1335
Sec. 1 2087
Prior to reissuance:
Sec. 1 721
42 422, 423
43b 154
Appendix D 857
CPR 30, SR 2 1753
Prior to reissuance:
Sec. 6 154
7 154
CPR 30, SR 6 286
CPR 34:
Sec. 20 288

TITLE 32A—Continued Page

Chapter III (OPS)—Continued

CPR 34, SR 3:
Sec. 2 1757
Appendices R–S 1757
CPR 34, SR 9 154
CPR 34, SR 10 468
CPR 34, SR 11 820
Appendix I 888
CPR 34, SR 12 1184
CPR 34, SR 13 2049
CPR 34, SR 14 2564
CPR 34, TSR 1 1519
CPR 35 289
CPR 37:
Sec. 17 1711
CPR 45:
Sec. 1 1758
Appendix A 1759
CPR 46:
Sec. 2 2052
9 2052
10a 2052
11 2052
CPR 51:
Sec. 2.1 1886
5.1 2551
CPR 54 546
CPR 55:
Sec. 2 1712
4 1712, 1713
7 1713
19 1713
CPR 55, SR 5:
Sec. 4 2114
CPR 55, SR 6:
Sec. 3 1012
4–5 1012
CPR 55, SR 9 1995
CPR 55, SR 10 1996
Sec. 4 2169
CPR 56:
Sec. 2 1714
4 1714, 1715
7 1715
19 1715
CPR 56, SR 4 390
CPR 57 2566
CPR 60 1295
Sec. 2a 1613
3 1613
4 1613
CPR 61:
Sec. 1 391
2 391, 392, 721
3 392
4 392
5 393
7 393
9 393
11 393
15 393, 394
CPR 61, SR 1 394
CPR 61, SR 2 2114
CPR 67 857
Prior to reissuance:
Sec. 1 199
2 199
3 199
4 199
5 200
9 200
Appendix A 200
CPR 69:
Sec. 1.10 2272
1.15 2272
2.1 2272
5.1–5.5 2272
CPR 73:
Sec. 2.3 823
3.3 823

TITLE 32A—Continued Page

Chapter III (OPS)—Continued

CPR 78:
Sec. 2.18 758
3.1 601
CPR 78, SR 1:
Sec. 1 759
3 759
4 759
5 759
6 759
7 759
8 759
9 759
CPR 78, SR 2 66
Sec. 1 602
3 760
21 760
22 760
23 760
24 760
25 760
29 603
35 760
40 760
54 760, 1048, 2714
55 760, 1048, 2714
56 760, 1048, 2714
57 760, 1048, 2714
60 760, 1048, 2714
61 760, 1048, 2714
66 605
69 608
73 608
80 608, 1048, 2714
CPR 79:
Sec. 8 1758
18 1758
CPR 83, Int. 1 2306
CPR 84:
Sec. 2 722
CPR 89:
Sec. 3 1823
4 1823
5 1823
CPR 91:
Sec. 6 395
Appendix A 395
Appendix B 395
Appendix C 395
CPR 92:
Sec. 9 2054
11 2054
12 1179, 2054, 2549, 2714
15 2054, 2606
16 2055
20 2055
21 2055
24 2055
40 2055
44 2055
45 2056
48–49 2056
50 2056
Appendix 2 2056
Appendix 3 2057
Appendix 4 2057
Appendix 6 2057
CPR 94:
Appendix A 807
CPR 94, Int. 1 2606
CPR 97 2607
Prior to reissuance:
Appendix A 656, 1272, 2248
CPR 98 2308
Prior to reissuance:
Sec. 2 1888
3 1888
5 1888
11 1888
12 1888, 1889

TITLE 32A—Continued Page

Chapter III (OPS)—Continued

CPR 98—Continued
Prior to reissuance—Con.
Sec. 13 1889
14 1889
15 1889, 1890
20 1890
30–32 1890
34 1891
40 1892
41 1892
51 1892
Appendix A 1892
Appendix B 1893
CPR 101:
Sec. 12 1006
20 1006
24 1006
42 1006
49 1006
50 1006
Appendix 1 1006, 1007
CPR 105:
Sec. 2 2750
CPR 108:
Sec. 3 552
4 552
CPR 111 192
Sec. 2 700
CPR 112 227
CPR 113 2715
Prior to reissuance 194, 696
Sec. 1 1684
2 1212, 1393, 1684, 1685, 2325
3 1212, 2325
4 1393
5 1685
9 1685
10 1394, 1685, 2325
CPR 113, SR 1 2388
CPR 114 396
CPR 115 423
CPR 116 427
CPR 117 432
Sec. 22 1213
42 1213
50 1213
82 1213
CPR 118 468
CPR 119 471
Sec. 1 1356
3 1357
4 753
12 1357
17 1357
CPR 120 552
CPR 121 888
CPR 122 915
CPR 123 1007
CPR 124 1121
Secs. 1–2 2087
CPR 125 1213
CPR 126 1653
CPR 127 1750
CPR 128 2248
CPR 129 2275
CPR 130 2420
CPR 131 2492
CPR 132 2552
CPR 133 2651
CPR 134 2750
DPR 1 2125
DR 1 2115
Sec. 1 2721
DR 2:
Sec. 5 2607
GCPR 68
Sec. 11 201, 2307
14 1936

TITLE 32A—Continued — Page

Chapter III (OPS)—Continued
- GCPR, Interpretations:
  - Int. 46 — 717
  - Int. 47 — 1334
  - Int. 48 — 1521
  - Int. 49 — 1521
  - Int. 50 — 2361
- GCPR, SR 2:
  - Sec. 2 — 1392
  - 3 — 1462
- GCPR, SR 5 — 1124
- GCPR, SR 11:
  - Sec. 9A — 2389
  - 12b — 2389
  - 13 — 2389
- GCPR, SR 11, Int. 1 — 717
- GCPR, SR 13 — 19, 1853
  - Sec. 3 — 1853
  - 8 — 477
- GCPR, SR 14:
  - Sec. 2 — 2550
  - 3 — 2550
- GCPR, SR 15 — 1520
  - *Prior to reissuance:*
    - Sec. 2 — 197
- GCPR, SR 17:
  - Sec. 1 — 1393
  - 3 — 1393
  - 4 — 1393
- GCPR, SR 18:
  - Sec. 2 — 2562
  - 3 — 2562
- GCPR, SR 29 — 2611
  - *Prior to reissuance:*
    - Sec. 1 — 722, 2307
    - 5 — 398
- GCPR, SR 31 — 1715
- GCPR, SR 43:
  - Sec. 1 — 232
  - 4 — 232
  - 5–9 — 232
- GCPR, SR 45 — 821
- GCPR, SR 49:
  - Sec. 2 — 399
  - 3 — 399
  - 4 — 399
  - 5 — 399
- GCPR, SR 53 — 1049, 1883
- GCPR, SR 55 — 68
- GCPR, SR 61:
  - Sec. 1 — 430
  - 5 — 430
  - 6 — 430
  - 7 — 430
  - 8 — 431
  - 16 — 431
  - 20 — 431
  - 21 — 431
  - 24 — 431
- GCPR, SR 63:
  - Sec. 2 — 893
  - 3 — 447
  - 6 — 447
  - 7 — 447
  - 8 — 447
  - 14 — 447
- GCPR, SR 63, AMPR 1:
  - Secs. 2–3 — 2429
  - 4 — 2429
  - 4a–4d — 2429
  - 4c — 2614
  - 15 — 2430
  - 17 — 2430
- GCPR, SR 63, AMPR 2:
  - Sec. 3 — 2720
  - 4 — 2720
  - 6 — 2720
  - 8 — 2720
  - 10 — 2720
  - 11 — 2720

TITLE 32A—Continued — Page

Chapter III (OPS)—Continued
- GCPR, SR 63, AMPR 2—Con.
  - Sec. 12–13 — 2720
- GCPR, SR 63, AMPR 5:
  - Sec. 3 — 1210
  - 4 — 1210
  - 7 — 1210
  - 12 — 198, 1210
- GCPR, SR 63, AMPR 7:
  - Secs. 1–4b — 2171
  - 5 — 2172
  - 10 — 2172
  - 11 — 2172
- GCPR, SR 63, AMPR 8 — 156
- GCPR, SR 63, AMPR 9 — 500
  - Appendix I — 961
- GCPR, SR 63, AMPR 10 — 503
  - Sec. 1 — 2173
  - Appendix I — 2173
- GCPR, SR 63, AMPR 11 — 505
  - Sec. 1 — 2174
  - Appendix I — 2174
  - Appendix II — 2175
- GCPR, SR 63, AMPR 12 — 991
  - Appendix II — 1686
  - Appendix V — 1686
- GCPR, SR 63, AMPR 13 — 997
- GCPR, SR 63, AMPR 14 — 999
  - Appendix I — 1853
- GCPR, SR 63, AMPR 15 — 1002
- GCPR, SR 63, AMPR 16 — 1717
- GCPR, SR 63, AMPR 17 — 2123
- GCPR, SR 63, AMPR 19 — 2721
- GCPR, SR 63, AMPR 20 — 2757
- GCPR, SR 63, AMPR 21 — 2759
- GCPR, SR 65:
  - Sec. 3 — 1050
  - 4 — 1050
  - 6 — 1050
  - 7 — 1050
  - 9–10 — 1050
  - 11 — 1051
  - 12 — 1051
- GCPR, SR 68 — 1007
  - *Prior to supersedure:*
    - Sec. 2 — 67
- GCPR, SR 70 — 760
- GCPR, SR 72:
  - Sec. 1 — 67, 1884
  - 2 — 1884
- GCPR, SR 82:
  - Sec. 2 — 1463
- GCPR, SR 86 — 399
- GCPR, SR 87 — 555
- GCPR, SR 88 — 864
  - Sec. 4 — 1216
- GCPR, SR 89 — 1299
- GCPR, SR 90 — 1823
- GCPR, SR 92 — 2655
- GCPR, SR 93 — 2657
- GCPR, SR 94 — 2727
- GCPR, SR 95 — 2761
- Gen. Int. 6 — 1043
- Gen. Int. 7 — 2361
- GOR 3 — 1463
- GOR 5 — 2087
  - *Prior to reissuance:*
    - Sec. 6 — 915
    - 7 — 915
    - 10 — 915
    - 12 — 915
    - 15 — 915
- GOR 6 — 1936
- GOR 7 — 1184
  - Sec. 12 — 1186
  - 13 — 1186
  - 14 — 2762
  - *Prior to reissuance:*
    - Sec. 10 — 19
    - 11 — 201

TITLE 32A—Continued — Page

Chapter III (OPS)—Continued
- GOR 9 — 1650
  - Sec. 2 — 1720
  - *Prior to reissuance:*
    - Sec. 2 — 609, 865
- GOR 12:
  - Sec. 2 — 722
  - 7 — 722
- GOR 14:
  - Sec. 3 — 20, 545, 1187, 2657
- GOR 21:
  - Sec. 15a — 2563
- GOR 23:
  - Sec. 1.2 — 2563
- GOR 24 — 655
- GOR 25 — 1937
- GOR 26 — 2550

Chapter IV:

Subchapter A (SSB):
- GSO 1 — 962
- GSO 2 — 962
- GSO 3 — 962
- GSO 4 — 1759
- GSO 5 — 962
- GSO 6 — 962
  - Sec. 6 — 1466
- GSO 8 — 1759
- GSO 9 — 656
  - Sec. 1 — 2762
  - 2 — 2762
- GSO 10 — 1759
- GSO 11 — 1465
- GSSR 1 — 962
  - Sec. 1.8 — 962
  - 1.9 — 962
  - 8 — 1465
  - 10 — 1465
  - 15–17 — 1466
- GSSR 3 — 962
  - Sec. 10 — 1466
- GSSR 4:
  - Sec. 8 — 657
  - 16 — 657
- Int. 1:
  - Sec. 1 — 761
- Int. 3:
  - Secs. 2.09–2.12 — 1853
  - 2.10 — 1937
  - 4.10 — 2614
  - 9.07–9.08 — 2614
  - 10.01 — 1854
- Int. 4 — 1968, 2089
- SPR 1 — 2089

Subchapter B (WSB):
- GWPR:
  - Sec. 5.3 — 1760, 2431
- GWR 8 — 1893
- GWR 14:
  - Sec. 2 — 20
- GWR 15, Interpretations — 823
- GWR 19 — 824
- GWR 20 — 1893
- GWR 21 — 1895
- Res. 22 — 23
- Res. 23 — 23
- Res. 30 — 20
- Res. 37 — 22
- Res. 38 — 21
- Res. 40 — 22
- Res. 43 — 23
- Res. 45 — 23
- Res. 57 — 22
- Res. 59 — 22
- Res. 60 — 21
- Res. 61 — 21
- Res. 63 — 21
- Res. 67 — 23, 826
- Res. 68 — 22
- Res. 69 — 23
- Res. 70 — 23

TITLE 32A—Continued Page

Chapter IV—Continued
Subchapter B (WSB)—Con.
Res. 71 21
Res. 73 23
Res. 78 826
Res. 85 1896
Chapter V (DPA):
Reg. 1 1467
Chapter VI (NPA):
CMP Reg. 1:
Sec. 6 202
20 201
CMP Reg. 1, Dir. 1 865
Prior to revision 202
CMP Reg. 1, Dir. 7 609
CMP Reg. 1, Dir. 9 2499
Prior to revision 866
CMP Reg. 3, Dir. 1 609
CMP Reg. 3, Dir. 2 609
CMP Reg. 3, Dir. 3 609
CMP Reg. 4 2499
CMP Reg. 5:
Schedule I 2658
CMP Reg. 5, Dir. 1 2658
CMP Reg. 6 2002
CMP Reg. 6, Dir. 1 2018
CMP Reg. 6, Dir. 2 2728
CMP Reg. 6, Dir. 3 610
CMP Reg. 6, Dir. 4 1999
Prior to revision 558
CMP Reg. 6, Dir. 5 2001
CMP Reg. 7:
Sec. 3 1216
M–1 1051
M–1, Dir. 1 1055
M–1, Dir. 2 1055
M–1, Dir. 3 1055
M–1, Dir. 4 1055
M–2 2660
Prior to revision:
Sec. 7 1721
8 1127
14 1127
Appendix A 1127
M–2, Int. 1 762
M–2, Supp. 1 203
M–4A 2001
M–5 762
M–5, Dir. 1 764
M–5, Dir. 2 764
M–5, Dir. 3 764
M–6 24
M–6, Dir. 1 24
M–6, Dir. 2 24
M–6, Dir. 3 24
M–6A 1760
M–6A, Dir. 1 657
M–6A, Sched. 1 1469
M–6A, Sched. 2 24
M–9 2057
M–11 765
M–11, Dir. 2 766
M–11, Dir. 3 766
M–11, Dir. 4 766
M–11, Dir. 5 767
M–15 2059
M–19 2226
M–20 921
M–24 1939
M–25 722
Sec. 2 2228
9 2228
M–25, Dir. 1 25
M–25, Dir. 3 25
M–26 560
M–26, Int. 1 562
M–31 203
Sec. 6 203
7 203
11 203

TITLE 32A—Continued Page

Chapter VI (NPA)—Continued
M–35 1613
M–37 2059
M–38 1896
M–45, Sched. 2 1613
M–45, Sched. 3 25
M–45, Sched. 4 477
M–45, Sched. 8 477
M–46A:
Sec. 1 2673
2 2673
4 2673
Schedule II 2673
M–47 732
M–47A, Dir. 1 26
M–47A, Dir. 2 26
M–47B:
Sec. 4 448
Schedule I 448, 478
M–48 478
M–50:
Appendices A–E 1217
M–51, Sched. 1 26
M–57 2673
M–59 2615
M–62 1613
Prior to revocation 26
M–67 2762
M–68 2279
Prior to revocation:
Sec. 3 24
M–69 1824
Prior to revision 28
M–70:
Sec. 1 24
2 24
3 24
4 24
5 24
6 24
M–72 2175
Prior to revision 29
M–72, Dir. 1 31
M–78:
Technical amendment 922
M–79 1996
M–80 2178
M–80, Sched. A 2569
M–81 1938
M–82 1469
M–86 1471
M–88:
Sec. 2 827
4 827
5 827
M–91:
Sec. 5 1898
M–92 2658
Prior to revision:
Sec. 4 1762
M–93 1721
M–94 1825
Prior to revision 31
M–95 157
M–96 562
M–97 1127
M–98 1473
M–99 1854
M–100 2012
M–101 2059
M–102 2229
M–103 2230
Reg. 1:
Table IB 866
Reg. 2, Dir. 3 293
Chapter VIII (DTA):
DTA 2:
Sec. 6 508
Chapter IX (PAD):
PAD 1 1505

TITLE 32A—Continued Page

Chapter IX (PAD)—Continued
PAD Instruction 1 1521
Appendix A 1661
Chapter XI (DEPA):
EO–4 1855
Chapter XII (DMEA):
DMEA 1 2090
MO 5 2090
Chapter XIV (GSA) 2279
Chapter XV (FRS):
Reg. W:
Proposed rules 2399
Sec. 3 2675
4 2675
6 158, 2675
8 2675
9 158, 2675
Reg. W, Interpretations:
Int. 18 158
Int. 45-Int. 46 158
Int. 47 1424
Int. 48 1424
Int. 49 1424
Int. 50 2325
Int. 51 2326
Reg. X:
Sec. 5 158, 346
Reg. X, Interpretations:
Int. 41 401
Int. 42 1394
Chapter XVI (PMA):
DFO–1 401
Chapter XVII (HHFA):
CR 2 1721
Prior to revision:
Sec. 3 479
CR 3:
Appendix 479, 893, 1425, 1725, 1726, 2281, 2764
Chapter XVIII (NSA):
AGE–4:
Sec. 1 2615
2 2615
3 2615
6 2615
AGE–6 32
AGE–7 2182
DRO 19 1614
DRO 20 1614
DRO 39 1614
DRO 40 1614
DTO–2 32
INS–1:
Sec. 4 610
7 610
Chapter XXI (ORS):
RPR 2:
Sec. 13 2018
RR 1:
Sec. 41 2616
42 922
73 922, 2616
81 922
84 922
86 923, 1615
96 2616
97 923
100 923, 1615, 2616
101 2616
112 479
113 479
118 2617
126 479
128 2617
134 2617
136 2617
141 479, 2501
157 923, 2617
160 2617
166 2617

TITLE 32A—Continued Page

Chapter XXI (ORS)—Con.
RR 1—Continued
Sec. 168 479
192 479
206 923, 1615
211 2617
213 923, 1615
Schedule A 76, 159, 232, 294, 403, 448, 449, 480, 508, 578, 610, 658, 732, 733, 827, 963, 1055, 1056, 1128, 1129, 1303, 1394, 1557, 1661, 1762, 1763, 1855, 1970, 2131, 2132, 2281, 2431, 2432, 2572.
Schedule B 1056, 1662, 1942, 2501
RR 2:
Sec. 21 2618
42 2618
43 923
73 923, 924, 2618
85 924
86 924, 1616
95 924
98 924, 1616, 2618
99 2618
101 2619
113 2619
117–118 2619
128 2619
131–133 2619
157 2619
160 2620
166 2620
206 924, 1616
211 924, 2620
212 924, 2620
215 924, 1616
Schedule A 76, 159, 232, 294, 295, 403, 448, 449, 480, 508, 564, 578, 610, 658, 732, 733, 827, 963, 1055, 1056, 1128, 1129, 1303, 1394, 1557, 1661, 1762, 1763, 1855, 1970, 2131, 2132, 2281, 2431, 2432, 2572
Schedule B 571, 1056, 1557, 1662, 1942
RR 3:
Sec. 16 2620
27 2620
45 2620
52–53 2621
65 2621
69 2621
72–74 2621
84 2621
87–88 2622
110–111 2622
114 2622
Schedule A 76, 159, 232, 294, 403, 449, 480, 508, 610, 658, 733, 828, 963, 1056, 1304, 1395, 1558, 1662, 1763, 1856, 1970, 2132, 2282, 2432, 2573
Schedule B 1304
Chapter XXIII (DMPA):
MO 2, Dir. 1 2326
Sec. 2 2389

TITLE 33
Chapter I:
Part 8:
8.3101 2503
8.5301 2502
8.5303 2502
8.5304–8.5309 2502
8.6101–8.6104 1187
Part 19:
19.30 1687
19.31 1687

TITLE 33—Continued Page

Chapter I—Continued
Part 82:
82.275 717
Part 92 121
92.01–92.09 203
92.1–92.9 203
Part 121:
121.16 659
Part 122 2183
Part 125:
125.37 123, 2503
Chapter II:
Part 203:
203.245 2183
203.325 233
203.490 2184
203.509 2184
203.760 1856
203.762 1856
Part 204:
204.3 233
204.15 1304
204.25 450
204.56 925
Part 207:
207.65 508
207.116 2573
207.158 404
207.642 450
207.750 346
207.805 451

TITLE 35
Chapter I:
Part 4:
4.116–4.127a 2389
Part 9:
9.13 2394
9.18 2394
Part 21:
21.3 2622
Part 24:
24.57 2504
24.61 2504
Part 27:
27.8 2394
Appendix (Canal Zone orders):
15 (see CZO 25) 2504
25 2504
26 2622

TITLE 36
Chapter I:
Part 1:
1.10 895
1.11 480
Part 20:
20.22 1556
Chapter II:
Part 231:
231.5 1305
Chapter III:
Part 311:
311.1 578
Chapter V:
Part 501 700

TITLE 37
Chapter I:
Part 100:
100.48 1218
100.73 1218
100.87 1218
100.141 1218
100.161 1218
100.164 1218
100.194 1218
100.203 1218
100.262 1218
100.263 1218

TITLE 37—Continued Page

Chapter I—Continued
Part 110:
110.1 1218
110.2 1219
110.3 1219

TITLE 38
Chapter I:
Part 1:
1.10 1616
Part 3:
3.1 1148, 1617
3.59 1617
3.62 1148
3.67 1149
3.80 1149
3.86 1149
3.106 1149
3.136 1150
3.176 1150
3.185 1150
3.213 1150
3.237 1150
3.1513 1151
3.1515 579
Part 4:
4.77 2326
4.78 2326
4.91 1474
4.93 2326
4.94 2326
4.195 1151
4.456 2326
Part 6:
6.90 579
6.164 2327
6.170 2729
6.176 2327
6.185 2362
Part 8:
8.26 2362
8.26a 2363
8.60 2363
8.77 2729
8.113 2363
Part 12:
12.6 1687
Part 14:
14.321 659
14.502 2327
14.604 2327
Part 17:
17.36 1827
17.47 1827
17.50 1827
17.60 1827
17.115 767
17.116 767
17.141 1827
17.142 1827
Part 21:
21.66 579
21.107 579
21.201 1828
21.614 1618
21.616 1618
21.619 1619
Part 36:
36.4356 1763
36.4524 659

TITLE 39
Chapter I:
Part 1:
1.9 480
1.13 233
1.14 1505
1.16 1505
Part 6:
6.8 1556
6.12 481

TITLE 39—Continued Page

Chapter I—Continued
Part 6—Continued
6.18 ---- 481
Part 18:
18.61 ---- 2282
Part 34:
34.95 ---- 2282, 2623
34.95a ---- 2283
34.96 ---- 1556
Part 35:
35.2 ---- 2282
35.13 ---- 2184
35.14 ---- 2185, 2186
35.15 ---- 2187
35.16 ---- 2187
35.17a ---- 2187
35.18 ---- 2187, 2190
35.25a ---- 1556
35.29 ---- 2190
Part 37:
37.21a ---- 2282
Part 52:
52.80 ---- 481
Part 60:
60.5 ---- 2283
60.17 ---- 2283
Part 64:
64.23 ---- 1556
64.40 ---- 1557
Part 97:
97.21 ---- 481
Part 114:
114.22 ---- 481
114.25 ---- 481
Part 127:
127.6 ---- 659
127.10 ---- 2394
127.19 ---- 2394
127.57 ---- 659
127.101 ---- 233, 2282
127.229 ---- 2394
127.232 ---- 2624
127.241 ---- 2623
127.264 ---- 660
127.266 ---- 1763
127.267 ---- 2282
127.269 ---- 2624
127.277 ---- 2623
127.278a ---- 234
127.282 ---- 1763
127.283 ---- 660
127.287 ---- 2394
127.305 ---- 1764
127.320 ---- 1764, 2624
127.332 ---- 234
127.348 ---- 234
127.359 ---- 2624
127.361 ---- 660
127.362 ---- 2394
127.380 ---- 2282
127.381 ---- 2394
Part 150:
150.401 ---- 1129
150.404 ---- 1129
150.405 ---- 1129
150.412 ---- 1129
150.413 ---- 1129
150.414 ---- 1129
150.421 ---- 1129
150.423 ---- 1130
150.425 ---- 1130

TITLE 41
Chapter II:
Part 201:
Proposed rules ---- 2069
201.1 ---- [76]
Part 202:
Proposed rules ---- 2576
202.28 ---- 520

TITLE 41—Continued Page

Chapter II—Continued
Part 202—Continued
202.34 ---- 2575
202.41 ---- 613
202.48 ---- 521

TITLE 42
Chapter I:
Part 2 ---- 77
Part 35:
35.9 ---- 1898
Part 52 ---- 767
Part 71:
71.46 ---- 78
Chapter II:
Part 201:
201.1 ---- 1650
201.5 ---- 1650

TITLE 43
Subtitle A:
Part 1:
1.3 ---- 1425
Part 2:
2.20 ---- 481
Chapter I:
Part 80:
80.18–80.27 ---- 770
Part 132:
132.13 ---- 346
Part 221:
221.73 ---- 1130
Part 232:
232.61 ---- 346
Part 244:
244.39–244.41 ---- [1425]
244.39–244.40 ---- 1425
Part 295:
295.8 ---- 481
Appendix (Public land orders):
6 (revoked in part by PLO 809) ---- 2060
20 (revoked by PLO 802) ---- 1357
44 (revoked in part by PLO 799) ---- 926
51 (revoked in part by PLO 799) ---- 926
72 (revoked by PLO 799) ---- 926
94 (revoked by PLO 793) ---- 771
95 (revoked in part by PLO 802) ---- 1357
125 (revoked in part by PLO 807) ---- 1898
151 (revoked by PLO 806) ---- 1650
324 (see PLO 806) ---- 1650
386 (revoked in part by PLO 808) ---- 1942
487:
See PLO 778 ---- 159
Revoked in part by:
PLO 800 ---- 1187
PLO 812 ---- 2283
576:
Amended by PLO 795 ---- 866
See PLO 797 ---- 925
585; revoked in part by:
PLO 800 ---- 1187
PLO 812 ---- 2283
587 (revoked in part by PLO 787) ---- 481
629 (revoked in part by PLO 791) ---- 771
724 (see PLO 795) ---- 866
776 ---- 159
777 ---- 159
778 ---- 159
779 ---- 160
780 ---- 160
781 ---- 160
782 ---- 161

TITLE 43—Continued Page

Chapter I—Continued
Appendix (Public land orders)—Continued
783 ---- 203
784 ---- 204
785 ---- 204
786 ---- 347
787 ---- 431
788 ---- 432
789 ---- 522
790 ---- 733
791 ---- 771
792 ---- 771
793 ---- 771
794 ---- 866
795 ---- 866
796 ---- 867
797 ---- 925
798 ---- 926
799 ---- 926
800 ---- 1187
801 ---- 1357
802 ---- 1357
803 ---- 1358
804 ---- 1425
805 ---- 1522
806 ---- 1650
807 ---- 1898
808 ---- 1942
809 ---- 2060
810 ---- 2061
811 ---- 2132
812 ---- 2283
813 ---- 2576

TITLE 44
Chapter I:
Part 1:
1.4 ---- 234
Chapter VIII:
Part 801 ---- 2062

TITLE 45
Chapter I:
Part 104:
104.14 ---- 2764
Part 105:
105.7–105.8 ---- 347
105.23 ---- 347
105.24 ---- 1943
Chapter IV:
Part 401:
401.23 ---- 1829
Chapter V:
Part 505:
505.7 ---- 1726

TITLE 46
Chapter I:
Part 2:
2.01–80 ---- 734
Part 12:
12.02–10 ---- 2363
12.02–23 ---- 2364
Part 29:
Proposed rules ---- 1727
Part 30:
Proposed rules ---- 1727
Part 31:
Proposed rules ---- 1727
Part 32:
Proposed rules ---- 1727
Part 33:
Proposed rules ---- 1727
Part 34:
Proposed rules ---- 1727
Part 35:
Proposed rules ---- 1727
Part 38:
Proposed rules ---- 1727

TITLE 46—Continued Page

Chapter I—Continued
Part 43:
Proposed rules 1727
Part 50:
Proposed rules 1727
Part 52:
Proposed rules 1727
Part 55:
Proposed rules 1727
Part 57:
Proposed rules 1727
Part 58:
Proposed rules 1727
Part 61:
61.13 2364
Part 66:
Proposed rules 1727
Part 67:
Proposed rules 1727
Part 68:
Proposed rules 1727
Part 69:
Proposed rules 1727
Part 77:
Proposed rules 1727
77.13 2364
Part 95:
95.13 2364
Part 114:
114.15 2364
Part 117:
117.4 2365
Part 146:
Proposed rules 1727
Part 147:
Proposed rules 1727
Part 160:
160.033–2 2365
160.033–3 2365
160.033–4 2365
Part 162:
Proposed rules 1727
Part 154:
154.30 1687
154.31 1687
Chapter II:
Part 221:
221.11 295
Part 281:
281.1 522
Part 310:
310.56 1856
310.70 963

TITLE 47

Chapter I:
Part 1:
Proposed rules 527
1.320 2192
1.332 526
1.404 1829
1.545 [295]
Part 2:
Proposed rules 527, 1189
2.1 2766
2.101 2766
2.104 2766, 2778
Part 3:
Proposed rules 1189
3.1–3.192:
3.54–3.55 523
3.58 523
3.60 524
Appendix 526
3.201–3.292:
3.252–3.253 524
3.257 524
3.258 524
Appendix 526
3.552–3.553 524

TITLE 47—Continued Page

Chapter I—Continued
Part 3—Continued
3.557 525
3.558 525
3.601–3.692:
3.652–3.653 525
3.657 526
3.658 526
Appendix 526
Part 7:
Proposed rules 527
7.37 2192
7.38 2193
7.40 2193
Part 8:
Proposed rules 527
8.34 2193
8.35 2193
8.36 2193
8.39 2193
Part 9:
9.105 2193
9.106 2193
9.108 2193
Part 10:
Proposed rules 527, 1227
10.55 2193
Part 11:
Proposed rules 838
11.3 295
11.56 2193
11.612–11.613 295
Part 12:
Proposed rules 347, 2366
12.21 33
12.27 2193
12.44 296
12.45 296
12.46 33
12.67 2193
12.91 296
12.93 296
12.111 1662, 1663
Part 16:
Proposed rules 527, 838
16.56 2194
Part 18:
Proposed rules 1228
18.1 1219
Part 19:
19.2 1663
19.13 1663, 2194
19.14 1663
19.16 2194
19.31 1663
19.32 1663
19.33–19.35 1664
19.37 1664
19.41–19.42 1664
19.45 1664
19.59 1664
19.66 1665
Part 20:
20.3 1151
20.13 1152, 2194
20.26 1152
20.29 1152
20.30 1152
Part 25:
Proposed rules 296, 931

TITLE 49

Chapter I:
Part 7:
7.15a 234
Part 10:
10.480 613
10.490 613
Part 24:
Proposed rules 701

TITLE 49—Continued Page

Chapter I—Continued
Part 24—Continued
24.01–17 1857
24.801 1857
24.802 1857
24.803 1857
24.804 1857
24.805 1857
24.839 1857
24.884 1857
Part 72:
Proposed rules 2686
72.5 1558
Part 73:
Proposed rules 93, 2686
73.2 1558
73.28 1558
73.31 1558
73.34 1558
73.53 1559
73.60 1559
73.63 1559
73.64 1559
73.65 1559
73.66 1560
73.67 1560
73.68 1560
73.88 1560
73.91 1560
73.93 1560
73.94 1561
73.100 1561
73.118 1561
73.124 1561
73.141 1561
73.206 1561
73.208 1561
73.217 1561
73.245 1561
73.247 1561
73.255 1561
73.256 1561
73.264 1562
73.265 1562
73.353 1562
73.357 1562
73.400 1562
73.402 1562
73.403 1562
73.412 1563
Part 74:
Proposed rules 2686
74.525 1563
74.526 1563
74.527 1563
74.532 1563
74.538 1563
74.540 1563
74.541 1563
74.584 1563
Part 75:
Proposed rules 2686
75.657 1563
Part 77:
77.848 1563
Part 78:
Proposed rules 93, 2686
78.42–2 1564
78.55–16 1564
78.83–3 1564
78.214–15 1564
78.214–20 1564
78.219–78.219–16 1564
78.223–3 1565
Part 95:
95.851 895
95.856 896
95.858 2764
95.860 896
95.865 896, 1857

TITLE 49—Continued Page

Chapter I—Continued

Part 95—Continued

95.866 2765
95.867 1857
95.869 2765
95.870 1858
95.871 1858
95.872 896
95.873 482
95.874 2132
95.875 2765
95.876 2765

Part 97:

97.877 1726

Part 110:

Proposed rules 2630

Part 165a:

Proposed rules 932

Part 167:

167.2 451, 1474

Part 170:

170.8 235
170.35 1726
170.37 1726
170.41 1726
170.45 1727
170.48 1727

Part 179:

Proposed rules 1190

Part 180:

180.1 234
180.50 234

Part 205:

205.1 235

Part 207 927, 2729

Part 301:

301.20 1475

TITLE 50

Chapter I:

Part 17:

17.3 1357

Part 31:

31.58 927
31.313 927
31.329 927

Part 33:

33.81–33.86 928

Part 46:

Proposed rules 701

Part 101:

101.17 1475

TITLE 50—Continued Page

Chapter I—Continued

Part 102:

102.8 1475
102.33 1475
102.50–102.52 1475

Part 103:

103.2 1475
103.3–103.5 1475
103.5a 1475

Part 104:

104.5 1475
104.8 1475
104.8a 1475
104.50 1475

Part 105:

105.3 1475
105.9 1476
105.19 1476

Part 107:

107.2 1476
107.6 1476
107.9 1476
107.10 1476

Part 108:

108.3 1476
108.3a 1476
108.3b 1476
108.3c 1476
108.4 1476
108.7 1476
108.20a 1476
108.23 1476

Part 109:

109.2 1476
109.2a 1476
109.2b 1476
109.50 1476
109.51–109.52 1476

Part 111:

111.2 1476
111.20 1476
111.22 1476
111.50 1476

Part 112:

112.2 1476
112.5 1476
112.6 1476
112.11 1476
112.15 1477
112.17 1477
112.50 1477
112.52 1477

TITLE 50—Continued Page

Chapter I—Continued

Part 113:

113.3 1477
113.5 1477
113.6 1477
113.50 1477

Part 114:

114.2a–114.2b 1477
114.4 1477
114.6 1477
114.9 1477
114.10 1477

Part 115:

115.6c 1477
115.6d 1477

Part 117:

117.3–117.4 1477
117.8 1477

Part 118:

118.4–118.6 1477
118.11 1477
118.13 1477
118.17 1477

Part 119:

119.3–119.4 1477
119.7 1478
119.9 1478

Part 120:

120.3a–120.4 1478
120.5a 1478

Part 121:

121.3–121.4 1478
121.8 1478

Part 122:

122.4–122.5 1478

Part 123:

123.3 1478
123.4 1478

Part 124:

124.3 1478

Part 161:

Proposed rules 701

Part 162:

Proposed rules 701

Part 163:

Proposed rules 701

Part 164:

Proposed rules 701

Part 165:

Proposed rules 701

90000—52——17

U. S. GOVERNMENT PRINTING OFFICE: 1952


3 0112 059130168